



Department for
Communities and
Local Government

Proposal to establish a combined authority for the area of West Yorkshire

Consultation

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1. Chapter 1 – The consultation

- Why we are consulting
- Who we are consulting
- How to respond

2. Chapter 2 – The Councils' Scheme

- The scheme
- The governance review

3. Chapter 3 – Issues for consultation

- Consultation Questions

4. Annex: The proposed constitution and functions for the combined authority

5. Appendix - West Yorkshire Combined Authority Order – Draft

Chapter 1 - The consultation

Why we are consulting

1. The five West Yorkshire authorities, working jointly with the West Yorkshire Integrated Transport Authority and with the support of the “Leeds City Region Local Enterprise Partnership” and City of York Council, have prepared and published a scheme with proposals for delivering greater economic growth in their area. These councils – City of Bradford Metropolitan District Council, Borough Council of Calderdale, The Council of the Borough of Kirklees Council, Leeds City Council, and The Council of the City of Wakefield – are proposing measures to improve transport, economic development and regeneration in the area. These proposed measures are centred on replacing the West Yorkshire Integrated Transport Authority with a combined authority that will bring together responsibility for transport, economic development and regeneration.
2. Where councils come forward with such locally led proposals, the statute¹ provides that the Secretary of State may, if certain statutory conditions are met and if Parliament approves, make an order opening the way for the councils to adopt their new ways of working. Such an order would establish the combined authority that the councils are proposing to facilitate their joint working. The combined authority would also replace the existing Integrated Transport Authority, and also the Passenger Transport Executive for the area. Whilst the Secretary of State will consider the circumstances of each particular case, he has adopted a localist policy in relation to how he will exercise these powers. This is to say that where councils come forward with such proposals which command wide local support, if the Secretary of State considers that the statutory conditions are met he will invite Parliament to approve the Order establishing the proposed combined authority to enable the councils to give full effect to their ambitions for joint working.
3. There are a number of statutory conditions that have to be considered, including that the area of the combined authority must consist of contiguous whole local government areas and not overlap with the area of another combined authority, an economic prosperity board, or an integrated transport authority and the Secretary of State must consider, having regard to the scheme published by the councils concerned, that establishing the combined authority would be likely to improve:
 - the exercise of statutory functions relating to transport in the area,
 - the effectiveness and efficiency of transport in the area,
 - the exercise of statutory functions relating to economic development and regeneration in the area, and
 - economic conditions in the area.

¹ Local Democracy, Economic Development and Construction Act 2009

Before making such an Order the Secretary of State must consult:

- each appropriate authority, and
- such other persons, if any, as the Secretary of State considers appropriate.

The statute also requires that the Secretary of State in making the Order must have regard to the need:

- to reflect the identities and interests of local communities, and
- to secure effective and convenient local government.

4. Accordingly, given the councils' proposals and having regard to his localist policy, the Secretary of State is now consulting on a proposal to establish a combined authority for the area of West Yorkshire - Bradford, Calderdale, Kirklees, Leeds and Wakefield replacing the West Yorkshire Integrated Transport Authority and West Yorkshire Passenger Transport Executive.

Who we are consulting

5. The appropriate authorities which the statute requires the Secretary of State to consult are:

- a county council if the area of the county council, or part of that area, is within the area for which the combined authority is to be established;
- a district council if the area of the district council is within the area for which the combined authority is to be established;
- an Economic Prosperity Board, if its area or part of its area, is within the area for which the combined authority is to be established;
- an Integrated Transport Authority, if its integrated transport area, or part of that area, is within the area for which the combined authority is to be established.

6. In this case these statutory consultees are the metropolitan district councils of Bradford, Calderdale, Kirklees and Wakefield and Leeds City Council and West Yorkshire Integrated Transport Authority.

7. In addition the Secretary of State considers in this case it is also appropriate to consult:

- the three local enterprise partnerships concerned – “Leeds City Region Enterprise Partnership” (non-constituent member); “Sheffield City Region Local Enterprise Partnership” and “York, North Yorkshire and East Riding Enterprise Partnership”;
- the City of York Council (“non-constituent council”);
- those councils neighbouring the combined authority area - Barnsley Council, Burnley Borough Council, Craven District Council, Derbyshire County Council, Doncaster Council, Harrogate Borough Council, High Peak Borough Council,

Lancashire County Council, North Yorkshire County Council, Oldham Council, Pendle Borough Council, Rochdale Metropolitan Borough Council, Rossendale Borough Council, and Selby District Council.

We also welcome comments from members of the public, local businesses and their representative bodies and representatives of the voluntary sector.

How to respond

8. Your response must be received by 2 January 2014. It can be sent by email to collaborate@communities.gsi.gov.uk or in writing to:

Kathy Billington
Department for Communities and Local Government
Local Democracy Division
Zone 3/J1 Eland House
Bressenden Place
London, SW1E 5DU

Please title your response 'Response to proposal to establish a combined authority for West Yorkshire'.

