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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides for the conferral of functions of local authorities and other public authorities on the West Yorkshire Combined Authority (“the Combined Authority”).

Part 2 of the Order provides for the election of a Mayor and for the appointment of a political advisor.

Part 3 of the Order confers functions of the constituent councils in relation to education, skills and training on the Combined Authority. The functions are to be exercised concurrently with the constituent councils. It also transfers to the Combined Authority adult education functions. The transferred functions will be exercisable by the Combined Authority instead of by the Secretary of State in relation to the area of the Combined Authority. The functions of the Secretary of State under section 90 of the Apprenticeships, Skills, Children and Learning Act 2009, which relate to the encouragement of education and training for persons aged 19 or over, and under section 100(1) of that Act, which relate to the provision of financial resources are to be exercisable by the Combined Authority in relation to the Area of the Combined Authority. The functions will be exercisable by the Combined Authority concurrently with the Secretary of State. Certain provisions of the Apprenticeships, Skills, Children and Learning Act 2009 are applied with modifications to the Combined Authority for the purpose of the Combined Authority exercising the functions conferred on it by articles 6 and 7.

Part 4 of the Order confers on the Combined Authority functions in relation to housing and regeneration which are to be exercised concurrently with the Homes and Communities Agency. It also makes provision about the acquisition and appropriation of land for planning and public purposes and sets out conditions on the exercise of various functions. Article 13 and Schedule 2 apply and modify relevant provisions in legislation.

Part 5 of the Order confers on the Combined Authority functions corresponding to those of the Mayor of London in relation to the designation of a Mayoral development area. Schedule 3 to the Order modifies Part 8 of and Schedule 21 to the Localism Act 2011 which make provision about the establishment of a Mayoral development corporation, its objects and powers as well as its constitution and governance.

Part 6 of the Order confers a number of transport functions on the Combined Authority. Articles 21 to 24 provide for certain transport functions to be exercisable by the Combined Authority in relation to the Combined Authority’s area.

Part 7 of the Order confers additional functions to be exercisable by the Combined Authority. The functions relate to economic assessments and data sharing and are to be exercised concurrently with the constituent councils.

Part 8 of the Order sets out the functions of the Combined Authority which are to be only exercisable by the Mayor and makes provision in relation to Joint Committees.

Part 9 makes provision for the funding, by the constituent councils, of those costs of the Combined Authority that relate to the exercise of its functions. It also makes transitional provision relating to the Police and Crime Commissioner precept. Article 31 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 Business Rate Supplements Act 2009 to levy a supplement on business rates to raise money for expenditure on a project which will promote economic development in its area.

Part 10 of the Order makes provision for the Mayor for the area of the Combined Authority to exercise functions of a Police and Crime Commissioner (“PCC”). Article 35 provides that, in relation

to the Mayor's Police and Crime Commissioner functions, the Mayor is to be treated as a PCC for the purposes of all legislation affecting PCCs. This is subject to certain modifications in their application to the Mayor set out in Schedule 5 to the Order and does not apply in respect of the legislative provisions listed in Schedule 6 to the Order. Articles 36 to 40 make transitional provision in relation to the transfer of functions, in particular in relation to transfer of property, rights and liabilities. Article 41 extends the period in which the statement of accounts required by the Local Audit and Accountability Act 2014 in relation to the PCC for West Yorkshire (or, after the transfer, the Combined Authority in respect of the PCC's accounts), and the chief constable for that area is to be prepared. Article 42 applies section 86 of the Local Government Act 1972 ("the 1972 Act") in relation to the Mayor but with a modification to that section which has the effect that where a Mayor ceases to be Mayor by virtue of being unable to act for more than six months (see section 63 of the Police Reform and Social Responsibility Act 2011), the Combined Authority shall declare the office of Mayor to be vacant, unless there is a High Court declaration under Part 5 of the 1972 Act.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of the business and voluntary sector. The impact on the public sector is that conferring functions on the Combined Authority should lead to operational efficiencies that could lead to reduced costs.