

Cabinet – 6 December 2016

Approval of the Draft West Midlands Combined Authority (Functions and Amendments) Order 2016

Portfolio: Councillor Sean Coughlan, Leader of the Council

Related portfolios: Councillor Lee Jeavons, Deputy Leader and Portfolio Holder
Regeneration

Service: Chief Executive

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary

- 1.1 In November 2015 the Shadow West Midlands Combined Authority (WMCA) accepted an initial proposed agreement for a West Midlands 'Devolution Deal'. The Devolution Deal proposed amendments to the governance arrangements for the WMCA and this was agreed by Cabinet 7 March 2016; this amendment being the role of an elected Mayor with specified functions and powers to facilitate devolution. The amendments required a new WMCA 'Powers and Functions' Governance Review and Scheme to be produced and consulted upon, and on 2 June 2016 Cabinet resolved to agree the draft Governance Review and Scheme for consultation. Cabinet also resolved that it was satisfied with the content of the West Midlands Devolution Deal.
- 1.2 The draft Mayoral WMCA 'Powers and Functions' Scheme was subject to statutory public consultation held between July and August 2016. The process was effectively undertaken on behalf of the Secretary of State to enable him to make his decision to draft an Order creating a Mayoral West Midlands Combined Authority (MWMCA).
- 1.3 This report seeks to detail the outcomes of the consultation process (see **Appendix 1**) on the Mayoral 'Powers and Functions' Governance Review and Scheme, including the outcomes of consultations with the relevant Government departments, and provides Cabinet with a draft copy of the West Midlands Combined Authority (Functions and Amendments) Order 2016 (as dated 23.11.16). The draft Order (see **Appendix 2**) is still subject to final drafting by government and as such any further versions of the draft will be provided to Cabinet and in turn Council in the form of a supplementary paper. Approval of the draft Order is an executive function performed by Cabinet but in the spirit of all other decisions that are related to the WMCA and the decisions of the Cabinet, the proposals are also being set out in order to provide all Members with

information that enables them to consider the matters. The approval of the draft functions Order is the fourth and final stage of the Councils implementation of the first Devolution Deal, the earlier steps as outlined above being the agreement of the Devolution Deal itself, the undertaking of the Governance Review, and the approval of the Scheme setting out the practicalities of devolution.

- 1.4 The decisions of Cabinet are needed ahead of the process to establish the WMCA and Mayor's functions being laid in statute. Cabinet is asked to note that all previous functions of the WMCA as set out in the 'Establishment' Order presented to them in March 2016 will continue to be delivered by the WMCA, and that the 'powers and functions' provided for in the draft functions Order are in addition to these original powers and function. The two documents therefore need to be read together.
- 1.5 The draft West Midlands Combined Authority (Functions and Amendments) Order 2016 does not contain the financial provisions relating to the Mayor's power to precept and the approvals process for the Mayors budget. It is understood that will be subject to a separate financial order that will detail, for all of the Combined Authorities nationally, the financial provisions for Mayor's. At the time of writing this report this does present a risk that is detailed in paragraph 3.18. Also, the draft Order provides for the Mayoral Development Corporation as set out in the Scheme but without the approvals process for the operations of the Mayoral Development Corporation as detailed in paragraph 3.19.

2. Recommendations

- 2.1 That Cabinet note the outcomes of the West Midlands Combined Authority Scheme Consultation Report (**Appendix 1**)
- 2.2 That Cabinet endorses the draft West Midlands Combined Authority (Functions and Amendments) Order 2016 in its current form and agrees to recommend to Council endorse the Order, (**Appendix 2**) subject to recommendation 2.3 below.
- 2.3 That Cabinet agrees to delegate to the Leader, in consultation with the group Leaders of the Council, the authority to approve the final version of the draft Order and any make minor drafting amendments to the draft Order prior to final submission to Parliament.
- 2.4 That Cabinet agrees to delegate to the Leader, in consultation with the Chief Executive and Chief Finance Officer, the approval of a subscription fee made payable to the West Midlands Combined Authority for its non- transport levy functions, on terms to be agreed (see paragraph 6.1). Such subscriptions to be taken account of in the Council's annual budget.

3. Report detail

Background: West Midlands Combined Authority- 'Establishment Order'

- 3.1 At the Cabinet meeting 19 October 2015, Cabinet resolved to approve the WMCA 'Establishment' Scheme, following a Governance Review which recommended the formation of a combined authority as a means of delivering the most effective economic growth of the region. The WMCA 'Establishment'

Scheme set out the overall framework for the powers, duties and functions of the West Midlands Combined Authority, what it will do and how it will operate. The Scheme set out the functions and powers to be held by the Constituent Members of the WMCA and the voting rights afforded through the Scheme to the Constituent and Non- Constituent Members. Following the resolution of this Council on 19 October 2015 to agree the WMCA Scheme, and the resolutions of the other Constituent Councils, the Scheme was submitted to Government on 26 October 2015 for their review ahead of the drafting of the Order.

- 3.2 At a meeting 7 March 2016 Cabinet resolved to approve the draft 'Establishment' Order for the West Midlands Combined Authority and agreed to delegate to the Chief Executive, in consultation with the Leader, approval to accept any minor drafting amendments to the draft Order. During the week commencing 25 April 2016 Government provided a copy of the final 'establishment' Order to the Constituent Members for their final approval. The laying of the parliamentary Order has been completed and the inaugural meeting of the WMCA Board was held 29 June 2016.
- 3.3 During the intervening period between the early agreements to establish a WMCA, the work leading to the Establishment Order, and the negotiations for a first Devolution Deal, the WMCA Shadow Board continued to uphold its founding principles that seek to ensure economic growth objectives and investment decisions are formed and made in a transparent and balanced way, to ensure all communities benefit from the WMCA (albeit with the continued recognition that not all communities will benefit at the same time and in the same ways). These principles are now formed into key policy documents and established in decision making processes. The principles of 'balance' feature within the emerging West Midlands Strategic Economic Plan (WMSEP) and through a framework of decision making tools that will be used to make investment decisions; tools such as the draft WMCA Assurance Framework and Dynamic Economic Impact Model (DEIM). The West Midlands Strategic Economic Plan (WMSEP) was approved by the WMCA Board in July 2016.

Background: The West Midlands Devolution Deal

- 3.4 Negotiations on a devolution deal for the West Midlands commenced in July 2015 and culminated in an initial proposed Deal on 17 November 2015; this demonstrated the intent of the Government and the WMCA to move towards greater devolution. On 2 June 2016 Cabinet and Full Council endorsed the content of the first Devolution Deal for the West Midlands (based on the Metropolitan area). Since November 2015, officers have been engaged in a process of detailed super clarification of the finer details of the Devolution Deal with Government officials. This process has served to ensure the WMCA and Government fully understand how and when the Devolution Deal will be implemented. This process of clarification is now complete. The WMCA 'Establishment' Order approved by Cabinet in March 2016 was formed prior to the completion of super clarification period. The Devolution Deal therefore required amendments to be made to the WMCA 'Establishment' governance arrangements to take account of specific devolution powers and functions afforded to an elected mayor. Members are asked to note that the position of a directly elected Mayor is not a legal requirement of a combined authority but the Government has been clear that there must be direct accountability to residents for the new powers and funding to be passed down to the Mayoral WMCA through the devolution agreement. Therefore a mayor is in effect a condition of

the devolution of those powers and funding that form the devolution agreement to provide the direct accountability required by Government.

- 3.5 The proposed powers and functions required to deliver the Devolution Deal were contained within the draft Mayoral WMCA 'Powers and Functions' Scheme as approved for consultation by the Cabinet in June 2016. **Appendix 3** of this report contains a table (as contained in the June 2016 Cabinet Report) which provides a summary of the 'powers and functions' as set out in the Mayoral Scheme.
- 3.6 The initial West Midlands Devolution Deal is still intended as a first step into wider devolution with Central Government. Further powers may be agreed over time and included in future legislation, as Government may decide to use future legislation to bestow additional powers on directly elected mayors/ combined authorities. The Government has committed to continue to work with the West Midlands on important areas of public service reform to enable people to reach their full potential, including policing, mental health, troubled individuals and youth justice and discussions with Government departments continues as the WMCA looks to develop further proposals for devolution formed to deliver the West Midlands Strategic Economic Plan and the forthcoming recommendations from the Mental Health, Land and, Productivity and Skills Commissions respectively. Further devolution from central Government may strengthen the Combined Authority with additional powers. Indeed, through devolution local councils and local leaders will be better able to exercise their democratic responsibilities through more influence over greater levels of public spending in their localities.

West Midlands Powers and Functions' Scheme Consultation

- 3.7 In January 2016 the Cities and Local Government Devolution Act 2016 gave the statutory power for devolution and enabled the Secretary of State to devolve any central and local Government powers to a combined authority, as part of the requirements under this Act consultation has to be undertaken. The 2016 Act makes provision for conferring additional functions on combined authorities established under Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (the "2009 Act"). The Government and the WMCA are in agreement that the powers which are to be conferred on the proposed elected Mayor and on the WMCA will be more effectively exercised at a West Midlands level than by central Government. The Mayoral Governance Review, as consulted upon, detailed the functions and governance arrangements that were deemed to be more effectively and efficiently carried out by the Mayoral WMCA. The specific 'mayoral powers and functions' were then placed into the draft Mayoral 'Powers and Functions' Scheme.
- 3.8 Both the Mayoral Governance Review and Scheme were consulted upon between 4 July and 21 August 2016. The consultation survey was hosted on the front page of the Constituent Councils' websites and the West Midlands Combined Authority website. The survey consisted of 9 key questions, two profile-based questions and a free text option to provide any further feedback. 1309 responses were received through this medium (excluding 45 duplicates and 4 tests). Paper copies of the consultation were available in public buildings, such as libraries, in the seven Metropolitan Council areas. 19 responses were received through this medium (excluding 2 spoilt paper copies). The outcomes of the consultation process can be found in **Appendix 1**. In summary (see **Table 1**) the consultation on the

associated powers and functions of the Mayoral WMCA demonstrated the following:

Table 1

Consultation Question	Strongly Agree/ Agree		Strongly Disagree / Disagree		Don't Know	
	Response	%	Response	%	Response	%
1. Transport	1025	79	233	18	47	4
2. Low Emissions	931	71	316	24	86	7
3. (HS2) Growth	836	65	357	27	99	8
4. More and Better Homes	893	69	302	23	95	7
5. Skills and Employment	994	77	239	19	61	5
6. Finance	703	54	454	35	145	11
7. Efficient and effective governance	777	60	291	22	232	18
8. Local Community Interests	Positive Impact		No Impact		Negative Impact	Don't Know
	654	51	200	16	247	19
					189	15
9. Equality	Strongly Agree/ Agree		Strongly Disagree / Disagree		Don't Know	
	Responses	%	Responses	%	Responses	%
	1086	84	123	9	84	6

Following consideration of the consultation, the Secretary of State has indicated that he is satisfied that the statutory tests have been met (detailed in Section 113 Local Democracy, Economic Development and Construction Act 2009 and as amended by the Cities and Local Government Devolution Act 2016), and that no further consultation is required.

- 3.9 There has been a process following this consultation exercise on the Mayoral WMCA Governance Review and Scheme whereby the WMCA has worked with Government departments to understand the consultation responses alongside the devolution agreement, and enshrine this in law via the draft Order (**Appendix 2**). This process has required the WMCA to consider how it can deliver the intended powers and functions in a legal framework; working with existing and new legislation to enact the intended powers and functions as set out in the WMCA Scheme, and indeed understand where those powers and functions need to be incorporated into the WMCA Constitution. Government departments have worked with the WMCA to establish this framework and in a small number of cases Government has identified where there is presently no legal or governance (e.g. the WMCA Constitution) framework to implement the power and function. **Appendix 4** of this report provides a summary of the original Scheme functions and powers, and how these negotiations between the WMCA and Government has resolved to implement the powers and functions in the legal framework. The resulting outcome of this is the draft Order as seen in **Appendix 2**
- 3.10 The Mayoral WMCA functions will be established pursuant to provisions of the of the Local Democracy, Economic Development and Construction Act 2009 (the "2009 Act") as amended by the Cities and Local Government Devolution Act 2016 (the "2016 Act"). All Constituent Councils will need to approve the draft functions Order, and dependent on the outcome of this and a Parliamentary process, an election for a Mayor could be held in May 2017. The draft functions

Order proposes a number of additional powers and functions that are to be conferred to a Mayoral WMCA, these functions will either rest with a Mayor, the Mayor in conjunction with the WMCA Constituent Councils ('the Cabinet') or the WMCA as established by the first Order where Constituent Members may also give voting rights to Non- Constituent Members. The Mayoral WMCA will continue to operate under the founding principles of the WMCA and will use evidence based objectives to assess interventions or the design of interventions to achieve balanced economic outcomes.

West Midlands Combined Authority (Functions and Amendments) Order 2016

- 3.11 The draft Order is the statutory manifestation of the Devolution Deal and Scheme and is required to bring into effect the Deal. Contained within Appendix 4 is a summary of the Scheme proposals and the draft Orders reflection of the Scheme. The primary areas covered by the Scheme can be split into two areas, the first being the general governance providing for the creation of the Mayor's post within the Combined Authority, creation of portfolio leads assigned to the individual representatives of the Constituent Councils, voting provisions, and overview and scrutiny. The second element being the specific Local Authority and central government statutory powers and functions that are to be given to the Combined Authority, and to a lesser extent the Mayor.
- 3.12 Cabinet will recall the key powers and functions that were to be conferred to the Mayor were the creation of a Key Route Network to be managed at strategic level with continued operational responsibility being with the Constituent Councils, supporting HS2 growth, skills, employment, housing, and the development of a Combined Authority led Development Corporation.
- 3.13 A principle within the Devolution Deal as set by the Government was that in order for devolution to take place there had to be a democratically elected mayor for the West Midlands, and that Mayor would have certain powers within his/her own right. The majority of the powers that will be transferred to the Combined Authority remain at a combined authority level to be exercised by the members of the Combined Authority together with the Mayor. As agreed with the Government in the Devolution Deal it was acknowledged that devolution would not take place without the Mayor having voting rights. At the time of writing this report we are awaiting the final drafting in relation to the new voting provisions that will be in place, and will continue to liaise with government on those provisions. Once a defined position has been achieved a supplementary report will be presented.
- 3.14 The Devolution Deal provides for the Mayor to have certain powers, these are detailed in **Appendix 3**, and predominantly focused upon; the Key Route Network; the ability to raise a precept and the power to compulsory purchase land (albeit any proposed compulsory purchase can only be undertaken with the consent of any Constituent Council whose area contains land that would be affected). The powers rest with the Mayor in his/her own right as the Mayor of the West Midlands, also by virtue of holding the office of Mayor of the West Midlands they are also a member of the Combined Authority and its chair.
- 3.15 When the Mayor is part of the Combined Authority decision-making process, the Mayor will be subject to the provisions of the Constitution of the Combined Authority, however when exercising his/her powers outside of the Combined Authority the Combined Authority's constitution would not apply unless the Mayor agrees.

- 3.16 Under the legislation combined authorities are able to borrow in relation to their transport functions, there is however an express limitation on combined authorities borrowing for any other purpose unless they are permitted to do so by order of the Secretary of State. The Order does not contain provisions enabling the Combined Authority to borrow for purposes other than transport. The significance of this is that whilst the Combined Authority will receive Devolution Deal funding, the ability to borrow is key to support the broader strategic economic growth plans for the West Midlands. To this end the Chancellor of the Exchequer announced in his Autumn Statement 2016 to Parliament on 23 November 2016 that the government will give mayoral combined authorities powers to borrow for their new functions, which will allow them to invest in economically productive infrastructure, subject to agreeing a borrowing cap with HM Treasury. It should be noted that a timescale for these proposals is yet to be announced but it is understood that the power will be subject to further legislation requiring the consent of the Constituent Councils.
- 3.17 The financing of the Combined Authority has two elements, the actual Combined Authority's budget for its functions (see paragraph 6.1) and the Mayor's budget for his/her office and carrying out the Mayoral functions. The draft Order provides for the funding of the Combined Authority functions by way of contributions from the Constituent Councils by agreement and if not by agreement in proportion to the total resident population of each council. The detailed provisions providing for the Mayor's ability to raise funding for the Mayoral functions, including the power to precept as well as set a budget, are not in the draft Order. The Government proposes to issue a general Mayor's financing Order through Parliament early next year (2017) that will set out the position across the board for all the different Combined Authorities.
- 3.18 Unfortunately the Council will not be in a position to know what the final wording is in relation to the Mayor's funding powers and in particular the powers of the Constituent Councils as regards the Mayor's budget until the Mayor's Finance Order has been approved by Parliament. This presents a risk that by the Council agreeing the powers to be transferred to the Combined Authority and the Mayor, in the attached draft functions Order, in advance of the proposed finance order, that the Constituent Councils may not get the powers set out in the Scheme i.e. the approval of the Mayor's budget and the power to set the Mayor an alternative budget. Government officials drafting these provisions have given assurances that it is their intention to seek provisions reflecting what was approved by the Constituent Councils and the Combined Authority in the Scheme. However the Mayor's finance order still has to go through both ministerial and parliamentary approval processes, and it can be amended at any time. Finally unlike in this case where there is a legal requirement for approval of the draft functions Order by the Constituent Councils, the consent of Constituent Councils is not required for the proposed Mayors finance order.
- 3.19 As part of the Devolution Deal, and as detailed in the Scheme, the Combined Authority is to receive powers to create a Mayoral Development Corporation (MDC). These specific statutory corporate vehicles are primarily regeneration vehicles, which have the ability to exercise certain statutory powers, subject to a Combined Authority approval process. In addition there are protections for the Constituent Councils included within the draft Order for two areas:

(a) the draft Order provides that the creation of an MDC by the Combined Authority is subject to any affected Constituent Councils approval,

(b) the draft Order provides that a decision by the Combined Authority to make the MDC the Planning Authority for any of the Constituent Councils areas is subject to any affected Constituent Councils' approval;

However, the protection as set out in 3.16(a) above only extends to the area for which the Mayoral Development Corporation is established and there are risks associated with other MDC powers where no similar protection provisions have been provided for and which are listed below:-

(c) the power to Compulsory Purchase any land within any Constituent Council's area by the MDC, and

(d) the power to of the MDC to waive any Constituent Council's ability to collect non-domestic rates.

As there is no requirement for affected Constituent Council to consent in relation to the provisions mentioned in paragraph 3.19 (c) to (d) it will be a Combined Authority decision as to whether the MDC is to have these powers by a two thirds vote of the Constituent Council members including the Mayor. This leaves individual Constituent Councils exposed to the possibility that they could be outvoted, even where matters affect an individual Council only. The Combined Authority does have the statutory power to direct the MDC as to how it should conduct its business, but again this is subject to a two thirds vote of the Constituent Council members including the Mayor, which brings the same associated risks of being outvoted.

3.20 The draft functions Order does not contain Overview and Scrutiny provisions; this is because they are the subject of a separate order that will provide the detailed arrangements for the operation of the Overview and Scrutiny Committee of all Combined Authorities. The key provisions in the Order that has been drafted for the approval of Parliament includes the power to scrutinise both Combined Authority and Mayor decisions, that the membership of the Committee is to be drawn from the Constituent Councils, the position of Chair of the Committee cannot be a member from the same party as the Mayor or if the Mayor is not a member of a political party the majority party of all the Councils in the West Midlands, that political balance applies and the ability to call in decisions.

3.21 If each of the Constituent Councils are minded to agree the draft functions Orders then at its meeting 9 December 2016 the WMCA Board will be asked to approve the draft Order for its submission to Government following which the Parliamentary process will take place. This will lay the Order in statue and enable the proposed Mayoral election to be prepared and take place in May 2017. Should any one of the Constituent Councils not agree the draft functions Order and no further agreement can be made with the government, it is very unlikely that Devolution will not go ahead and the Government will almost certainly review the continued existence of Combined Authority and or it is current structure including its Constituent membership.

4. Council priorities

- 4.1 The Council's Corporate Plan 2016-2020 seeks to exist to serve the people and communities of Walsall, by representing and working with them to protect and improve the quality of life for all.

The priorities that will support this purpose are;

- Lifelong health, well being, and happiness
- Safe, resilient and prospering communities
- Sustainable change and improvement for all

- 4.2 The proposed Combined Authority has an overall ambition to increase the economic prosperity of the area through reformed public services and in doing so should have a positive impact on communities in Walsall and support the priorities contained in the Corporate Plan 2015-2019. In its Statement of Intent July 2015, the proposed Combined Authority stated that its principles are:

- We are committed to collaborative working on the creation of a Combined Authority at the heart of a Midlands Engine covering the geography of the three LEPs.
- The prize is strong economic growth for the West Midlands as part of Midlands Engine and a rebalancing of the UK economy.
- Growth requires smart investment; investment will be focussed where the biggest outcome for the Combined Authority can be achieved.
- Our pursuit of growth will be accompanied by an agenda of innovation and public service reform that will reduce the overall level of public spending
- We are committed to collaborative working with the private sector as the primary driver of economic growth and will work with them in establishing the economic priorities of the West Midlands Combined Authority.
- All communities will benefit from growth but not necessarily at the same time or in the same way.

Since July 2015, the Shadow Board for the WMCA has had oversight to the emerging policies and plans for the WMCA, and specifically the draft West Midlands Strategic Economic Plan (WMSEP). As set out in paragraph 3.5, the WMSEP is based on local economic evidence and forms projections for the level of economic growth that might be required to raise the region's economic performance. The WMSEP sets out the economic policies of the WMCA and forms a framework upon which actions plans and interventions can be designed. The WMSEP follows the themes of 'people, place and business' and provides a baseline position upon which future performance can be measured against. It will therefore be an important tool in WMCA investment decision making operated alongside other tools such as those set out elsewhere in paragraph 3.5.

- 4.3 The Marmot Review ('Fair Society, Healthy Lives') presented a national strategic review of health inequalities post 2010. It concluded that reducing inequalities will require action on six policy objectives, being:

1. Give every child the best start in life.
2. Enable all children, young people and adults to maximise their capabilities and have control over their lives.

3. Create fair employment and good work for all.
4. Ensure a healthy standard of living for all.
5. Create and develop healthy and sustainable communities.
6. Strengthen the role and impact of ill-health prevention.

4.4 The Combined Authority will, as can be seen in its Statement of Intent, will aim to contribute towards health inequalities through direct interventions such as the Mental Health Commission and through indirect interventions which aim to improve the economic prosperity and the well being of local communities.

5. Risk management

5.1 As set out in section 3 of this report there are specific risks associated with Cabinet resolving to agree the draft Order as at the time of writing this report government had not resolved outstanding matters associated with its own legislation. Future proposed legislation is intended to mitigate the risks as highlighted but it cannot be known whether the government's intention will be taken forward in the way they currently envisage.

5.1 Risks associated with the WMCA are managed at both a local level through the Council's corporate risk register, and through programme management governance that supports the WMCA. The associated risk management activity is undertaken on a monthly basis and is managed by the Council's existing governance arrangements including through the Corporate Management Team and the Corporate & Public Services Overview Scrutiny Committee. At WMCA level these risks are managed by the various workstream leads and overseen by the Programme Board formed of the Chief Executives and Executive Officers of the Constituent and Non-Constituent Members.

5.2 The overarching risks for the WMCA have therefore been identified as:

- There is a risk that the West Midlands cannot close the gap in economic performance to England. This will be mitigated by proposing the establishment of a Combined Authority to draw together strategic work across economic development, transport, housing and employment and skills and to potentially access additional funding from Government.
- There is a risk that the advantages and disadvantages of the proposal to create the WMCA may not be fully appreciated by local communities and the benefits not seen as being tangible at the outset. This has been mitigated to date through the continued engagement process and the more recent consultation.
- There is a risk that the investment package presently envisaged to be provided to the WMCA by Government is curtailed by a change in Government policy, resulting in funding gaps to deliver the investment strategy objectives. This is being mitigated through the development of an investment strategy that will be under continual review but which cannot fully take account of any Government deciding to change its policy direction. In this regard, it should be noted that a change in Government or indeed Government policy will not amend the WMCA governance arrangements which can only be amended through further changes in legislation.

- There is a risk that future investment decisions of the WMCA fail to be made in an open and transparent way, or embrace the founding principles of how investment will seek to benefit all communities, albeit not at the same time or in the same ways. This is being mitigated through the WMCA decision to invest resources into the preparation of the WMSEP, the WM Performance Management Framework, the West Midlands Assurance Framework with Government and the Dynamic Economic Impact Model which will look to 'test' programme interventions to ensure that meet the policy objectives and targets of the WMSEP. These mechanisms will come to be used increasingly as the WMCA moves forward and commences delivery.
- There is a risk that the investment package and the subsequent Mayors and Mayoral WMCA budgets formed from this will encounter cost and time overruns which can be the case with major infrastructure projects such as those envisaged in the Devolution Deal. To mitigate this robust programme management governance and processes will need to be put in place with significant resources placed into risk management, change control and project reviews. The WMCA is developing the necessary processes and thematic governance arrangements to have greater overview of specific work activity as a means of supporting good practice programme management.
- There is a risk that the Mayoral WMCA cannot implement its Devolution Deal within the 5-year gateway programme and is unable to secure future devolution powers, functions and powers through other Devolution Deals. This has been mitigated through the accountability required by the elected Mayor and a rigorous monitoring and performance management regime which is being developed jointly between the WMCA and government.
- There is a risk that, despite substantial financial funding packages being made available through the first and possibly subsequent Devolution Deals, Walsall is unable to respond positively and robustly with a deliverable pipeline of investable opportunities. Whilst increased efforts have been made by the Council to work with public and private sector partners to undertake 'pipeline development' activity that is associated with development and transport projects together with skills and business engagement programmes, there is a risk that continued budget pressures facing the authority will remove the Council's ability to sustain this type of activity. This may result in limited opportunities for Walsall to benefit from WMCA investment. Whilst this activity has been supported through additional income into the Council through our adopted Economic Growth Programme (which safeguards significant external funding for economic development activities), the Council's mainstream revenue funding position may continue to place limitations on our ability to resource such work. Ultimately, it will be a political choice through Cabinet the extent to which Members will want to protect such capacity when balanced against other significant funding pressures across the authority of equal merit.