Confidentiality and data protection

9. Any responses to this consultation may be made public. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.
10. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
11. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. The Department will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Chapter 2- The Councils' Scheme

The scheme

12. On 31 July 2013 the five West Yorkshire authorities; City of Bradford Metropolitan District Council, Borough Council of Calderdale, The Council of the Borough of Kirklees, Leeds City Council, and The Council of the City of Wakefield and the West Yorkshire Integrated Transport Authority, supported by the “Leeds City Region Local Enterprise Partnership” and the City of York Council, published in accordance with the statute a scheme with proposals for delivering greater local economic growth centred on the establishment of a combined authority across West Yorkshire. This was in line with the “Leeds City Region City Deal”. Before preparing this scheme, the councils had as required by the statute undertaken a review of the governance arrangements across West Yorkshire. A document (“the governance review”) describing this review and its conclusions may be viewed at www.awya.gov.uk/combinedauthority where the scheme may also be viewed. The paragraphs below outline the findings of the councils’ governance review, and their conclusions which underpin the proposals in the scheme.

The governance review

13. The governance review considered the effectiveness and efficiency of arrangements in West Yorkshire for transport, economic development and regeneration. The leaders of the five authorities and the West Yorkshire Integrated Transport Authority working jointly with the “Leeds City Region Local Enterprise Partnership” want to ensure that transport, economic development and regeneration are managed at the most appropriate geographic and administrative level possible and provide for suitable governance arrangements to deliver both their long term vision for the area and the measures included in their “City Deal” that was signed with the Government in 2012².
14. The review assessed the economic evidence for working across West Yorkshire as a functional economic area in its own right and considered the economic conditions across the area.
15. The review concluded that there are strong economic links across West Yorkshire and whilst it is essentially a self contained area with 96 per cent of residents living and working in the area, there are clear linkages with the wider “Leeds City Region Local Enterprise Partnership” area, of which West Yorkshire forms a significant part³, in terms of a wider labour and housing market area⁴. However, the review concludes that for its size and demographic composition West Yorkshire is not punching its weight economically and has been falling behind the UK average.

² Unlocking our Economic Potential: A Leeds City Region Deal, July 2012

³ West Yorkshire covers the local authority districts of Bradford, Calderdale, Kirklees, Leeds and Wakefield. The wider functional economic area (Leeds City Region) includes York, the North Yorkshire districts areas of Selby, Craven and Harrogate, and Barnsley in South Yorkshire.

⁴ Data supplied by Javelin Group 2013

16. The West Yorkshire economy is therefore not performing to its potential. It is true that the wider “Leeds City Region Local Enterprise Partnership” area has a diverse and resilient economy⁵, generates 5 per cent of English economic output and contributes £52 billion gross value added (a measure of the value of goods and services produced in an area) and has a highly skilled workforce but, like many areas, it must overcome significant challenges if it is to grow economically. Although productivity levels match those of other English city conurbations in many respects its overall economic performance hasn’t improved when compared to national and international competitors: lack of inward investment, low business start up rates and lack of public sector investment in infrastructure have all contributed to a lack of growth.
17. The main priority of the review was to look at whether improved governance arrangements could help to address these issues and drive economic growth by enhancing the delivery of statutory functions in relation to economic development, transport and regeneration. It considered the extent to which any improvement could fulfil local ambitions to:
- ensure that strategic decisions on economic investment and transport are made at the most appropriate geographic and administrative level;
 - add value to the delivery of the economic outcomes outlined in the “Leeds City Region Plan” through joint working, particularly with the Local Enterprise Partnership;
 - facilitate devolution of funding and powers that would normally be managed from central Government;
 - enable where possible efficiency savings to be realised; and
 - work more effectively in partnership across both West Yorkshire and the North of England.
18. The governance review considered four options: leaving the existing governance arrangements across West Yorkshire unchanged; strengthening these existing governance arrangements; establishing an economic prosperity board; and creating a combined authority.
19. The review showed that currently there is no one decision making body responsible for strategic decisions relating to transport and economic development across West Yorkshire. This fragmentation and lack of integration is one of the reasons that the West Yorkshire economy is underperforming. Maintaining this status quo could mean that opportunities will continue to be missed for:
- Local ‘self-help’ such as active resource pooling and investment in those assets and infrastructure which will do the most to promote growth;
 - securing business investment; and
 - drawing down additional funding and devolved powers from central Government that will improve the economy of West Yorkshire.
20. The governance review concluded that the establishment of a combined authority would provide a visible, stable and streamlined body that would reduce the negative impact on growth that comes from a lack of local integration and fragmentation. It also

⁵ Index of Economic Resilience. Report by Ekosgen for Yorkshire Cities 2011

concluded that bringing together key decision making into a single body with appropriate strategic transport and economic functions that can be exercised across West Yorkshire will improve the efficiency and effectiveness of these functions and increase economic outputs.

