

Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No.

LOCAL GOVERNMENT, ENGLAND

**The West Midlands Combined Authority (Business Rate
Supplements Functions and Amendment) Order 2018**

Made - - - -

Coming into force in accordance with article 1

The Secretary of State makes the following Order in exercise of the powers conferred by sections 105(1) and (3), 105A, 107D(1), (5) and (7)(a) to (e), 114(1) and 117(5) of the Local Democracy, Economic Development and Construction Act 2009(1) (“the 2009 Act”).

The Secretary of State, having regard to a scheme prepared and published under section 112 of the 2009 Act, considers that—

- (a) the making of this Order is likely to improve the exercise of statutory functions in the area to which this Order relates; and
- (b) any consultation required by section 113(2) of the 2009 Act has been carried out.

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.

In accordance with sections 105(3A), 105B(1) and 107D(9) of the 2009 Act, the district councils whose areas are comprised in the area of the West Midlands Combined Authority, the West Midlands Combined Authority and the Mayor of the West Midlands Combined Authority have consented to the making of this Order.

In accordance with section 105B(9) of the 2009 Act the Secretary of State has laid before Parliament a report explaining the effect of this Order and why the Secretary of State considers it appropriate to make this Order.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the 2009 Act.

(1) [2009 c.20](#). Section 105 was amended by the Cities and Local Government Devolution Act [2016 \(c. 1\)](#) (“the 2016 Act”), sections 6, 9 and 14. Sections 105A and 107D were inserted by sections 4 and 7 of the 2016 Act. Section 114 was amended by Schedule 5 to the 2016 Act. Section 117 was amended by section 13(2) of the Localism Act [2011 \(c. 20\)](#) and Schedule 5 to the 2016 Act.

PART 1

General

Citation and commencement

1. This Order may be cited as the West Midlands Combined Authority (Business Rate Supplements Functions and Amendment) Order 2018 and comes into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“the BRS Act” means the Business Rate Supplements Act 2009(2);

“the WMCA” means the West Midlands Combined Authority(3).

PART 2

Business Rate Supplements Functions

Conferral of BRS power of Greater London Authority

3.—(1) The WMCA has, in relation to its area, functions corresponding to the functions conferred on the Greater London Authority in relation to Greater London by the BRS Act.

(2) Paragraph (1) does not apply in relation to the function conferred by section 3(5) of the BRS Act.

General functions of the Combined Authority exercisable only by the Mayor

4.—(1) The functions of the WMCA specified in article 3 are exercisable only by the Mayor(4).

(2) The members or officers of the WMCA may assist the Mayor in the exercise of the functions specified in article 3.

(3) For the purposes of the exercise of the functions specified in article 3 the Mayor may do anything that the WMCA may do under section 113A of the 2009 Act (general power of EPB or combined authority)(5).

(4) The Mayor must not make arrangements under section 107D(3)(b) of the 2009 Act (functions of mayors: general) in relation to the functions specified in paragraph (1), in relation to a political adviser appointed under article 23(1) of the West Midlands Combined Authority (Functions and Amendment) Order 2017(6).

(2) [2009 c. 7](#), as amended by Part 4 of the Localism Act [2011 \(c. 20\)](#).

(3) The West Midlands Combined Authority was established by the West Midlands Combined Authority Order 2016, [S.I. 2016/653](#).

(4) The West Midland Combined Authority (Election of Mayor) Order 2016/933 provided for there to be a mayor of the combined authority. The first mayor was elected on 4th May 2017.

(5) Section 113A was inserted by section 13 of the Localism Act 2011 and amended by section 23 of, and paragraph 25 of Schedule 5 to, the Cities and Local Government Devolution Act 2016.

(6) [S.I. 2017/510](#).

Adaptation of BRS Act in consequence of article 3

5. For the purposes of article 3, the BRS Act applies to the WMCA as if—
- (a) references to the Greater London Authority in section 2(1) (levying authorities) and in section 5(2) (prospectus) of the BRS Act include references to the WMCA;
 - (b) references in that Act to a lower-tier authority include references to a district council whose area forms part of the WMCA's area.

Amendment of the West Midlands Combined Authority (Functions and Amendment) Order 2017

6.—(1) The West Midlands Combined Authority (Functions and Amendment) Order 2017 is amended as follows.