6. Financial implications

- 6.1 At the time of writing this report it is not possible to advise on the quantum of the financial implications, as there are still too many unknowns for the reasons set out in paragraph 1.5. The financial risks associated with the Order are detailed in paragraphs 3.16 to 3.18; at worst the Council will cede not insignificant financial powers to the Mayor.
- 6.2 The mechanisms by which the WMCA will be financed is in two ways: Firstly, the functions that relate to the Combined Authority will be financed via a levy for the elements of the former Integrated Transport Authority (ITA) and based on population size, and then a contribution for those functions that fall outside of the ITA. The apportionment of this element is subject to agreement; and failure to agree will default to apportionment based on population. Currently the principle for equating this contribution is through an equal contribution of £250,000 for Constituent Members and £25,000 for Non-Constituent Members. Any changes to the costs of the Combined Authority functions will fall directly onto the Council's general fund, and will be taken into account when the Council sets its annual budget. Secondly, the Mayors functions including the Mayor's office should be financed by a precept- this is similar in nature to that of the Police & Crime Commission and the Fire Authority.
- 6.3 A funding package to deliver the WMCA Devolution Deal (including the £36.5m revenue grant from government) has been drawn up that has identified possible sources of income including assumed borrowing and precept/ levy returns. The value and timings of assumed income supporting this Investment package may change; therefore the funding model will evolve as assumptions become more certain. At the time of writing this report, no decisions have been made as to which funding sources will fund the different elements of the Investment package or how the programme will be prioritised. This will be managed through the framework of decision making tools to ensure that investments made by the WMCA meet the policy objectives and targets of the WMSEP.
- 6.4 The funding package also assumed that the Combined Authority would have the ability to borrow for non-transport functions. If this power is not granted to the Combined Authority then it is likely that Constituent Members would have to borrow on its behalf. In the event that Walsall would borrow on behalf of the Combined Authority, the loan repayments would be paid to Walsall Council from the Combined Authority or applicants if this borrowing was for the Collective Investment Fund. However, Walsall Council would be exposed to the risk of default of loan repayment by the recipient. However, as per paragraph 3.16 it is government's intention to legislate and enable combined authorities to borrow for non-transport functions and thus mitigate any risk for any one of the Constituent Members.
- 6.5 The May 2017 Elections will require their own budget to deliver, as per other areas whom have elected a Mayor, and indeed the by- election of the West Midlands Crime Commissioner in 2014, it is assumed that this budget will be met locally. The WMCA is proposing to fund the costs of the West Midlands Mayoral Election through the revenue grant provided by central government.

7. Legal implications

- 7.1 As set out in previous Cabinet reports the formation of a combined Authority created a new form of public body responsible for the carrying out of certain public functions. A combined authority is a separate corporate body which derives its legal powers from those given to it by the Secretary of State. At the time of that report a combined authority could hold the same powers that local authorities hold in relation to transportation and regeneration, and could exercise those powers concurrently with the local authorities within its area as well as having the legal powers transferred to it from a local authority by order of the Secretary of State.
- 7.2 The Cities and Local Government Devolution Act 2016 amended the Local Democracy and Economic Development Act 2009 Act so that a combined authority is no longer restricted to the exercise of statutory functions relating to economic development, regeneration and transport. Section 111 of the 2009 Act allows for constituent councils as well as an existing combined authority to undertake a 'review of one or more combined matters' in respect of proposed changes to the Combined Authority. Once a review has been undertaken any potential changes need to be identified in a Scheme. In addition the amended 2009 Act presently allows for a mayor to be provided for the area of a combined authority; the costs of an elected mayor for the area of a combined authority that are incurred in, or in connection with, the exercise of "mayoral functions" to be met from precepts issued by the authority under section 40 of the Local Government Act 1992".
- 7.4 Further, the amended 2009 Act presently provides that by way of order any function of a combined authority which has an elected mayor (a "mayoral combined authority") can be a function only exercisable by the elected mayor, subject to any requirements or limitations imposed in the order. The consent of the Mayor, the Combined Authority and each Constituent Council is needed before any such order can be made.
- 7.5 The 2016 Act has made significant amendments to the 2009 Act to reflect the fact that combined authority constituent councils, that is councils whose area is covered by the combined authority, as well as a combined authority are now able to request the Secretary of State to make an order which will allow a combined authority to exercise any "function of a local authority" that is exercisable in relation to all or part of the combined authority's area (i.e. combined authorities are no longer restricted to the exercise of local authority functions relating to economic development, regeneration and transport). Notwithstanding any request being made, the amended 2009 Act presently provides that the consent of all the constituent councils to the order is required.

8. Property implications

- 8.1 There are currently no property implications arising directly from this report.

9. Health and wellbeing implications

- 9.1 There are currently no direct health and well being implications arising from this report.

10. Staffing implications

- 10.1 Existing staff resources from across a number of service areas are providing support to the formation of the Combined Authority; their role is to represent Walsall Council and its priorities through partnership working in officer-led working groups. Staff are therefore being encouraged to play a active role in the discussions and negotiations. As a result of this active role, some staff continue to be asked to prioritise this activity above their existing work programmes, which from time to time may have a short term impact on the delivery of services locally. It will continue to be important that Walsall officers play a full part in its activities into staffing arrangements for the Council.
- 10.2 There are no other direct staffing implications arising from this report however Cabinet are asked to note that as set out in paragraph 5.2 in relation to the potential need to provide continued staff and other resources towards the securing of a robust investment pipeline to position Walsall projects effectively.

11. Equality implications

- 11.1 An initial equality impact assessment has been carried out, having due regard to the equalities implications of the Scheme, on which the draft Order is based, and it was concluded that further detailed analysis was not required. However, any project/programmes to result from the incorporation of the Scheme detail are subject to an individual equalities analysis.

12. Consultation

- 12.1 See paragraph 3.8 and Appendix 1.



Paul Sheehan
Chief Executive Walsall Council



Councillor Sean Coughlan
Leader of the Council

28 November 2016

Background papers

- Cabinet Report 12 August 2015 'Proposals for a Combined Authority for the West Midlands' (and its appendices)
- Cabinet Report 19 October 2015 'A Combined Authority for the West Midlands' (and its appendices)
- Cabinet Report 7 March 2016 'Approval of the Order to establish the West Midlands Combined Authority' (and its appendices)
- Cabinet Report 2 June 2016 'Approval of the West Midlands Combined Authority Draft Scheme, Elections Order and West Midlands Devolution Deal'



WEST MIDLANDS
COMBINED AUTHORITY

Summary of Consultation Responses

Functions required to deliver the devolution
agreement in the West Midlands

September 2016

Contents

1. Executive Summary	2
2. Development of the devolution agreement in the West Midlands	3
3. Consultation across the West Midlands	4
4. Consultation Statistics summary	15
5. Response breakdown by question	18
6. Open text feedback by theme	38
7. Stakeholder representations	41
8. Appendix A – consultation documents	See separate document



1. Executive Summary

The Seven Metropolitan Constituent Councils, led by the West Midlands Combined Authority, carried out the public consultation on the 'Scheme' document from 4th July 2016 – 21st August 2106.

The Scheme outlines the functions required for the West Midlands to deliver the devolution agreement. Further details of the ambition to deliver the devolution agreement are contained within the recently published [WMCA Strategic Economic Plan \(SEP\)](#).

The consultation survey was hosted on the front page of the Constituent Councils' websites and the West Midlands Combined Authority website. The survey consisted of 9 key questions, two profile-based questions and a free text option to provide any further feedback. 1309 responses were received through this medium (excluding 45 duplicates and 4 tests).

Paper copies of the consultation were available in public buildings, such as libraries, in the seven Metropolitan Council areas. 19 responses were received through this medium (excluding 2 spoilt paper copies).

High Level Summary	Strongly Agree/ Agree		Strongly Disagree / Disagree		Don't Know			
	Responses	%	Responses	%	Responses	%		
1. Transport	1025	79	233	18	47	4		
2. Low Emissions	931	71	316	24	86	7		
3. (HS2) Growth	836	65	357	27	99	8		
4. More and Better Homes	893	69	302	23	95	7		
5. Skills and Employment	994	77	239	19	61	5		
6. Finance	703	54	454	35	145	11		
7. Efficient and effective governance	777	60	291	22	232	18		
	Positive Impact		No Impact		Negative Impact		Don't Know	
8. Local Community Interests	654	51	200	16	247	19	189	15
	Strongly Agree/ Agree		Strongly Disagree / Disagree		Don't know			
	Responses	%	Responses	%	Responses	%		
9. Equality	1086	84	123	9	84	6		

2. Development of the devolution agreement in the West Midlands

In 2015 the seven metropolitan Councils of the West Midlands: Birmingham, City of Wolverhampton, Coventry, Dudley, Sandwell, Solihull and Walsall committed to the establishment of the West Midlands Combined Authority (WMCA). During the process of formalising this commitment, partnership working across the West Midlands three LEP geography of the Black Country LEP, Coventry & Warwickshire LEP and the Greater Birmingham & Solihull LEP was agreed, including non-constituent areas within the three LEPs and key economically linked authorities across the West Midlands.

The development of the government's devolution agenda created the opportunity for the West Midlands Combined Authority to negotiate and subsequently agree a devolution agreement. The agreement has since been ratified by the seven constituent councils and, in line with the legislative requirements of the [Cities and Local Government Devolution Bill 2016](#), a consultation has been carried out in relation to the proposals in the [Mayoral WMCA 'Scheme'](#), and associated documents such as the [governance review](#).

The Scheme outlines the functions required for the West Midlands to deliver the devolution agreement. Further details of the ambition to deliver the devolution agreement are contained within the recently published [WMCA Strategic Economic Plan \(SEP\)](#).

West Midlands Consultation

The Seven Metropolitan Constituent Councils, led by the West Midlands Combined Authority, carried out the public consultation from 4th July 2016 – 21st August 2106.

The consultation was carried out in connection with the proposals in the [Mayoral WMCA 'Scheme'](#), to inform the Secretary of State for Communities and Local Government's decision regarding the transfer of functions to the West Midlands Combined Authority required to deliver the devolution agreement. This report provides the Secretary of State with a summary of consultation responses.

3. Consultation across the West Midlands

Consultation Survey

The consultation survey was hosted on the front page of the Constituent Councils' websites and the West Midlands Combined Authority website.

The survey consisted of 9 key questions, two profile-based questions and a free text option to provide any further feedback on the Scheme. 1309 responses were received through this medium (excluding 45 duplicates and 4 tests).

Paper copies of the consultation were available in public buildings, such as libraries, in the seven Metropolitan Council areas. The consultation poster, attached with the supporting documentation at appendix A, was displayed prominently in these public buildings. 19 responses were received through this medium (excluding 2 spoilt paper copies).

There was also supporting PR across the seven metropolitan Councils and the West Midlands Combined Authority to signpost people to the website to take part in the consultation. Usual Council channels for Councillor engagement were also available for the public.

Stakeholder engagement building up to the consultation

- **The WMCA Strategic Economic Plan launch was held at the ICC in Birmingham** on 10th June 2016 – this included a press launch, an update on transport, the Mental Health Commission chaired by Norman Lamb MP, and the Collective Investment Fund. Following the launch of the SEP, the Shadow West Midlands Combined Authority Board (WMCA) hosted its AGM in shadow form which highlighted the progress made by the emerging West Midlands Combined Authority in the past year.
- **West Midlands forum for growth held in Solihull, 28th June 2016**
This was a developers' conference demonstrating how the UK can drive economic growth through the West Midlands (over 400 attendees).



Stakeholder engagement during the consultation, 4th July – 21st August 2016

- **Mayoral WMCA consultation event, 16th August 2016, (over 70 attendees).**



The WMCA: Making Our Mark *Mayoral WMCA Consultation Event*

When: Tuesday 16th August.

Where: iCentrum, Innovation Birmingham Campus, Holt Street, Birmingham Science Park, B7 4BB.

Time: 7:30am for 8am to 9:30am.

Cost: Free to attend

This was an opportunity to engage with businesses across the West Midlands to discuss the role of the Mayoral West Midlands Combined Authority and the purpose and functions that an elected mayor working with the West Midlands Combined Authority can deliver. This discussion was set against the context of the Combined Authority's Strategic Economic Plan (SEP). Chaired by Greg Lawson (President of GB Chamber) with key note addresses from Martin Reeves, Chief Executive of the West Midlands Combined Authority and Councillor Pete Lowe, Vice-Chair. The morning included workshops for delegates, to reflect and discuss in groups and provided an opportunity to feedback and ask questions.



- **Parliamentary Black Country event, 12 July 2016**

A showcase exhibition of Black Country Manufactured Goods at the House of Commons, the West Midlands Combined Authority held a stand at the event.

- **The first 100 days – what should be at the top of the West Midlands mayor’s in-tray? 21 July 2016**

A debate/ policy discussion about plans for a regional mayor held at Birmingham Library and organised by Centre for Cities.

- **Business delegation from India’s tour of the West Midlands, 9 August 2016**

Meet and greet from the West Midlands Combined Authority Head of Communications to introduce and discuss West Midlands Combined Authority business and future ambition.

- **Cllr Sleigh on BBC West Midlands, 18 August 2016.**

Discussions around the Mayor’s priorities, such as smart ticketing.

- **The Transport for West Midlands ‘Exhibition Bus’**

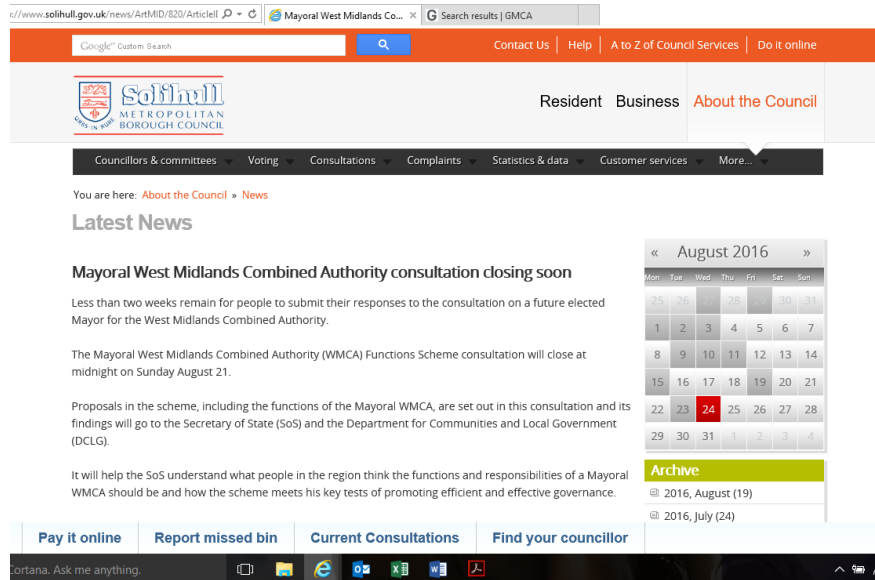
As part of ongoing Transport for West Midlands summer public engagement across the region, the exhibition bus was used for promotion of the West Midlands Combined Authority consultation.



Press releases

- Press releases were issued from each of the seven Metropolitan Councils advising residents that the consultation was live, ongoing and coming to an end.

E.g. Solihull Metropolitan Borough Council:

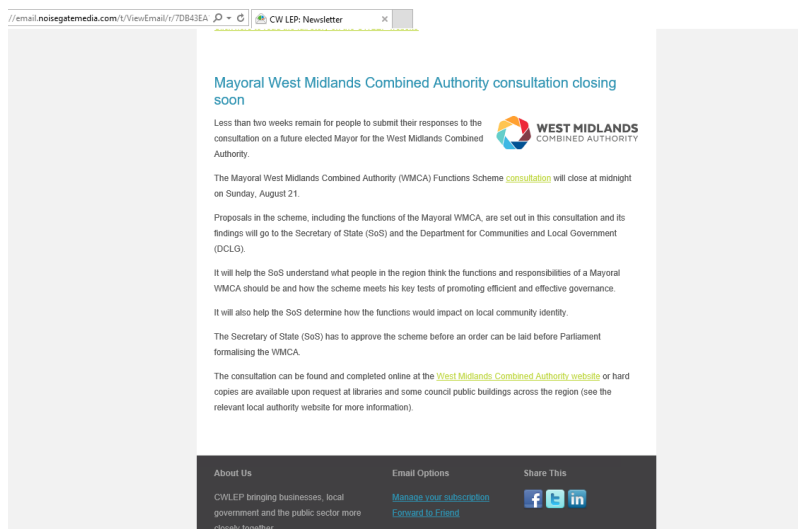


The screenshot shows the Solihull Metropolitan Borough Council website. The main navigation bar includes 'Resident', 'Business', and 'About the Council'. A secondary navigation bar lists 'Councillors & committees', 'Voting', 'Consultations', 'Complaints', 'Statistics & data', 'Customer services', and 'More...'. The 'Latest News' section features a headline: 'Mayoral West Midlands Combined Authority consultation closing soon'. The article text states: 'Less than two weeks remain for people to submit their responses to the consultation on a future elected Mayor for the West Midlands Combined Authority. The Mayoral West Midlands Combined Authority (WMCA) Functions Scheme consultation will close at midnight on Sunday August 21. Proposals in the scheme, including the functions of the Mayoral WMCA, are set out in this consultation and its findings will go to the Secretary of State (SoS) and the Department for Communities and Local Government (DCLG). It will help the SoS understand what people in the region think the functions and responsibilities of a Mayoral WMCA should be and how the scheme meets his key tests of promoting efficient and effective governance.' To the right of the article is a calendar for August 2016, with the 24th highlighted in red. Below the article are links for 'Pay it online', 'Report missed bin', 'Current Consultations', and 'Find your councillor'.

- The West Midlands Combined Authority put out the following release, available on the WMCA website:

<https://westmidlandscombinedauthority.org.uk/news/mayoral-west-midlands-combined-authority-consultation-begins/>

- The Coventry & Warwickshire LEP featured the consultation in their monthly newsletter, alerting members to the closing date.



The screenshot shows an email newsletter from CW LEP. The subject line is 'Mayoral West Midlands Combined Authority consultation closing soon'. The main text reads: 'Less than two weeks remain for people to submit their responses to the consultation on a future elected Mayor for the West Midlands Combined Authority. The Mayoral West Midlands Combined Authority (WMCA) Functions Scheme consultation will close at midnight on Sunday, August 21. Proposals in the scheme, including the functions of the Mayoral WMCA, are set out in this consultation and its findings will go to the Secretary of State (SoS) and the Department for Communities and Local Government (DCLG). It will help the SoS understand what people in the region think the functions and responsibilities of a Mayoral WMCA should be and how the scheme meets his key tests of promoting efficient and effective governance. It will also help the SoS determine how the functions would impact on local community identity. The Secretary of State (SoS) has to approve the scheme before an order can be laid before Parliament formalising the WMCA. The consultation can be found and completed online at the West Midlands Combined Authority website or hard copies are available upon request at libraries and some council public buildings across the region (see the relevant local authority website for more information).' The footer includes 'About Us', 'Email Options', and 'Share This' with social media icons for Facebook, Twitter, and LinkedIn.

A cross-section of regional media coverage during the consultation period

The Birmingham News Room

Consultation starts for West Midlands Combined Authority

As you may know we have been working with neighbouring councils over the last year to develop plans for closer co-operation between us on our shared goals. The government will shortly be formally considering whether it is appropriate and in the region's best interests to establish a West Midlands Combined Authority (WMCA). Parliament will be asked to approve it so that it can be set up in the summer.

Ahead of this we are consulting on the 'Scheme' document which describes the role and functions of the proposed Combined Authority. This consultation will run from 18 January 2016 to 8 February 2016.

There is a short survey and further information on the West Midlands Combined Authority website and we would welcome your feedback and any additional comments that you would like to make.

The Coventry Observer

Consultation opened into plans for an elected mayor to head up the new WMCA

WEST MIDLANDS COMBINED AUTHORITY

Popular Stories

- 1 Tributes paid to Coventry firefighter who died on holiday with family
- 2 Woodlands Academy site 'in negotiations to be sold'
- 3 Josh O'Grady bags a brace as Coventry United leave it late progress in the FA Cup
- 4 Fire crews called out to blaze at West Midlands Shopping Centre

The Halesowen News

Sandwell residents urged to learn more about new West Midlands mayor

Cllr Steve Eling

5 Aug 2016

Most popular

- 1 Traffic News: Building fire closes road
- 2 Kindhearted friends and cust raise over £1,500 for Halesow family after double farm fire
- 3 Weather: Thundery showers in

The Tyburn Mail

including Birches Green, Castle Vale, Erdington Hall and Pype Hayes

TRA to consider changing its name Castle Vale Town find it tough, but ex-stars keep shining

MAXWORKOUTS

NEVER Do This Here's why

OPCLIFFE

Tomorrow (midnight, Sunday 21st) is the final day of local consultation for the Powers of the West Midlands Mayor. Click here to go to the consultation page. There are nine questions about the proposed power of the directly elected mayor.



home news blog comment interviews public sector focus

national and devolved politics



04.07.16

WMCA opens consultation on mayoral powers

The newly formed West Midlands Combined Authority (WMCA) is seeking submissions for a consultation to define the scope of its powers.

The devolved body, which combines Sandwell, Birmingham, Coventry, Dudley, Solihull, Walsall and Wolverhampton councils under the leadership of an elected mayor, was

chamberlainfiles.com/west-midlands-metr CityPeople The Cha

The Chamberlain Files

Twitter Facebook LinkedIn

About Authors GE2015 News Opinion Specials



West Midlands metro mayor consultation – how to have your say

by Paul Dale 30 Jun 2016

Members of the public will get the chance to have their say on the West Midlands metro mayor.

A seven week consultation on the powers and responsibilities to be handed to the mayor is being organised by the West Midlands Combined Authority and begins on Monday 4th July.

B31 Voices, Connecting Communities, Birmingham

Thursday, August 25, 2016 Sign in / Join

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Rednal | Rubery | Weoley Castle | West Heath

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Home > Politics > Have Your Say on West Midlands Combined Authority legislation

Politics

Have Your Say on West Midlands Combined Authority legislation

By Sas Taylor - July 5, 2016

Share on Facebook Tweet on Twitter G+ LinkedIn 7 Tweet

WEST MIDLANDS COMBINED AUTHORITY

BIRMINGHAM • COVENTRY • DUDLEY • SANDWELL • SOLIHULL • WALSALL • WOLVERHAMPTON

A consultation is underway on legislation which will dictate how a new West Midlands Mayor and Combined Authority will work.

Seven local authorities in the West Midlands (Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall, Wolverhampton) have already negotiated a devolution deal with the government which will see the creation of West Midlands Combined Authority (WMCA) and

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"Highly Recommended"

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Recent Jobs

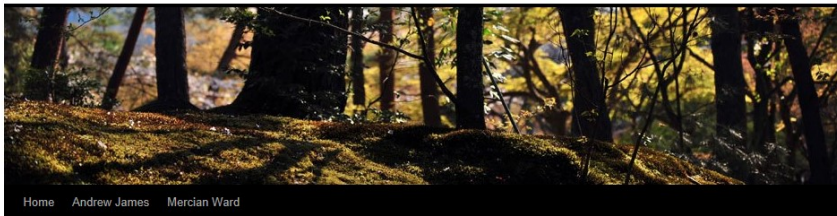
The Birmingham Mail

The screenshot shows the Birmingham Mail website. At the top, there's a navigation bar with categories like 'Most read', 'Live feeds', 'What's on', 'News', 'Sport', 'Nostalgia', 'Celebs & TV', 'Quizzes', and 'In Your Area'. Below this is a trending section with topics like 'AUGUST BANK HOLIDAY', 'FESTIVAL', 'THINGS TO DO', 'STUDENT GUIDE', and 'THE BRUINS'. The main headline is 'West Midlands mayor to be elected on May 4 2017', dated 15.07.19 JUL 2016, updated 17.40, 19 JUL 2016, by Jonathan Walker. The article text states: 'A date has been set for the election of the first West Midlands mayor, but the job will only last three years.' There are social media share buttons for Facebook, Twitter, Google+, and LinkedIn, with 36 shares and 0 comments. A 'Subscribe' button is also present. To the right, there's a 'Utility Bill Discount' offer: 'You Could Be Entitled To £379 Off Your Gas & Electricity Bills'. Below the main article is a 'Recommended in Midlands News' section with three items: 'Burger Bar Boys: How gang "execution" began countdown to Aston shootings', 'Burger Bar Boys: How gang who brought terror and murder to Birmingham began', and 'Land Rover smashes into CANAL BOAT - on River Avon'. There's also a 'WEST MIDLANDS POLICE' link for 'Drum dealing dad took'.

Councillor Andrew James' blog, Tamworth Councillor

Andrew James

working in the community



Home Andrew James Mercian Ward

← Where Will Your Children Be?

Council asks Lichfield to Refuse Arkall Farm Development →

Still Time to Have Say on 'Metro Mayor' Plans

Posted on 10/08/2016



Members of the public in Tamworth are being reminded that they now have less than two weeks to respond to a consultation on the functions and responsibilities of an elected Mayor for the West Midlands Combined

Authority (WMCA).

The Mayoral WMCA Functions Scheme consultation will close at midnight on Sunday August 21.

Proposals in the scheme, including the functions of the Mayoral WMCA, are set out in this consultation and its findings will go to the Secretary of State and the Department for Communities and Local Government.



