

New Functions to be conferred on the Mayoral Combined Authority

The draft order can be found here, <https://www.legislation.gov.uk/ukdsi/2021/9780348217674/contents>

This table does **not** include:

- **All of the existing functions of the Combined Authority** (these remain the responsibility of the Combined Authority, with the exception of producing the Local Transport Plan and strategies), and
- **PCC functions** (which are all the responsibility of the Mayor).

Where functions are identified as **mayoral**, they are responsibility of the Mayor, who may delegate them to the Deputy Mayor, another individual Combined Authority member or officer. They may also be carried out under joint arrangements with other local authorities. These functions cannot be delegated to a committee.

Non-mayoral functions are the responsibility of the Combined Authority and may be delegated by the Combined Authority to a Committee or officer of the Combined Authority. They may also be carried out under joint arrangements with other local authorities. These functions cannot be delegated to an individual member of the Combined Authority.

Where a mayoral or non-mayoral function is **concurrent** with a Constituent Council, arrangements for its exercise will be a matter for **agreement** between the Combined Authority and a Constituent Council, and this is currently the subject of ongoing discussions between the Combined Authority and the Constituent Councils.

Those functions highlighted in blue, are those which have been devolved or granted by Government.

All other functions are those to be exercised concurrently with the Constituent Councils.

NB There is no provision for spatial planning powers or strategic infrastructure tariff in the order. These were removed from the scheme, shortly before the draft order was finalised. It is anticipated that these functions will be devolved at a later date, once the Government's national planning reform is complete.

Legislation	Function	Power or duty	Mayoral or CA	Concurrent with LAs	Relevant CA member to consent	Other procedural requirement	Order paragraph number	General Comment
Education, Skills and Training Functions								
Section 51A Further and Higher Education Act 1992	Power to give a notice to the governing body of an FE institution requiring them to provide specified individuals 16-19 with appropriate education	Power	Combined Authority	Y	N	N	5(2)(a)	
Section 13A Education Act 1996	Duty to promote high standards and fulfilment of potential in exercising relevant education and training functions	Duty	Combined Authority	Y	N	N	5(2)(b)	
Section 560A Education Act 1996	Power to secure work experience , / Duty to encourage participation in	Power/ Duty	Combined Authority	Y	N	N	5(2)(c)	

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	work experience/ encourage employers to participate in providing							
Section 10 Education and Skills Act 2008	Exercise functions so as to promote participation by persons under S 2	Duty	Combined Authority	Y	N	N	5(2)(d)	
Section 12 Education and Skills Act 2008	Duty to identify people in their area who are failing to fulfil their duty under section 2 to participate in education or training.	Duty	Combined Authority	Y	N	N	5(2)(e)	
Section 68 Education and Skills Act 2008	Duty to provide services enabling, encouraging and assisting young people and relevant young adults to	Duty	Combined Authority	Y	N	N	5(2)(f)	

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	participate in education and training.							
Section 70 Education and Skills Act 2008	Provide services enabling, encouraging or assisting young people and relevant young adults to participate in education and training.	Power	Combined Authority	Y	N	N	5(2)(g)	
Section 71 Education and Skills Act 2008	Provide support given to young people conditional on specified action (eg learning support agreement).	Power	Combined Authority	Y	N	N	5(2)(h)	Applies where S68 services provided
Section 85 Education and Skills Act 2008	This places further requirements on arrangements made by a	Duty	Combined Authority	Y	N	N	5(2)(i)	

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	children's services authority in England under s.10 of the Children Act 2004 (which requires authorities to co-operate with each other).							
Section 86 Skills Children and Learning Act 2009	Education and training for over 19 yrs and others subject to adult detention	Duty	Combined Authority	N	N	N	6(1)(a)	Exercisable by the Combined Authority instead of the Secretary of the State
Section 87 (as above)	Learning aims over 19 yrs - provision of facilities	Duty	Combined Authority	N	N	N	6(1)(b)	Exercisable by the Combined Authority instead of the Secretary of the State
Section 88(as above)	Learning aims over 19 yrs -	Duty	Combined Authority	N	N	N	6(1)(c)	Exercisable by the Combined Authority

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	payment of tuition fees							instead of the Secretary of the State
Section 90 (as above)	Encouragement of education and training over 19 yrs	Duty	Combined Authority	N	N	N	7(1)(a)	Concurrent with Secretary of State
Section 100(1) (as above)	Provision of financial resources	Power	Combined Authority	N	N	N	7(1)(b)	Concurrent with Secretary of State

NB Section 8 of the Order provides for conditions on the exercise of functions mentioned in articles 6 and 7, and requires the CA to adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under s100 of the Apprenticeship, Skills, Children and Learning Act 2009 in accordance with any direction given by the SoS.