(2) In paragraph (4) of article 21 after “and 23” insert “and the functions conferred on the combined authority by article 3 of the West Midlands Combined Authority (Business Rate Supplements Functions and Amendment) Order 2018”.

PART 3

Highway Functions

Amendment of the West Midlands Combined Authority (Functions and Amendment) Order 2017

7.—(1) Schedule 1 (meaning of “combined authority roads”) to the West Midlands Combined Authority (Functions and Amendment) Order 2017 is amended as follows.

(2) In paragraph 5, for the opening words substitute—

“5. **A45** from the Stivichall Interchange roundabout with the A444/A46 in Coventry to the A446/A452 Junction with Stonebridge Island; and from a point immediately east of its junction with the M42 motorway Junction 6 excluding the circulatory carriageway to the Bordesley Circus roundabout with the A4540 Watery Lane Middleway/Bordesley Middleway/B4128 Coventry Road, including its junctions with—”

(3) For paragraph 14 substitute—

“14. **A453** from its junction with the A34 Walsall Road (see paragraph 1(i)) to its junction with the B4138 Kingstanding Road.”

(4) For paragraph 17 substitute—

“17. **A457** from its junction with the A459 Dudley Street/High Holborn to the Spring Hill roundabout with the A4540 Icknield Street/Ladywood Middleway/B4135 Summer Hill Road, including its junctions with—

- (a) Turl Street;
- (b) Setton Drive;
- (c) High Arcal Drive;
- (d) Tipton Road;
- (e) Marlborough Road;
- (f) Brooke Street;
- (g) Parkes Lane;

- (h) A457 Sedgley Road/Parkes Hall Road/Park Road;
 - (i) Claycroft Terrace;
 - (j) Woodsetton Close;
 - (k) Bramford Drive;
 - (l) A457 Sedgley Road/George Street/Vicarage Road West;
 - (m) Fox Street;
 - (n) Dawlish Road;
 - (o) A457 Sedgley Road/A4123 Birmingham New Road;
 - (p) A4037 Hurst Lane/Dudley Road;
 - (q) B4517 Owen Street/High Street roundabout;
 - (r) A461 Dudley Port;
 - (s) A4033 Dudley Road West;
 - (t) Roway Lane/Brades Road roundabout;
 - (u) A4034 Oldbury Ringway/Freeth Street roundabout;
 - (v) Rounds Green Road/Sainsbury’s roundabout;
 - (w) A4034 Churchbridge/Halesowen Street roundabout;
 - (x) Rood End roundabout;
 - (y) A4031 Spon Lane South/Mallin Street roundabout;
 - (z) A4252 Telford Way/Fenton Street roundabout;
 - (aa) A4030 High Street;
 - (bb) B4136 Soho Street;
 - (cc) B4135 Cranford Street/B4136 Windmill Lane roundabout;
 - (dd) A4092 Cape Hill/Barrett Street roundabout;
 - (ee) B4129 Rotton Park Road;
 - (ff) A4040 City Road;
 - (gg) A4040 Winson Green Road/B4126 Icknield Port Road;
 - (hh) B4135 Heath Street; and
 - (ii) Western entry to the Spring Hill roundabout with the A4540 Icknield Street/Ladywood Middleway/B4135 Summer Hill Road.”
- (5) In paragraph 21—
- (a) for the opening words substitute—
 - “**21. A461** from the northwestern Walsall Borough boundary just south of Barracks Lane/Cartersfield Lane to the junction of the A461 Stourbridge Road/A4036 Highgate Road, including its junctions with—”
 - (b) in sub-paragraph (p) omit “and”
 - (c) after sub-paragraph (q) add—
 - “(r) A461 Duncan Edwards Way;
 - (s) Scotts Green roundabout with A4101 Stourbridge Road/A4101 Kingswinford Road/ Scotts Green Close; and
 - (t) A461 Stourbridge Road.”
- (6) After paragraph 24 insert—

“**24A. A4030** from its junction with the A456 Hagley Road West to its junction with the A457 Tollhouse Way, including its junctions with—

