

Functions of the Combined Authority conferred by the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021 (Appendix A)

Non- Mayoral functions

Note: Questions relating to the Non-Mayoral functions conferred by the 2021 Order (that is, those which are not solely exercisable by the Mayor), cannot be carried without the Mayor's vote in favour of the question.

Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Education, Skills and Training Functions				
Power to give a notice to the governing body of an FE institution requiring them to provide specified individuals 16-19 with appropriate education	Section 51A Further and Higher Education Act 1992	Article 5(2)(a)	Y*	N
Duty to promote high standards and fulfilment of potential in exercising relevant education and training functions	Section 13A Education Act 1996	Article 5(2)(b)	Y*	N
Power to secure work experience/ Duty to encourage participation in work experience/ encourage employers to participate in providing	Section 560A Education Act 1996	Article 5(2)(c)	Y*	N
Duty to exercise functions so as to promote participation by persons under section 2	Section 10 Education and Skills Act 2008	Article 5(2)(d)	Y*	N

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Duty to identify people in their area who are failing to fulfil their duty under section 2 to participate in education or training.	Section 12 Education and Skills Act 2008	Article 5(2)(e)	Y*	N
Duty to provide services enabling, encouraging and assisting young people and relevant young adults to participate in education and training.	Section 68 Education and Skills Act 2008	Article 5(2)(f)	Y*	N
Power to provide services enabling, encouraging or assisting young people and relevant young adults to participate in education and training.	Section 70 Education and Skills Act 2008	Article 5(2)(g)	Y*	N
Power to provide support given to young people conditional on specified action (e.g. learning support agreement).	Section 71 Education and Skills Act 2008	Article 5(2)(h)	Y*	N
Duty - this places further requirements on arrangements made by a children's services authority in England under section 10 of the Children Act 2004 (which requires authorities to co-operate with each other).	Section 85 Education and Skills Act 2008	Article 5(2)(i)	Y*	N
Housing, Regeneration and Planning Functions				

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Power to compulsorily acquire land development/planning	Section 226 Town and Country Planning Act 1990	Article 11(1)(a)	Y	Requires the consent of each member of the Combined Authority whose area contains any part of the land, or substitute members acting in place of those members.
Power to acquire land by agreement	Section 227 Town and Country Planning Act 1990	Article 11(1)(b)	Y	
Power to appropriate land	Section 229 Town and Country Planning Act 1990	Article 11(1)(c)	Y	
Power to acquire land for exchange	Section 230(1)a Town and Country Planning Act 1990	Article 11(1)(d)	Y	
Power to appropriate land held for planning purposes	Section 232 Town and Country Planning Act 1990	Article 11(1)(e)	Y	
Power to dispose of land held for planning purposes	Section 233 Town and Country Planning Act 1990	Article 11(1)(f)	Y	
Power to develop land held for planning purposes	Section 235 Town and Country Planning Act 1990	Article 11(1)(g)	Y	
Power to extinguish rights over land	Section 236 Town and Country Planning Act 1990	Article 11(1)(h)	Y	
Power to use and develop consecrated land	Section 238 Town and Country Planning Act 1990	Article 11(1)(i)	Y	

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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Power to use and develop burial grounds	Section 239 Town and Country Planning Act 1990	Article 11(1)(j)	Y	
Power to use and develop open spaces	Section 241 Town and Country Planning Act 1990	Article 11(1)(k)	Y	
Power to acquire land for housing development	Section 17 Housing Act 1985 except for <i>S17(3) (compulsory purchase) which is a Mayoral function (see below)</i>	Article 11(1)(l)	Y	Requires the consent of each member of the Combined Authority whose area contains any part of the land, or substitute members acting in place of those members.
Duty to secure buildings where land acquired under section 17	Section 18 Housing Act 1985	Article 11(10)(m)	Y	
Transport-related functions				
Power to be an authority to whom functions may be delegated by SoS/HE or agreements entered into re construct, improve or maintain trunk roads . <i>(Enabling power of SoS/HE)</i>	Section 6 Highways Act 1980	Article 19(1)	Applies to LAs as local highway authorities	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Power to be an authority who may be party to agreement on highway construction, improvement, maintenance etc.	Section 8 Highways Act 1980	Article 19(2)	Applies to LAs as local highway authorities	