Existing governance arrangements

21. The current governance arrangements whilst having proved durable are complex and layered, with a fragmentation of roles and responsibilities reducing the capacity for effective and timely decision-making and transparency.
22. Currently, West Yorkshire Integrated Transport Authority and West Yorkshire Passenger Transport Executive (collectively known as “Metro”) are the two decision making bodies working across West Yorkshire with responsibility for strategic transport:
 - Metro is responsible for ensuring an integrated, efficient and economic transport network across the Integrated Transport area. However, powers and functions for passenger transport and highways are split between Metro and the five district authorities with each organisation having its own functions and responsibilities for transport which has resulted in a challenging landscape for delivery.
23. And, in addition to the five West Yorkshire authorities who are responsible for economic development and regeneration in their own local government area, there are four bodies working together to improve economic growth across West Yorkshire:
 - The Association of West Yorkshire Authorities, established for over twenty years is made up of the leaders and chief executives of the five district authorities. Due to York’s strong economic links to West Yorkshire, the City of York Council is now an associate member. Partly in response to the current challenging economic climate, the Association has extended its focus to driving local economic growth across West Yorkshire.
 - The “Leeds City Region Local Enterprise Partnership” came into existence in 2011. It works closely with the “Leeds City Region Leaders Board” to deliver the objectives of the “Leeds City Region Plan”. Bringing together local authority and business leaders, one of its main aims is to overcome barriers to private sector growth.
 - The “Leeds City Region Leaders Board” works closely with the “Leeds City Region Local Enterprise Partnership” to deliver the objectives of the plan developed by the “Leeds City Regional Partnership”. Working closely with other partners in housing, transport and skills the Leaders Board is also responsible for preparing and overseeing delivery of key policies and strategies for the area. It has the power to discharge the promotion and improvement of the economic wellbeing and competitiveness of the area on behalf of its member councils.
 - The “Leeds City Region Partnership” brings together the public and private sectors and partners in government, education and the third sector who work to a common

vision for economic prosperity. Their strategic priorities stem from the “Leeds City Region Local Enterprise Partnership Plan”.

24. Whilst these forms of partnership working have been in existence and matured over a long period of time, they are representative organisations not statutory bodies and so have neither functional powers nor the ability to hold funding. The functional powers and budget for strategic transport rests with the West Yorkshire Integrated Transport Authority and economic development functions and budgets remain the responsibility of the five West Yorkshire authorities. The lack of a single, streamlined body with the ability to hold budgets and take strategic decisions across West Yorkshire is sub optimal in terms of improving economic outcomes in line with the “Leeds City Region Plan.”

Case for a combined authority

25. The combination of economic output and other assets that are unique to West Yorkshire provide it with potential for economic growth:

- a population of 2.2 million, a core part of the largest functional economic area outside of London;
- the functional economic area has nationally and internationally competitive clusters in health and life sciences, low carbon industries with significant hubs of activity in business and manufacturing services;
- a thriving transport hub of railway and motorway networks making the area the ideal location for the logistics industry; and
- an increasingly skilled workforce.

26. However, West Yorkshire’s potential for economic growth isn’t being realised and the economic performance of the area hasn’t improved. In response, 2011 the “Leeds City Region Partnership” launched an economic Plan for the area. It has three key targets:

- to accelerate output growth to an average 2.6 per cent per year to 2030;
- to create 60,000 new jobs by 2016; and
- to achieve a substantial reduction in carbon emissions.

27. The “City Deal” that was agreed with Government in 2012 was designed to help realise these targets as well as improving skills, exports, transport and other infrastructure thus allowing West Yorkshire and the “Leeds City Region Local Enterprise Partnership” area to realise its full economic potential. However, the disparate governance structures that currently exist present a challenge to the delivery of this. Without a single accountable body to take strategic decisions in regard to economic development, regeneration and transport, the opportunities identified will continue to be missed.

28. An OECD report⁶ from 2012 cited the institutional complexity, geographic dispersion and polycentric nature of the area as affecting communication, co-ordination and a common sense of purpose across the area. The OECD report concludes that the area

⁶ Promoting Growth in All Regions, OECD, 2012

would benefit from strengthened and more established local governance arrangements.

29. Accordingly, the review considered four governance options for West Yorkshire. The conclusions of these are as follows:

- Status quo/do nothing. Although the current governance arrangements described earlier have proved to be durable, this option was discounted on the basis that, as there is no single accountable body able to take strategic decisions, relevant transport and economic development functions would remain fragmented. This fragmentation results in delays in making key decisions as each individual authority has to authorise decisions before they can be implemented. This process is seen as complex and cumbersome. If this arrangement continues the post 2014 major transport scheme funding allocation will be split between the two transport authorities of West Yorkshire and the City of York. In short, the lack of a single accountable body to take strategic decisions will mean that opportunities for the improvement of economic conditions across West Yorkshire would continue to be missed⁷.
- Strengthening existing governance arrangements. This option was discounted on the basis that, whilst some of the issues arising from fragmentation could be partially addressed by putting more formalised partnership arrangements such as a Joint Committee in place, this would add rather than remove another tier of decision making. Constituent members are limited in what functions, duties and powers they can delegate to a Joint Committee and where key decisions are needed, they would have to be referred back to the districts to be authorised, again causing a delay in key decision making.
- An economic prosperity board. This was discounted on the basis that, whilst, as a body corporate it would have a legal personality and be able to take on devolved powers and funding relating to strategic economic development and regeneration, it would not align strategic transport, economic development and regeneration as decisions in relation to transport would continue to be made by the West Yorkshire Integrated Transport Authority.
- A combined authority. This was deemed to be the optimal model for improving economic conditions across West Yorkshire. As a body corporate with legal personality and powers in its own right, a combined authority would be well placed to align decision making in relation to both economic development, regeneration and transport across the functional economic area, removing the fragmentation and delay that currently exists. It will provide a visible, stable mechanism for long term strategic decision making to drive greater economic growth.