Housing, Regeneration and Planning Functions

Section 5 Housing and Regeneration Act 2008	Provide housing or other land	Power	Combined Authority	N			10(1)(a)	Concurrent with Homes and Communities Agency (HCA)
Section 6 Housing and Regeneration Act 2008	Regeneration development or effective use of land	Power	Combined Authority	N			10(1)(b)	Concurrent with HCA
Section 7 Housing and	Providing Infrastructure	Power	Combined Authority	N			10(1)(c)	Concurrent with HCA

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Regeneration Act 2008								
Section 8 Housing and Regeneration Act 2008	Deal with land	Power	Combined Authority	N			10(1)(d)	Concurrent with HCA
Section 9 Housing and Regeneration Act 2008	Acquisition of land	Powers	Mayoral	N	Y Consent of Constituent Council member for area(s) of land re s9		10(1)(e)	Concurrent with HCA
Section 10 Housing and Regeneration Act 2008	Restrictions on land disposal	N/A	Combined Authority	N			10(1)(f)	Concurrent with HCA
Section 11 Housing and Regeneration Act 2008	Acquire land	Powers	Combined Authority	N			10(1)(g)	Concurrent with HCA
Section 12 Housing and Regeneration Act 2008 (as above)	Statutory undertakers	Powers	Combined	N			10(1)(h)	Concurrent with HCA
Para 19 & 20 of Sch 3 Housing and	Burial grounds and consecrated land	Powers	Combined Authority	N			10(1)(i)	Concurrent with HCA

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Regeneration Act 2008								
Para 1 – 4, 6, 10 & 20 Sch 4 Housing and Regeneration Act 2008	Removal of powers HCA	Powers	Combined Authority	N			10(1)(j)	Concurrent with HCA
NB The functions described in the provisions in s10(1) above are, as well as being exercisable with the HCA, subject to Schedules 2 (acquisition of land) and 3 (main powers in relation to land acquired by the HCA) of the Housing & Regeneration Act 2008.								
Acquisition and appropriation of land for planning and public purposes								
Section 226 Town and Country Planning Act 1990	Compulsorily acquire land development/planning	Power	Combined Authority	Y	Y Consent of each Constituent Council member whose area contains any part of the land subject to the proposed acquisition		11(1)(a)	
Section 227 Town and Country Planning Act 1990	Acquire land by agreement	Power	Combined Authority	Y	Y Consent of each Constituent Council member		11(1)(b)	

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					whose area contains any part of the land subject to the proposed acquisition			
Section 229 Town and Country Planning Act 1990	Appropriate land	Power	Combined Authority	Y	Y Consent of each Constituent Council member whose area contains any part of the land subject to the proposed acquisition		11(1)(d)	
Section 230(1)a Town and Country Planning Act 1990	Acquisition of land for exchange	Power	Combined Authority	Y	Y Consent of each Constituent Council member whose area contains any part of the land subject to the		11(1)(d)	

Legislation	Function	Power or duty	Mayoral or CA	Concurrent with LAs	Relevant CA member to consent	Other procedural requirement	Order paragraph number	General Comment
					proposed acquisition			
Section 232 Town and Country Planning Act 1990	Appropriate land held for planning purposes	Power	Combined Authority	Y	Y Consent of each Constituent Council member whose area contains any part of the land subject to the proposed acquisition		11(1)(e)	
Section 233 Town and Country Planning Act 1990	Dispose of land held for planning purposes	Power	Combined Authority	Y	Y Consent of each Constituent Council member whose area contains any part of the land subject to the proposed acquisition		11(1)(f)	
Section 235 Town and Country	Develop land held for	Power	Combined Authority	Y	Y Consent of each		11(1)(g)	