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Recent Posts

• [Become a Dementia Friend in Tamworth this Week](#)

A cross-section of Twitter activity during the consultation period

July & August 2016 summaries

JUL 2016 SUMMARY

Tweets	Tweet impressions
48	104K
Profile visits	Mentions
4,401	392
New followers	
167	

AUG 2016 SUMMARY

Tweets	Tweet impressions
46	62.7K
Profile visits	Mentions
3,134	310
New followers	
116	

 **West Mids CA** @WestMids_CA 4 Jul
 Consultation in to Mayoral functions @WestMids_CA starts today. Visit bit.ly/29aWqLX and have your say #wmcaconsultation

↳ 13 ❤️ 4

↳ West Mids CA Retweeted

 **GBSLEP** @GBSLEP 16 Jul
 Mayoral WMCA to generate additional investment for WMids? Have your say: ow.ly/qWFO301TVEe #wmcaconsultation

↳ 7 ❤️ 1

↳ West Mids CA Retweeted


 **Paul Faulkner** @GBChamberBoss 27 Jul
 16/8/16 -Chamber event on the @WestMids_CA Mayor with @martinreeves. Key for the region. Free-register on GBCC site


General Price

Member Price: Free
 Future Faces Members: Free
 Non-Member Price: Free

All prices exclude VAT

In partnership with

 WEST MIDLANDS COMBINED AUTHORITY

 Coventry & Warwickshire Chamber of Commerce

Event Description:

👤 You and 7 others

↳ 26 ❤️ 8

West Mids CA @WestMids_CA 10 Aug
 Mayoral WMCA to make HS2 work for the region in WMids? Have your say: bit.ly/29aWqLX #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

3

West Mids CA @WestMids_CA 13 Aug
 Mayoral WMCA – impact on identity/interests of local communities in WMids? Have your say: bit.ly/29aWqLX

WEST MIDLANDS COMBINED AUTHORITY

2

West Mids CA Retweeted **Business Birmingham @business_bham** 4 Aug
 Mayoral WMCA to generate additional investment for WMids? Have your say: socs1.in/bvNP2 #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

3

West Mids CA @WestMids_CA 4 Aug
 Mayoral WMCA to deal with air quality in WMids? Have your say: bit.ly/29aWqLX #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

3

West Mids CA @WestMids_CA 16 Aug
 Mayoral WMCA to improve productivity & skills in WMids? Have your say: bit.ly/29aWqLX #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

6

West Mids CA @WestMids_CA 6 Aug
 Mayoral WMCA – more efficient & effective governance in WMids? Have your say: bit.ly/29aWqLX

WEST MIDLANDS COMBINED AUTHORITY

2

West Mids CA @WestMids_CA 1 Aug
 Mayoral WMCA to help deliver more & better homes in WMids? Have your say: bit.ly/29aWqLX #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

7

West Mids CA @WestMids_CA 1 Aug
 Sign up here greaterbirminghamchambers.com/networking-evening @GrBhamChambers @GBChamberBoss Mayoral consultation event in p/ship with @WestMids_CA on 16 August.

West Mids CA Retweeted **Solihull Council @SolihullCouncil** 1 Aug
 Mayoral WMCA to tackle WMids transport issues? Have your say: bit.ly/29aWqLX #wmcaconsultation @WestMids_CA

WEST MIDLANDS COMBINED AUTHORITY

8

West Mids CA @WestMids_CA 15 Aug
 Just a week left to have your say in the Mayoral WMCA consultation
bit.ly/29aWqLX #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

12 2

West Mids CA @WestMids_CA 3 Aug
 Have you had your say in the Mayoral WMCA Consultation yet? Find out more here: bit.ly/29aWqLX

WEST MIDLANDS COMBINED AUTHORITY

7 5

West Mids CA @WestMids_CA 5 Jul
 Public sector reform key priority @WestMids_CA. Important for communities we serve & the vision we aim to achieve.

Rebecca Elliot @RebeccaMCox
 The @WestMids_CA has strong business / growth focus, but public service reform important too -need to catch up with @greatermcr! #LGAConf16

5 6

West Mids CA Retweeted

Bham City Council @BhamCityCouncil 5 Jul
 Mayoral @WestMids_CA to tackle transport issues in WMids? Have your say: lsh.re/148SR #wmcaconsultation

WEST MIDLANDS COMBINED AUTHORITY

Mark Rogers and 8 others

10 2

West Mids CA Retweeted

LGA Localism @LGAlocalism 15 Aug
 Resident in the West Midlands? Don't miss this opportunity to have your say #devolution

West Mids CA @WestMids_CA
 Just a week left to have your say in the Mayoral WMCA consultation
bit.ly/29aWqLX #wmcaconsultation

7 1

West Mids CA @WestMids_CA 16 Aug
At iCentrum with @GrBhamChambers talking about @WestMids_CA mayoral consultation

4 5

West Mids CA Retweeted

GreaterBhamChambers @GrBhamChambers 16 Aug
We're with @WestMids_CA this morning at their Making our Mark consultation.

Paul Faulkner and 2 others

6 3

West Mids CA Retweeted

Rob Mayor @robmayor 18 Aug
.@SolihullCouncil leader & chair of @WestMids_CA in the hot seat from 10 on @bbcwm answering your q's on Metro Mayor

3 1

West Mids CA Retweeted

Bham City Council @BhamCityCouncil 19 Aug
Last weekend to have a say in the Mayoral @WestMids_CA consultation lsh.re/148SR #wmcaconsultation

WEST MIDLANDS
COMBINED AUTHORITY

Mark Rogers and 8 others

12 5

West Mids CA @WestMids_CA 21 Aug
Last chance to have your say on the Mayoral WMCA Functions Scheme, for more details see here: bit.ly/29aWqLX #wmcaconsultation

5 3

Website analytics for the consultation period

4,015 – Sessions: 2692 New | 1323 Returning
3,348 – Users
9,028 – Page views

*N.B. Sessions – a session is the period of time a user is actively engaged with the website
Users – users that have had at least once session within the date range
Page views – total number of pages viewed*



4. Consultation statistics summary

Overview of consultation format

The consultation was completed by 1309 respondents, this includes 19 paper copies and excludes 4 test responses, 45 duplicated responses and 2 spoilt hard copies.

The survey and supporting documents are appended to this report, at appendix A.

Questions 1 – 9 of the consultation gave background to the devolution deal and Scheme detail on each function area section, posing a question in relation to this function area, with the following options:

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

These options were proceeded by an open text feedback for each question:

“please tell us why below”.

A summary of the key themes from this free text feedback is contained within the ‘responses by question’ section below. Percentages may exceed 100% in sum total due to multiple responses.

A separate open text feedback was available at the end of the consultation:

“Please share any further comments you have about any element of the proposals in the Mayoral WMCA Functions Scheme”

For the purpose of this summary this free text feedback has been grouped into common themes in pages 37 – 38 of this report.

Top line consultation results

Consultation Questions	Strongly Agree/ Agree		Strongly Disagree / Disagree		Don't know	
	Responses	%	Responses	%	Responses	%
10. Transport - The Mayoral WMCA should get functions from Westminster to deliver: an efficient integrated West Midlands Transport Network, more funding and more effective and co-ordinated improvements of road networks between constituent councils and partners.	1025	79	233	18	47	4
11. Low Emissions - The Mayoral WMCA should get functions from Westminster to deliver low emissions and clean air zones, thus improving public health.	931	71	316	24	86	7
12. High Speed 2 (HS2) Growth - The Mayoral WMCA should get functions from Westminster to ensure HS2 benefits the whole region, including the Metro extensions from Curzon to Solihull HS2 Interchange Station and from Wednesbury to Brierley Hill.	836	65	357	27	99	8
13. More and Better Homes - The Mayoral WMCA should get functions from Westminster to deliver housing and economic growth strategies.	893	69	302	23	95	7
14. Skills and Employment - The Mayoral WMCA should get functions from Westminster to deliver better skills and training for jobs now and in the future and deliver a high-wage, high-skill workforce.	994	77	239	19	61	5

<p>15. Finance - The Mayoral WMCA should get functions from Westminster to deliver key ambitions. The region will have access to a number of funding streams. The Mayor will have the ability to raise a precept in order to deliver investment into the regional economy. The Mayor would also be able to raise a business rate supplement to create funds to invest into specific schemes within the regional economy.</p>	703	54	454	35	145	11		
<p>16. Secretary of State Statutory Tests Efficient and effective governance - A Mayoral WMCA will promote more efficient and effective governance in the West Midlands region.</p>	777	60	291	22	232	18		
	Positive Impact		No Impact		Negative Impact	Don't Know		
<p>17. Secretary of State Tests Local Community Interests - What impact will a Mayoral WMCA have on the identity or interests of local communities?</p>	654	51	200	16	247	19	189	15
	Strongly Agree/ Agree		Strongly Disagree / Disagree		Don't know			
<p>18. Equality - The Combined Authority should have the same duty to consider equality as other local authorities do.</p>	1086	84	123	9	84	6		
	Responses	%	Responses	%	Responses	%		

Respondents may not have answered all questions and % are rounded and so may not add up to 100%.



5. Response breakdown by question

Question 1

Transport - Networks

“Getting around the West Midlands by car or public transport is not as easy as we would like it to be. For instance, congestion is costing the regional economy around £2 billion per year. Ensuring our residents and businesses can reach job opportunities across the region is key to economic growth and success.

By devolving functions to a Mayoral WMCA, the region will be able to create a more efficient, integrated West Midlands transport network, specifically a Key Route Network of local roads.

Local councils currently receive funding from central government for managing and maintaining their roads on a year by year basis. As part of the devolution agreement the West Midlands will receive more funding and this will be guaranteed on a five yearly basis.

This together with the functions identified in the Mayoral WMCA Functions Scheme will allow the Constituent Councils and partners to collaborate to deliver more effective and coordinated improvements and maintenance of the West Midland’s region road network.”

To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the ‘transport’ section of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don’t know

[please tell us why below]

Question 1 Response Summary

79% of respondents strongly agree/agree that the Mayoral WMCA should get the transport functions detailed in the Scheme. Of all functions consulted on, transport was the area receiving the greatest proportion of respondents agreeing functions and funding should be transferred.

The employee and business groups had the greatest proportion of respondents agreeing with the transfer of transport functions (89% and 87% respectively). The group with the lowest proportion of respondents agreeing was the Councillor group, though still comparatively high at 70% strongly agreeing/agreeing.



Birmingham and Wolverhampton had the greatest proportions of respondents agreeing with the transport functions (with 86% of respondents in each City agreeing). 55% of respondents from Coventry agreed.

Free Text Response by Key Themes

27% of responses (183 comments) cited the need to work collaboratively/centrally planning policy/ensuring strategic overview.

More of a focus on public transport/cycle/sustainable modes of transport etc. was cited by 12% of responses (79 comments).

10% of responses (69 comments) supported local control and devolution/local areas understanding regional issues better.

10% of responses (68 comments) also cited that the transport network/transport links is a priority for the region and important for the economy.

The potential for Birmingham to take priority/funding not shared evenly/larger Councils overtaking smaller Councils was cited in 6% of responses (42 comments)

The need to access more/better/longer term funding for this issue was cited in 42 responses (6%)

Focus on fixing roads/improvements to roads/roadworks/traffic light improvement etc. was cited in 5% of responses (35 comments)

21 responses (3%) believed that pooling resources would lead to efficiencies/more cost effective.

3% of responses (20 comments) believed congestion is a priority and 10 comments were generally positive without further detail.

10 comments related to regional versus national issues/clash with highways agencies.

5 respondents were unsure if the West Midlands Combined Authority will get the funding promised from central government.

Further comments were received regarding the need to use expert advice/plan schemes together, concerns about fighting within areas for funding, the need for better country-wide planning/not just regional, supportive of powers being reviewed at set intervals and querying how the existing transport arrangements/contracts will work.

Question 2

Low emissions

In some areas of the West Midlands region, air quality is very poor. Air quality however, is not limited by council boundaries which makes tackling it on an individual council basis difficult.

By devolving functions to a Mayoral WMCA, the region and partners will be able to create and deliver low emissions and clean air zones, thus improving public health.

2. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the 'low emissions' paragraph of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[Please tell us why below]

Question 2 Response Summary

71% of respondents agreed that the Mayoral West Midlands Combined Authority should get functions proposed in the Scheme to deliver low emissions. This was the third highest ranking question where respondents agree functions relating to low emissions should be granted.

The group with the greatest proportion of respondents agreeing to the functions was employees (84%). The group with the greatest proportion of respondents disagreeing was residents (33%), though the majority of the residents overall (66%) agreed that the Mayoral West Midlands Combined Authority should receive the functions detailed in the low emissions section of the Scheme.

Birmingham, Wolverhampton and Sandwell had the greatest proportions of respondents agreeing with the low emissions functions (with 78% of respondents in each area agreeing). Coventry received the smallest proportion of agreement to the proposals (50%).

Free Text Response by Key Themes

19% of responses (106 comments) were received regarding support of this function area for consistency and efficiency/ supportive at a West Midlands level/regional decisions needed.



10% of responses (54 comments) cited that air quality is not fixed at borders/there are no boundaries and 8% (44 comments) believing air quality/tackling pollution is important.

Action needed to improve health / help NHS was cited in 40 comments (7%), and general agreement/supportive comments were 5% (29 comments) of responses, with 20 comments (4%) believe low emissions need to be controlled.

6% of respondents (34 comments) believe that it is Councils that should have the responsibility regarding low emissions, and 5% (27 comments) believe it should be handled nationally.

Integration with low carbon public transport was cited in 5% of responses (26 comments) and the suggestion of incentives for electric cars or green transport cited in 13 comments (2%).

4% of respondents (24 comments) believed that low emissions are not important or that there are better ways to spend money.

17 respondents (3%) have concerns about emissions/pollution. 17 responses (3%) also contained concerns that some areas will unfairly take priority.

2% of respondents (12 comments) were worried about congestion charging and an increase in parking fees.

Question 3

High Speed 2 (HS2) growth

The HS2 Growth Strategy is about maximising the benefits of HS2 for the West Midlands. However, there is a concern that this huge investment will only benefit a small portion of the West Midlands region.

By devolving functions to a Mayoral WMCA, the region and partners will be able to make sure HS2 benefits the whole West Midlands region through the creation of a combined authority-led development corporation. This will include the Metro extensions from Curzon in central Birmingham to Solihull HS2 Interchange Station and from Wednesbury to Brierley Hill.

3. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the HS2 growth section of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[please tell us why below]

Question 3 Response Summary

65% of respondents agreed that the Mayoral WMCA should get functions to ensure HS2 benefits the whole region.

The group with the greatest proportion of respondents agreeing to the functions was businesses (84%), followed by councillors (77%). The group with the lowest proportion of respondents agreeing was the resident group (58% in agreement).

Birmingham had the greatest proportion of respondents agreeing with the functions to ensure HS2 benefits the whole region (with 77% agreeing). 37% of respondents from Coventry agreed with the proposals.

Free Text Response by Key Themes

30% of free text responses (177 comments) to question 3 were not supportive of HS2/ believed it to be a waste of money/better spent elsewhere/believe the West Midlands Combined Authority should oppose it.

25% of respondents (149 comments) believe the WMCA and the Mayor need to ensure a co-ordinated/ collaborative approach to ensure HS2 benefits the whole region/ has a joined up approach and/or protects the West Midlands' needs.

10% of responses (59 comments) cite that HS2 won't benefit all areas or will benefit Birmingham only.

9% (54 comments) of respondents were supportive of HS2, comments include HS2 bringing vital connection / better integration / improving the economy / health and easing congestion. A further 7 comments were supportive without further information and 3 respondents believe the HS2 functions in the Scheme will give economies of scale.

5% of respondents (30 comments) believe that more Metro/rapid transport routes are needed, 4% (22 comments) would like to see improved rail/rail links/rail services and 3% (17 comments) believe good connections/better links are needed.

4% of responses (21 comments) believe they have/there is a lack of information, or they were unsure regarding HS2 and 2% of respondents questioned whether HS2 will go ahead/raised doubts about funding for HS2.

7 responses cited the belief that HS2 should not be a local government issue, 4 responses were not supportive of metro extensions, and 3 believe that the issue under discussion is already done via other roles.

7 respondents believe more investment is needed in transport in general, 2 that new technology such as driverless cars should be used and 1 that the West Midlands needs to compete with other counties/areas.

Further responses cited transparencies regarding Small Medium Enterprise (SME) supply and regarding the ability to review powers at a set time.

Question 4

More and Better Homes

There is a large amount of brownfield land in the West Midlands, which through remediation, could be brought back into productive use. The West Midlands also needs more homes and better homes.

Through the Mayoral Functions Scheme, the West Midlands will receive the Homes and Communities Agency's (HCA's) objectives and functions, and exercise these alongside the HCA to deliver our housing and economic growth strategies. Specifically, the Mayor will receive the HCA compulsory purchase order powers, although to exercise these powers, the Mayor would require the consent of the appropriate council(s).

4. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the 'More and Better Homes' section of the Mayoral WMCA Functions Scheme, from Westminster to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[please tell us why below]

Question 4 Response Summary

69% of respondents agreed that the Mayoral West Midlands Combined Authority should get functions to deliver housing and economic growth strategies. Of all functions consulted on, housing was the fourth highest ranking area where respondents agree functions should be granted.

The group with the greatest proportion of respondents agreeing to the functions was businesses (85%), followed by employees (76%), residents (65%) and councillors (60%).

Birmingham had the greatest proportion of respondents agreeing with the functions to deliver housing (with 80% agreeing), followed by Wolverhampton and Sandwell (with 75% of respondents agreeing). 49% of respondents from Coventry agreed with the proposals.

Free Text Response by Key Themes

Building on brown field sites / regenerated brown field space / this area being key to the economy was cited in 17% (92 comments) of responses.

16% of responses (88 comments) cite West Midlands Combined Authority coordination/leadership/regional overview needed/less red tape.

Housing/more affordable quality housing/social housing being essential/area essential to economic growth was cited in 86 comments (16%), further housing stock specific comments included:

- The re-use/renovate of unused housing/ensuring empty homes are used/old housing regenerated (20 comments).
- Housing stock needs to be fit for purpose/good quality (5 comments)
- Adequate funding needed for housing (3 comments)
- Issues over social housing benefit (1 comment)

67 comments are regarding the belief that this area is the local councils remit/ the West Midlands Combined Authority should not over power local councils/that councils should have the final say.

9% of responses (48 comments) did not want the mayor/WMCA to have this power, with a further 15 comments negative about housing numbers increasing/the HCA.

39 comments were expressly against building on greenfield sites, or commented in support of protecting green sites (7%)

7% of responses (38 comments) support local input/local decision makers/ensure local residents have a say

25 comments (5%) were regarding concerns/uncertainty/concerns around compulsory purchase power abuse.

4% of responses (22 comments) questioned the effectiveness if Councils/the government could overturn West Midlands Combined Authority's decisions/more red tape.

21 comments (4%) were supportive of local infrastructure to back up housing / e.g. transport / schools/ health.

4% of responses (20 comments) believe the proposals will favour one area over another and 2% (9 comments) would like to see assurance that Scheme is evenly balanced/all areas are providing housing.

14 comments (3%) highlighted concern about the cost of cleaning up brownfields sites/ that it must be done properly, 2 comments cited the use of brownfield sites/believed them to be a burden on the environment.

2% of responses (11 comments) cited issues with developers/power of developers/developer led housing.

5 responses cited the need to build on green fields as well / find ways to build on green field, 4 responses suggested building on current unused Council / property owners land.

There were 4 positive comments with no further information. Further comments were regarding this issue as a national not local issue and regarding stopping 'Right to Buy'.

Question 5

Skills and Employment

The West Midlands has above average low-wage jobs and a low-skilled workforce, which is hampering productivity and economic growth in many businesses. In order to provide better jobs and opportunities for existing workers and future generations, the area needs to move to a higher-wage, higher-skilled economy.

Through devolution, the Mayoral WMCA will bring together partners from across education, industry and the third sector to deliver better skills and training for jobs now and in the future. This will involve looking at further education provision, apprenticeships, working closer with the Department for Work and Pensions and connecting local employers with local schools.

The strategy will be focused on the needs and perspective of an individual, whether they are in education, in work, or out of work in order to deliver the higher-wage, higher-skilled workforce.

5. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the ‘skills and employment section’ of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[please tell us why below]

Question 5 Response Summary

77% of respondents agreed that the Mayoral West Midlands Combined Authority should get functions to deliver better skills and training for jobs now and in the future. Of all functions consulted on, this was the second highest ranking area where respondents agree functions should be granted.

The group with the greatest proportion of respondents agreeing to the functions was employees (87%), followed by businesses (83%), councillors (82%) and residents (72%).

Birmingham and Wolverhampton had the greatest proportion of respondents agreeing with the functions to deliver better skills and training (with 83% agreeing in each area).

Free Text Response by Key Themes

The most common free text comment (93 comments, 18%) was regarding the Mayor/WMCA working together/ in collaboration with business/education and Local Councils. Linked to this theme, 61 comments (12%) believing better education is key/working closely with education/business to have closer links with schools and to involve all groups/partners/third sector/universities (15 comments, 3%)

62 comments (12%) were supportive/ believe this area is a good idea/citing skills and employment's importance as a focus/vital/improving lives for all.

8% of responses (43 comments) cite skills in all sectors/more diverse skills/right skills for work available and 20 comments (4%) cited maintaining/rebuilding traditional industry/manufacturing as not everyone can be highly skilled.

Concerns on the skills and employment topic were regarding:

- That the area does not need mayor/outside mayoral remit/does not need wider regional overview (38 comments, 7%)
- This area is being done already/better done by LEP/Councils (34 comments, 7%)
- Negative view of the proposals/belief that it will not work (24 comments, 4%)
- Similar schemes have failed in the past (16 comments, 3%)
- This area is a national not local issue (10 comments, 2%)

28 comments (5%) were regarding the need for apprenticeships/vocational training and 19 comments (4%) suggested the need to include all equally – young/elderly/disabled/deprived areas etc.

17 responses (3%) cited more investment needed/government funding/the area being outside of local control

17 responses (3%) cited the need to create more employment/attractive employment in the area, with 12 comments (2%) believing local understanding/knowledge is needed.

Further comments included addressing zero-hours contracts and low wages, not enough information, retaining skilled workers in the West Midlands, the importance of measurable targets, the need for more trade unions and the need to help small businesses.

Question 6

Finance

The West Midlands economy needs more investment in order to compete at a global level. By devolving functions to a Mayoral WMCA, the West Midlands will have access to a number of funding streams including a Mayoral precept (an additional charge to council tax payers), business rate supplement and the ability to borrow.

The legislation gives the Mayor the ability to raise a precept in order to deliver investment into the regional economy. As part of the checks and balances of the Mayoral WMCA Functions Scheme, this precept forms part of the Mayoral annual budget and is therefore subject to agreement by the West Midlands Combined Authority board and would be subject to the existing local council capping arrangements.

Through the Scheme, the Mayor would also be able to raise a business rate supplement to create funds to invest into specific schemes within the regional economy. This would require agreement with the relevant Local Enterprise Partnership board(s) and the West Midlands Combined Authority board.

6. To what extent do you agree or disagree that the Mayoral WMCA should get the functions highlighted above, and detailed in the ‘finance section’ of the Mayoral WMCA Functions Scheme, to deliver these ambitions?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[Please tell us why below]

Question 6 Response Summary

54% of respondents agreed that the Mayoral West Midlands Combined Authority should get functions related to finance. Of all functions consulted on, this was the area where fewest respondents agreed the function should be granted.

The group with the greatest proportion of respondents agreeing to the functions was businesses (68%), followed by employees (66%).

Birmingham had the greatest proportion of respondents agreeing with the finance functions (66%), followed by Wolverhampton (58%). 37% of respondents from Coventry agreed with the proposals.

Free Text Response by Key Themes

The most common theme in the free text response to this question (22%, 119 comments) was regarding respondents not wanting increases to taxation/for funds to come from existing budgets.

18% of responses (97 comments) were supportive/ citing that the region needs this funding and investment/ the region needs control over own funding/willing to pay more/ Mayor needs precept to function 97, 18%

Concerns in addition to increased taxation/fund source are regarding:

- Business rate increases/business go elsewhere/ to not interfere too much with business/protect smaller business (10%, 55 comments)
- Additional taxation adding to austerity/can people afford it/taxation needs to be fair to poorer people (29 comments, 5%)
- Financial mismanagement/accountability/transparency (16 comments, 3%)
- Local council funding/local council funding to remain (7 comments, 1%)
- Too much regulation/nothing will be done/the function is too restrictive (2 comments)
- Funding shared equally/not just beneficial to Birmingham/bigger areas (34 comments, 6%)
- The need for spending to have visibility/regulation/scrutiny/controls/transparency/limits (29 comments, 5%)

6% of responses (33 comments) were regarding disagreement that the Mayor should have the power to precept/query over the democracy.

6% of responses (31 comments) believe the Mayoral West Midlands Combined Authority needs to show benefit gained from precept raising/for public good/ show what the public is getting in return.

29 comments (5%) suggest the use of other funding sources/central government/external funding and 9 comments (2%) believe more investment from business/corporations is needed. 6 comments are regarding local business input/involvement/the support of business and 1 comment regarding delivery by other sector.

5% of responses (29 comments) cite the need for more detail, 5 comments were regarding transfer of services, 2 responses believe the West Midlands Combined Authority should have the power to borrow only, and not a Mayoral precept, 1 comment was regarding local council tax capping.

Question 7

Secretary of State Statutory Tests

In deciding whether to proceed with a Statutory Order in Parliament that reflects the functions being requested in the Mayoral WMCA Functions Scheme, the Secretary of State must consider that making the Order:

- is likely to improve the exercise of statutory functions in the Combined Authority 'area' (i.e. the Constituent Councils),
- reflects the identities and interests of local communities
- secures effective and convenient local government

7. To what extent do you agree or disagree that the functions proposed in the Mayoral WMCA Functions Scheme will secure effective and convenient local government in the West Midlands region?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[Please tell us why below]

Question 7 Response Summary

60% of respondents agreed that a Mayoral WMCA will promote more efficient and effective governance in the West Midlands region.