30. The councils' governance review concluded that the establishment of a combined authority for West Yorkshire was the optimal solution to address the issues of fragmentation and lack of integrated decision making that can cause the type of delays that the review highlighted. For example, bringing together functional responsibility for

⁷ Since the review was conducted, Government has confirmed that major transport scheme funding will be merged into the Local Growth Fund which will be awarded to local enterprise partnerships.

strategic transport, economic development and regeneration, the members of the combined authority can take decisions jointly in relation to the whole of the West Yorkshire area without having to return to the five individual councils to have these decisions ratified.

31. In addition, by bringing together local authority leaders and the chairman of the “Leeds City Region Local Enterprise Partnership” the combined authority will allow the public and private sector to work together to deliver the “Leeds City Region Plan” maximising jobs and investment to realise their shared ambition for economic growth in West Yorkshire. It will foster a stronger, collective sense of purpose and identity for the area bringing a stronger focus to key local issues and allowing West Yorkshire to punch its weight with other combined authority areas.
32. Further, by streamlining the relationship between the West Yorkshire authorities, the “Leeds City Region Local Enterprise Partnership” and the “Leeds City Region Leaders Board”, the combined authority will remove the ambiguity of roles and result in a more transparent and efficient decision making process.
33. The establishment of a combined authority would also improve the exercise of statutory functions in relation to economic development, regeneration and transport across the functional economic area through collaboration and co-ordination. As a strategic economic decision making body the leaders of the West Yorkshire authorities have agreed that the running costs of the combined authority should be no more than the arrangements that it will replace and in the longer term will drive efficiency through co-ordination. Nor will it create significant new staffing structures as the combined authority will utilise the existing capacity within the district councils and passenger transport executive.
34. As a body corporate, the combined authority will be able to act as the accountable body for:
 - economic investment funds, including funds allocated by Government to the “Leeds City Region Local Enterprise Partnership” – such as the local growth fund, the pooling of funding of retained business rates and the single capital pot.

Support for a combined authority

35. Before publishing their scheme, the five West Yorkshire authorities undertook a consultation on the proposals which generated some 104 responses the majority of which came from members of the public. Key findings were:
 - 67 per cent supported the interim Review recommendations;
 - 74 per cent supported the proposed geography of the combined authority;
 - Only 31 per cent would like the functions of the combined authority to be expanded.

Chapter 3 - Issues for consultation

36. Having regard to the proposal submitted by the five councils and the West Yorkshire Integrated Transport Authority, supported by the “Leeds City Region Enterprise Partnership” and City of York Council, and his localist policy, the Secretary of State is considering making an Order under the statute which, if Parliament approves, would replace the “West Yorkshire Integrated Transport Authority” and “West Yorkshire Passenger Transport Executive” with a combined authority. This would bring together the councils of the metropolitan districts of Bradford, Calderdale, Kirklees and Wakefield and the City of Leeds. It would also bring the council of the City of York into these joint working arrangements as a “non-constituent council” and the “Leeds City Region Local Enterprise Partnership” as a member of the combined authority.
37. Under the statute the Secretary of State can make the Order only if, having regard to the councils’ scheme, he considers that establishing the combined authority would be likely to improve the effectiveness and efficiency of transport in the area, the exercise of statutory functions relating to economic development, regeneration and transport in the area and the economic conditions in the area. In making this judgement the Secretary of State would welcome views on this matter from consultees and others in response to this consultation. Chapter 2 of this consultation sets out the views and conclusions of the five councils to which consultees and others may wish to have regard when responding to the consultation.
38. The Secretary of State also recognises in making the Order he must have regard to the need to reflect the identities and interests of local communities and to secure effective and convenient local government. Again the Secretary of State would welcome the views of consultees and others on these matters when responding to the consultation.
39. Finally, were the Secretary of State to make such an Order, he is minded that it should provide for a combined authority with a constitution and functions as described in the Annex to this consultation document. A draft of an Order to give effect to these proposals is at the appendix to the Annex. The Secretary of State would welcome the views of consultees and others on these matters when responding to the consultation.
40. In short, comments are invited on the proposal to establish a combined authority for the area of West Yorkshire – Bradford, Calderdale, Kirklees, Leeds and Wakefield, and in particular:
- **on whether you consider that establishing the proposed combined authority would be likely to improve the provision of transport in the area and its effectiveness and efficiency, the provision of economic development and regeneration in the area, and the economic conditions in the area;**

- **on how establishing such an authority may impact on the identities and interests of local communities and on securing effective and convenient local government;**
- **on the proposed constitutional arrangements (including the formal name of the combined authority) and functions for a combined authority as set out in the Annex to this consultation paper.**
- **on how such an authority and the local enterprise partnership can work in a seamless manner to ensure the private sector is 'hardwired' into the leadership and decision making for the functional economic area.**

Annex

The proposed constitution and functions for the combined authority

Establishment

1. It is proposed that the combined authority would come into existence on 1 April 2014. The authority could be known as the 'West Yorkshire Combined Authority'. It would cover the local government areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield – the constituent councils. In addition to members from the constituent councils, both the City of York council and the "Leeds City Region Local Enterprise Partnership" will be members of the combined authority.
2. West Yorkshire Integrated Transport Authority and the West Yorkshire Passenger Transport Executive would be dissolved and their functions, property, rights and liabilities including those that relate to contracts of employment transferred to the combined authority.

