

---

STATUTORY INSTRUMENTS

---

**2017 No. 510**

**The West Midlands Combined Authority  
(Functions and Amendment) Order 2017**

**PART 7**

**Functions of the Combined Authority  
exercisable only by the Mayor; political advisers**

**General functions of the Combined Authority exercisable only by the Mayor**

**22.—(1)** The following functions are general functions exercisable only by the Mayor<sup>(1)</sup>—

(a) the functions of the Combined Authority in the following enactments—

- (i) section 31 of the 2003 Act (power to pay grant);
- (ii) sections 33 (preparation of permit schemes), 33A (implementation of permit schemes of strategic highways companies and local highway authorities in England) and 36 (variation of permit schemes) of the 2004 Act;
- (iii) sections 83 (works for road purposes likely to affect apparatus in the street), 84 (measures necessary where apparatus affected by major works) and 85 (sharing of cost of necessary measures) of the 1991 Act;
- (iv) sections 6 (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc) and 8 (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works) of the 1980 Act;
- (v) section 39(2) and (3) of the 1988 Act (duties of local authorities to prepare and carry out a programme of measures designed to promote road safety, and carry out studies into accidents arising out of the use of vehicles on certain roads within their areas);
- (vi) section 2 of the 1997 Act (duty of principal councils to make reports); and
- (vii) the 2000 Regulations;

(b) the functions of the Combined Authority corresponding to the functions specified in section 9(2) of the 2008 Act.

(2) The Mayor must seek the assistance of members and officers of the Combined Authority in the exercise of the functions mentioned in paragraph (1).

(3) The Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority)<sup>(2)</sup>.

---

(1) Section 107D(2) of the 2009 Act provides that in Part 6 of that Act references to “general functions”, in relation to a mayor for the area of a combined authority, are to any functions exercisable by the mayor other than police and crime commissioner functions.

(2) Section 113A was inserted by section 13 of the Localism Act 2011 and amended by paragraphs 17 and 25 of Schedule 5 to the 2016 Act.

(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).

(5) The exercise of the general functions mentioned in paragraph (1)(b) requires the consent of—

(a) at least one member of the Combined Authority appointed by each of the constituent councils whose local government area contains any part of the land subject to the proposed compulsory acquisition; or

(b) substitute members acting in place of those members,

to be provided at a meeting of the Combined Authority.

### **Political advisers**

**23.**—(1) The Mayor may appoint one person as the Mayor’s political adviser.

(2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.

(3) No appointment under paragraph (1) shall extend beyond—

(a) the term of office for which the Mayor who made the appointment was elected; or

(b) where the Mayor who made the appointment ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.

(4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.

(5) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups<sup>3</sup>), shall apply in relation to an appointment under paragraph (1) as if—

(a) any appointment to that post were the appointment of a person in pursuance of that section; and

(b) the Combined Authority were a relevant authority for the purposes of that section.

(6) Subsection (3) of section 9 of the 1989 Act shall apply in relation to an appointment under paragraph (1) as if the words from and including “and that the appointment terminates” to the end of that subsection were omitted.

---

(3) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 (c. 28) and by S.I. 2001/2237.