The group with the greatest proportion of respondents agreeing that the Mayoral West Midlands Combined Authority will promote more efficient and effective governance was employees (71%), followed by businesses (70%), councillors (61%) and residents (54%).

Birmingham and Wolverhampton had the greatest proportion of respondents agreeing that the Mayoral West Midlands Combined Authority will promote more efficient and effective governance (68% each), followed by Sandwell (64%). 36% of respondents from Coventry agreed with the proposals.

Free Text Response by Key Themes

20% of responses (82 comments) were unsure/concerned of the effects/believe there might be issues.

20% of responses (81 comments) believe the regional scope will be beneficial / is sensible.

11% of responses (59 comments) thought that the functions proposed in the Scheme may disadvantage smaller/better performing Councils.

11% of responses (45 comments) believe there will need to be close ties and cooperation between the mayor and Councils.

3% of responses (13 comments) cited that the 'one size fits all' approach won't work on the local issues that the individual Councils need to address.

3% queried how the proposals in the Scheme will be funded.

6 comments were regarding the belief that the ability for the functions proposed to secure effective and convenient local government depends on the Mayor.

7 responses cited the support for the Mayor to be elected every so many years.

Question 8

Impact on identity and interests of local communities

8. What impact, if any, do you think that the functions proposed in the Mayoral WMCA Functions Scheme will have on the identity and interests of local communities?

- Positive impact
- No impact
- Negative impact
- Don't know

[please tell us why below]

Question 8 Response summary

The majority of respondents (51%) felt the impact would be positive. 19% felt there would be a negative impact, 16% thought there would be no impact and 15% were unsure of the impact.

The group with the greatest proportion of respondents expecting a positive impact was businesses (67%), followed by employees (59%). The group with the lowest proportion of respondents considering the Mayoral WMCA to be positive was residents (46%).

Birmingham had the greatest proportion of respondents considering a Mayoral West Midlands Combined Authority to have a positive impact (62%), followed by Wolverhampton (58%). Coventry had the greatest proportion of respondents claiming it to have a negative impact (36%).

Free Text Response by Key Themes

The most common comments (96, 20%) in the free text response was regarding the need to protect local identity/concern that the proposals could dilute the local voice/moving powers away from people/ unable to represent all/ the West Midlands Combined Authority being too big.

Other areas of concern were:

- The risk that some areas will benefit over others/ the Mayor will be Birmingham centred. (52 comments)
- Environmental issues (3 comments)
- Lack of accountability/ corruption (4 comments)
- Potential for proposals to lead to confusion (1 comment)

12% cited the impact of the proposals on local identity/interests would be positive, examples include:

- Investment in local area/more investment/will attract investment (13 comments)
- More jobs/improved economy/growth (8 comments)

- Will lead to more housing (6 comments)
- Greater accountability/one person in control/less infighting (7 comments)
- Will lead to better transport (5 comments)
- Will make long term planning easier/strategic view (3 comments)
- Will lead to improved skills/education (2 comments)
- Will lead to better air quality (1 comment)

9% of responses (45 comments) supported devolution and more powers to the regions and local people, better representation of local needs

8% of comments (40) were supportive of all areas working together/ a regional overview /shared interests/shared best practice.

8% of comments (38 comments) received believed that the functions proposed will have limited effect on the identity and interests of local communities/ won't change how people see themselves.

6% of respondents (30 comments) felt that they needed more information/were unsure/believed that it was too early to say.

28 comments (6%) were regarding the proposals/West Midlands Combined Authority raising the profile/pride in the area/regional identity/West Midlands brand.

4% of Q8 free text respondents (20 comments) believed that the impact on local identity and interests is dependent on the right powers/person/funding.

4% of Q8 free text respondents (18 comments) believe that the proposals need better communication/public consultation/getting the public on board.

3% had a mixed view and believed it was positive in some ways and negative in others (13 comments)

2% of responses cite not wanting to pay more tax/believe it will be too costly.

5 comments were negative with no further detail.

Question 9

Public Sector Equality Duty

9. To what extent do you agree or disagree that the West Midlands Combined Authority should have the same duty to consider equality as councils do?

- Strongly agree
- Agree
- Disagree
- Strongly disagree
- Don't know

[please tell us why below]

Question 9 Response summary

84% of respondents agreed that the Combined Authority should have the same duty to consider equality as other local authorities do. Businesses and employees were most in support of this with 91% of respondents from each group agreeing. Proportions in agreement were high in other groups too (councillors 82% and residents 80%).

Wolverhampton and Sandwell had the greatest proportion of respondents agreeing that the West Midlands Combined Authority should have the same duty to consider equality as other local authorities do (89% each). Although Coventry had fewer responses agreeing with this, they were still relatively high at 76%.

Free Text Response by Key Themes

49% (177 comments) of free text responses cited the importance of equality/respecting all.

12% of respondents (42 comments) believe that this is a common sense/obvious area that the West Midlands Combined Authority should cover and 9% (34 comments) that it should be a legal obligation/duty.

7% of respondents (26 comments) were against positive discrimination/cited a dislike of political correctness, or supported if not too extreme. 5 comments cited that there is no such thing as equality.

5% (18 comments) of responses were unclear of the meaning of equality/ the question being asked.

Further responses were that equality is not the prime purpose of CA/irrelevant/local councils job, responses were unsure, comments for things to go further and protect the more vulnerable

15% of comments (54) were not related to the public sector equality duty.

Repeated Feedback

Throughout questions 1-9 free text feedback, there were often comments submitted that were not relevant to the question and/or those answers were repeated throughout the free text feedback, these have been grouped below.

- General disagreement with a Mayoral WMCA/benefit of a Mayor/co-operation doesn't need a Mayor/WMCA
- General support for a Mayor
- Feeling ill-informed
- Viewed as an extra layer of bureaucracy
- Disagreement with the Scheme will not make a difference
- The WMCA needs to cover wider area than just the Metropolitan area
- Concern that Birmingham will dominate the agenda
- The view that an elected assembly is needed
- A general mistrust of Government

Questions 1 – 9: 'Don't know' responses received

The highest area of 'don't know' responses received were in relation to the Secretary of State's tests regarding securing effective and convenient local government and impact of the proposed functions on the identity and interests of local communities (question 7 and 8).

Question 7 received the highest 'don't know' responses at 18%. This is in the context of 60% of question 7 respondents selecting that they agreed or strongly agreed that the functions in the Scheme will secure effective and convenient local government in the West Midlands region and 22% disagreeing.

Question 8 received the second highest 'don't know' responses, at 15%. This is in the context of 51% of question 8 respondents selecting that the functions proposed in the Scheme will have a positive impact on the identity and interests of local communities, with 16% of respondents selecting that there would be no impact.

Questions 1 (transport), 5 (skills and employment) and 9 (public sector equality duty) received the least 'don't know' responses, with 4%, 5% and 6% respectively. They were also the questions which received the most 'strongly agree' responses across the consultation.

Responding to feedback

Both positive and negative feedback received will be addressed in various ways, including sharing information/feedback with the appropriate subject area lead/s, adapting frequently asked questions and incorporating feedback into communications plans to ensure continuous development, improvement and engagement.

Respondent Type

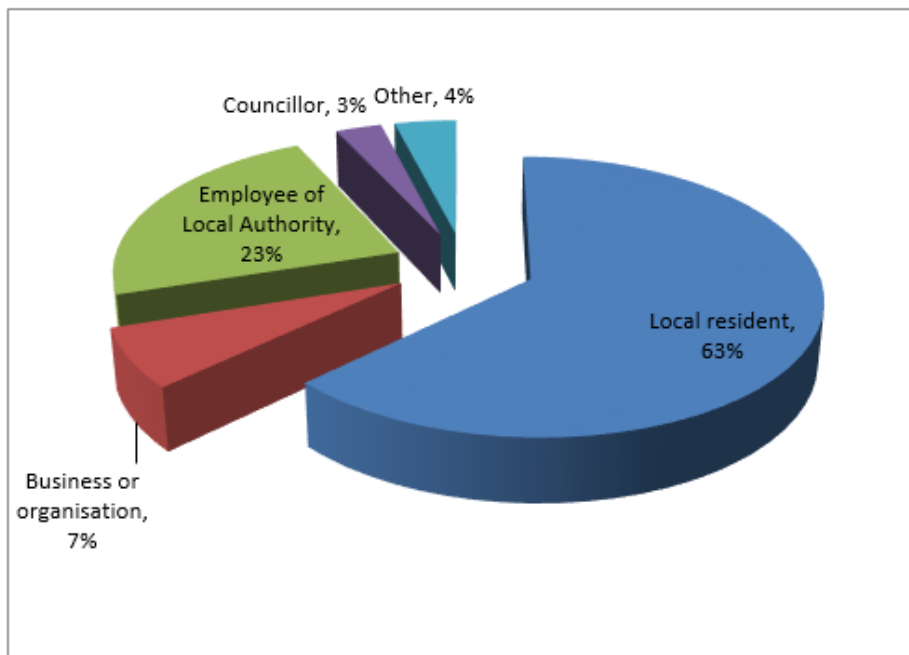
Question 10

Respondents were asked:

Are you responding to this survey as...?

- A local resident
- A business or organisation
- An employee of a local authority within the West Midlands
- A councillor within the West Midlands
- Other

Responses are illustrated below:



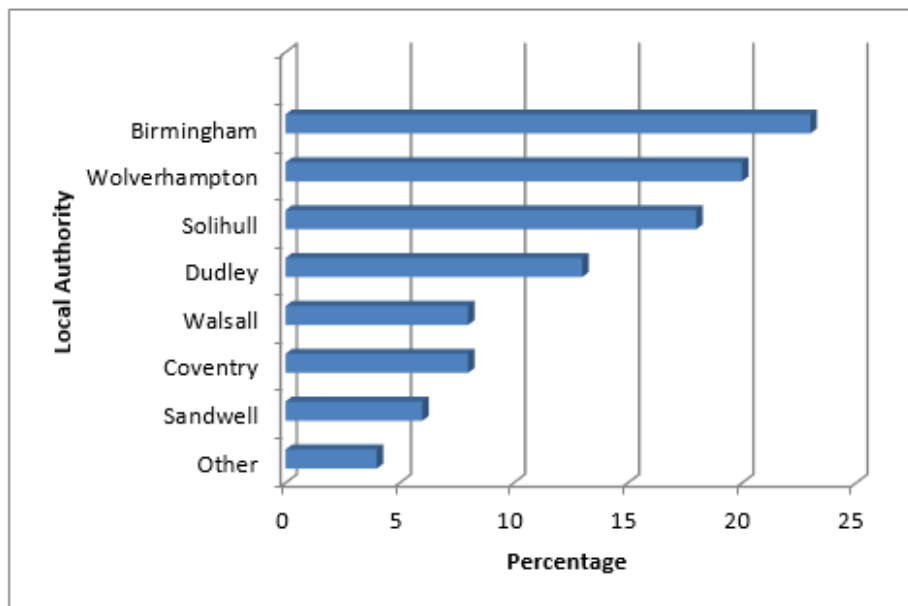
Local Authority Affiliation

Question 11

Respondents were asked:

Which local authority are you and your organisation most closely associated with?

Responses are illustrated below:



Responses outside of the Combined Authority area

As required the Consultation was carried out by the Constituent Councils across the seven metropolitan Council area of the West Midlands Combined Authority.

Additionally, several respondents from other areas of the West Midlands have provided feedback in relation to proposals in the Scheme, including Lichfield, Nuneaton & Bedworth, Redditch, Rugby, Shropshire, South Staffordshire, Staffordshire, Stratford, Tamworth, Telford & Wrekin and Warwickshire.

6. Open text feedback by theme

The Consultation contained an open text feedback option at the end, as below:

“Please share any further comments you have about any element of the proposals in the Mayoral WMCA Functions Scheme”

446 comments were submitted under this free text option. The comments varied in tone, theme and relevance. Some of the responses may not be directly on the proposals in the Scheme itself, but are still relevant to the consideration of the respondent’s views when summarising the consultation in relation to proposals in the Scheme.

Some themes are similar to the question 1-9 ‘repeated feedback’ section above due to repeat entries in the final open text feedback option. The free text responses by theme are summarised below:

103 comments (23% of final open text feedback) cited the proposals (or associated proposals such as a Mayor) being forced/that they are not needed/calling for a referendum.

66 comments (15% of final open text feedback) were regarding the West Midlands Combined Authority being a good idea for strategic planning/a collaborative overview/positive for the West Midlands/the way forward.

42 comments (9% of final open text feedback) were regarding the West Midlands Combined Authority being another layer of bureaucracy/wasteful/a waste of money.

37 comments (8% of final open text feedback) cited concern that Birmingham will dominate the agenda.

35 comments (8% of final open text feedback) were negative towards the consultation itself/the view it is not for the lay person/difficult to understand.

29 comments (7% of final open text feedback) suggested a need for focus on improvements to transport / HS2.

26 comments (6% of final open text feedback) were regarding the need to have suitable powers to conduct role/more powers/accountability.

25 comments (6% of final open text feedback) cited supporting the West Midlands Combined Authority/devolution/more power to regions/working for local area/give local area a voice.

22 comments (5% of final open text feedback) cite the need to ensure suitable candidate/non-political candidate/democratically elected.

19 comments (4% of final open text feedback) were regarding individual local authority powers/local interests needing protection.

19 comments (4% of final open text feedback) referenced not using the West Midlands Combined Authority/Mayoral position to increase taxes/opposed to precept.

18 comments (4% of final open text feedback) were regarding the need for more information/respondents being unsure.

18 comments (4% of final open text feedback) cite the need for good communication/need to convince public/need to take public along.

16 comments (4% of final open text feedback) disagreed with the West Midlands Combined Authority name.

10 comments (2% of final open text feedback) cite a need for focus on health care/integrated health care/social care.

10 comments (2% of final open text feedback) were regarding the need for a focus on green issues/the environment.

10 comments (2% of final open text feedback) cited concerns that the West Midlands Combined Authority/Mayor is/could be too powerful/not accountable/transparency is needed.

9 comments (2% of final open text feedback) would like to see a focus on the West Midlands needs for better jobs/training/skills.

7 comments (2% of final open text feedback) cite concerns the Mayoral West Midlands Combined Authority will be underfunded/more investment is needed.

7 comments (2% of final open text feedback) cite a need to focus on housing/planning permission/land use.

Further comments were received on each of the following: The need to help the wider 'travel to work area', the Mayor for the Metropolitan area only, need a focus on the Arts, opposition to HS2, concerns about policing being part of the West Midlands Combined Authority, the need for a focus on communities, that the Combined Authority needs to cover emergency services, that more innovation is needed, for more diversity, that one council is more cost effective, and for the West Midlands Combined Authority to consider immigration.

Additional feedback themes received

Through the stakeholder representations and media interest there have been various topics raised, summarised below:

The Mayor's powers

Concerns have been raised regarding the Mayor's powers being limited. It is important to note that Schemes put in place governance arrangements required to deliver devolution deals, therefore the current mayoral powers match this particular deal. Discussions on further devolution for the West Midlands continue and it is anticipated that Government would want to negotiate further powers as that process continues.

HCA/CPO powers

A collaborative approach with the HCA has been adopted and is key to success going forwards in the development of the 'more and better homes' ambitions of the West Midlands Combined Authority.

The West Midlands Combined Authority geography

The geography of the West Midlands Combined Authority and the collaboration across borders and sectors has developed significantly throughout the development of the West Midlands Combined Authority. The development of the Strategic Economic Plan highlights the importance of the three LEP geography but recognises the crucial role economically linked authorities provide within the West Midlands Combined Authority.

Continued engagement and consultation

A key theme of the representations and support given is the importance of continued and on-going engagement across all sectors and with the public to successfully deliver the ambition of the West Midlands Combined Authority.

7. Stakeholder Representations

As well as formal consultation responses via online or paper methods, stakeholder representations were made via letter to the Constituent Councils/West Midlands Combined Authority regarding the proposals in connection with the Mayoral West Midlands Combined Authority Scheme from the following:

- Joint three Chambers of Commerce: Greater Birmingham, Coventry & Warwickshire and the Black Country Chambers
- The Homes and Community Agency
- Business Professional Services (BPS) Birmingham
- The Police and Crime Commissioner
- West Midlands Civic Society Forum
- Chair of CWLEP Finance & Governance Board
- The University of Warwick (including the 2012 Warwick Commission report on Elected Mayors and City Leadership, for reference.)
- Sandwell Council of Voluntary Organisations
- Wolverhampton University
- Sustainability West Midlands

Representations were also made from the following stakeholder representatives via email:

- Solihull Tourism Forum
- Touchwood Shopping Centre
- Solihull College & University Centre
- LEP and Government Partnerships, Aston University
- Birmingham Office, for Pinsent Masons LLP
- Birmingham City University
- Birmingham Metropolitan College, Matthew Boulton Campus
- Birmingham City Council Conservative Group
- NHS Birmingham South Central CCG
- West Bromwich African Caribbean Resource Centre
- Sutton Coldfield MP
- Partnerships Care and Communities, Longhurst Group

All stakeholder representations have been included in the summary of consultation responses sent to the Secretary for Communities and Local Government as supporting information.

**Draft West Midlands Combined Authority (Functions and
Amendments) Order 2016**

DRAFT

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.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2016 No.

LOCAL GOVERNMENT, ENGLAND

**The West Midlands Combined Authority (Functions and
Amendment) Order 2016**

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 104(1)(a), 105(1) and (3), 105A(1)(a) and (b), 105A(2), 105A(3)(b), 107D(1), 107D(7)(c), (d) and (e), 107E(1), 114 and 117(5) of the Local Democracy, Economic Development and Construction Act 2009(a) (“the 2009 Act”).]

The Secretary of State, having regard to a scheme prepared and published under section 112 of the 2009 Act(b), 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(c) 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), 104(10) and 105B(2)(d) of the 2009 Act the councils whose areas are comprised in the area of the West Midlands Combined Authority and the West Midlands Combined Authority have consented to the making of 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.

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- (a) 2009 c. 20. Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016. Section 105 was amended by sections 6, 9 and 14 of the Cities and Local Government Devolution Act 2016 (c. 1). Section 105A was inserted by section 7 of the Cities and Local Government Devolution Act 2016. Sections 107D and 107E were inserted by section 4 of the Cities and Local Government Devolution Act 2016. Section 114 was amended by section 23 of and paragraphs 17 and 26 of Schedule 5 to the Cities and Local Government Devolution Act 2016. Section 117(2), (2A) and (3) was substituted by section 13 of the Localism Act 2011 (c. 20). Section 117 was amended by paragraph 24 of Schedule 5 to the Cities and Local Government Devolution Act 2016.
 - (b) Section 109 was amended by sections 6 and 12 of the Cities and Local Government Devolution Act 2016.
 - (c) Section 113 was amended by sections 12, 14 and 23 of and paragraph 24 of Schedule 5 to the Cities and Local Government Devolution Act 2016.
 - (d) Section 105B was inserted by section 7 of the Cities and Local Government Devolution Act 2016.

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.

PART 1

General

Citation and commencement

1.—(1) This Order may be cited as the West Midlands Combined Authority (Functions and Amendment) Order 2016.

(2) Save as provided in paragraph (3) this Order comes into force on the day after the day on which it is made.

(3) [Articles [] come into force on 8 May 2017].

Interpretation

2. In this Order—

“the 1972 Act” means the Local Government Act 1972(**a**);

“the 1973 Act” means the Employment and Training Act 1973(**b**);

“the 1980 Act” means the Highways Act 1980(**c**);

“the 1984 Act” means the Road Traffic Regulation Act 1984(**d**);

“the 1988 Act” means the Road Traffic Act 1988(**e**);

“the 1989 Act” means the Local Government and Housing Act 1989(**f**);

“the 1991 Act” means the New Roads and Street Works Act 1991(**g**);

“the 1997 Act” means the Road Traffic Reduction Act 1997(**h**);

“the 1999 Act” means the Greater London Authority Act 1999(**i**);

“the 2000 Act” means the Transport Act 2000(**j**);

“the 2003 Act” means the Local Government Act 2003(**k**);

“the 2004 Act” means the Traffic Management Act 2004(**l**);

“the 2006 Act” means the Health Act 2006(**m**);

“the 2008 Act” means the Housing and Regeneration Act 2008(**n**);

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

“the 2011 Act” means the Localism Act 2011(**o**);

(a) 1972 c. 70.

(b) 1973 c. 50.

(c) 1980 c.66.

(d) 1984 c.27.

(e) 1988 c.52.

(f) 1989 c. 42.

(g) 1991 c.22.

(h) 1997 c.54.

(i) 1999 c. 29.

(j) 2000 c. 38.

(k) 2003 c. 26.

(l) 2004 c.18.

(m) 2006 c. 28.

(n) 2008 c. 17.

(o) 2011 c. 20.

“the 2014 Act” means the Anti-Social Behaviour, Crime and Policing Act 2014;(a)
“the 2016 Order” means the West Midlands Combined Authority Order 2016(b);
“the 1996 Regulations” means the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996(c);
“the 2000 Regulations” means the Street Works (Sharing of Costs of Works) (England) (Regulations) 2000(d);
“the 2005 Regulations” means the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005(e);
“the 2007 Regulations” means the Traffic Management Permit Scheme (England) Regulations 2007(f);
“the Area” means the area of the Combined Authority;
“the Combined Authority” means the West Midlands Combined Authority, a body corporate established by the 2016 Order(g);
“Combined Authority roads” means the highways specified in Schedule 1.
“constituent councils” means the councils for the local government areas of Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton;
“the HCA” means the Homes and Communities Agency(h);
“highway authority” has the same meaning as in the 1980 Act(i);
“local highway authority” has the meaning given by section 329(1) of the 1980 Act;
“the Mayor” means the mayor for the Area, except where the context otherwise requires(j).

PART 2

Transport

Power to pay grant

- 3.**—(1) The functions of a Minister of the Crown contained in section 31 of the 2003 Act (power to pay grant) are functions of the Combined Authority that are exercisable in relation to the Area.
- (2) The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.
- (3) Paragraph (4) applies where, in exercising functions under paragraph (1), the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highway functions.
- (4) In determining that amount, the Combined Authority must have regard to the desirability of ensuring that the council has sufficient funds to facilitate the effective discharge of those functions.

(a) 2014 c 12.
(b) S.I. 2016/653.
(c) S.I. 1996/2489 amended in relation to England by S.I. 2009/1116.
(d) S.I. 2000/3314.
(e) S.I. 2005/2757.
(f) S.I. 2007/3372, amended by S.I. 2015/958.
(g) The West Midlands Combined Authority was established by the 2016 Order. Article 3(2) provides that “the combined authority is to be a body corporate and is to be known as the West Midlands Combined Authority.”
(h) The HCA is a body corporate established under section 1 of the 2008 Act.
(i) See sections 1 to 3 of the 1980 Act.
(j) Article 3 to S.I.2016/933 provides for there to be a mayor for the area of the Combined Authority.

(5) In complying with paragraph (4), the Combined Authority must take into account any other sources of funding available to the council for expenditure incurred or to be incurred in relation to the exercise of its highway functions.

(6) For the purposes of the exercise by the Combined Authority of the functions specified in paragraph (1), section 31 of the 2003 Act has effect as if—

- (a) in subsection (1)—
 - (i) for “A Minister of the Crown” there were substituted “The Combined Authority”,
 - (ii) for “local authority in England and Wales” there were substituted “constituent council”,
- (b) subsection (2) were omitted;
- (c) in subsections (3) and (4), for the “the person paying it” there were substituted “the Combined Authority”;
- (d) subsection (6) were omitted.

(7) In this article “highway functions” means the functions which are exercisable by a constituent council (in whatever capacity) in relation to the highways for which they are the highway authority.

Agreements between authorities and strategic highways companies

4.—(1) The functions of the constituent councils contained in section 6(a) of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the constituent councils as local highway authorities contained in section 8(b) of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works) are exercisable by the Combined Authority in relation to Combined Authority roads.

(3) The functions mentioned in paragraphs (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

Promoting road safety

5.—(1) The functions of the constituent councils contained in section 39(2) and (3)(c) 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) are exercisable by the Combined Authority in relation to the Area.

(2) The functions are exercisable by the Combined Authority concurrently with the constituent councils.

Bus lane contraventions

6.—(1) The functions of each of the constituent councils contained in the 2005 Regulations are exercisable by the Combined Authority in relation to so much of the area of each of those

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- (a) Section 6 was amended by section 8 of, and paragraph 4 of Schedule 4 to, the Local Government Act 1985 (c.51), section 22 of, and paragraph 2 of Schedule 7 to, the Local Government (Wales) Act 1994 (c.19), section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015 (c.7), and S.I. 1995/1986.
 - (b) Section 8 was amended by section 22 of, and paragraph 3 of Schedule 7 to, the Local Government (Wales) Act 1994, section 8 of, and paragraph 5 of Schedule 4 to, the Local Government Act 1985, and section 1 of, and paragraph 8 of Schedule 1 to, the Infrastructure Act 2015.
 - (c) Section 39 was amended by section 168 of, and paragraph 121(3) of Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22), and by section 279 of the 1999 Act.

councils as is a civil enforcement area for parking contraventions for the purposes of Part 6 of the 2004 Act (“the Enforcement Area”).

(2) The functions are exercisable by the Combined Authority concurrently with the constituent councils.

(3) For the purposes of this article, the Combined Authority is to be treated as an approved local authority(a) for the Enforcement Area, and references in the 2005 Regulations to an approved local authority or to the area of such an authority are to be construed accordingly.