Constitution

3. The combined authority would be made up of ten members in total. Eight of these members will be elected members from the five constituent councils, Bradford, Calderdale, Kirklees, Leeds and Wakefield. The five constituent councils would each appoint a minimum of one of its elected members to the combined authority, with the remaining three members appointed by the constituent councils to reflect the political balance amongst the authorities, as far as this is practicable.
4. In addition to the eight members from the constituent councils, the City of York Council will appoint one of its members to be a non-constituent council member of the combined authority. The "Leeds City Region Local Enterprise Partnership" should also nominate one of its members to be a member of the combined authority.
5. The constituent councils, non-constituent council, and Local Enterprise Partnership should appoint/nominate as appropriate, another member to act as a member of the combined authority in the absence of the member appointed as described above – the substitute member.
6. As the economic transformation of the area depends on strong governance, there is an expectation that each constituent and non-constituent council would appoint its leader to the combined authority. In the case of the Local Enterprise Partnership, the expectation is that the Chairman would be appointed. This provides for decision making at the highest level and sets the strategic direction of the authority.
7. At the first meeting of the combined authority a Chairman and Vice-chairman would be appointed. Members of the combined authority would not be paid for the work they

undertake for the authority. However, they may receive allowances for travel and subsistence.

8. Where a member of the combined authority ceases to be a member of their local authority or of the Local Enterprise Partnership, they would also cease to be a member of the combined authority and a replacement member would be appointed as soon as practicable.
9. A council or Local Enterprise Partnership may at any time terminate the appointment of a member or a substitute member appointed/nominated by it to the combined authority.

Voting

10. The constituent council members of the combined authority will have one vote each and decisions would be reached by a simple majority of the members of the authority present and voting. The Chairman and vice-chairman would not have a second or casting vote.
11. Members from the non-constituent council and Local Enterprise Partnership would be non-voting members but may be given voting rights on certain issues should the constituent council members of the combined authority resolve to grant these.

Funding

Economic development

12. The costs of the combined authority in relation to the exercise of its economic development and regeneration functions and all start-up costs would be met by the constituent authorities. These costs will be apportioned in such proportions as the constituent councils may agree and in default of agreement on a per capita basis.

Transport

13. The costs of the combined authority will be met by constituent councils. In relation to costs attributable to its transport functions the combined authority will issue a levy to the constituent authorities apportioned on a per capita basis.
14. Section 74 of the Local Government Act 1998 allows for a combined authority to be given power to issue a levy in respect of its expenses relating to its transport functions. The Integrated Transport Authority already has a levying power and the scheme proposes that the combined authority should be given an equivalent power. This means that the amount to be raised by the levy would be apportioned to the constituent local councils by population size. These levies, as all levies, will be subject to the provisions on council tax referendums in the Local Audit and Accountability Bill, if Parliament enacts the legislation.
15. The scheme published by the West Yorkshire authorities refers to their "City Deal" provision for Government to consider proposals for the combined authority to assume

precepting powers to replace this transport levy. That “City Deal” explained that, over time, there could be agreement by Government to transport precepting powers, matched by transparent and accountable local governance arrangements for the combined authority, in line with those of the Greater London Authority/Transport for London. In their scheme, the local authorities are not proposing local governance and accountability arrangements for the combined authority which have the characteristics of those of the Greater London Authority/Transport for London. Accordingly at the present time the issue of precepting powers does not arise.

Functions

16. The primary focus of the combined authority is to manage a significant programme of investment in transport and economic infrastructure, and to influence and align with Government investment, in order to drive economic growth.

Economic development

17. The authority would have powers that would allow it to drive strategic economic growth across the functional economic area. It will focus on strategic economic issues such as:

- co-designing with “Leeds City Region Local Enterprise Partnership” the “Leeds City Region Plan”;
- setting and reviewing the objectives for strategic investment for the area’s Transport Fund and Economic Investment Fund;
- making decisions with regard to the West Yorkshire Transport Fund and Economic Investment Fund; and
- acting as the accountable body for the devolved major transport scheme funding and the single pot for economic investment.

Transport

18. The transport functions of the West Yorkshire Integrated Transport Authority and Passenger Transport Executive would be transferred to the combined authority.

General power of combined authority

19. The combined authority would have a ‘function related power of competence’ provided to them under Chapter 3 of Part 1 of the Localism Act 2011.

Scrutiny arrangements

20. The constituent authorities of the combined authority may establish joint overview and scrutiny arrangements to exercise scrutiny functions over the combined authority and any sub-committees.

Substructures and internal scheme of delegation

Leeds City Region Local Enterprise Partnership

21. The “Leeds City Region Local Enterprise Partnership” brings together elected leaders with representatives from the private sector to ensure that the economic vision for the area is realised. The close relationship between the “Leeds City Region Local Enterprise Partnership” and the proposed combined authority will allow for a seamless operation bringing together the public and private sectors. The addition of the chairman of the “Leeds City Region Partnership” as a member of the combined authority will ensure that the local enterprise partnership is able to provide leadership where required and that decisions taken by the combined authority fully support the priorities of the local enterprise partnership and the views of local business.
22. A shared economic strategy will be developed and agreed by the combined authority and the Local Enterprise Partnership ensuring that investment decisions are taken by those best placed to do so maximising the economic growth of the area.
23. The combined authority would act as the Local Enterprise Partnership’s ‘accountable body’ for the holding of its growth funds.