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Planning Act 1990	planning purposes				Constituent Council member whose area contains any part of the land subject to the proposed acquisition			
Section 236 Town and Country Planning Act 1990	Extinguish rights over land	Power	Combined Authority	Y	Y Consent of each Constituent Council member whose area contains any part of the land subject to the proposed acquisition		11(1)(h)	
Section 238 Town and Country Planning Act 1990	Use and develop consecrated land	Power	Combined Authority	Y	Y Consent of each Constituent Council member whose area contains any		11(1)(i)	

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					part of the land subject to the proposed acquisition			
Section 239 Town and Country Planning Act 1990	Use and develop burial grounds	Power	Combined Authority	Y	Y Consent of each Constituent Council member whose area contains any part of the land subject to the proposed acquisition		11(1)(j)	
Section 241 Town and Country Planning Act 1990	Use and develop open spaces	Power	Combined Authority	Y	Y Consent of each Constituent Council member whose area contains any part of the land subject to the proposed acquisition		11(1)(k)	

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Section 17 Housing Act 1985 S17(3) - compulsory purchase	Acquire land for housing development	Power	Combined Authority Mayoral	Y	Y Consent of each Constituent Council member whose area contains any part of the land subject to the proposed acquisition		11(1)(l)	Consent of SoS required by 17(3) for compulsory acquisitions
Section 18 Housing Act 1985	Duties to secure buildings where land acquired under S17	Duty	Combined Authority	Y	N/A		11(1)(m)	No consent requirement - relates to a duty to secure buildings
Mayoral Development Corporation (MDC)								
Section 197 Localism Act 2011	MDA (Mayoral Development Area) - designation		Mayoral	N	Y For 197(1) Consent of Constituent Council member and substitute for area(s)		14(2)(a)	

Legislation	Function	Power or duty	Mayoral or CA	Concurrent with LAs	Relevant CA member to consent	Other procedural requirement	Order paragraph number	General Comment
					containing part of MDA			
Section 199 Localism Act 2011	MDA - exclusion of land		Mayoral	N	Y For 199(1) Consent of Constituent Council member and substitute for area(s) to be excluded		14(2)(b)	
Section 200 Localism Act 2011	Transfers of property to a MDC		Mayoral	N			14(2)(c)	
Section 202 Localism Act 2011	Planning functions in relation to MDA		Mayoral	N	Y For 202(2) – (4) Consent of Constituent Council member and substitute for area(s) containing part of MDA		14(2)(d)	
Section 204 Localism Act 2011	Removal or restrict planning powers		Mayoral	N			14(2)(e)	
Section 214 Localism Act 2011	Discretionary relief from ND rates		Mayoral	N			14(2)(f)	

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Section 215 Localism Act 2011	review		Mayoral	N			14(2)(g)	
Section 216 Localism Act 2011	Transfers of property rights and liabilities		Mayoral	N			14(2)(h)	
Section 217 Localism Act 2011	Dissolution – final steps		Mayoral	N			14(2)(i)	
Section 219 Localism Act 2011	Guidance by Mayor		Mayoral	N			14(2)(j)	
Section 220 Localism Act 2011	Directions by Mayor		Mayoral	N			14(2)(k)	
Section 221 Localism Act 2011	Consents	-	Mayoral	N			14(2)(l)	
Para 1 Sch 21 Localism Act 2011	Membership	-	Mayoral	N			14(2)(m)	
Para 2 Sch 21 Localism Act 2011	Terms of members appointments	-	Mayoral	N			14(2)(n)	
Para 3 Sch 21 Localism Act 2011	Staff	-	Mayoral	N			14(2)(o)	

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Para 4 Sch 21 Localism Act 2011	Remuneration of members and staff	-	Mayoral	N			14(2)(p)	
Para 6 Sch 21 Localism Act 2011	committees	-	Mayoral	N			14(2)(q)	
Para 8 Sch 21 Localism Act 2011	Proceedings and meetings	-	Mayoral	N			14(2)(r)	
Transport								
Section 31 LGA 2003	Paying grants for exercising highways functions	Power	Mayoral	N	N	-	17	Concurrent with Minister of the Crown
Section 154(1) Transport Act 2000	Grants to bus operators	Power	Mayoral	N	N	-	18	Concurrent with Secretary of State
Section 6 Highways Act 1980	Be an authority to whom functions may be delegated by SoS/Highways England or agreements entered into re construct, improve or	Enabling Power of SoS/HE	Combined Authority	Applies to LAs as local highway authorities	N	Requires unanimous approval of the 5 CA constituent council members	19(1)	Allows SoS /HE to delegate to or enter into agreement with the CA as well as with LAs