Road traffic reduction

7.—(1) The functions of the constituent councils as principal councils contained in section 2 of the 1997 Act (duty of principal councils to make reports) are exercisable by the Combined Authority in relation to Combined Authority roads.

(2) Subject to paragraph (3), the functions are exercisable by the Combined Authority instead of by the constituent councils.

(3) The Combined Authority must consult the constituent councils before exercising the functions mentioned in paragraph (1).

(4) In this article “principal council” has the meaning given by section 1(b) of the 1997 Act.

Permit schemes

8.—(1) The functions of the constituent councils as local highway authorities contained in the following provisions of the 2004 Act are exercisable by the Combined Authority in relation to Combined Authority roads—

- (a) section 33(c) (preparation of permit schemes);
- (b) section 33A(d) (implementation of permit schemes of strategic highways companies and local highway authorities in England); and
- (c) section 36(e) (variation of permit schemes).

(2) The functions of the constituent councils as permit authorities contained in the 2007 Regulations are exercisable by the Combined Authority in relation to Combined Authority roads.

(3) The functions mentioned in paragraph (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) Part 3 of the 2004 Act (permit schemes) applies in relation to the preparation, implementation, variation and revocation of permit schemes by the Combined Authority as it applies in relation to the preparation, implementation, variation and revocation of permit schemes by a constituent council, subject to the modifications in Schedule 2.

(5) The 2007 Regulations apply in relation to the content, preparation, operation, variation and revocation of permit schemes by the Combined Authority as they apply in relation to the content, preparation, operation, variation and revocation of permit schemes by a constituent council.

(6) For the purposes of paragraph (5), references in the 2007 Regulations to a permit authority are to be read as including references to the Combined Authority.

(7) In this article “permit scheme” is to be construed in accordance with section 32 of the 2004 Act.

(a) Under section 144(3) of the 2000 Act an authority is an approved local authority if an order has been made designating the whole or any part of its area as a civil enforcement area for parking contraventions, and the Secretary of State has made an order specifying it as an approved local authority.

(b) Section 1 was amended by section 280(1) of the Greater London Authority Act 1999.

(c) Section 33 was amended by paragraph 5 of Schedule 10 to the Deregulation Act 2015 (c.20).

(d) Section 33A was inserted by paragraph 6 of Schedule 10 to the Deregulation Act 2015.

(e) Section 36 was substituted by paragraph 8 of Schedule 10 to the Deregulation Act 2015.

Apparatus affected by highway, bridge or transport works

9.—(1) The functions of the constituent councils as highway authorities contained in the following enactments are exercisable by the Combined Authority in relation to Combined Authority roads—

- (a) sections 83(a) (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;
- (b) the 2000 Regulations.

(2) The functions mentioned in paragraph (1) are exercisable by the Combined Authority concurrently with the constituent councils.

(3) The 2000 Regulations apply in relation to the sharing of costs of diversionary works between the Combined Authority and undertakers as they apply in relation to the sharing of costs of diversionary works between a constituent council and undertakers.

(4) For the purposes of paragraph (3), references in the 2000 Regulations to an authority are to be read as including references to the Combined Authority.

(5) In this regulation—

“undertaker” has the same meaning as in the 1991 Act(b); and

“diversionary works” has the meaning given by regulation 2(1) of the 2000 Regulations.

PART 3

Housing and regeneration

Conferral of functions corresponding to functions that the HCA has in relation to the Area

10.—(1) The functions of the HCA in the 2008 Act specified in paragraph (2) that are exercisable in relation to the Area are to be functions of the Combined Authority.

(2) The functions in the 2008 Act are those contained in—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);
- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land)(c); and
- (h) section 12 (powers in relation to, and for, statutory undertakers).

(3) The Combined Authority is to exercise the functions contained in the provisions specified in paragraph (2) for the purposes of or for purposes incidental to the following objects—

- (a) to improve the supply and quality of housing in the Area,
- (b) to secure the regeneration or development of land or infrastructure in the Area,
- (c) to support in other ways the creation, regeneration or development of communities in the Area or their continued well-being, and

(a) Section 83 was amended by Schedule 1 to the Traffic management Act 2004 (c.18).

(b) See sections 48(4) and (5) and 89(4).

(c) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015 (2015 c 7).

(d) to contribute to the achievement of sustainable development and good design in the Area, with a view to meeting the needs of people living in the Area.

(4) The functions contained in the provisions specified in paragraph (2) are exercisable concurrently with the HCA and are subject to Schedules 2 and 3 to the 2008 Act.

(5) In paragraph (3) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(6) Section 23(3) of the Land Compensation Act 1961^(a) (compensation where planning decision made after acquisition) applies in relation to an acquisition by the Combined Authority as it applies to the HCA.

Application of provisions of the 2008 Act

11.—(1) This article has effect in consequence of article 3.

(2) Chapters 1 and 2 of and Schedules 2 to 4 to the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under the specified functions set out in article 3(2) and land acquired by the Combined Authority under those functions as they apply to the HCA and land acquired by the HCA, with the modifications made by Schedule 4.

PART 4

Mayoral Development Corporations

Conferral of functions corresponding to functions that the Mayor of London has in relation to Greater London to designate Mayoral development areas.

12.—(1) The Combined Authority shall have in relation to the Area functions corresponding to the functions contained in the provisions in the 2011 Act set out in Schedule 3 that the Mayor of London has in relation to Greater London.

(2) The exercise of the functions corresponding to the functions contained in section 197 (designation of Mayoral development areas) and 202 (functions in relation to Town and Country Planning) of the 2011 Act that the Mayor of London has in relation to Greater London requires the consent of at least one member of the Combined Authority appointed by a constituent council, whose council area contains any part of the area to be designated as a mayoral development area, or at least one substitute members acting in place of such a member, to be provided at a meeting of the Combined Authority.

Application of provisions in the Localism Act 2011

13.—(1) Chapter 2 of Part 8 (Mayoral development corporations) of, and Schedule 21 (Mayoral development corporations) to, the 2011 Act applies in relation to the Combined Authority and any Corporation as they apply in relation to the Mayor of London and a Mayoral development corporation respectively, with the modifications made by Schedule 3.

(2) Subject to paragraph (6), in any enactment passed or made on or before the date on which article 1(2) comes into force—

(a) any reference to a Mayoral development corporation, or

(a) 1961 c. 33. Section 23 was amended by section 66 of and paragraph 1 of Schedule 14 to the Planning and Compensation Act 1991 (c. 34), sections 181 and 187 of and paragraph 1 of Schedule 22 to the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) and by section 56 of and paragraph 2 of Schedule 8 to the Housing and Regeneration Act 2008 (c. 17).

- (b) any reference which falls to be read as a reference to a Mayoral development corporation,

is to be treated as including a reference to a Corporation.

(3) Paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 200(1) or (4) or 216(1)) applies in relation to transfers of property, rights or liabilities transferred in accordance with a transfer scheme to or from a Corporation as it applies in relation to transfers to or from a mayoral development corporation.

(4) The provisions in section 235 of the 2011 Act (orders and regulations) apply in relation to the power of a Minister of the Crown and the Treasury to make—

- (a) an order under section 198(2) (Mayoral development corporations: establishment) and 200(6) (transfers of property etc. to a Mayoral development corporation) of that Act, and
- (b) regulations under paragraph 9(2) of Schedule 24 to that Act,

by statutory instrument in relation to the establishment of a Corporation, [transfer of land] to or from a Corporation and for varying the way in which a relevant tax has effect from time to time in relation to any property, rights or liabilities transferred in accordance with a transfer scheme or anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities in accordance with a transfer scheme as they apply [in relation] to such instruments [in relation to] a Mayoral development corporation.

(5) In this article “transfer scheme” means a transfer scheme under section 200(1) or (4) or 216(1) of the 2011 Act.

(6) Paragraph (2) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: Further and Supplementary Provisions)(a);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(b);
- (c) section 38 of the 1999 Act (delegation)(c);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(d);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(e);
- (f) Section 73 of the 1999 Act (monitoring officer)(f);
- (g) 424 of the 1999 Act (interpretation)(g);
- (h) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(h); and
- (i) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(i).

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- (a) 1996 c 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.
 - (b) Section 31 was amended by section 186 of, and paragraphs 44 and 45 of Schedule 22 and Parts 31 and 32 of Schedule 25 to, the 2011 Act, section 33 of the Infrastructure Act 2015 (c. 7) and article 2 of S.I. 2012/1530.
 - (c) Section 38 was amended by paragraphs 36 and 37 of Schedule 19, paragraphs 4 and 5 of Schedule 20, paragraphs 44 and 46 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act, section 28 of the Growth and Infrastructure Act 2013 (c. 27) and article 2 of S.I. 2012/1530.
 - (d) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 (c. 24) and amended by section 224 of the Planning Act 2008 (c. 29), section 20 of the Police Reform and Social Responsibility Act 2011 (c. 13), paragraphs 44 and 47 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and articles 1, 2 and 36 of S.I. 2008/2038.
 - (e) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
 - (f) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007 (c. 24), paragraph 16 of Part 2 of Schedule 12 to the Local Government and Public Involvement in Health Act 2007 (c. 28), paragraphs 36 and 38 of Schedule 19, Paragraphs 44 and 49 of Schedule 22, Part 32 of Schedule 25 to the 2009 Act and paragraphs 1 and 5 of Part 1 to the Schedule to S.I. 2000/1435.
 - (g) Section 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21, 22 of the Greater London Authority Act 2007 (c. 24), section 3 of the Police Reform and Social Responsibility Act 2011 and paragraphs 44 and 52 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
 - (h) 2004 c 5. Section 24 was amended by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.
 - (i) 2008 c 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the 2011 Act.

Incidental provisions

14. The following provisions of the 1989 Act, shall apply as if the Corporation were a local authority—

- (a) section 1(a)(disqualification and political restriction of certain officers and staff), and
- (b) sections 2 and 3A(b) (politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of that section.

15. Section 5(c) of the Local 1989 Act (designation and reports of monitoring officer) shall apply in relation to the Combined Authority as if a Corporation were a committee of the Authority.

16. (1) Section 32 (application to Greater London Authority) of the 2003 Act applies in relation to expenditure of a Corporation as it applies to expenditure of a functional body.

(2) In Section 32 of the 2003 Act as applied by paragraph (1)—

- (a) references to a functional body are to be read as references to a Corporation;
- (b) references to the Greater London Authority are to be read as references to the Combined Authority; and
- (c) the reference to the Mayor of London is to be read as a reference to the Mayor of the Combined Authority.

(3) In this article “functional body” shall have the same meaning as in section 424 (interpretation) of the 1999 Act.

PART 5

Air Quality

Air Quality

17.—(1) The functions of the constituent councils under the following provisions in the Environment Act 1995(d) are exercisable by the Combined Authority in relation to the Area—

- (a) section 82 (duty to cause a review to be conducted of quality for the time being, and the likely future quality within the relevant period, of air within the authority's area and associated duties);
- (b) section 83 (duty to designate air quality management areas);
- (c) section 84 (duties in relation to designated area)(a); and

(a) section 1 was amended by section 80 of the Local Government Act 1972 (1972 c. 70), section 31 of the Local Government (Scotland) Act 1973, Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (1975 c. 24), paragraphs 199 and 200 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (2011 c. 13).

(b) Section 3A was inserted by section 202(2) of the Local Government and Public Involvement in Health Act 2007 and amended by Part 1 of Schedule 7 to the Local Democracy, Economic Development and Construction Act 2009 and paragraphs 4(1), (2)(a) to (d), (3), (4)(a) to (c), (5)(a) to (c), (6), (7)(a), (7)(b)(i) to (7)(b)(iii), (8)(a) and (b), (9) and (10) of Part 1 of Schedule 4 and Part 5 of Schedule 25 to the Localism Act 2011.

(c) Section 5 was amended by Part I of Schedule 4 to the Police and Magistrates Courts Act 1994, Schedule 7 to the Police Act 1996, section 132 of the Greater London Authority Act 1999, paragraph 24(1) to (8) of Schedule 5 to the Local Government Act 2000, paragraph 14(1), (2)(a) and (2)(b) of Part 2 to Schedule 12 (2)(b), Part 14 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007, the Local Democracy, Economic Development and Construction Act 2009, paragraphs 12, 13(1) and (2) of Schedule 14, Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009, paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 and SI 2001/2237 articles 1(2), 2(1) and 23(1)(a) to (f).

(d) 1995 c. 25.

- (d) section 113 (disclosure of information).
- (2) The functions are exercisable concurrently with the constituent councils.

PART 6

Health

Health

- 18.**—(1) The functions of the constituent councils under the following provisions are exercisable by the Combined Authority in relation to the Area—
- (a) section 10(3) (duty to enforce) and (5) (power to authorise officers) of the 2006 Act;
 - (b) paragraphs 13 and 16 (functions relating to fixed penalty notices) of Schedule 1 to the 2006 Act;
 - (c) regulation 3(5) of the Smoke-free (Premises and Enforcement) Regulations 2006 (power to transfer enforcement functions to another enforcement authority); and
 - (d) regulation 3(4) of the Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (form of fixed penalty notice) **(b)**.
- (2) The functions are exercisable concurrently with the constituent councils.
- (3) For the purposes of paragraph (1)(a) the Combined Authority is to be treated as an enforcement authority **(c)**

PART 7

Culture

Culture

- 19.**—(1) The functions of the constituent councils under section 145 of the Local Government Act 1972 (provision of entertainments) **(d)** are exercisable by the Combined Authority in relation to the Area.
- (2) The functions are exercisable concurrently with the constituent councils.
- (3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

PART 8

Anti-social behaviour

- 20.**—(1) The functions of the constituent councils contained in the following provisions in the 2014 Act are exercisable by the Combined Authority in relation to the Area—

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- (a) Section 84 was amended in relation to England and Wales by paragraph 7 of Part 4 of Schedule 13 to the Deregulation Act 2015.
 - (b) S.I. 2007/760. Regulation 3 was amended by SI 2015/939.
 - (c) Section 10(1) (enforcement) of the 2006 Act permits regulations to be made designating persons who are to be enforcement authorities for the purposes of Chapter 1 of Act. Regulation 3(1)(a) and (b) of the Smoke-free (Premises and Enforcement) Regulations (S.I. 2006/ 3368) provide that a unitary authority and a district council in so far as it is not a unitary authority is designated as an enforcement authority for the purposes of Chapter 1 of Part 1 of the 2006 Act.
 - (d) 1972 c. 70. Section 145 was amended by section 198 of and paragraph 59 of Schedule 6 to the Licensing Act 2003 (c. 17).

- (a) section 5 (applications for injunctions);
 - (b) section 45 (occupier or owner unascertainable);
 - (c) section 47 (remedial action by local authority);
 - (d) section 53 (authorised persons);
 - (e) section 59 (power to make orders);
 - (f) section 61 (variation and discharge of orders);
 - (g) section 64 (orders restricting public right of way over highway);
 - (h) section 68 (fixed penalty notices); and
 - (i) section 72 (convention rights, consultation, publicity and notification).
- (2) The functions are exercisable by the Combined Authority only in relation to bus services.
- (3) The functions are exercisable concurrently with the constituent councils.
- (4) Section 51 of the 2014 Act (seizure of item used in commission of offence) applies in relation to the use reasonable force, if necessary, in executing a warrant under this;
- (5) Section 54 (exemption from liability) of the 2014 Act applies in relation to the Combined Authority exercising or purporting to exercise a power under section 47 of the 2014 as it applies in relation to a local authority exercising or purporting to exercise a power under that provision.
- (6) Sections 63 (consumption of alcohol in breach of prohibition in order) and 68 (fixed penalty notices) of the 2014 Act apply in relation to a person authorised for the purposes of those sections by the Combined Authority as they apply in relation to a person authorised for the purposes of those sections by a local authority.
- (7) The Combined Authority shall be a relevant authority for the purposes of section 115 of the Crime and Disorder Act 1998(a).
- (8) In this article “bus services” means any vehicle with more than 8 passenger seats operating a registered local bus service with the Traffic Commissioner and the Transport Authority, and any bus station managed through the transport authority.

PART 9

Funding

Funding

- 21.**—(1) The constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of the functions mentioned in articles in article 6, 10 (save for the function in section 9(2) of the 2008 Act), 12, 17, 18, 19, 20 are met.
- (2) Subject to paragraph (4) the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions specified in articles 3, 4, 5, 7, 8, 9, 10 (only in relation to the function in section 9(2) of the 2008 Act) and 23 to the extent that the Mayor has decided not to meet the costs from other resources available to the Combined Authority.
- (3) The amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2) are met is to be determined by apportioning such costs between the constituent councils in such proportions as they may agree or,

(a) 1998 c 37. Section 115 was amended by paragraphs 150 and 151 of the Criminal Justice and Court Services Act 2000 (c. 43), section 97 of the Police Reform Act 2002 (c. 30), section 219 of the Housing Act 2004 (c. 34), paragraph 1 of Schedule 9 to the Police and Justice Act 2006 (c. 48), section 29 of the Transport Act 2008 (c. 26), paragraphs 231 and 238 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c.13), paragraphs 83 and 90 of Schedule 5 to the Health and Social Care Act 2012 (c. 7), paragraph 35 of Schedule 1 to S.I. 2000/90, regulation 1 of S.I. 2469/2002, paragraph 30 of Part 1 of Schedule 2 to S.I. 2003/602, paragraph 13 of Part 1 of Schedule 1 to S.I. 2008/912 and paragraphs 109 and 111 of Schedule 2 to S.I. 2010/886.

in default of such agreement, of the Combined Authority referred to in paragraph (1) and (2) between the constituent councils in such proportions as they may agree or, in default of such agreement, in proportion to the total resident population of the Combined Authority which resides in that council at the relevant date as estimated by the Statistics Board^(a).

(4) In relation to the expenditure mentioned in paragraph (2)—

- (a) to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (3)—
 - (i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure; and
 - (ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred.
- (b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992^(b) is to be disregarded from any calculation of the costs of the expenditure.

(5) The functions mentioned in articles 6 may be funded out of the levy issued by the Combined Authority to the constituent councils under section 74 of the Local Government Finance Act 1988^(c) and in accordance with the Transport Levying Bodies Regulations 1992^(d).

(6) For the purposes of this article the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the financial year in which such payment is made.

PART 10

Functions of the Combined Authority exercisable only by the mayor

General functions of the Combined Authority exercisable only by the mayor

22.—(1) Subject to paragraph (2), the following functions^(e) are general functions exercisable only by the Mayor—

- (a) the functions of the Combined Authority in the following enactments—
 - (i) section 31 of the 2003 Act (power to pay grant),
 - (ii) section 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,

(a) Section 25 of the Statistics and Registration Service Act 2007 provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (annual abstract of number of births, deaths and marriages).

(b) c. 14. Section 40 was amended by section 83 of the 1999 Act, section 79 of, and paragraph 7 of Schedule 17 to, the Localism Act 2011 and section 5 of the Cities and Local Government Devolution Act 2016.

(c) c. 41. Section 74 was amended by paragraph 72 of Schedule 13 to the Local Government Finance Act 1992 (c. 14); paragraph 21 of Schedule 60 to the Local Government (Wales) Act 1994 (c. 19); Schedule 24 to the Environment Act 1995 (c. 25); section 105 of the Greater London Authority Act 1999 (c. 29); paragraph 305(a) of Schedule 8 to the Courts Act 2003 (c. 39); paragraph 68 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21); paragraph 16 of Schedule 1 to the Local Government and Involvement in Public Health Act 2007 (c. 28); paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20); paragraphs 1 and 2 of Schedule 7 to the Police Reform and Social Responsibility Act 2011 (c. 13); paragraph 182(a) of Schedule 16 to the Localism Act 2011 (c. 20); section 9(1)(a), (b) and (2) of, and paragraphs 9 and 10 of Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1); and by S.I. 1994/2825.

(d) S.I. 1992/2789, amended by S.I. 2012/213 and S.I. 2015/27.

(e) 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 PCC functions.

- (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 that the HCA has in relation to the Area contained 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) For the purposes of the exercise of the general functions 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)()

(4) The exercise of the general functions mentioned in paragraph (1)(b) requires the consent of a member of the Combined Authority appointed by the constituent councils whose council area contains any part of the land subject to the proposed compulsory acquisition or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

PART 11

Political Advisers

Political advisers

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

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

(3) No appointment of a member of staff 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 member of staff 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), (3), (4), (8), (8A), (8B) and (9) of the 1989 Act(a)(assistants for political groups), and any order made by the Secretary of State under section 9(4)(a) of the 1989 Act, shall apply in relation to the appointment of a member of staff under paragraph (1) as if any appointment to that post were the appointment of a person in pursuance of that section.

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

(a) 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.

PART 12

Amendment of the West Midlands Combined Authority Order 2016

Amendments of the West Midlands Combined Authority Order 2011

24.—(1) The 2016 Order is amended as follows—

(2) In article 2 (interpretation)—

(a) after the definition of “constituent councils” insert—

““Deputy Mayor” means the member of the Combined Authority appointed by the Mayor as the Mayor’s deputy;”;

(b) after the definition of “Local Enterprise Partnership” delete “and” and insert—

““Mayor” means the mayor for the area of the Combined Authority; and”; and

(c) for the definition of “non constituent council” substitute—

““non constituent councils” means the councils for the local government areas of Cannock Chase, North Warwickshire, Nuneaton and Bedworth, Redditch, Rugby, Shropshire, Stratford-on-Avon, Tamworth, Telford and Wrekin and Warwickshire.”.

(3) Schedule 1 (constitution) is amended as follows—

(a) in paragraph 1 (membership)—

(i) sub-paragraph (1) is omitted, and

(ii) in sub-paragraph (4) after “under sub-paragraph (2)” insert “or if the Mayor has appointed that member as the Deputy Mayor and that member is required to act in place of the Mayor”(a).

(b) paragraph 2 (chairman and vice-chairman) is omitted(b); and

(c) in paragraph 3 (proceedings)—

(i) in sub-paragraph (1) delete “both”,

(ii) at the end of sub-paragraph (1)(a) delete “and” and insert—

“(aa) the Mayor, or the deputy mayor acting in place of the Mayor, to be present and voting with that majority, and”,

(iii) in sub-paragraph (1)(b) after “acting in place of those members” insert “and the deputy mayor acting in place of the Mayor”,

(iv) after sub-paragraph (1) insert—

“(1A) Where such a decision to be decided by the Combined Authority which would otherwise be decided in accordance with sub-paragraph (1) relates to the matters in paragraphs 7 and 10 of the 2016 Order it requires both—

(a) a majority of at least two-thirds of the members appointed by the constituent councils and substitute members, acting in place of those members, present and voting on that question at a meeting of the Combined, and

(b) where members appointed by the non-constituent councils or appointed from the Local Enterprise Partnerships have been given voting rights by resolution of the Combined Authority, a simple majority of all members of the Combined Authority entitled to vote (including substitute members acting in place of members appointed in accordance with the provisions in paragraph 1 of this Schedule and the deputy mayor acting in place of the Mayor) present and voting on that question to be carried at a meeting of the Combined Authority.”.

(a) Section 107C(1) of the 2009 Act provides that the mayor for the area of a combined authority must appoint one of the members of the authority to be the mayor’s deputy.

(b) See (a) and (b) above

- (v) in subparagraph (2) after “unless” insert “the Mayor, or the deputy mayor acting in place of the Mayor, and”
 - (vi) for subparagraph (3) substitute—

“(3) Subject to sub-paragraph (5A), the Mayor, or the deputy mayor acting in place of the Mayor, and each constituent member, or substitute member acting in that member’s place, is to have one vote and no member, substitute member or the deputy mayor acting in place of the Mayor is to have a casting vote”,
 - (vii) in sub-paragraph (5)(b) after “acting in place of those members” insert “and the deputy mayor acting in place of the Mayor”, and
 - (viii) Subparagraph (7) is omitted;
- (d) In paragraph 4—
- (i) for sub-paragraph (2) there is substituted—

“(2) No business is to be transacted at a meeting of the overview and scrutiny committee unless at least two thirds of the total number of members of the overview and scrutiny committee are present.”,
 - (ii) after sub-paragraph 11 there is inserted—

“(12) The Combined Authority may establish an independent remuneration panel to recommend allowances payable to members appointed to the Combined Authority, members of any committee or sub-committee of the Combined Authority and the Mayor.

(13) An independent remuneration panel must consist of at least three members none of whom—

 - (a) is also a member of the Combined Authority or is a member of a committee or sub-committee of the Combined Authority; or
 - (b) is disqualified from being or becoming a member of the Combined Authority.

(14) The Combined Authority may pay the expenses incurred by an independent remuneration panel established under paragraph (13)(a) or (3)(b) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined Authority may determine.

(15) An independent remuneration panel must produce a report in relation to the Combined Authority, making recommendations—

 - (a) as to the responsibilities or duties in respect of which the following should be available—
 - (i) special responsibility allowance;
 - (ii) travelling and subsistence allowance; and
 - (iii) co-optees’ allowance;
 - (b) as to whether, in the event that the scheme is amended at any time so as to affect an allowance payable for the year in which the amendment is made, payment of allowances may be backdated;
 - (c) as to whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years, before its application is reviewed; and
 - (d) as to treating basic allowance or special responsibility allowance, or both, as amounts in respect of which such pensions are payable in accordance with a scheme made under section 7 of the Superannuation Act 1972.

(16) A copy of a report made under paragraph (15) shall be sent to each authority in respect of which recommendations have been made.”.

Incidental provisions

25.— [In consequence of article 21(3)(a), for the purposes of section 104(1)(a) of the 2009 Act (constitution) section 85 of the Local Transport Act 2008 (provision that may be made in an order under section 84: membership of ITA) is to be applied without including the Mayor in any calculation of whether a majority of the members of the Combined Authority have been appointed by the constituent councils(a).]

