

# Public Document Pack



## Resources Directorate

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To all Members of the Council

2 December 2016

Dear Member,

### **Supplementary Agenda – Meeting of the Council - Tuesday, 6th December, 2016**

The papers for the above meeting were circulated on 28 November 2016. Since the publication of the report, the West Midlands Combined Authority (Functions and Amendment) Order 2016 has been received. As a consequence the report has been updated and is attached to this letter, along with Appendices 3 and 4 which were previously indicated as “to follow”. Please include them with your papers for the meeting.

#### **11a Implementing the Devolution Agreement - Mayoral Combined Authority Functions - Updated Report (Pages 3 - 62)**

Report of the Executive Director of Resources

If you have any queries, please do not hesitate to contact me on the telephone number shown above.

Yours sincerely

Usha Patel  
**Governance Services Officer**



INVESTOR IN PEOPLE

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Cabinet  
Council

6 December 2016  
6 December 2016

**Name of Cabinet Members:**

Cabinet Member for Policy and Leadership

**Director Approving Submission of the report:**

Chief Executive

**Ward(s) affected:**

City-wide

**Title:**

Implementing the Devolution Agreement - Mayoral Combined Authority Functions

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**Is this a key decision?**

Yes

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**Executive Summary:**

The purpose of this report is to seek the consent of the City Council for the Mayoral West Midlands Combined Authority (Functions and Amendment) Order 2016 to be laid in Parliament. This order details the further functions required by the Combined Authority, in order to deliver the devolution deal.

A Combined Authority is a statutory body that facilitates the collaboration and joint working between local authorities to drive economic prosperity for the area. On the 17th June 2016 the West Midlands Combined Authority (WMCA) was established, Coventry being one of the seven constituent members.

Negotiations with Government have continued to ensure that the WMCA creates the right economic development incentives for the people of Coventry. The original "Devolution Deal" was the basis of this agreement and underpinned the first stage of devolution.

The original Devolution Deal stipulated that the Chair of the WMCA would be a newly, directly elected Mayor. A subsequent "Mayoral Election Order" was made in September 2016 providing for the Election of a Mayor for the WMCA on 4 May 2017.

In conjunction with the "Mayoral Election Order" a draft scheme was prepared which was subject of public consultation. The scheme dealt with the proposed functions and powers of the WMCA and the Mayor in line with the Devolution Deal. Following consultation the

scheme was submitted from the WMCA to the Secretary of State to form the basis of a third order, the Mayoral West Midlands Combined Authority (Functions and Amendment) Order 2016. It is this draft Order that now comes before Council for consent prior to it being approved by the WMCA Board and subsequently laid before Parliament.

**Recommendations:**

Cabinet is recommended to:

1. Note the outcome of the consultation undertaken by the West Midlands Combined Authority in respect of the Mayoral WMCA “functions” scheme.
2. Delegate authority to the Leader to consent to the draft Mayoral West Midlands Combined Authority (Functions and Amendment) Order 2016 to be laid in Parliament subject to having seen the draft finance order and having consulted with the City Council’s S151 officer and Deputy Monitoring Officer.
3. Delegate approval of any minor drafting amendments of the Order (“Mayoral West Midlands Combined Authority (Functions and Amendment) Order 2016”) to the Deputy Monitoring Officer following consultation with the Leader.
4. Seek confirmation of the City Council to resolution 2 and 3 above.

Council is recommended to:

1. Note the outcome of the consultation undertaken by the West Midlands Combined Authority in respect of the Mayoral WMCA “functions” scheme.
2. Delegate authority to the Leader to consent to the draft Mayoral West Midlands Combined Authority (Functions and Amendment) Order 2016 to be laid in Parliament subject to having seen the draft finance order and having consulted with the City Council’s S151 officer and Deputy Monitoring Officer .
3. Delegate approval of any minor drafting amendments of the Order (“Mayoral West Midlands Combined Authority (Functions and Amendment) Order 2016”) to the Deputy Monitoring Officer following consultation with the Leader of the Council.