Joint Committee

24. It is the intention that a Joint Committee of the combined authority and the constituent councils will be established to support the combined authority with the following tasks:
 - to carry out operational transport functions;
 - to advise the CA on: the annual budget and transport levy, borrowing limits, major transport policies, local transport plan, and West Yorkshire Transport Fund operation; and
 - to carry out any functions which the councils might subsequently choose to delegate to the combined authority e.g. Local Transport Body functions, management of urban traffic control systems, or management of the road network to improve the flow of freight across the area.

Other Arrangements

25. The combined authority may establish sub-structures and sub-committees and delegate powers and functions where appropriate. This is provided for through existing legislation, rather than expressly through the West Yorkshire Combined Authority Order.

Draft Order laid before Parliament under section 85 of the Transport Act 1985, section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No.

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

West Yorkshire Combined Authority Order 2014

Made - - - - - *****

Coming into force - - - - - *****

This Order is made in exercise of the powers conferred by section 85 of the Transport Act 1985(a), sections 84, 91 and 93 of the Local Transport Act 2008(b) and sections 103 to 105 and 114 to 116 of the Local Democracy, Economic Development and Construction Act 2009(c).

The Secretary of State, having regard to a scheme prepared and published under section 82 of the Local Transport Act 2008 and section 109 of the Local Democracy, Economic Development and Construction Act 2009, 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,
- (b) the effectiveness and efficiency of transport in that area,
- (c) the exercise of statutory functions relating to economic development and regeneration in that area, and
- (d) economic conditions in that area.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 of the Local Democracy, Economic Development and Construction Act 2009.

The Secretary of State has consulted–

- (a) the metropolitan district councils for the area comprised in the West Yorkshire integrated transport area,
- (b) the West Yorkshire Integrated Transport Authority, and
- (c) such other persons as the Secretary of State considered appropriate.

(a) 1985 c.67; section was amended by the Local Transport Act 2008 (c.26) Schedule 4, paragraphs 18 and 30 and by S.I. 2009/107.
(b) 2008 c.26.
(c) 2009 c.20.

The metropolitan district councils whose areas are comprised in the West Yorkshire integrated transport area have consented to the making of this Order.

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.

A draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 85 of the Transport Act 1985, section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009.

Accordingly, the Secretary of State makes the following Order:

PART 1

General

Citation and commencement

1. This Order may be cited as the West Yorkshire Combined Authority Order 2014 and shall come into force on 1 April 2014.

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;

“constituent councils” means the metropolitan district councils for the local government areas of Bradford, Calderdale, Kirklees, Leeds and Wakefield;

“the Executive” has the meaning given by article 8(1);

“financial year” means the period of 12 months ending with 31st March in any year;

“the ITA” means the West Yorkshire Integrated Transport Authority;

“Local Enterprise Partnership” means the Leeds City Region Local Enterprise Partnership;
and

“non-constituent council” means the council for the local government area of York.

PART 2

Establishment of a combined authority for West Yorkshire

Establishment

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

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

(3) The functions of the West Yorkshire 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 West Yorkshire Combined Authority) has effect.

Funding

5.—(1) The constituent councils must meet the costs of the West Yorkshire Combined Authority reasonably attributable to the exercise of its functions relating to economic development and regeneration.

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the West Yorkshire 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 Registrar General.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is 30 June in the financial year which commenced two years prior to the current financial year.

PART 3

Transport

Abolition and transfer of functions

6.—(1) The West Yorkshire 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 West Yorkshire Combined Authority.

Adaptation of enactments

7.—(1) This article has effect in consequence of article 6.

(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 West Yorkshire Combined Authority.

(4) Schedule 2 (which amends section 9 of the Transport Act 1968 in consequence of article 6) has effect but this does not affect the generality of paragraphs (2) and (3).

Passenger Transport Executive

8.—(1) In this article “the Executive” means the West Yorkshire Passenger Transport Executive established by the West Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973(a).

(2) Immediately before the coming into force of article 6 the Executive shall be dissolved and all functions, property rights and liabilities of the Executive shall be transferred to the ITA.

(3) In any enactment (whenever passed or made) any reference to a passenger transport executive is to be treated, in relation to the combined area as a reference to the West Yorkshire Combined Authority.

(4) The West Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973 is revoked.

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 1st April 2014.

(2) There may be continued by or in relation to the West Yorkshire Combined Authority anything (including legal proceedings) which—

(a) relates to any of the functions, property, rights or liabilities transferred to the West Yorkshire Combined Authority; and

(b) is in process of being done by or in relation to the ITA or the Executive immediately before 1st April 2014.

(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;

(b) is in effect immediately before the transfer takes effect,

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

(4) The West Yorkshire Combined Authority is to 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(b) and in accordance with the Transport Levying Bodies Regulations 1992(c) to the constituent councils in respect of the financial year beginning 1st April 2014 is to have effect for that year as if it had been so issued by the West Yorkshire Combined Authority.

(a) S.I. 1973/1729.

(b) 1988 c.41;

(c) S.I. 1992/2789, amended by S.I. 2012/213.

PART 4

Additional functions

Economic development and regeneration functions

10.—(1) The functions of the constituent councils set out in Schedule 3 to this Order are exercisable by the West Yorkshire 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 West Yorkshire Combined Authority.