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

Date _____
Name _____
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE 1 Article 1

Combined Authority Roads

‘A’ Roads (in numerical order)

1. **A34** from the northern Walsall Borough boundary just north of Turnberry Road to the M42 junction 4 in Solihull, **including its junctions with—**

- (a) A4124 Bell Lane/Lichfield Road;
- (b) B4210 Sand Bank/High Street;
- (c) Leamore Lane roundabout;
- (d) A4148 Blue Lane (begins again on southeast side of A4148 Walsall ring road);
- (e) A4148 Broadway;
- (f) M6 junction 8;
- (g) A4041 Newton Road;
- (h) B4124 Old Walsall Road;
- (i) A453 Aldridge Road;
- (j) A4040 Wellington Road/Aston Lane roundabout;
- (k) B4144 Lozells Road/B4140 Witton Road roundabout;
- (l) B4144 Park Lane/B4515 Newbury Road;
- (m) A4540 Newtown Middleway (begins again on south side of A4540 Birmingham ring road);
- (n) A4126 Walford Road/A4167 Highgate Road;
- (o) A41 Warwick Road;

(a) Section 85 of the Local Transport Act 2008 provides that an order made by virtue of section 84(2)(a) of that Act which includes provision about the number and appointment of members of the Combined Authority must provide for a majority of the members of the Authority to be appointed by the Authority's constituent councils. Section 105A of the 2009 Act provides that a mayor for the area of a combined authority is by virtue of that office a member of, and the chair of, the combined authority. The Mayor's appointment by virtue of section 105A makes the Mayor a unique kind of member and the purpose of the amendment is to clarify how section 85 is to operate in relation to this unique kind of member.

- (p) B4217 College Road;
- (q) B4146 School Road/Cole Bank Road;
- (r) A4040 Fox Hollies Road/Highfield Road;
- (s) Robin Hood Lane/Solihull Lane roundabout;
- (t) Olton Road/Haslucks Green Road roundabout;
- (u) Solihull Road;
- (v) Union Road/School Road roundabout;
- (w) Shakespeare Drive;
- (x) B4102 Marshall Lake Road/Blackford Road roundabout;
- (y) Cranmore Boulevard roundabout;
- (z) Dog Kennel Lane roundabout;
- (aa) Monkspath Hall roundabout; and
- (bb) Northern entry to the M42 junction 4 roundabout.

2. A38 from the northern Birmingham Borough boundary at Lindridge Road just south of the M6 Toll to the southern Birmingham Borough boundary just south of the New Road/Cock Hill Lane junction, **including its junctions with—**

- (a) Walmley Ash Road/ Kingsbury Road roundabout;
- (b) Midpoint Boulevard roundabout;
- (c) Tyburn House Island roundabout with A452 Chester Road;
- (d) B4148 Tyburn Road;
- (e) A4040 Bromford Lane;
- (f) Northern entry to the Salford Circus roundabout with the A5127 Gravelly Hill/Lichfield Road (begins again at southern end of A38(M) Aston Expressway);
- (g) Lancaster Circus roundabout with B4114 Lancaster Street/James Watt Queensway;
- (h) A456 Holliday Street;
- (i) Holloway Circus roundabout with the B4127 Holloway Head/Smallbrook Queensway;
- (j) A4540 Belgrave Middleway;
- (k) B384 Bristol Road;
- (l) Queen Elizabeth Island roundabout with New Fosse Way;
- (m) Harborne Lane Island roundabout with A4040 Harborne Lane;
- (n) B384 Bristol Road/Elliott Road;
- (o) A4040 Harborne Lane/Oak Tree Lane;
- (p) B4121 Bell Hill/Bell Lane;
- (q) B4120 Lickey Road roundabout; and
- (r) New Road/Cock Hill Lane.

3. A38(M) full extent from its southerly point just north of Bagot Street to its northerly point on the southern entry to the A5127 Gravelly Hill/Lichfield Road roundabout, **including its junctions with -**

- (a) Dartmouth Circus roundabout with the A540 Newtown Middleway/Dartmouth Middleway/A5127 Aston Road;
- (b) Park Circus roundabout with the B4132 Waterlinks Boulevard/B4144 Victoria Road;
- (c) M6 junction 6; and
- (d) Southern entry to the A5127 Gravelly Hill/Lichfield Road roundabout.

4. A41 from the northern Wolverhampton Borough boundary just north of Yew Tree Lane/Westcroft Road to the M42 junction 5, **including its junctions with -**

- (a) B4161 Henwood Road/Lower Street;
- (b) A454 Compton Road/Chapel Ash;
- (c) Chapel Ash Island roundabout with A4150 Ring Road St Andrews/St Marks (begins again on east side of A4150 Wolverhampton ring road);
- (d) Bilston Street Island roundabout with A4150 Ring Road St Davids/St Georges/A454 Middle Cross;
- (e) A4126 Ettingshall Road;
- (f) Hadley Road/Hall Park Street roundabout;
- (g) B4484 Mount Pleasant/Walsall Street;
- (h) Hall Street roundabout;
- (i) A463 Black Country Route/Brook Street roundabout;
- (j) B4163 Loxdale Street/Vulcan Road;
- (k) A4098 Great Bridge Road;
- (l) Moxley Junction Roundabout with the A4444 Black Country New Road/A4038 Moxley Road;
- (m) Patent Shaft Roundabout with Patent Drive/Bilston Road/Holyhead Road;
- (n) Steel Roundabout with the A461 Dudley Street/Hallens Drive;
- (o) Parkway Roundabout with the A4037 Leabrook Road/Atlantic Way;
- (p) Navigation Roundabout with the A461 Great Western Way/George Henry Road;
- (q) Swan Roundabout with the B4149 New Swan Lane/Great Bridge Street;
- (r) Albion Roundabout with the A4196 Old Meeting Street/Carter's Green;
- (s) A4031 All Saints Way/Cronehills Linkway roundabout;
- (t) A4031 Trinity Way;
- (u) M5 junction 1/A4252 Kenrick Way/Birmingham Road roundabout;
- (v) A4040 Island Road;
- (w) B4136 Booth Street/Oakland Road;
- (x) A4040 Rookery Road/Queens Head Road;
- (y) A4040 Boulton Road;
- (z) B4144 Villa Road/St Michael's Road;
- (aa) B4124 Hamstead Road;
- (bb) Hockley Circus roundabout with the B4100 Hockley Hill/B4515 Hunters Road/A4540 Heaton Street (**begins again at the aforementioned junction with the A34 (1o.)**);
- (cc) B4145 Golden Hillock Road/Baker Street roundabout;
- (dd) Albion Road/Percy Road roundabout;
- (ee) B4146 Wharfdale Road;
- (ff) B4146 Tyseley Hill Road/Knights Road;
- (gg) A4040 Stockfield Road/Fox Hollies Road;
- (hh) B4146 Dudley Park Road;
- (ii) B4146 Westley Road/Shirley Road roundabout;
- (jj) B4514 Olton Boulevard East/Gospel Lane;
- (kk) B425 Warwick Road;
- (ll) B425 Lode Lane;

- (mm) B4102 Hampton Lane/Yew Tree Lane;
- (nn) B4102 Hampton Lane/Marsh Lane; and
- (oo) Northern entry to the M42 junction 5 roundabout.

5. A45 from the Stivichall Interchange roundabout with the A444/A46 in Coventry to the Solihull Borough boundary with Warwickshire just east of Maxstoke Lane; and from the A452 Chester Road/Kenilworth Road roundabout to the Bordesley Circus roundabout with the A4540 Watery Lane Middleway/Bordesley Middleway/B4128 Coventry Road, **including its junctions with -**

- (a) B4113 Leamington Road/St Martins Road roundabout;
- (b) A429 Kenilworth Road;
- (c) Sir Henry Parkes Road roundabout;
- (d) B4101 Tile Hill Lane/Vanguard Avenue;
- (e) Broad Lane roundabout;
- (f) A4114 Pickford Way/Parhill Drive/Rye Hill roundabout;
- (g) B4104 Birmingham Road (West Midlands Combined Authority area begins again at the A452 Chester Road/Kenilworth Road roundabout);
- (h) Bickenhill Interchange roundabout with the M42 junction 6;
- (i) B4438 Bickenhill Lane/Catherine De Barnes Lane roundabout;
- (j) B425 Sheaf Lane/Hobs Moat Road;
- (k) A4040 Yardley Road roundabout;
- (l) Heybarnes Circus roundabout with Coventry Road/Fordrough;
- (m) Poets Corner Roundabout with the B4515 Golden Hillock Road;
- (n) Lawden Road/Bolton Road roundabout; and
- (o) Eastern entry to the Bordesley Circus roundabout with the A4540 Watery Lane Middleway/Bordesley Middleway/B4128 Coventry Road.

6. A47 from the Ashted Circus roundabout with the A4540 Dartmouth Middleway/Lawley Middleway to the Spitfire Island roundabout with the A452 Chester Road, **including its junctions with—**

- (a) B4132 Goodrick Way/Melvina Road roundabout;
- (b) B4114 Saltley Viaduct/Nechells Place/Mainstream Way roundabout;
- (c) Aston Church Road roundabout;
- (d) B4137 Cuckoo Road/Watson Road roundabout;
- (e) A4040 Bromford Lane roundabout;
- (f) Wingfoot Way roundabout;
- (g) East Drive roundabout; and
- (h) Western entry to the Spitfire Island roundabout with the A452 Chester Road.

7. A428 from its junction with the A4600 Sky Blue Way/Walsgrave Road/Far Gosford Street to the A46 Coventry Eastern Bypass roundabout, **including its junctions with -**

- (a) A444/B4110 Humber Road roundabout;
- (b) A4082 Allard Way/Hipswell Highway;
- (c) B4082 Brinklow Road;
- (d) Harry Weston Road/Willenhall Lane roundabout;
- (e) Kynner Way/Herald Way roundabout;
- (f) Premier Inn/B&Q roundabout; and
- (g) Western entry to the A46 Coventry Eastern Bypass roundabout.

8. A429 from its junction with the A4053 Ringway Queens/Ringway St Patricks to its junction with the A452 Bridge Street, **including its junctions with -**

- (a) Central Six Retail Park roundabout;
- (b) B4113 Leamington Road;
- (c) B4107 Earlsdon Avenue;
- (d) A45 Kenpas Highway/Fletchamstead Highway (aforementioned in 5b.);
- (e) Gibbet Hill Road/Stoneleigh Road roundabout; and
- (f) Northern entry to the junction with the A452 Bridge Street.

9. A435 from the Haden Circus roundabout with the A4540 Highgate Middleway/Belgrave Middleway/A4167 Highgate Road to the Druids Lane/Maypole Lane roundabout, **including its junctions with -**

- (a) B4217 Salisbury Road/St Mary's Row;
- (b) B4122 Vicarage Road;
- (c) B4146 Addison Road;
- (d) A4040 Howard Road; and
- (e) Northern entry to the Druids Lane/Maypole Lane roundabout.

10. A441 from the Belgrave Interchange roundabout with the A4540 Belgrave Middleway/Sherlock Street to the southern Birmingham Borough boundary just south of the Longbridge Lane roundabout, **including its junctions with -**

- (a) B4217 Priory Road/Edgbaston Road;
- (b) A4029 Pebble Mill Road;
- (c) Umberslade Road roundabout;
- (d) A4040 Fordhouse Lane;
- (e) A4040 Watford Road roundabout;
- (f) B4121 Middleton Hall Road roundabout;
- (g) The Green/Wharf Road/Masshouse Lane roundabout;
- (h) Redhill Road roundabout; and
- (i) Longbridge Lane roundabout.

11. A444 from the northern Coventry Borough boundary just north of the Winding House Lane/Judds Lane roundabout to the Stivichall Interchange roundabout with the A45 Stonebridge Highway/A46, **including its junctions with -**

- (a) Winding House Lane/Judds Lane roundabout;
- (b) B4118 Holbrook Way roundabout;
- (c) B4113 Foleshill Road roundabout;
- (d) B4109 Bell Green Road/Stoney Stanton Road;
- (e) Heath Crescent/Waterman Road roundabout;
- (f) A4600 Walsgrave Road;
- (g) Northern entry to the A428 Binley Road/B4110 Humber Road roundabout ((aforementioned in 7a.)(begins again at the A4082/A4114 London Road roundabout)); and
- (h) Northern entry to the Stivichall Interchange roundabout with the A45 Stonebridge Highway/A46 (aforementioned in 5.).

12.—(1) A449 from the southern exit from the M54 junction 2/A4510 roundabout to the southwestern Wolverhampton Borough boundary just north of the Warstones Road/Showell Lane roundabout; and from the northern Dudley Borough boundary just north of Holbeache

Lane to the western Dudley Borough boundary just south of its junction with the A4101 Lodge Lane, **including its junctions with -**

- (a) Wobaston Road roundabout;
- (b) Marsh Lane/Three Tuns Lane roundabout;
- (c) Greenwood Road/Mercury Drive roundabout;
- (d) Bushbury Lane roundabout;
- (e) Gorsebrook Road/McDonald's roundabout;
- (f) Fox's Lane/Dunstall Road/Waterloo Road roundabout;
- (g) A460 Cannock Road;
- (h) A4150 Ring Road St Peters/Ring Road St Patricks (begins again on south side of A4150 Wolverhampton ring road);
- (i) Penn Road Island roundabout with the A4150 Ring Road St Marks/Ring Road St Johns;
- (j) B4161 Stubbs Road/Rookery Lane;
- (k) A4039 Goldthorn Hill/Coalway Road (West Midlands Combined Authority area begins again just north of Holbeache Lane);
- (l) A491 Wolverhampton Road roundabout;
- (m) B4175 Dudley Road roundabout;
- (n) Enville Road roundabout;
- (o) B4178 Swindon Road roundabout; and
- (p) A4101 Lodge Lane.

13. A452 from its junction with the A446 Stonebridge Road to the Rising Sun Island roundabout with the A5 Watling Street, **including its junctions with -**

- (a) A446 Stonebridge Road/B4438/Solihull Parkway roundabout;
- (b) Coleshill Heath Road roundabout;
- (c) Chester Road/Moorend Avenue roundabout;
- (d) B4114 Birmingham Road roundabout;
- (e) M6 junction 5/Newport Road roundabout;
- (f) Spitfire Island roundabout with A47 Fort Parkway/Tangmere Drive (**aforementioned in 6h.**);
- (g) Tyburn House Island roundabout with A38 Kingsbury Road (**aforementioned in 2c.**);
- (h) B4148 Tyburn Road/Eachelhurst Road roundabout;
- (i) Orphanage Road roundabout;
- (j) A5127 Sutton Road;
- (k) B4142 Boldmere Road/Gravelly Lane;
- (l) A453 College Road;
- (m) B4149 Kings Road/Jockey Road;
- (n) B4138 Sutton Oak Road;
- (o) A4041 Queslett Road East/B4138 Thornhill Road roundabout;
- (p) B4151 Foley Road;
- (q) A454 Little Aston Road roundabout;
- (r) A461 Lichfield Road;
- (s) B4152 Lindon Road;
- (t) B5011 Ogley Road;
- (u) A4124 Pelsall Road/B4155 Lichfield Road/Silver Street roundabout; and

(v) Rising Sun Island roundabout with the A5 Watling Street.

14. A453 from its junction with the A34 Walsall Road (**mentioned in 1i.**) to its junction with the A5127 Birmingham Road, **including its junctions with -**

- (a) B4138 Kingstanding Road;
- (b) Warren Road/The Ridgeway roundabout;
- (c) Brackenbury Road/Dovedale Road roundabout;
- (d) A452 Chester Road (**mentioned in 13l.**);
- (e) Jockey Road/Maxstoke Road roundabout;
- (f) B4142 Boldmere Road/Stonehouse Road; and
- (g) A5127 Birmingham Road.

15. A454 from the western boundary of Wolverhampton just west of Sabrina Road to the A452 Chester Road roundabout (**mentioned in 13q.**), **including its junctions with -**

- (a) B4161 Henwood Road roundabout;
- (b) B4161 Finchfield Hill;
- (c) A41 Tettenhall Road/Chapel Ash ((**mentioned in 4b.**)(begins again at the Bilston Street Island roundabout with the A4150 Ring Road St Davids/Ring Road St Georges/A41 Bilston Road (**mentioned in 4d.**)));
- (d) B4464 Somerford Place/New Street roundabout;
- (e) B4484 Bilston Road roundabout;
- (f) A463 Black Country Route/Armstrong Way roundabout;
- (g) Marshland Way roundabout;
- (h) M6 junction 10/B4464 Wolverhampton Road roundabout;
- (i) A4148 Pleck Road/Blue Lane (begins again at the A461 Lichfield Street/Buchanan Avenue roundabout);
- (j) Calderfields Golf Club roundabout;
- (k) Airfield Drive/Longwood Lane roundabout;
- (l) B4154 Bosty Lane;
- (m) Westfield Drive roundabout;
- (n) Leighswood Road roundabout;
- (o) B4152 Northgate/High Street/Anchor Road roundabout; and
- (p) Western entry to the A452 Chester Road roundabout (**mentioned in 13q.**).

16. A456 from the Five Ways roundabout with the A4540 Ladywood Middleway/Islington Row Middleway/B4284 Harborne Road/B4217 Calthorpe Road/Broad Street in Birmingham to the southern Dudley Borough boundary just west of Lutley Lane, **including its junctions with -**

- (a) B4532 Plough and Harrow Road/Highfield Road;
- (b) B4124 Monument Road/Chad Road;
- (c) B4125 Portland Road;
- (d) B4129 Rotton Park Road/Norfolk Road;
- (e) B4182 Sandon Road;
- (f) A4040 Barnsley Road;
- (g) A4030 Bearwood Road/A4040 Lordswood Road;
- (h) A4123 Wolverhampton Road;
- (i) Trevanie Avenue/Quinton Lane roundabout;

- (j) A458 Hagley Road/Walters Road/Stoney Lane roundabout;
- (k) Ridgeway roundabout;
- (l) M5 junction 3 roundabout;
- (m) B4043 Manor Lane;
- (n) A459 Grange Road/B4551 Grange Hill roundabout; and
- (o) B4183 Hagley Road roundabout.

17. A457 from its junction with the A4123 Birmingham New Road to the Spring Hill roundabout with the A4540 Icknield Street/Ladywood Middleway/B4135 Summer Hill Road, **including its junctions with -**

- (a) A4037 Hurst Lane/Dudley Road;
- (b) B4517 Owen Street/High Street roundabout;
- (c) A461 Dudley Port;
- (d) A4033 Dudley Road West;
- (e) Roway Lane/Brades Road roundabout;
- (f) A4034 Olbury Ringway/Freeth Street roundabout;
- (g) Rounds Green Road/Sainsbury's roundabout;
- (h) A4034 Churchbridge/Halesowen Street roundabout;
- (i) Rood End roundabout;
- (j) A4031 Spon Lane South/Mallin Street roundabout;
- (k) A4252 Telford Way/Fenton Street roundabout;
- (l) A4030 High Street;
- (m) B4136 Soho Street;
- (n) B4135 Cranford Street/B4136 Windmill Lane roundabout;
- (o) A4092 Cape Hill/Barrett Street roundabout;
- (p) B4129 Rotton Park Road;
- (q) A4040 City Road;
- (r) A4040 Winson Green Road/B4126 Icknield Port Road;
- (s) B4135 Heath Street; and
- (t) Western entry to the Spring Hill roundabout with the A4540 Icknield Street/Ladywood Middleway/B4135 Summer Hill Road.

18. A458 from the western Dudley Borough boundary just west of Wollaston Court/Wolverley Avenue to the A456 Quinton Expressway/Hagley Road West/Walters Road/Stoney Lane roundabout (**aforementioned in 16j.**), **including its junctions with -**

- (a) B4186 Highpark Avenue;
- (b) A461 High Street/Meriden Avenue roundabout;
- (c) Its junction with the A491 Bath Road (begins again on east side of A491 Stourbridge ring road);
- (d) A491 St John's Road;
- (e) A4036 Dudley Road/Pedmore Road;
- (f) B4174 Park Lane;
- (g) B4173 Colley Lane;
- (h) Grammar School Lane/Furnace Lane/High Street roundabout;
- (i) A459 Dudley Road/Bromsgrove Street roundabout;
- (j) B&Q roundabout;

- (k) A4034 Long Lane/Kent Road roundabout; and
- (l) A456 Quinton Expressway/Hagley Road West/Walters Road/Stoney Lane roundabout (**mentioned in 16j.**).

19. A459 from its junction with the A4150 Ring Road St Johns/Ring Road St Georges to where it meets the A456 (Manor Way) in Birmingham, **including its junctions with -**

- (a) A4123 Birmingham Road;
- (b) A4039 Goldthorn Hill/Parkfield Road;
- (c) A463 Bilston Street;
- (d) Bull Ring roundabout with the A463 Gospel End Street/Ettymore Road/Mill Bank;
- (e) A457 Tipton Street;
- (f) B4175 Jew's Lane/Eve Lane;
- (g) B4558 Burton Road;
- (h) A4168 Priory Road roundabout;
- (i) B4171 Trindle Road;
- (j) Castle Gate Island roundabout with the A461 Birmingham Road/Duncan Edwards Way/A4037 Tipton Road/Castlegate Way (begins again at the Cinder Bank Island roundabout with the A461 Duncan Edwards Way/B4177 Blower's Green Road/Peartree Lane);
- (k) B4173 Cradley Road;
- (l) A4100 Reddal Hill Road/Highgate Street/Halesowen Road roundabout;
- (m) A4100 Highgate Street/Elbow Street roundabout;
- (n) Halesowen Road/Station Road roundabout;
- (o) A4099 Coombs Road/Furnace Hill;
- (p) A458 Whitehall Road/Mucklow Hill roundabout (**mentioned in 18i.**);
- (q) Halesmere Way/Woodman Close/Queensway/Centre Lane roundabout; and
- (r) A456 Manor Way/B4551 Grange Hill roundabout (**mentioned in 16n.**).

20. A460 from the northwestern Wolverhampton boundary just south of Old Hampton Lane to its junction with the A449 Stafford Street, **including its junctions with -**

- (a) B4156 Blackhalve Lane/Willow Avenue/Primrose Lane/Chesterton Road roundabout;
- (b) Old Fallings Lane/Park Lane roundabout;
- (c) Victoria Road roundabout; and
- (d) A449 Stafford Street.

21. A461 from the northwestern Walsall Borough boundary just south of Barracks Lane/Cartersfield Lane to the Cinder Bank Island roundabout with the A459 Cinder Bank/B4177 Blower's Green Road/Peartree Lane (**mentioned in 19j.**), **including its junctions with -**

- (a) A452 Chester Road (**mentioned in 13r.**);
- (b) B4152 Brownhills Road/Salters Road;
- (c) B4154 Pelsall Lane/Daw End Lane/Station Road/Springfields;
- (d) A454 Mellish Road/Buchanan Avenue roundabout (**mentioned in 15i.**);
- (e) A4148 Littleton Street/Broadway/Lower Rushall Street (begins again on southwest side of A4148 Walsall ring road);
- (f) M6 junction 9 roundabout;
- (g) A462 Trowse Lane/Upper High Street roundabout;
- (h) A4196 Holyhead Road roundabout;

- (i) Steel roundabout with the A41 Black Country New Road/Hallens Drive ((**mentioned in 4n.**)(begins again at the Navigation roundabout with the A41 Black Country New Road/George Henry Road (**mentioned in 4p.**)));
- (j) B4517 New Road/Market Place roundabout;
- (k) B4166 Tame Road;
- (l) B4163 Lower Church Lane;
- (m) A457 Sedgley Road East (**mentioned in 17c.**);
- (n) A4123 Birmingham New Road;
- (o) Castle Gate Island roundabout with the A459 Castle Hill/A4037 Tipton Road/Castlegate Way (**mentioned in 19j.**);
- (p) Flood Street Island roundabout with Flood Street/Blackacre Road; and
- (q) Cinder Bank Island roundabout with the A459 Cinder Bank/B4177 Blower's Green Road/Peartree Lane (**mentioned in 19j.**).

22. A462 from the western boundary of Walsall between Sneyd Lane and Upper Sneyd Road to the A461 High Bullen/Upper High Street roundabout (**mentioned in 21g.**), **including its junctions with -**

- (a) A4124 Lichfield Road roundabout;
- (b) Coppice Lane roundabout;
- (c) Charles Street roundabout;
- (d) B4464 Walsall Road;
- (e) B4464 Wolverhampton Road/The Crescent;
- (f) B4590 Bilston Lane/William Harper Road;
- (g) A463 Armstrong Way/Downs Road roundabout;
- (h) The Green roundabout;
- (i) Willenhall Street/The Leys/New Street roundabout;
- (j) A4038 Pinfold Street/Walsall Road/King Street;
- (k) B4200 Whitley Street; and
- (l) A461 High Bullen/Upper High Street roundabout (**mentioned in 21g.**).

23. A463 from the A454 The Keyway/Armstrong Way roundabout (**mentioned in 15f.**) to where it meets the A4123 Birmingham New Road; and from its junction with the A4123 Birmingham New Road to the northwestern Dudley Borough boundary just west of Southerndown Road, **including its junctions with -**

- (a) A4444 Black Country New Road roundabout;
- (b) Hare Street roundabout;
- (c) A41 Oxford Street/Brook Street roundabout (**mentioned in 4i.**);
- (d) Coseley Road roundabout;
- (e) Springvale Way roundabout;
- (f) Overfield Drive roundabout;
- (g) A4123 Birmingham New Road (begins again at the junction with the A4123 Birmingham New Road/Shaw Road);
- (h) A4126 Ettingshall Road/Upper Ettingshall Road;
- (i) A459 High Street (mentioned in 19c.); and
- (j) Bull Ring roundabout with the A459 Dudley Street/Ettymore Road/Mill Bank (**mentioned in 19d.**).