**List of Appendices (web links to documents as indicated)**

Appendix 1 Mayoral West Midlands Combined Authority Functions scheme

[Mayoral WMCA Scheme](#)

Appendix 2 Consultation response in respect of the Mayoral WMCA scheme

[link](#)

Appendix 3 Draft Mayoral West Midlands Combined Authority (Functions and Amendment) Order 2016

Appendix 4 Scheme and powers matrix

**Background papers**

None

**Other useful documents:**

[The West Midlands Devolution Agreement](#)

Cities and Local Government Devolution Act 2016

<http://www.legislation.gov.uk/ukpga/2016/1/contents/enacted/data.htm>

Local Democracy, Economic Development and Construction Act 2009:

<http://www.legislation.gov.uk/ukpga/2009/20/contents>

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

Yes – 6 December 2016

**Report title:** Implementing the Devolution Agreement - Mayoral Combined Authority Functions

**1. Context (or background)**

- 1.1 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. A period of clarification was then carried out on the agreement, which was then ratified by the seven constituent councils throughout February and March 2016, including the City of Coventry.
- 1.2 The devolution agreement is the first step for the West Midlands in securing the powers, resources and independence needed to drive economic growth, public service reform and deliver real outcomes for local people in terms of jobs, homes, better transport and better public services. It will open up potential investment funds totalling £8bn and increase confidence in the local area so that further private sector investment can be leveraged. It sits alongside the Midlands Engine project, a partnership with government covering the whole West and East Midlands, including the Midlands Connect initiative to take forward east-west transport investment.
- 1.3 The key focus areas of the first devolution agreement are:
- Finance - including £36.5 million per annum of additional government revenue funding for 30 years, to support a locally controlled investment fund
  - Governance - including the election of a Mayor for the West Midlands metropolitan area in May 2017
  - Transport
  - HS2 growth
  - More and better homes
  - Skills & employment
  - Supporting and attracting business & innovation
  - Public service reform
- 1.4 Following the ratification of the devolution agreement, the next stage was to establish the position of the Mayor, a prerequisite to the devolution agreement. The Mayoral ‘elections’ Order, to create the position of the Mayor, was approved by Council in May 2016. The ‘Scheme’ detailing the proposed Mayoral WMCA functions was also approved for consultation.

- 1.5 It is a requirement that a public consultation be undertaken in most cases where additional functions are to be conferred upon a Combined Authority. Therefore the functions required by a Mayoral West Midlands Combined Authority to deliver the devolution agreement, were detailed in a Scheme and consulted upon.
- 1.6 The consultation was carried out from 4<sup>th</sup> July – 21<sup>st</sup> August 2016 to seek views from the public and stakeholders on the additional functions proposed to be conferred on the WMCA, in order to deliver the devolution agreement. Following the consultation, a summary of responses was submitted to the Secretary of State for Communities and Local Government. The summary report is at appendix 2.
- 1.7 Following consideration of the consultation, the Secretary of State has indicated that he is satisfied that the statutory tests have been met and no further consultation is required.
- 1.8 The Department for Communities and Local Government have prepared a Draft Mayoral West Midlands Combined Authority (Functions and Amendment) Order 2016, based on the Scheme and in consultation with the West Midlands Combined Authority and the relevant government departments. It is this Order that is being presented to Cabinet and Council for consideration.
- 1.9 If approved by the seven Constituent Councils and the Combined Authority, the Order will be laid in Parliament for approval to allow for the identified functions to be transferred to the Combined Authority. It should be noted that not all aspects of the West Midlands devolution agreement require legislative change to implement. The functions outlined within the order are those that require legislative or regulatory change before they can be exercised by the WMCA or Mayor.

## **2.0 Key Areas of note within the Order**

- 2.1 The key areas to note from the Order are highlighted in the Matrix at appendix which outlines the functions and powers sought by WMCA in the Scheme and how they have subsequently been adopted into the draft Order.

The key areas to note including where there is a variation from the Scheme include:-

### Unanimous voting.

There are certain decisions that require a unanimous decision of constituent council members. Following incorporation of the Mayoral governance model into the Combined Authority the government's position is that the exclusion of the Mayor from this voting arrangement is not aligned to the devolution agenda. Discussions with government have resulted in the order clarifying that the Mayor is not to be part of the unanimous vote unless it is in relation to a decision that affects the exercise of the Mayors functions. These Mayoral functions are limited to those outlined in article 22 of the appended draft order.