- (a) Poplar Road;
- (b) Anderson Road;
- (c) Sherwood Road;
- (d) St. Mary’s Road;
- (e) Rutland Road;
- (f) Sandon Road/B4182 Three Shires Oak Road;
- (g) Ethel Street;
- (h) Merrival Road;
- (i) Belmont Road;
- (j) Rawlings Road;
- (k) Dunsford Road;
- (l) Reginald Road;
- (m) Richmond Road;
- (n) Beakes Road;
- (o) Linden Road;
- (p) Talbot Road;
- (q) A4030 Bearwood Road;
- (r) Marlborough Road;
- (s) Dawson Street;
- (t) Vince Street;
- (u) Pearman Road;
- (v) Wellington Road;
- (w) Capethorn Road;
- (x) Church Road;
- (y) Grange Road;
- (z) Millpool Way;
- (aa) Pens Close;
- (bb) Norma Rose Close;
- (cc) Watery Lane;
- (dd) Firs Lane;
- (ee) Victoria Avenue;
- (ff) Brailsford Drive;
- (gg) Coopers Lane/Crocketts Lane;
- (hh) Piddock Road;
- (ii) Regent Street; and
- (jj) Roslyn Close.”

(7) After paragraph 33 insert—

“**33A. A4092** from its junction with the B4125 Shireland Road to its junction with the A457 Grove Lane/Cape Hill/Barrett Street roundabout, including its junctions with—

- (a) B4136 Windmill Lane;
- (b) Salisbury Road;
- (c) Rosebery Road;
- (d) Durban Road;
- (e) Montague Road;
- (f) Crown Street; and
- (g) Ragland Road.”

(8) For paragraph 36 substitute—

“**36. A4101** from the Dudley boundary (see paragraph 12(p)) to the Scotts Green Island roundabout with the A461 Duncan Edwards Way/Stourbridge Road/Scotts Green Close, including its junctions with—

- (a) A449 Kidderminster Road;
- (b) B4178 Swindon Road/Cot Lane;
- (c) A491 Moss Grove/Market Street (see paragraph 24(b).);
- (d) B4179 Commonside;
- (e) Pensnett Road roundabout; and
- (f) Scotts Green Island roundabout with the A461 Duncan Edwards Way/Stourbridge Road/Scotts Green Close.”

(9) After paragraph 41 insert—

“**41A. A4167** from its junction with the A34 Stratford Road, to its junction with the A4540 Haden Circus, including its junction with—

- (a) Stoney Lane;
- (b) Queen Street;
- (c) Mole Street;
- (d) Ladypool Road;
- (e) Kyrwicks Lane;
- (f) Woodfield Road; and
- (g) Moseley Road.”

(10) After paragraph 54 insert—

“**54A. B4125** from its junction with the A4030 Bearwood Road to its junction with the A4092 Waterloo Road/Cape Hill, including its junctions with—

- (a) Edgbaston Road;
- (b) Corbett Street; and
- (c) Claremont Road.”

(11) After paragraph 55 insert—

“**55A. B4138** from its junction with the A453 College Road to its junction with the A454 Walsall Road, including its junctions with—

- (a) Elmbridge Road;
- (b) Crossway Lane;

- (c) Tysoe Road;
- (d) Greenholm Road;
- (e) Goodway Road/Melverley Grove junction;
- (f) Blenheim Way;
- (g) Westward Close;
- (h) Hawthorn Road/Dyas Road junction;
- (i) Hotspur Road;
- (j) Cranbourne Road;
- (k) Heather Croft;
- (l) Old Oscott Hill;
- (m) Haringay Road;
- (n) Dunedin Road;
- (o) B4149 Kings Road/Kettlehouse Road/Rough Road roundabout;
- (p) Cooksey Lane/Norbury Road junction;
- (q) Beacon Road;
- (r) Endhill Road;
- (s) George Frederick Road;
- (t) Bakers Lane junction;
- (u) Sutton Oak Road junction;
- (v) B4138 Sutton Oak Road/A452 Chester Road North junction;
- (w) A452/A4041 roundabout;
- (x) Oakmount Road;
- (y) Ryknild Drive;
- (z) Millcroft Road;
- (aa) Thornhill Park;
- (bb) Manor Road;
- (cc) B4151 Foley Road East;
- (dd) Horsley Road;
- (ee) Burnett Road;
- (ff) B4151 Streetly Lane/Hardwick Road/Roman Road roundabout;
- (gg) St. Margaret's;
- (hh) Highbury Road;
- (ii) Wayside Drive;
- (jj) Endwood Drive;
- (kk) Woodstock Drive; and
- (ll) Park Drive.”