24. A491 from the A449 Wolverhampton Road/Holbeache Road roundabout (**aforementioned in 12l.**) to the southern Dudley Borough boundary just south of Cherrington Gardens, **including its junctions with -**

- (a) B4175 Dudley Road/Stalling's Lane;
- (b) A4101 Summer Hill/High Street;
- (c) B4180 Brierley Hill Road;
- (d) A461 Brettell Lane/Platts Road;
- (e) A4102 Collis Street/Wollaston Road;
- (f) A458 Birmingham Street (**aforementioned in 18c.**);
- (g) A458 Bridgnorth Road (**aforementioned in 18c.**);
- (h) B4186 Heath Lane/Glasshouse Hill;
- (i) B4187 Worcester Lane; and
- (j) A4036 Ham Lane/Pedmore Lane/Redlake Road roundabout.

25. A4031 from its junction with the A4148 Broadway/Weston street to the A4182 Kenrick Way/Kelvin Way/Spon Lane South roundabout, **including its junctions with -**

- (a) Hall Green Road roundabout;
- (b) A4041 Newton Road;
- (c) A41 The Expressway/Cronehills Linkway roundabout (**aforementioned in 4s.**); and
- (d) A4182 Kenrick Way/Kelvin Way/Spon Lane South roundabout.

26. A4034 from the A4182 Kelvin Way/Brandon Way/Bromford Lane roundabout to the A457 Dudley Road/Oldbury Ringway/Freeth Street roundabout (**aforementioned in 17f.**); and from the A457 Oldbury Ringway/Halesowen Road roundabout (**aforementioned in 17h.**) to the A458 Mucklow Hill/Halesowen Road/Kent Road roundabout (**aforementioned in 18k.**), **including its junctions with -**

- (a) Church Street roundabout;
- (b) A457 Dudley Road/Oldbury Ringway/Freeth Street roundabout (**aforementioned in 17f.**);
- (c) Birchley Island roundabout with the A4123 Wolverhampton Road;
- (d) A4100 Henderson Way/Archer Way;
- (e) A4099 Horner way/Long Lane;
- (f) Nimmings Road/Belgrave Road roundabout; and
- (g) A458 Mucklow Hill/Halesowen Road/Kent Road roundabout (**aforementioned in 18k.**).

27. A4036 from its junction with the A461 Stourbridge Road/Pensnett Road/Hallchurch Road to the A491 Hagley Road/Redlake Road/Pedmore Lane roundabout (**aforementioned in 24j.**), **including its junctions with -**

- (a) A4100 Mount Pleasant/High Street;
- (b) A458 Lye Bypass/Stourbridge Road (**aforementioned in 18e.**);
- (c) B4186 Grange Road;
- (d) Wollescote Road/Chawn Hill/Prescot Road roundabout; and
- (e) A491 Hagley Road/Redlake Road/Pedmore Lane roundabout (**aforementioned in 24j.**).

28. A4037 from the Parkway roundabout with the A41 Black Country New Road (**aforementioned in 4o.**) to the Castle Gate Island roundabout with the A459 Castle Hill/A461 Birmingham New Road/Duncan Edwards Way/Castlegate Way (**aforementioned in 19j.**), **including its junctions with -**

Ocker Hill roundabout with Ocker Hill Road/Blakeley Wood Road/Toll End Road;

A4098 Bilston Road/Farmer Way;
B4163 Upper Church Lane;
A457 Sedgley Road West (**aforementioned in 17a.**);
B4517 High Street/Castle Road;
A4123 Birmingham New Road; and
Castle Gate Island roundabout with the A459 Castle Hill/A461 Birmingham New Road/Duncan Edwards Way/Castlegate Way (**aforementioned in 19j.**).

29. A4038 from its junction with the A4148 Old Pleck Road/Bescot Road/Wednesbury Road to the Moxley Junction roundabout with the A41 High Street/Black Country New Road/A4444 Black Country New Road (**aforementioned in 4l.**), **including its junctions with -**

- (a) Heath Road/Steelmans Road roundabout;
- (b) B4200 Park Lane roundabout;
- (c) A462 St Lawrence Way/Darlaston Road/King Street (**aforementioned in 22j.**); and
- (d) Moxley Junction roundabout with the A41 High Street/Black Country New Road/A4444 Black Country New Road (**aforementioned in 4l.**).

30. A4040 going clockwise from its junction with the A41 Holyhead Road (**aforementioned in 4v.**) to its junction with the A4040 Oxhill Road/Rookery Road/Stockwell Road, **including its junctions with -**

- (a) College Road/Grove Lane roundabout;
- (b) B4124 Handsworth Wood Road/Hamstead Road roundabout;
- (c) A34 Birchfield Road roundabout (**aforementioned in 1j.**);
- (d) B4137 Witton Lane/B4140 Witton Road roundabout;
- (e) B4531 Streetly Road/Slade Road;
- (f) A5127 Gravelly Hill North/High Street roundabout;
- (g) A38 Tyburn Road (**aforementioned in 2e.**);
- (h) A47 Heartlands Parkway/Fort Parkway roundabout (**aforementioned in 6e.**);
- (i) B4114 Washwood Heath Road/Coleshill Road;
- (j) B4147 Stechford Road;
- (k) Burney Lane/Cotterills Lane roundabout;
- (l) B4128 Bordesley Green East;
- (m) Hob Moor Road/Church Road roundabout;
- (n) Harvey Road roundabout;
- (o) A45 Coventry Road roundabout (**aforementioned in 5k.**);
- (p) Yardley Road roundabout;
- (q) B4146 Wharfdale Road;
- (r) A41 Warwick Road (**aforementioned in 4gg.**);
- (s) B4146 Westley Road/Summer Road;
- (t) B4514 Olton Boulevard East roundabout;
- (u) B4146 School Road roundabout;
- (v) A34 Stratford Road (**aforementioned in 1q.**);
- (w) Highfield Road/Robin Hood Lane roundabout;
- (x) Sarehole Road/Cole Valley Road roundabout;
- (y) Yardley Wood Road roundabout;

- (z) B4146 Brook Lane/Coldbath Road/Swanshurst School roundabout;
- (aa) Barn Lane/Hollybank Road roundabout;
- (bb) Haunch Lane/Wheeler's Lane roundabout;
- (cc) A435 Alcester Road South (**aforementioned in 9d.**);
- (dd) B4122 Vicarage Road;
- (ee) A441 Pershore Road (**aforementioned in 10d.**);
- (ff) A441 Pershore Road roundabout (**aforementioned in 10e.**);
- (gg) Bristol Road (aforementioned in 2o.);
- (hh) Harborne Lane Island roundabout with the A38 Aston Webb Boulevard (**aforementioned in 2m.**);
- (ii) B4129 Matchley Lane/Vincent Drive roundabout;
- (jj) B4124 High Street;
- (kk) War Lane/Albert Road roundabout;
- (ll) A4123 Court Oak Road/Crosbie Road roundabout;
- (mm) A456 Hagley Road/A4030 Bearwood Road (**aforementioned in 16g.**);
- (nn) A456 Hagley Road (aforementioned in 16f.);
- (oo) B4182 Sandon Road;
- (pp) B4125 Portland Road;
- (qq) B4129 Rotton Park Road;
- (rr) A457 Dudley Road (aforementioned in 17q.);
- (ss) A457 Dudley Road/B4126 Icknield Port Road (**aforementioned in 17r.**);
- (tt) B4135 Heath Street;
- (uu) A41 Soho Road (aforementioned in 4y.);
- (vv) A41 Soho Road/Queens Head Road (**aforementioned in 4x.**); and
- (ww) A4040 Oxhill Road/Rookery Road/Stockwell Road.

31. A4041 from the A452 Chester Road/B4138 Thornhill Road roundabout (**aforementioned in 13o.**) to its junction with the A4031 All Saints Way/Hollyhedge Road/Heath Lane (**aforementioned in 25b.**), **including its junctions with -**

- (a) Aldridge Road/Bakers Lane roundabout;
- (b) B4149 Kings Road/Collingwood Drive/Romney Way/Lambeth Road roundabout;
- (c) B4154 Beacon Road/Aldridge Road roundabout;
- (d) A34 Birmingham Road/Walsall Road (**aforementioned in 1g.**);
- (e) B4167 Hamstead Road; and
- (f) A4031 All Saints Way/Hollyhedge Road/Heath Lane (**aforementioned in 25b.**).

32. A4053 Coventry ring road going clockwise, **including its junctions with -**

- (a) B4113 Foleshill Road/Tower Street roundabout;
- (b) White Street/Hales Street roundabout;
- (c) A4600 Sky Blue Way;
- (d) A4114 London Road;
- (e) Mile Lane/Quinton Road/New Union Street/Ringway St Johns roundabout;
- (f) A429/B4544 Warwick Road (**aforementioned in 8.**);
- (g) B4106 Butts Road/Croft Road roundabout;
- (h) A4114 Holyhead Road roundabout; and

(i) B4098 Radford Road/Upper Well Street roundabout.

33. A4082 from its junction with the A428 Binley Road/Hipswell Highway (**aforementioned in 7b.**) to the A444/A4114 London Road roundabout (**aforementioned in 11g.**), **including its junctions with -**

- (a) B4110 Humber Road/London Road roundabout; and
- (b) A444/A4114 London Road roundabout (**aforementioned in 11g.**).

34.—(1) A4098 from its junction with the A41 Oxford Street/High Street (**aforementioned in 4k.**) to its junction with the A4037 Wednesbury Oak Road/Gospel Oak Road/Farmer Way (**aforementioned in 28b.**).

35. A4100 from its junction with the A461 Venture Way/Mill Street to its junction with the A4034 Oldbury Road/Archer Way (**aforementioned in 26d.**), **including its junctions with -**

- (a) Boulevard roundabout;
- (b) B4172 Delph Road/Amblecote Road roundabout;
- (c) A4036 Merry Hill/Thorns Road (**aforementioned in 27a.**);
- (d) Oak Street/Park Road roundabout;
- (e) B4174 Cradley Forge;
- (f) B4173 St Anne's Road;
- (g) B4173 Newtown Lane;
- (h) A459 Halesowen Road roundabout;
- (i) A459 Heathfield Way/Elbow Street roundabout;
- (j) Powke Lane/Harvest Road/Moor Lane roundabout;
- (k) B4171 Birmingham Road roundabout; and
- (l) A4034 Oldbury Road/Archer Way (**aforementioned in 26d.**).

36. A4101 from its junction with the A449 Kidderminster Road (**aforementioned in 12p.**) to the Scotts Green Island roundabout with the A461 Duncan Edwards Way/Stourbridge Road/Scotts Green Close, **including its junctions with -**

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

37. A4114 from the A45 Dunchurch Highway/Parkhill Drive/Rye Hill roundabout (**aforementioned in 5f.**) to the A4053 Ringway Rudge/Ringway Hill Cross roundabout (**aforementioned in 32h.**); and from the A4053 Ringway Whitefriars/Ringway St Johns (**aforementioned in 32d.**) to the A444/A4082 London Road/Daentry Road roundabout (**aforementioned in 11f.**), **including its junctions with -**

- (a) B4076 Coundon Wedge Drive/B4106 Allesley Old Road/Birmingham Road roundabout;
- (b) B4107 Four Pounds Avenue/Moseley Avenue;
- (c) Alvis Retail Park/Sytner BMW roundabout;
- (d) A4053 Ringway Rudge/Ringway Hill Cross roundabout (**aforementioned in 32h.**)(continued on southeast side of A4053 Coventry ring road));
- (e) A4053 Ringway Whitefriars/Ringway St Johns (**aforementioned in 32d.**); and
- (f) A444/A4082 London Road/Daentry Road roundabout (**aforementioned in 11f.**).

38. A4123 from its junction with the A4150 Ring Road St Johns/Ring Road St Georges/Snow Hill to its junction with the A456 Hagley Road (**mentioned in 16h.**), **including its junctions with -**

- (a) A459 Grove Street (**mentioned in 19a.**);
- (b) A4039 Parkfield Road;
- (c) A4126 Spring Road/Rookery Road;
- (d) A463 Black Country Route (**mentioned in 23g.**);
- (e) A463 Shaw Road (mentioned in 23g.);
- (f) A457 Sedgley Road (**mentioned in 17.**);
- (g) A4168 Priory Road;
- (h) A4037 Dudley Road/Tipton Road (**mentioned in 28f.**);
- (i) A461 Burnt Tree/Birmingham Road (**mentioned in 21n.**);
- (j) A4033 Tividale Road/Bunn's Lane;
- (k) Birchley Island roundabout with the A4034 Churchbridge/Birchfield Lane (**mentioned in 26c.**);
- (l) M5 junction 2 roundabout;
- (m) B4169 Causeway Green Road; and
- (n) A456 Hagley Road (mentioned in 16h.).

39. A4124 from its junction with the A4150 Ring Road St Patricks/Ring Road St Davids to the A452 Chester Road/High Street/B4155 Lichfield Road/Silver Street roundabout (**mentioned in 13u.**), **including its junctions with -**

- (a) New Cross Avenue/Planetary Road roundabout;
- (b) Bentleybridge Way roundabout;
- (c) Neachells Lane roundabout
- (d) Steelpark Way roundabout;
- (e) B4484 Waddens Brook Lane;
- (f) B4484 Lichfield Road/Hyde Road roundabout;
- (g) Linthouse Lane roundabout;
- (h) Stubby Lane roundabout;
- (i) A462 Easington Road/Cannock Road roundabout (**mentioned in 22a.**);
- (j) Pooles Lane roundabout;
- (k) Crab Lane roundabout;
- (l) B4210 Broad Lane/Sand Bank;
- (m) A34 Stafford Road/High Street (**mentioned in 1a.**);
- (n) B4154 Norton Road; and
- (o) A452 Chester Road/High Street/B4155 Lichfield Road/Silver Street roundabout (**mentioned in 13u.**).

40. A4148 Walsall ring road going clockwise, **including its junctions with -**

- (a) A461 Lichfield Street/Lower Rushall Street (**mentioned in 21e.**);
- (b) The Crescent roundabout;
- (c) B4151 Sutton Road/Gillity Avenue roundabout;
- (d) A34 Birmingham Road roundabout (**mentioned in 1e.**);
- (e) A4031 West Bromwich Road/Weston Street (**mentioned in 25.**);
- (f) A461 Bescot Road/Montfort Road roundabout (**mentioned in 21e.**);

- (g) A4038 Darlaston Road/Wednesbury Road (**mentioned in 29.**);
- (h) A454 Wolverhampton Road (**mentioned in 15i.**);
- (i) A34 Green Lane (mentioned in 1d.); and
- (j) B4210 Stafford Street.

41. A4150 Wolverhampton ring road going clockwise, **including its junctions with -**

- (a) A449 Stafford Street (**mentioned in 12h.**);
- (b) A4124 Wednesfield Road/Broad Street (**mentioned in 39.**);
- (c) A454 Horseley Fields;
- (d) Bilston Street Island with the A41 Bilston Road/A454 Middle Cross/Bilston Street (**mentioned in 4d.**);
- (e) A459 Dudley Road/A4150 Birmingham Road/Snow Hill (**mentioned in 19.**);
- (f) Penn Road Island roundabout with the A449 Penn Road/School Street/Worcester Street (**mentioned in 12i.**); and
- (g) Chapel Ash Island roundabout with the A41 Chapel Ash/Darlington Street (**mentioned in 4c.**).

42. A4182 from the A4034 Bromford Road/Bromford Lane/Brandon Way roundabout (**mentioned in 26.**) to the A4252 Kenrick Way/Telford Way/Dartmouth Road roundabout, **including its junctions with -**

- (a) A4031 Trinity Way/Spon Lane South roundabout (**mentioned in 25d.**); and
- (b) A4252 Kenrick Way/Telford Way/Dartmouth Road roundabout.

43. A4252 from the M5 junction 1/A41 The Expressway/Birmingham Road roundabout (**mentioned in 4u.**) to the A457 Oldbury Road/Tollhouse Way/Fenton Street roundabout (**mentioned in 17k.**), **including its junctions with -**

- (a) A4182 Kenrick Way roundabout (**mentioned in 42b.**); and
- (b) A457 Oldbury Road/Tollhouse Way/Fenton Street roundabout (**mentioned in 17k.**).

44. A4444 from the A463 Black Country Route roundabout (**mentioned in 23a.**) to the Moxley Junction roundabout with the A41 Black Country New Road/High Street/A4038 Moxley Road (**mentioned in 4l.**)

45. A4540 Birmingham ring road going clockwise, **including its junctions with -**

- (a) A34/B4114 New Town Row (**mentioned in 1m.**);
- (b) Dartmouth Circus roundabout with the A38(M) Aston Expressway/A4540 Dartmouth Middleway/A5127 Aston Road (**mentioned in 3a.**);
- (c) Ashted Circus roundabout with the A47 Nechells Parkway/Jennens Road (**mentioned in 6.**);
- (d) Curzon Circus roundabout with the B4132 Curzon Street/Vauxhall Road;
- (e) Garrison Circus roundabout with Garrison Lane/Lower Dartmouth Street/Great Barr Street;
- (f) Bordesley Circus roundabout with the A45 Small Heath Highway/B4128 Coventry Road (**mentioned in 5o.**);
- (g) Camp Hill Circus roundabout with the A34 Stratford Road/B4100 Camp Hill (**mentioned in 1m.**);
- (h) Haden Circus roundabout with the A435 Haden Way/A4167 Highgate Road (**mentioned in 9.**);
- (i) Belgrave Interchange roundabout with the A441 Pershore Road/Sherlock Street (**mentioned in 10.**);
- (j) A38 Bristol Street/Bristol Road (**mentioned in 2j.**);

- (k) B4127 Bath Row/George Road;
- (l) Five Ways roundabout with the A456 Hagley Road/Broad Street/Harborne Road/Calthorpe Road (**aforementioned in 16.**);
- (m) Ladywood Circus roundabout with the B4124 Alston Street/B4126 Wood Street;
- (n) Spring Hill roundabout with the A457 Spring Hill/B4135 Summer Hill Road (**aforementioned in 17t.**);
- (o) Key Hill Circus roundabout with the A4540 Heaton Street;
- (p) Hockley Circus roundabout with the A41 Soho Hill/B4100 Hockley Hill/B4515 Hunters Road (**aforementioned in 4bb.**); and
- (q) Lucas Circus roundabout with the A4540 New John Street West/Great King Street North/Well Street.

46. A4600 from its junction with the A4053 Ringway Whitefriars (**aforementioned in 32c.**) to the southern entry to the Ansty Interchange roundabout with the M6 junction 2/A46/B4065 Hinckley Road, **including its junctions with—**

- (a) Lower Ford Street/Gosford Street roundabout;
- (b) A428 Binley Road (**aforementioned in 7.**);
- (c) A444 (aforementioned in 11f.);
- (d) Longfellow Road/Burns Road roundabout;
- (e) B4082 Clifford Bridge Road;
- (f) B4082 Woodway Lane/Hall Lane;
- (g) Wigston Road/Brade Drive roundabout;
- (h) Eden Road/Parkway roundabout; and
- (i) Southern entry to the Ansty Interchange roundabout with the M6 junction 2/A46/B4065 Hinckley Road.

47. A5127 from the northern Birmingham Borough boundary just south of the A4026 Blake Street/Watford Gap Road roundabout to the Dartmouth Circus roundabout with the A38(M) Aston Expressway/A4540 Newtown Middleway/Dartmouth Middleway (**aforementioned in 3a.**), **including its junctions with -**

- (a) B4151 Mere Green Road/Belwell Lane/Hill Village Road roundabout;
- (b) A454 Four Oaks Road/Wentworth Road/Station Drive roundabout;
- (c) A453 Tamworth Road/Anchorage Road Coleshill Street roundabout;
- (d) Manor Road roundabout;
- (e) A453 Jockey Road/Pilkington Avenue (**aforementioned in 14g.**);
- (f) B4148 Penns Lane;
- (g) A452 Chester Road (**aforementioned in 13j.**);
- (h) B4531 Station Road/Edwards Road;
- (i) B4142 Summer Road roundabout;
- (j) A4040 Reservoir Road/Wood End Road/High Street roundabout (**aforementioned in 30f.**);
- (k) Salford Circus roundabout with the A38 Tyburn Road (**aforementioned in 2f.**);
- (l) B4137 Cuckoo Bridge;
- (m) B4137 Aston Hall Road;
- (n) B4132 Waterlinks Boulevard/Lynton Road roundabout;
- (o) B4144 Park Lane/Rocky Lane roundabout; and
Dartmouth Circus roundabout with the A38(M) Aston Expressway/A4540 Newtown Middleway/Dartmouth Middleway (**aforementioned in 3a.**).

'B' Roads in numerical order

48.—(1) B4082 from its junction with the A4600 Ansty Road (**mentioned in 46e.**) to its junction with the A428 Binley Road/Brandon Road (**mentioned in 7c.**), **including its junctions with—**

- (a) Tesco roundabout;
- (b) B4082 to A46 Coventry Eastern Bypass Link Road roundabout;
- (c) Western entry to A46 Coventry Eastern Bypass roundabout;
- (d) B4027 Brinklow Road; and
- (e) A428 Binley Road/Brandon Road (**mentioned in 7c.**).

49. B4098 from the A4053 Ringway Hill Cross/Ringway St Nicholas/Upper Well Street roundabout (**mentioned in 32i.**) to the northern Coventry Borough boundary just north of Fivefield Road, **including its junctions with -**

- (a) B4107 Engleton Road;
- (b) Brownhill Green Road/Sadler Road roundabout;
- (c) Norman Place Road/Wallace Road roundabout; and
- (d) Keresley Green Road/The Scotchill roundabout.

50.—(1) B4106 from the A4053 Ringway Rudge/Ringway Queens/Croft Road roundabout (**mentioned in 32g.**) to the A4114 Pickford Way/Holyhead Road/B4076 Coundon Wedge Drive/Birmingham Road roundabout (**mentioned in 37a.**), **including its junctions with -**

- (a) B4101 Hearsall Lane/Spon End;
- (b) B4107 Four Pounds Avenue/Queensland Avenue; and
- (c) A4114 Pickford Way/Holyhead Road/B4076 Coundon Wedge Drive/Birmingham Road roundabout (**mentioned in 37a.**).

51. B4110 from the A428 Binley Road/A444 roundabout (**mentioned in 7a.**) to the Northern entry to the A45 Stonebridge Highway/London Road/A46 Coventry Eastern Bypass/Siskin Drive/Rowley Road roundabout, including its junctions with -

- (a) Terry Road roundabout;
- (b) Humber Road/Sunbeam Way roundabout;
- (c) A4082 London Road/Allard Way roundabout (**mentioned in 33a.**);
- (d) Retail Park roundabout; and
- (e) Northern entry to the A45 Stonebridge Highway/London Road/A46 Coventry Eastern Bypass/Siskin Drive/Rowley Road roundabout.

52. B4113 from the A4053 Ringway St Nicholas/Ringway Swanswell/Tower Street roundabout (**mentioned in 32a.**) to the northern Coventry Borough boundary just south of the Wilsons Lane/Longford Road roundabout, **including its junctions with -**

- (a) B4118 Lockhurst Lane;
- (b) A444 roundabout (**mentioned in 11c.**); and
- (c) Old Church Road roundabout.

53. B4118 from its junction with the B4113 Foleshill Road (**mentioned in 52a.**) to the A444 Phoenix Way roundabout (**mentioned in 11b.**), **including its junctions with -**

- (a) Burnaby Road roundabout;
- (b) Holbrook Lane/Colledge Road roundabout;
- (c) Arena Avenue roundabout; and
- (d) A444 Phoenix Way roundabout (**mentioned in 11b.**).

54. B4121 from the A4123 Wolverhampton Road/Court Oak Road/Ridgacre Road to its junction with Great Stone Road, **including its junctions with -**

- (a) Tannel Lane/Selcroft Avenue roundabout;
- (b) Quinton Road West/West Boulevard roundabout;
- (c) Stonehouse Lane/California Way roundabout;
- (d) Senneleys Park Road/Weoley Castle Road roundabout; and
- (e) A38 Sir Herbert Austin Way (**aforementioned in 2p.**).

55.—(1) B4135 from the A457 Soho Way/Grove Lane/B4136 Windmill Lane roundabout (**aforementioned in 17n.**) to its junction with the A457 Dudley Road (**aforementioned in 17s.**), including its junctions with -

A4040 Winson Green Road (**aforementioned in 30tt.**); and
A457 Dudley Road (**aforementioned in 17s.**).

56. B4144 from its junction with the A41 Soho Road/Soho Hill/St Michael's Road (**aforementioned in 4z.**) to the Park Circus roundabout with the A38(M) Aston Expressway/B4132 Waterlinks Boulevard (**aforementioned in 3b.**), **including its junctions with -**

- (a) B4124 Hamstead Road;
- (b) The A34 High Street/B4140 Witton Road roundabout (**aforementioned in 1k.**); and
- (c) Park Circus roundabout with the A38(M) Aston Expressway/B4132 Waterlinks Boulevard (**aforementioned in 3b.**).

57. B4151 from the A4148 Broadway North (**aforementioned in 40c.**) to its junction with the B4138 Thornhill Road, **including its junctions with -**

- (a) B4154 Longwood Road/Beacon Road;
- (b) Erdington Road/Aldridge Road roundabout;
- (c) A452 Chester Road (**aforementioned in 13p.**); and
- (d) B4138 Thornhill Road.

58. B4152 from the A454 Leighswood Road/Little Aston Road/Anchor Road/High Street roundabout (**aforementioned in 15o.**) to its junction with the A461 Lichfield Road (**aforementioned in 21b.**), **including its junctions with -**

- (a) Leighswood Avenue roundabout;
- (b) Northgate Way/Sussex Avenue roundabout; and
- (c) A461 Lichfield Road (**aforementioned in 21b.**).