### Finance

The government is drafting a generic Financial Regulation Order that will be laid in parliament to cover financial aspects for all Combined Authorities. This order will cover ability to levy, contributions, precepting and consideration of WMCA and Mayor budget. The appended draft order also covers the expectations around contributions from constituent members. It was announced in the Autumn Statement, that the government intends to give mayoral combined authorities powers to borrow for their new functions, subject to agreeing a borrowing cap with HM Treasury. The details are awaited but will not be included in the generic finance order.

Mayoral WMCA Development Corporation (MDC)

The provisions around MDC in the draft order are to enable the WMCA to identify an area to be designated as an MDC to secure regeneration. The WMCA can issue directions as to how the MDC operates. Powers that follow an MDC include acquisition of land in its area or elsewhere and discretionary relief from non domestic rates with consent from WMCA. Whilst the consent of the WMCA is required the consent of any affected area should also be addressed in the order and/ or in the constitution for any subsequent proposals from the MDC. Discussions with DCLG on this issue are ongoing.

**3. Options considered and recommended proposal**

- 3.1 Council is recommended to continue its journey towards becoming an instrumental member of WMCA by consenting to the draft Order that the Secretary of State intends to lay before Parliament to allow for the functions provided for in the Order to be exercisable as functions of the Mayoral WMCA.

**4. Timetable for implementing this decision**

Oct – Dec 2016	The Mayoral Combined Authority Order presented to Constituent Councils and Combined Authority for approval and consent to lay in Parliament.
Jan – Mar 2017	Functions incorporated into Combined Authority’s governance and constitutional arrangements
May 2017	First Mayoral election.



## 5. Comments from Executive Director of Resources

### 5.1 Financial implications

The principles on which the WMCA are to be funded are in part contained within the attached draft order but are further to be included in a separate generic order that is still being drafted. The principles of the key provisions of the funding arrangements have been shared with the Finance Directors group of the WMCA but the draft order has not yet been received. It is understood that the draft order will be provided in readiness for the WMCA board meeting on the 9<sup>th</sup> December when the final consent to the order is being considered. The resolution recommended for Council and Cabinet is therefore to delegate authority to the Leader to provide final consent to the order once the draft finance order has been seen to ensure the principles around funding are replicated. This approach is being adopted by the other WMCA Councils.

The key provisions of the Mayoral Combined Authority finance are to enable the WMCA to be able to levy for their existing and newly conferred transport functions; to be able to receive contributions for existing and newly conferred non mayoral functions and, if agreed by the WMCA, mayoral functions and the Mayor to be empowered to set a precept for mayoral functions. The WMCA and Mayor are to prepare budgets and these to be considered by the WMCA with the Mayoral budget requiring a 2/3<sup>rd</sup> majority to approve.

### 5.2 Legal implications

Council is being asked to consent to the Order that will see functions vested to the Mayoral West Midlands Combined Authority under s.105 Local Democracy Economic Development and Construction Act 2009 (as amended). The process that has been followed to create this Order is by the WMCA making of a proposal to the Secretary of State by submission of the scheme. A draft order has been prepared by the Secretary of State having considered the scheme, consultation outcome and statutory “tests”.

The 2016 Act makes provision for conferring additional functions on Combined Authorities *“the principle that powers should be devolved to Combined Authorities or the most appropriate local level except where those powers can more effectively be exercised by central government.”* Therefore the 2016 Act has amended the 2009 Act so that a Combined Authority is no longer restricted to the exercise of statutory functions relating to economic development, regeneration and transport.

Following the making of the Order the constitution of the WMCA will need to be amended to take into consideration the new functions and governance arrangements. Material amendments to the WMCA constitution require a unanimous vote of all Members of the WMCA appointed by the constituent authorities present and voting.

## **6. Other implications**

### **6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard)?**

The aim of setting up the West Midlands Combined Authority is to promote economic growth and improve the provision of transport. This is in line with the Council's aim to be a top ten city and to deliver prosperity and social justice by ensuring that local people, including those who are most disadvantaged, are able to benefit from that growth.