Incidental provisions

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

(a) section 142(2) of the Local Government Act 1972^(a) (the 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 (the power to prosecute and defend legal proceedings).

12.—(1) The West Yorkshire 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^(b) (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^(c) shall have effect as if –

(a) in subsection (4) after paragraph (x) there were inserted –

“(xx) subject to subsection (xx), a committee appointed by the West Yorkshire Combined Authority;”;

(b) after subsection (4) there were inserted –

“(xx) A person who is a member of a committee falling within paragraph (xx) 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 he is a member of one of the constituent councils as defined by article 2 of the West Yorkshire Combined Authority Order 2014.”.

Signed on behalf of the Secretary of State for Communities and Local Government

Date

Name
Parliamentary Under Secretary of State
Department for Communities and Local Government

(a) 1972 c.72.
(b) 1985 c.51.
(c) 1989 c.42.

SCHEDULES

SCHEDULE 1

Article 4

Constitution

Membership

1.—(1) The West Yorkshire Combined Authority shall comprise ten members as provided in sub-paragraphs (2) to (9)

(2) Each of the constituent councils shall appoint one of its elected members as a member of the West Yorkshire Combined Authority.

(3) The constituent councils shall agree the appointment of another elected member from three of the constituent councils to reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils.

(4) The non-constituent council shall appoint one of its elected members to be a member of the West Yorkshire Combined Authority.

(5) Each constituent council and the non-constituent council shall appoint another of its elected members to act as a member of the West Yorkshire Combined Authority in the absence of the members appointed under sub paragraphs (2) to (4) (“the substitute member”).

(6) The Local Enterprise Partnership shall nominate one of its members to be a member of the West Yorkshire Combined Authority (“Local Enterprise Partnership Member”).

(7) The Local Enterprise Partnership shall nominate another of its members to act as a member of the West Yorkshire Combined Authority in the absence of the member appointed under sub paragraph (6) (“the substitute member”).

(8) The West Yorkshire Combined Authority shall appoint a member nominated by the Local Enterprise Partnership as a member of the West Yorkshire Combined Authority (“Local Enterprise Partnership Member”).

(9) The West Yorkshire Combined Authority shall appoint another member nominated by the Local Enterprise Partnership to act as a member of the West Yorkshire Combined Authority in the absence of the member appointed under sub paragraph (8) (“the substitute member”).

(10) For the purposes of this Schedule any reference to a member is to be treated as including a reference to the Local Enterprise Partnership Member.

(11) A person ceases to be a member or substitute member of the West Yorkshire Combined Authority if they cease to be –

- (a) a member of the constituent council or non-constituent council that appointed them; or
- (b) a member of the Local Enterprise Partnership that nominated them.

(12) A person may resign as a member or substitute member of the West Yorkshire Combined Authority by written notice served on the proper officer of the Council or the Chair or Vice Chair of the Local Enterprise Partnership (as the case may be) of–

- (a) the constituent council or non-constituent council that appointed them; or
- (b) the Local Enterprise Partnership that nominated them

and the resignation shall take effect on receipt of the notice by the proper officer of the Council or Chair or Vice Chair of the Local Enterprise Partnership (as the case may be).

(13) Where a member or substitute member’s appointment ceases by virtue of sub-paragraph (11) or (12) –

- (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 West Yorkshire Combined Authority and appoint another of its elected members in that person’s place;

(b) the Local Enterprise Partnership must, as soon as practicable, give written notice of that fact to the West Yorkshire Combined Authority and nominate another of its elected members in that person's place.

(14) West Yorkshire Combined Authority shall appoint a member nominated under subparagraph (11)(b) at the next meeting of the West Yorkshire Combined Authority.

(15) A constituent council or the non-constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the West Yorkshire Combined Authority and appoint another of its elected members in that person's place.

(16) Where a constituent council or the non-constituent council exercises its power under subparagraph (15), it must give written notice of the new appointment and the termination of the previous appointment to the West Yorkshire 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.

(17) The Local Enterprise Partnership may at any time terminate the appointment of a member or substitute member nominated by it to the West Yorkshire Combined Authority and nominate another of its members in that person's place.

(18) Where the Local Enterprise Partnership exercises its power under subparagraph (17), it must give written notice of the new nomination and the termination of the previous appointment to the West Yorkshire Combined Authority.

(19) The West Yorkshire Combined Authority shall appoint a member nominated under subparagraph (18) 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.

(20) 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 West Yorkshire Combined Authority must in each year appoint a chairman and a vice-chairman from among its members and the appointments are to be the first business transacted at the annual meeting after the appointment of members of the West Yorkshire Combined Authority.

(2) A person ceases to be chairman or vice-chairman of the West Yorkshire Combined Authority if they cease to be a member of the West Yorkshire 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 West Yorkshire Combined Authority.

Proceedings

3.—(1) Any questions that are to be decided by the West Yorkshire Combined Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the West Yorkshire Combined Authority.

(2) 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.

(3) Members appointed by the non-constituent council or appointed from the Local Enterprise Partnership will be non-voting members of the West Yorkshire Combined Authority.

(4) The proceedings of the West Yorkshire 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 West Yorkshire Combined Authority may appoint one or more committees as an overview and scrutiny committee, or as the case may be committees, of the West Yorkshire Combined Authority.

(2) The West Yorkshire Combined Authority shall appoint members of each of the constituent councils and the non-constituent council to any overview and scrutiny committee appointed by the West Yorkshire Combined Authority.