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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Power to make a traffic order re routes for heavy commercial vehicles	Road Traffic Regulation Act 1984 Section 1 And 2(4)	Article 20(1)(a) Article 20(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council
Power to make an experimental traffic order	Road Traffic Regulation Act 1984 Section 9	Article 20(1)(c)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council
Power to place Pedestrian crossings	Road Traffic Regulation Act 1984 Section 23	Article 21(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Power to place traffic signs <i>(Power of SoS to direct local authority traffic)</i>	Road Traffic Regulation Act 1984 Section 65	Article 21(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Duty to notify of works likely to affect apparatus in street	Section 83 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Duty to take measures where apparatus affected by major works	Section 84 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Sharing of costs of necessary measures	Section 85 New Roads and Street Works Act 1991	Article 22(1)(a)	Y	Requires the consent of each member of the Combined Authority

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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
				appointed by a constituent council.
Sharing the costs of diversionary works between Combined Authority and undertakers	Street Works (Sharing of Costs of Works) (England) Regulations 2000	Article 22(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Preparation of Permit schemes	Section 33 Traffic Management Act 2004	Article 23(1)(a)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Implementing Permit schemes	Section 33A Traffic Management Act 2004	Article 23(1)(b)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Varying/ revoking permit schemes	Section 36 Traffic Management Act 2004	Article 23(1)(c)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
Permit schemes	Traffic Management Permit Scheme (England) Regs 2007	Article 23(2)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.
	Part 3 of 2004 Act	Article 23(4)	Y	N
Enforce bus lane contravention	Bus Lane Contraventions (Penalty charges, Adjudication and Enforcement (England) Regulations 2005	Article 24(3)	Y	Requires the consent of each member of the Combined Authority appointed by a constituent council.

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Function	Legislation	Order Reference	Concurrent with Constituent Councils	Relevant CA member(s) to consent
Assessments of Economic Conditions				
Duty to prepare economic condition assessment	Section 69 Local Democracy, Economic Development and Construction Act 2009	Article 25(1)	Y*	N
Information Sharing				
Information sharing (crime and disorder)	Section 17A Crime and Disorder Act 1998 ¹	Articles 26(1) and 26(2)	Y	N

Mayoral Functions

Function	Legislation	Order Reference	Concurrent with LAs	Relevant CA member(s) to consent
Housing, Regeneration and Planning functions				
Power to acquire land	Section 9(2) Housing and Regeneration Act 2008	Article 27(2)(d)	N	<i>Requires the consent of each member of the Combined Authority whose local government area contains any part of the land,</i>

* Any requirement for a Constituent Council to exercise this function may be fulfilled by the exercise of that function by the Combined Authority.

¹ The Combined Authority is also a relevant authority for the purposes of Section 115 of the Crime and Disorder Act 1998 (disclosure of information).

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<i>Function</i>	<i>Legislation</i>	<i>Order Reference</i>	<i>Concurrent with LAs</i>	<i>Relevant CA member(s) to consent</i>
				or substitute members acting in place of those members.
Power to acquire land for housing development	Section 17(3) Housing Act 1985 - compulsory purchase	Article 27(6)	Y	Requires the consent of each member of the Combined Authority whose local government area contains any part of the land, or substitute members acting in place of those members.

Mayoral Development Area (MDA) functions				
MDA - designation	Section 197 Localism Act 2011	Article 27(2)(a)	N	Requires consent of each member of the Combined Authority whose local government area contains any part of the area to be designated as a Mayoral development area, or substitute members acting in place of those members; and the National Park authority if the Combined Authority proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.
MDA - exclusion of land	Section 199 Localism Act 2011	Article 27(2)(a)	N	Requires consent of each member of the Combined Authority whose local government area contains any part of the area to be excluded from a Mayoral development area; or substitute

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				<i>members acting in place of those members.</i>
<i>Planning functions in relation to MDA</i>	<i>Section 202 Localism Act 2011</i>	<i>Article 27(2)(a)</i>	<i>N</i>	<i>Requires consent of each member of the Combined Authority whose local government area contains any part of the area to be designated as a Mayoral development area, or substitute members acting in place of those members; and the National Park authority if the Combined Authority proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.</i>