59. B4171 from its junction with the A459 Castle Hill (**aforementioned in 19i.**) to the A4100 Henderson Way/Archer Way/Birmingham Road roundabout (**aforementioned in 35k.**), **including its junctions with—**Combined Authority

- (a) Oakham Road roundabout; and
- (b) A4100 Henderson Way/Archer Way/Birmingham Road roundabout (**aforementioned in 35k.**).

SCHEDULE 2

Article 8

Permit schemes: modification of the application of Part 3 of the 2004 Act

1.—(1) Part 3 of the 2004 Act is modified in accordance with the following provisions.

(2) Section 33A (implementation of permit scheme of strategic highways companies and local highway authorities in England) has effect as if—

- (a) subsection (1) were omitted;
- (b) for subsection (2) there were substituted—

“(2) A permit scheme prepared in accordance with section 33(1) or (2) by the Combined Authority shall not have effect in the Area unless the Combined Authority gives effect to it by order.”; and

- (c) subsection (3) were omitted.

(3) Section 36(1) (variation and revocation of permit schemes) has effect as if, for subsections (1) to (3) there were substituted—

“(1) The Combined Authority may be order vary of revoke a permit scheme to the extent that it has effect in the Area by virtue of an order made by the Combined Authority under section 33A(2).

(2) The Secretary of State may direct the Combined Authority to vary or revoke a permit scheme by an order under subsection (1).

(3) An order made by the Combined Authority under subsection (1) may vary or revoke an order made by the Combined Authority under section 33A(2), or an order previously made by the Combined Authority under subsection (1).”

SCHEDULE 3

Article 10

Housing and Regeneration

PART 1

Modification of the application of Chapters 1 and 2 of Part 1 of the 2008 Act

1. Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc.), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land), and Schedules 2 to 4 to, the 2008 Act as applied by article 8 shall have effect as if for every reference to—

- (a) “the HCA” there were substituted a reference to “the West Midlands Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 1 of the West Midlands Combined Authority (Functions) Order 2016”;
- (c) “the HCA’s land” or land acquired or held by the HCA there were substituted a reference to “the West Midlands Combined Authority’s land” or land acquired or held by the West Midlands Combined Authority.
- (d) Sections 5, 6, 8, 9 and 10 of the 2008 Act shall have effect as if for every reference to “land” there were substituted a reference to “land in the area of the West Midlands Combined Authority”.
- (e) Section 57(1) of the 2008 Act shall have effect as if there is inserted at the appropriate place “West Midlands Combined Authority means the body corporate established by the West Midlands Combined Authority Order 2016”.

PART 2

Modification of the application of Schedules 2 to 4 to the 2008 Act

2.—(1) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) shall have effect as if for every reference to “section 9” of that Act there were substituted a reference to “article 3” of this Order;

(2) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) shall have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Combined Authority.

(3) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) shall have effect as if for every reference to the HCA under Part 1 of that Act there were substituted a reference to the functions conferred on the Combined Authority under article 3.

SCHEDULE 2

article 6

Provisions in the 2011 Act containing functions that the Mayor of London has in relation to Greater London that the Combined Authority is to have in relation to its area

3.—(1) The Combined Authority is to have in relation to its area functions corresponding to the functions contained in the following provisions in Chapter 2 of Part 8 of the 2011 Act —

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation);
- (d) section 202 (functions in relation to Town and Country Planning);
- (e) section 204 (removal or restriction of planning functions);
- (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
- (g) section 215 (reviews);
- (h) section 216 (transfers of property, rights and liabilities);
- (i) section 217 (dissolution: final steps);
- (j) section 219 (guidance); and
- (k) section 221 (directions).

(2) The Combined Authority is to have in relation to its area the functions contained in the following provisions in Schedule 21 to the 2011 Act—

- (a) paragraph 1 (membership);
- (b) paragraph 2 (terms of appointment of members);
- (c) paragraph 3 (staff);
- (d) paragraph 4 (remuneration etc: members and staff);
- (e) paragraph 6 (committees); and
- (f) Paragraph 8 (proceedings and meetings).

PART 1

Modification of Part 8 of the 2011 Act

1.—(1) Part 8 of the 2011 Act applies with the following modifications.

(2) Section 196 of the 2011 Act is to be read as if as if ““the Mayor” means the Mayor of London” were omitted.

(3) In sections 196 to 222 of the 2011 Act every reference to—

- (a) “the Greater London Authority” is to be read as a reference to “the Combined Authority”.
- (b) the London Assembly is to be read as a reference to a reference to “the Combined Authority”, except where;
- (c) “the Mayor” is to be read as a reference to “the Combined Authority”.

(4) Section 197 of the 2011 Act (designation of Mayoral development areas) is to be read as if

(a) in subsection (1) for “Greater London” there is substituted “the area of the Combined Authority”.

(b) in subsection (3)—

(i) in paragraph (a) for “any one or more of the Greater London Authority’s principal purposes” there is substituted “economic development and regeneration in the area of the Combined Authority(a)”,

(ii) in paragraph (d) the references to “the London Assembly or” and “, (e), (f) or (g)” are omitted,

(iii) in paragraph (e) for “the London Assembly” substitute “each constituent council whose council area contains any part of the area to be designated as a mayoral development area”,

(iv) in paragraph (f) for “the London Assembly” there is substituted “a constituent council whose council area contains any part of the area to be designated as a mayoral development area”; and

(c) in subsection (4)—

(i) paragraph (a) is omitted;

(ii) paragraph (b) is omitted;

(iii) in paragraph (d) for “each London borough council whose borough” there is substituted “each district council or county council in the combined authority’s area whose area”;

(iv) paragraphs (e) to (g) [are omitted];

(d) in subsection (5)—

(i) in paragraph (a) for “the London Assembly” there is substituted “each constituent council whose council area contains any part of the area to be designated as a mayoral development area” and for “the Greater London Authority” substitute “the constituent council”,

(ii) in paragraph (b) for each occurrence of “the London Assembly” and “the Assembly” there is substituted “the constituent council”

(a) Article 10 of, and Schedule 3 to, the West Midlands Combined Authority Order 2016 confer on the Combined Authority functions exercisable for the purpose of economic development and regeneration.

(iii) for “the London Assembly rejects a proposal if it” substitute “the constituent councils reject a proposal if”

(iv) or county council [in the combined authority’s area

(v) subsection (7) were omitted.

(5) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) is to be read as if—

(a) in subsection (3)—

(i) in paragraph (a), for “a London borough council” there is substituted “a district council or county council [in the combined authority’s area]”,

(ii) paragraph (b) is omitted,

(iii) in paragraphs (d) and (e), for “Greater London” there is substituted “in the area of the Combined Authority”,

(iv) paragraph (f) is omitted,

(v) paragraph (g) is omitted, and

(vi) paragraph (h) is omitted;

(b) in subsection (4) paragraph (b) is omitted;

(c) subsection (7) is omitted;

(d) subsection (8) is omitted; and

(e) in subsection (10), the definitions of a “functional body” a “public authority” are omitted.

(6) Section 201 of the 2011 Act (object and powers) is to be read as if subsection (8)(b) is omitted.

(7) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) is to be read as if for “a London borough council or the Common Council of the City of London” there is substituted “a district council or county council in the combined authority’s area”.

(8) Section 207 of the 2011 Act (acquisition of land) is to be read as if—

(a) in subsection (2) for “in Greater London” there is substituted “in the combined authority’s area”; and

(b) in subsection (3) the words “of London” are omitted.

(9) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) is to be read as if—

(a) in subsection (4)(c) for “or an affected local authority” are omitted; and

(b) in subsection (4) the definition of “an affected local authority” for the purposes of paragraph (c) is omitted.

(10) Section 216 of the 2011 Act (transfers of property, rights and liabilities) is to be read as if

(a) in subsection (2), “, (e)” is omitted; and

(b) in subsection (4)—

(i) the definition of “functional body” is omitted; and

(ii) in the definition of “permitted recipient”—

(aa) paragraph (b) is omitted,

(bb) for “(d) a London borough council” there is substituted “a district council or county council in the combined authority’s area”, and

(cc) paragraph (e) is omitted.

PART 2

Modification of the application of Schedule 21 to the 2011 Act

2.—(1) Schedule 21 to the 2011 Act applies with the following modifications.

(2) Schedule 21 of the 2011 Act is to be read as if—

- (a) in paragraph 1(1) the reference to the Mayor of London (“the Mayor”) is to be read as the Combined Authority;
- (b) all subsequent references to the Mayor are to be read as the Combined Authority;
- (c) in paragraph 1(2) the reference to each relevant London council is to be read as each district council or county council in the Combined Authority’s area;
- (d) paragraph 1(3)(a) is omitted;
- (e) in paragraph 4(4) the reference to the London Assembly is to be read as a reference to the Combined Authority; and
- (f) in paragraph 10(c) the reference to the London Assembly is to be read as a reference to the Combined Authority.

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 Midlands Combined Authority (“the Combined Authority”).

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 of a local authority under sections 104, 105 and 105A of the 2009 Act, and power to exercise specified functions of any other public authority under section 16 of the Cities and Local Government Devolution Act 2016 (“the 2016 Act”).

The Secretary of State may provide for there to be a mayor for the area of a combined authority where the constituent councils of the combined authority (each district council or county council whose area is within the area of the combined authority) and any existing combined authority consent under section 107B(3) of the 2009 Act.

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.

Summary of Mayoral WMCA additional powers and functions

<p>Mayoral Power/ Function The Mayoral WMCA does not have a vote or there is a limitation on these functions unless it is explicitly stated.</p>	<p>Joint Mayoral WMCA Power/ Function Is exercised by the Mayor, and exercised jointly by/maintained and managed by the WMCA. The exercise of these functions is subject to the Mayor's vote in favour.</p>	<p>WMCA Power/ Function Exercised by the WMCA and not subject to the Mayor's vote in favour, the Mayor votes as a member. This applies to the powers and functions identified in the current WMCA establishment Order.</p>
<p>Homes & Communities Agency Compulsory Powers- The HCA CPO powers in Section 9 of the H&R Act 2008 to be exercised by the Mayor with the consent of the Mayoral WMCA Cabinet Member(s) for the area(s) of the land to be compulsorily acquired</p>	<p>The West Midlands Key Route Network (WMKRN) The Mayor will exercise responsibility for the WMKRN that will be managed and maintained at the Metropolitan level by the WMCA on behalf of the Mayor. The Mayoral WMCA can enter into agreements with the Secretary of State or Highways England in relation to the construction, improvement or maintenance of trunk roads, enter into agreements with the Constituent Highway Authorities in relation to the construction, improvements etc. of a highway, with consent, provide WMCA with general power of improvement with appropriate highways authority(ies) consent, ability to tackle smoking on buses, antisocial behaviour Orders, powers to promote road safety etc.</p>	<p>Current WMCA powers and Functions- WMCA functions and powers contained within the WMCA establishment Order will not be subject to the Mayor vote in favour – i.e. transport functions currently undertaken by the PTE and economic development and regeneration functions.</p>
<p>Grants to Bus Service Operators- The Secretary of State for Transport, in consultation with the Mayor, to exercise the current function of the Secretary of State to make grants to bus service operators, in relation to services which operate wholly or mainly within Mayoral WMCA Area.</p>	<p>Low Emissions and Clean Air Zones- The Mayor and the WMCA will have the power, subject to proposals being brought forward, to create Low Emissions Zones and Clean Air Zones.</p>	<p>HS2 Growth- The WMCA to have the ability to designate any area of land, with the consent of the local planning authority(ies) for the area(s), in the Mayoral WMCA Area as a development area leading to the establishment, by Order, of WMCA development corporations (“WMCADCs”).</p>
<p>A devolved and consolidated transport budget- The Mayor will have responsibility for a devolved and consolidated multi-year transport budget for subsequent allocation to the Constituent Councils. As this responsibility is part of the Mayoral budget, the exercise of the budget is subject to the examination of the Cabinet, who will be able to reject it if two-thirds of the Cabinet agree to do so.</p>	<p>HCA Objectives- It is proposed that the Mayoral WMCA should have the objectives and functions of the HCA, to be exercised concurrently with the HCA. It is also proposed that the Mayoral WMCA should have the benefit of exemption from Section 23 of the Land Compensation Act 1961 enjoyed by the HCA</p>	<p>Encouragement of visitors- The WMCA will have the same powers of Local Authorities to encourage visitors including providing and supporting cultural events and activities</p>

Appendix 3- Mayoral Powers and Functions Summary- As Consulted Summer 2016

<p>Key Route Network – reporting only. The Mayor, in consultation with the appropriate authorities, to report to the Secretary of State an assessment of existing Traffic flows, forecast growth and reduction targets in respect of the WMKRN. Associated WMKRN functions exercised with the Mayoral WMCA.</p>	<p>Bus re-franchising and enhanced quality contracts- the Mayoral WMCA is seeking enhanced powers to deliver integrated smart ticketing across all local modes of transport in the Mayoral WMCA Mayor Area.</p>	<p>Data Sharing- The WMCA will have the same competencies as other public bodies to share information with other public bodies</p>
<p>Mayoral Precept Mayoral Precept- It is proposed that the Scheme seeks to secure the provisions enabling the Mayor to raise a precept in connection with the exercise of the Mayoral functions and to aid the delivery of the investment programme.</p>		
<p>Business rate supplement- It is proposed that the Mayor will have the ability, in consultation with Businesses, with agreement of the relevant LEP and the Mayoral WMCA to raise Business Rate Supplement, up to a specified cap, for investment in specified projects aiding the delivery of the investment programme driven by the WMCA Strategic Economic Plan.</p>		
<p>Functional Power of Competence- The Mayor should have, as an ancillary power, a functional power of competence. The functional power of competence would enable the Mayor to do things connected with, the Mayor’s functions.</p>		

Summary of draft Order & Scheme Comparison

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
Membership		
2	Prior to appointment of Mayor, WMCA will appoint a Chair and up to 2 Vice Chairs	To be contained in draft Order? Yes In original Establishment Order and will be retained in existing Establishment Order until Mayor elected and in post. Scheme principles achieved? Yes
3	Mayor to appoint a Deputy from Constituents	To be contained in draft Order? No, but already in Primary Legislation. Scheme principles achieved? Yes
4	New non-constituents approved	To be contained in draft Order? Yes Scheme principles achieved? Yes
5	Leader to be one of 2 Members appointed by Constituents	To be contained in draft Order? No – Cannot be specified in Order, however will be reflected in the Constitution. Scheme principles achieved? Yes
Mayor and Cabinet		
6	Portfolio leads for aspects of the WMCA's responsibilities	To be contained in draft Order? No – Cannot be specified in Order, however will be reflected in the Constitution. Scheme principles achieved? Yes
7	The Mayor will delegate to areas of Mayoral responsibility to Portfolio leads	To be contained in draft Order? No Cannot be specified in the Order. Portfolio roles will be reflected in CA Constitution.. Scheme principles achieved? Yes
Mayor and Cabinet		

Appendix 4 Summary of draft Order and Scheme Comparison

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
8	The Cabinet will examine the Mayor's draft annual budget and plans, policies and strategies	<p>To be contained in draft Order? No – Mayors Budget requirements to be contained in a separate generic finance order for all Combined Authorities.</p> <p>Plans, policies and strategies are not statutory therefore the ability to examine will be incorporated into the WMCA constitution,</p> <p>Scheme principles achieved? Yes (Partially)</p>
9	Mayor to be paid an allowance and set by an Independent Review Panel	<p>To be contained in draft Order? Yes</p> <p>Scheme principles achieved? Yes</p>
10	Ability to appoint a Mayors Political Advisor	<p>To be contained in draft Order? Yes</p> <p>Scheme principles achieved? Yes</p>
Voting		
11	Existing 2/3 and simple majority double lock voting to remain	<p>To be contained in draft Order? Yes, unless specified otherwise in the Order</p> <p>Scheme principles achieved? Yes</p>
12	Mayoral Functions	<p>To be contained in draft Order? Yes</p> <p>Scheme principles achieved? Yes</p>
13	Mayoral WMCA functions in the Scheme will be subject to the 2/3 vote with the Mayor's vote 'for' in the 2/3	<p>To be contained in draft Order? Yes</p> <p>Scheme principles achieved? Yes</p>
14	Current WMCA functions are not subject to the Mayor being in the 2/3 'for'	<p>To be contained in draft Order? Yes</p> <p>Scheme principles achieved? Yes</p> <p>Unless affected by the Devo Deal in which case the Mayor would need to be part of the vote 'for'</p>
Voting continued...		
15(a-f)	Unanimous voting by Constituent Members	<p>Final position still under discussion with DCLG, see report paragraph 3.12. OR</p>

Appendix 4 Summary of draft Order and Scheme Comparison

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
		To be contained in draft Order? Yes Scheme principles achieved? Yes
16	Any delegation of any CA function pursuant to S101 Local Government Act 1972 is a matter for the unanimous decision of the Constituent Members only	To be contained in draft Order? No Scheme principles achieved? No Decision taken by WMCA Board that this additional unanimous provision was going further than the establishment unanimous items and the devolution deal and therefore will not be pursued.
Overview and Scrutiny		
17	Government are proposing regulations to cover the Overview & Scrutiny and Audit arrangements	To be contained in draft Order? No Separate Regulation Scheme principles achieved? Yes. The CA original Establishment Order and Constitution will be amended to take account of these regulations.
18	No member of WMCA or any committee (other than O&S) can be a Member of O&SS	To be contained in draft Order? No. Already provided for in Primary Legislation Scheme principles achieved? Yes
Transport		
19 & 20	The powers and functions funded by the WMCA Transport levy will remain solely functions of the WMCA and not Mayoral.	To be contained in draft Order? Yes Scheme principles achieved? Yes
21	Mayoral allocation of the devolved and consolidated multi-year capital budget	To be contained in draft Order? Yes Scheme principles achieved? Yes. The Mayor allocates the funding but will be required to have due regard to the maintenance requirements of the network. WMCA can reject the Mayors proposal if 2/3rds vote to do so. This will be in the Generic Finance Order
Transport continued...		

Appendix 4 Summary of draft Order and Scheme Comparison

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
22	Bus Service Operators Grant Allocation	<p>To be contained in draft Order? No</p> <p>Scheme principles achieved? No</p> <p>Transport for West Midlands (TfWM) have agreed that providing they receive the agreed detail of the allocations to operators nothing further is required at this stage.</p>
23	Additional Powers for Safer Travel Police on bus assets/ network	<p>To be contained in draft Order? Yes</p> <p>Scheme principles achieved? Yes</p> <p>For Smoking and Anti-Social Behaviour. Memorandums of Understanding (MOU's) will be required with Constituent Councils</p>
23	Bus Lane Contraventions	<p>To be contained in draft Order? Yes</p> <p>Scheme principles achieved? Yes</p> <p>This will be held concurrently with Constituent Councils to enable a consistent approach. Day to day enforcement and fines to remain with Constituent Authorities. MoU's will be required with the Constituent Councils.</p>
24	Bus Refranchising and Enhanced Partnerships	<p>To be contained in draft Order? No</p> <p>Scheme principles achieved? No</p> <p>This will be provided for in the Buses Bill.</p>
25	Statutory Definition of the Key Route Network	<p>To be contained in draft Order? Yes</p> <p>Future Orders will amend the KRN and will need the consent of the Constituent Authorities.</p> <p>Scheme principles achieved? Yes</p> <p>This will be a Mayoral responsibility but with the statutory condition that the members and officers of the Combined Authority have to assist and is subject to the Mayor seeking the assistance of the members and officers of the CA.</p>
Transport continued...		
26a	S6 Highway Act ability to enter into agreement to undertake work on a trunk road or motorway for the KRN	<p>To be contained in draft Order? Yes</p> <p>Scheme principles achieved? Yes</p>

Appendix 4 Summary of draft Order and Scheme Comparison

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
26b	S8 Highway Act ability to enter into agreement to undertake work on a constituent authority road for the KRN	To be contained in draft Order? Yes Scheme principles achieved? Yes
26c	S62 Highway Act ability to make improvements to the KRN	To be contained in draft Order? No Not required. The extent of the works will be laid out in the S6/8 Agreement Scheme principles achieved? Yes.
26d	Ability to be classed as a Highway Authority for the purposes of Diversionary Work contributions from Utility Companies and for the future development of Permit Schemes on the KRN	To be contained in draft Order? Yes Scheme principles achieved? Yes
26e	Requirement to report to Secretary of State on traffic flows/ growth and reduction forecasts on the KRN	To be contained in draft Order? Yes Scheme principles achieved? Yes
26f	Moving Traffic Violations eg 'box junction' cameras on the KRN	To be contained in draft Order? No deferred to be considered in next devolution deal. Scheme principles achieved? No
26	Promoting Road Safety	To be contained in draft Order? Yes Scheme principles achieved? Yes. MoU required
Transport continued...		
27	Clean Air and Low Emission Zones concurrently with Constituent Authorities	To be contained in draft Order? Yes Scheme principles achieved? Yes The CA already have the ability to enforce this jointly with the local traffic authorities (constituent councils). In addition will have the duty to undertake air quality assessments and designate Air Quality Management Areas but 'in

Appendix 4 Summary of draft Order and Scheme Comparison

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
		consultation with' the affected Constituent Councils. MoU required.
HS2 Growth		
28-30	Combined Authority led Mayoral WMCA Development Corporation	To be contained in draft Order? Yes Scheme principles achieved? Yes – though see Paragraph 3.16 of the report.
31	Land Compensation disregard of certain development – to put us on same footing as Urban Development Company	To be contained in draft Order? No Scheme principles achieved? Yes Legislation to be repealed by new Neighbourhood Planning Bill.
Skills		
32	Preparing for local Commissioning	No Powers required at this stage.
Employment		
34	Ability to assist people to train	To be contained in draft Order? No Scheme principles achieved? No – deferred to be considered in the next devolution deal.
More and Better Homes		
35 – 37	Objectives and Functions of HCA	To be contained in draft Order? Yes Scheme principles achieved? Yes
38	Mayoral exercise of HCA CPO Powers is subject to the affected Constituent Members agreeing	To be contained in draft Order? Yes subject to the affected Constituent Members agreeing Scheme principles achieved? Yes

Appendix 4 Summary of draft Order and Scheme Comparison

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
37	S23 Compensation exemption	To be contained in draft Order? Yes Scheme principles achieved? Yes
Supporting and Attracting Business Innovation		
39	Government working to support the 3 LEP Integrated Business Support Ecosystem	No Powers required at this stage
Culture		
40	Ability to provide and support cultural activities and entertainment concurrently with constituent authorities	To be contained in draft Order? Yes Scheme principles achieved? Yes
Data Sharing		
41-43	Sharing of various data sets for Skills, Employment, Environmental to assist with our Commissions	To be contained in draft Order? Partially – some data sets deferred. Scheme principles achieved? No DWP elements deferred to be considered in the next devolution deal.
Mayoral Functions		
44	HCA CPO, with the consent of the appropriate authority(/ies) <i>(as at table item 38 above)</i>	To be contained in draft Order? Yes Scheme principles achieved? Yes
44	Bus Service Operators Grant Allocation <i>(as a table item 22 above)</i>	To be contained in draft Order? No Scheme principles achieved? No TfWM have agreed that providing they receive the agreed detail of the allocations to operators nothing further is required at this stage.
44	Requirement to report to Secretary of State on traffic flows/ growth and reduction forecasts on the KRN	To be contained in draft Order? Yes Scheme principles achieved? Yes

Appendix 4 Summary of draft Order and Scheme Comparison

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
	<i>(as at table item 26e above)</i>	
44	Mayoral Precept <i>(as at table item 50 below)</i>	To be contained in draft Order? No Will be included in the Mayor's Finance Order Scheme principles achieved? Partially Mayoral Precept can only be used to fund Mayoral Functions.
44	Business Rate Supplement <i>(as at table item 53 below)</i>	To be contained in draft Order? No , but will be provided for in Local Growth and Jobs Bill expected to be laid in January 2017. Scheme principles achieved? Yes
44&45	Mayoral allocation of the devolved and consolidated multi-year capital budget <i>(as at table item 21 above)</i>	To be contained in draft Order? Yes Scheme principles achieved? Yes
44&46	Functional power of competence	To be contained in draft Order? Yes Scheme principles achieved? Yes
Mayoral Functions continued...		
47	The ability of the Mayor to enter into a joint exercise arrangement for the exercise of Mayoral functions	To be contained in draft Order – No Scheme principles achieved – No Specific functions are required to be identified and will be the subject of future orders if necessary
48	The exercise of Mayoral functions	To be contained in the draft Order – No Scheme principles achieved – No It is for the Mayor to determine (within the statute) whether they wish to delegate functions under legislative powers.
Finance (these powers will be subject to a separate generic financial regulations order)		
49	Devolved investment Strategy	DCLG have reconfirmed Mayor can only contribute via their precept to those areas that are Mayoral functions.

Appendix 4 Summary of draft Order and Scheme Comparison

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
50	Mayoral Precept	<p>To be contained in draft Order? No To be contained in separate finance order.</p> <p>Scheme principles achieved? Partially, Mayoral Precept can only be used to fund Mayoral Functions.</p>
51	Levy (Non Transport) on Constituent Authorities	<p>To be contained in draft Order? No Separate finance order</p> <p>Scheme principles achieved? Yes</p>
52	Non Transport Borrowing	<p>To be contained in draft Order? No – but confirmed in Autumn Statement</p> <p>Scheme principles achieved? No</p>
Finance continued...		
53	Business Rate Supplement	<p>To be contained in draft Order? No</p> <p>But will be provided for in Local Growth and Jobs Bill expected to be laid in January 2017.</p> <p>Scheme principles achieved? Yes</p>
54	100% Business Rate Retention	<p>To be contained in draft Order? No business rate pilot agreed.</p> <p>Scheme principles achieved? Yes</p>
55	Work with Government to achieve Intermediate Body Status for GBS LEP	<p>Awaiting clarification following Brexit</p>
Sub Structure		
56	Ability for CA to have Committees/ Sub Committees	<p>Nothing required in Order</p>