### **6.2 How is risk being managed?**

The Combined Authority will be a statutory organisation and its members would be required to manage the risks associated with its activities.

### **6.3 What is the impact on the organisation?**

The combined authority and the development of the devolution deal will use the time and resources of Councillors and senior officers. A combined authority will not replace the Council and its responsibilities and services will remain the same.

### **6.4 Equalities / EIA**

An initial equalities analysis was carried out in respect of the "Scheme" upon which the draft Order is based. Any project/programmes resulting from the authority provided by the Order are subject to individual equalities analysis.

### **6.5 Implications for (or impact on) the environment**

None identified at this stage.

### **6.6 Implications for partner organisations?**

Partnership working is key for successful delivery of the Devolution Deal.

#### **Report author(s):**

##### **Name and job title:**

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##### **Directorate:**

Resources

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Suzanne Bennett Lara Knight	Governance Services	Resources	1.12.16	
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Martin Reeves	Chief Executive	Chief Executives	1.12.16	
Councillor Duggins	Cabinet Member for Policy and Leadership	-	1.12.16	

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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

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**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**);

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(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.

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(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.

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(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

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(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<sup>(a)</sup> (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

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(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).

- 
- (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

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(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—

- 
- (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,

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(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<sup>(a)</sup>.

(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<sup>(b)</sup> 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<sup>(c)</sup> and in accordance with the Transport Levying Bodies Regulations 1992<sup>(d)</sup>.

(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<sup>(e)</sup> 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,

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- (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.

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(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”;

(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.”.

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(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;

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(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 ((**aforementioned in 4n.**)(begins again at the Navigation roundabout with the A41 Black Country New Road/George Henry Road (**aforementioned in 4p.**)));
- (j) B4517 New Road/Market Place roundabout;
- (k) B4166 Tame Road;
- (l) B4163 Lower Church Lane;
- (m) A457 Sedgley Road East (**aforementioned in 17c.**);
- (n) A4123 Birmingham New Road;
- (o) Castle Gate Island roundabout with the A459 Castle Hill/A4037 Tipton Road/Castlegate Way (**aforementioned 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 (**aforementioned 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 (**aforementioned 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 (**aforementioned in 21g.**).

**23. A463** from the A454 The Keyway/Armstrong Way roundabout (**aforementioned 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 (**aforementioned 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 (aforementioned in 19c.); and
- (j) Bull Ring roundabout with the A459 Dudley Street/Ettymore Road/Mill Bank (**aforementioned 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 Commonsides;
- (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”

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(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.

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## Appendix 4

### Summary of Scheme, draft Order proposal & Scheme compliance

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
<b>Membership</b>		
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 (and included in interpretation article 24)  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
<b>Mayor and Cabinet</b>		
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, with the requirement that the Mayor has due consideration and regard to this.  Scheme principles achieved? Yes

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
<b>Mayor and Cabinet</b>		
8	The Cabinet will examine the Mayor's draft annual budget and plans, policies and strategies	<p>To be contained in draft Order? No – Budget requirements to be contained in a separate generic finance order for all Combined Authorities – WMCA will have the ability for 2/3<sup>rd</sup> to reject (DCLG have confirmed the mayor will not be in the 2/3<sup>rd</sup> vote)</p> <p>the Leader of the Council be appraised of the generic finance Order consider delegation to agree order once order seen and is in line with principles agreed</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>
<b>Voting</b>		
11	Existing 2/3 and simple majority double lock voting to remain	<p>To be contained in draft Order? Yes,(need to see final draft)</p> <p>Scheme principles achieved? Yes</p>
12	Mayoral General Functions	<p>To be contained in draft Order? Yes – article 22 outline General Mayors functions</p> <p>Scheme principles achieved? Yes</p>
13	All other Mayoral WMCA functions 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 (i.e. those in original "Creation Order" 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>

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
15(a-f)	Unanimous voting by Constituent Members	Remain as per original order - unless they are connected to any of the General Mayoral Functions when the will Mayor will be included in the vote (need to see original draft)
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? <b>No</b> Scheme principles achieved? <b>No</b> Decision taken by WMCA that this additional unanimous provision was going further than the establishment unanimous items and the devolution deal and therefore will not be pursued.
<b>Overview and Scrutiny</b>		
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
<b>Transport</b>		
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.