Legislation	Function	Power or duty	Mayoral or CA	Concurrent with LAs	Relevant CA member to consent	Other procedural requirement	Order paragraph number	General Comment
	maintain trunk roads							
Section 8 Highways Act 1980	Be an authority who may be party to agreement on highway construction, improvement, maintenance etc.	Power	Combined Authority	Applies to LAs as local highway authorities	N	-	19(2)	Modifies S8 - CA may be party to an agreement with the relevant local highways authority
Road Traffic Regulation Act 1984 Section 1 And 2(4)	Making a traffic order Re-routes for heavy commercial vehicles	Power	Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent council members	20(1)(a) 20(1)(b)	S2(4) limits power in S1
Road Traffic Regulation Act 1984 Section 9	Making an experimental traffic order	Power	Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent council members	20(1)(c)	
Road Traffic Regulation Act 1984 Section 23	Pedestrian crossings	Powers	Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent	21(1)(a)	

Legislation	Function	Power or duty	Mayoral or CA	Concurrent with LAs	Relevant CA member to consent	Other procedural requirement	Order paragraph number	General Comment
						council members		
Road Traffic Regulation Act 1984 Section 65	Placing traffic signs	Power of SoS to direct local traffic authority	Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent council members	21(1)(b)	
Section 83 New Roads and Street Works Act 1991	Works likely to affect apparatus in street – duty to notify	Duty	Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent council members	22(1)(a)	
Section 84 New Roads and Street Works Act 1991	Measures where apparatus affected by major works	Duty	Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent council members	22(1)(a)	
Section 85 New Roads and Street	Sharing of costs of necessary measures	-	Combined Authority	Y	N	Requires unanimous approval of the 5 CA	22(1)(a)	

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Works Act 1991						constituent council members		
Street Works (Sharing of Costs of Works) (England) Regulations 2000	Sharing the costs of diversionary works between CA and undertakers		Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent council members	22(1)(b)	
Section 33 Traffic Management Act 2004	Preparation of Permit schemes		Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent council members	23(1)(a)	
Section 33A Traffic Management Act 2004	Implementing Permit schemes		Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent council members	23(1)(b)	
Section 36 Traffic Management Act 2004	Varying/revoking permit schemes		Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent	23(1)(c)	

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						council members		
Part 3 of 2004 Act			Combined Authority	Y	N		23(4)	
Traffic Management Permit Scheme (England) Regs 2007	Permit schemes	Procedural requirements	Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent council members	23(2) & (5)	
Bus Lane Contraventions (Penalty charges, Adjudication and Enforcement (England) Regs 2005	Enforce bus lane contravention		Combined Authority	Y	N	Requires unanimous approval of the 5 CA constituent council members	24	
Additional Functions								
Section 69 Local Democracy, Economic Development and	Prepare economic condition assessment	Duty	Combined Authority	Y	N		25(1)	

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Construction Act 2009								
S17A and 115 Crime and Disorder Act 1998	Information sharing (crime and disorder)	-	CA to be local or public authority	Y	N		26	
Mayoral Functions (where not mentioned above)								
S108 Transport Act 2000	Local transport plans	Duty	Mayoral	N	N	CA members can amend the plans by majority	27(2)(b)	
S109 Transport Act 2000	Further provision about plans (keep under review/replace/consultation/publication requirements)	Duty/power	Mayoral	N	N	CA members can amend the plans by majority	27(2)(b)	
Section 112 Transport Act 2000	Plans and strategies – supplementary: Regard to guidance and transport needs of disabled persons	Duty	Mayoral	N	N	CA members can amend the plans by majority	27(2)(b)	

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Section 113A LCEDC Act 2009	Ancillary general power	Power	Mayoral	N	N		27(10), 32(3)	Cannot be exercised to borrow money
Funding								
Business Rate Supplement Act 2009	Business Rate Supplement	Power	Mayoral	N	-	-	31, 32(3)	