(12) After paragraph 56 insert—

“**56A. B4145** from its junction with the A41 Warwick Road roundabout to its junction with the A45 Poets Corner roundabout, including its junctions with—

- (a) Fraser Road;

- (b) Barrows Road;
- (c) Gough Road;
- (d) Ansell Road;
- (e) Hangleton Drive;
- (f) Benton Road;
- (g) B4126 Walford Road;
- (h) Sydenham Road;
- (i) Armoury Road; and
- (j) Anderton Road.

56B. B4146 from its junction with the A4040 Stockfield Road to its junction with the A41 Warwick Road, including its junctions with—

- (a) Mansfield Road;
- (b) Wynford Road;
- (c) Augusta Road;
- (d) Francis Road;
- (e) Langworth Avenue;
- (f) Florence Road;
- (g) Beeches Avenue;
- (h) Cottesbrook Road;
- (i) Douglas Road/Elmdon Road;
- (j) Malvern Road;
- (k) Alexander Road;
- (l) The Avenue;
- (m) Sherbourne Drive; and
- (n) Oxford Road/Station Road/Sherbourne Road.

56C. B4148 Kingsbury Road from its junction with the A452 Chester Road roundabout to its junction with the A5127, including its junctions with—

- (a) Padstow Road;
- (b) Eaton Wood/Egerton Road;
- (c) Pype Hayes Road/Sorrel Grove;
- (d) Paget Road/Burcote Road;
- (e) Holly Lane roundabout;
- (f) Bracken Road;
- (g) Tolworth Hall Road;
- (h) Birches Green Road;
- (i) Whitminster Avenue;
- (j) Firtree Road;
- (k) Spring Lane;
- (l) Ardenleigh Way;
- (m) Eagle Gardens;

- (n) A4040 Bromford Lane;
- (o) Arton Croft;
- (p) Ullrik Green;
- (q) Wood End Lane;
- (r) Kingsbury Road;
- (s) Lyndhurst Road;
- (t) Kingsmere Close;
- (u) Marshfield Gardens; and
- (v) Wheelwright Road.”

(13) After paragraph 59 add—

“**60. B4179** from its junction with the A4101 High Street to its junction with A461 Ventura Way/Level Street, including its junctions with—

- (a) Bradley Street;
- (b) Victoria Street;
- (c) Broad Street/Tiled House Lane
- (d) Birbeck Place;
- (e) Queen Street;
- (f) Blewitt Street;
- (g) Bromley Lane;
- (h) Bryce Road;
- (i) Wallows Road;
- (j) Kerry Close;
- (k) Pensnett Road;
- (l) Hickman Road;
- (m) Pensnett Road;
- (n) B4180 High Street;
- (o) B4180 John Street;
- (p) Bent Street/Adelaide Street;
- (q) Victoria Street;
- (r) A461 Dudley Road/High Street; and
- (s) A461 Ventura Way.”

Signed by authority of the Secretary of State for Housing, Communities and Local Government

Date

Name
Parliamentary Under Secretary of State
Ministry of Housing, Communities and Local
Government

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conferral of functions the Greater London Authority has under the Business Rate Supplements Act 2009 (“the BRS Act”) on the West Midlands Combined Authority and for amendments to the West Midlands Combined Authority (Functions and Amendment) Order 2017 to confer certain transport functions on the Combined Authority in respect of “combined authority roads”.

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions in their area.

Article 3 of the Order provides that the Combined Authority is to have in relation to its area functions corresponding to the functions that the Greater London Authority has under the BRS Act to levy a supplement on business rates to raise money for expenditure on a project which will promote economic development in its area.

Article 4 provides that the functions are exercisable only by the Mayor, that the Mayor may be assisted by members or officers of the authority in the exercise of the functions and that the general power of the combined authority under section 113A of the 2009 Act is conferred on the Mayor for the purposes of those functions.

Article 5 provides for modification of the Business Rate Supplements Act 2009.

Article 6 amends the West Midlands Combined Authority (Functions and Amendment) Order 2017 to provide that the BRS functions of the combined authority will be funded in accordance with the arrangements specified in article 21 of that Order.

The West Midlands Combined Authority (Functions and Amendment) Order 2017 confers certain highway functions on the West Midlands Combined Authority in respect of “combined authority roads”. *Article 7* amends the meaning of “combined authority roads” set out in Schedule 1 to that Order.

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.