(3) Any overview and scrutiny committee appointed by the West Yorkshire Combined Authority may not include any member of the West Yorkshire Combined Authority.

(4) Any overview and scrutiny committee appointed by the West Yorkshire Combined Authority will have the power to—

- (a) invite members to attend before it to answer questions;
- (b) invite other persons, including members of the public, to attend meetings of the committee;
- (c) review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the West Yorkshire Combined Authority;
- (d) make reports or recommendations to the West Yorkshire Combined Authority with respect to the discharge of any functions which are the responsibility of the West Yorkshire Combined Authority.

(5) The power to review or scrutinise a decision made but not implemented under sub-paragraph (4)(c) includes the power to recommend that the decision be reconsidered by the West Yorkshire Combined Authority.

(6) Where any overview and scrutiny committee appointed by the West Yorkshire Combined Authority makes a report or recommendation under sub-paragraph (4)(d) the committee may –

- (a) publish the report or recommendations;
- (b) by notice in writing require the West Yorkshire Combined Authority to –
 - (i) consider the report or recommendations;
 - (ii) respond to the overview and scrutiny committee indicating what (if any) action the West Yorkshire Combined Authority proposes to take;
 - (iii) if the overview and scrutiny committee has published the report or recommendations under sub-paragraph (6)(a), publish the response.

(7) A notice served under sub-paragraph (6)(b) must require the West Yorkshire Combined Authority to comply with it within two months beginning with the date on which the West Yorkshire Combined Authority received the reports or recommendations or (if later) the notice.

(8) The West Yorkshire Combined Authority shall comply with a notice given under sub-paragraph (6)(b).

(9) Sub-paragraphs (6)(a) and (8) are subject to section 9FG of the Local Government Act 2000 and to any provision made under section 9GA(8).

Records

5.—(1) The West Yorkshire 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 West Yorkshire Combined Authority, or any committee or sub-committee of the West Yorkshire Combined Authority are to be kept in such form as the West Yorkshire Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the West Yorkshire Combined Authority by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) shall be received in evidence without further proof.

(5) Until the contrary is provided, a meeting of the West Yorkshire Combined Authority 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 West Yorkshire Combined Authority provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.

Standing orders

6. The West Yorkshire 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 to be payable by the West Yorkshire Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the West Yorkshire Combined Authority.

SCHEDULE 2

Article 7

Amendment of Section 9 of the Transport Act 1968

1. Section 9 of the Transport Act 1968(a) is amended as follows.

2. In subsection (1)(a)—

(a) in subparagraph (i) after “except Greater Manchester” there is inserted and “West Yorkshire”;

(b) the word “and” after subparagraph (ia) is omitted; and

(c) after subparagraph (ia) there is inserted—

“(ib) the metropolitan county of West Yorkshire shall be the area of a combined authority; and”.

3. In subsection (1)(b)—

(a) the word “and” after subparagraph (ia) is omitted; and

(b) after subparagraph (ia) there is inserted—

“(ib) in relation to the metropolitan county of West Yorkshire; and”.

4. In subsections (2) and (3) after “the area of the Greater Manchester Combined Authority” in each case occurring there is inserted “, the area of the West Yorkshire Combined Authority”.

5. In subsection (5) after “or the area of the Greater Manchester Combined Authority” there is inserted “or of the West Yorkshire Combined Authority”.

6. In subsection (5A) after “2011” there is inserted “and the West Yorkshire Combined Authority means the authority of that name constituted by the West Yorkshire Combined Authority Order 2014”.

(a) 1968 c. 73; section 9 was amended by the Local Government (Scotland) Act 1973 (c. 65) Schedule 18, paragraph 1; by the Transport Act 1985 (c. 67) sections 57(1), 58(2), Schedule 3, paragraph 3, Schedule 8; by the Local Government (Scotland) Act 1994 (c. 39) Schedule 13, paragraph 80(2); and in relation to England and Wales only by the Local Transport Act 2008 (c. 26) section 98(4), Schedule 4, paragraph 2 and Schedule 7, Part 4 and by S.I. 2011/908.

SCHEDULE 3

Article 10

Economic development and regeneration functions

1. Such functions of the constituent authorities as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence under section 1 of the Localism Act 2011(a).

EXPLANATORY NOTE

(This note is not part of the Order)

This order establishes the West Yorkshire 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 functions relating to transport and to economic development and regeneration in their area.

The Secretary of State may only 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 31 July 2013 by the constituent councils whose areas together make up the combined area of the new authority. The scheme is available at www.awya.gov.uk/combinedauthority.

Part 2 of the Order establishes the new authority, to be known as the West Yorkshire Combined Authority on 1 April 2014, 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 Yorkshire 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 those costs of the West Yorkshire Combined Authority that relate to the exercise of its economic development and regeneration functions.

Part 3 concerns transport. Article 6 abolishes the West Yorkshire integrated transport area and its integrated transport authority and transfers all functions rights and liabilities to the combined authority. Article 7 makes consequential adaptations to enactments. Article 8 does the same thing in relation to the West Yorkshire Passenger Transport Executive. 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 Yorkshire 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 13 make some general, incidental provisions relating to the West Yorkshire Combined Authority to enable it to carry out its functions more effectively.

(a) 2011 c.20

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