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
		WMCA can reject the Mayors proposal if 2/3rds vote to do so. This will be in the Generic Finance Order
22	Bus Service Operators Grant Allocation	To be contained in draft Order? <b>No</b> Scheme principles achieved? <b>No</b> 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.
23	Additional Powers for Safer Travel Police on bus assets/ network	To be contained in draft Order? Yes Scheme principles achieved? Yes For Smoking and Anti-Social Behaviour. Memorandums of Understanding (MOU's) will be required with Constituent Councils
23	Bus Lane Contraventions	To be contained in draft Order? Yes Scheme principles achieved? Yes 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.
24	Bus Refranchising and Enhanced Partnerships	To be contained in draft Order? <b>No</b> Scheme principles achieved? <b>No</b> This will be provided for in the Buses Bill.
25	Statutory Definition of the Key Route Network	To be contained in draft Order? Yes Future Orders will amend the KRN and will need the consent of the Constituent Authorities. Scheme principles achieved? Yes This will be a Mayoral responsibility but with the statutory condition that the members and officers of the Combined Authority have



Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
		to assist and is subject to the Mayor seeking the assistance of the members and officers of the CA.
26a	S6 Highway Act ability to enter into agreement to undertake work on a trunk road or motorway for the KRN	To be contained in draft Order? Yes Scheme principles achieved? Yes
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? <b>No</b> deferred to be considered in next devolution deal.  Scheme principles achieved? <b>No</b>
26	Promoting Road Safety	To be contained in draft Order? Yes  Scheme principles achieved? Yes. MoU required

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
<b>Transport continued...</b>		
27	Clean Air and Low Emission Zones concurrently with Constituent Authorities	<p>To be contained in draft Order? <b>Yes</b></p> <p>Scheme principles achieved? <b>Yes</b></p> <p>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 consultation with' the affected Constituent Councils. MoU required.</p>
<b>HS2 Growth</b>		
28-30	Combined Authority led Mayoral WMCA Development Corporation	<p>To be contained in draft Order? <b>Yes</b></p> <p>Scheme principles achieved? <b>Yes</b> – Clarification being sought around MDC ability to CPO and discretionary relief from non domestic rates (potential to include requirements to seek agreement in constitution)</p>
31	Land Compensation disregard of certain development – to put us on same footing as Urban Development Company	<p>To be contained in draft Order? <b>No</b></p> <p>Scheme principles achieved? <b>Yes</b> Legislation to be repealed by new Neighbourhood Planning Bill.</p>
<b>Skills</b>		
32	Preparing for local Commissioning	No Powers required at this stage.
<b>Employment</b>		
34	Ability to assist people to train	To be contained in draft Order? <b>No</b>

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
		Scheme principles achieved? <b>No</b> – deferred to be considered in the next devolution deal.
<b>More and Better Homes</b>		
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
37	S23 Compensation exemption	To be contained in draft Order? Yes Scheme principles achieved? Yes
<b>Supporting and Attracting Business Innovation</b>		
39	Government working to support the 3 LEP Integrated Business Support Ecosystem	No Powers required at this stage
<b>Culture</b>		
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
<b>Data Sharing</b>		
41-43	Sharing of various data sets for Skills, Employment, Environmental to assist with our Commissions	To be contained in draft Order? <b>Partially</b> – some data sets deferred. Scheme principles achieved? <b>No</b>

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
		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? <b>Yes</b> Scheme principles achieved? <b>Yes</b>
44	Transport – power to pay grant, permit schemes, S83 works, power to enter into agreements, road safety, street works (sharing of costs)	To be contained in draft Order? <b>Yes</b> Scheme principles achieved? <b>Yes</b>
44	Bus Service Operators Grant Allocation <i>(as a table item 22 above)</i>	To be contained in draft Order? <b>No</b> Scheme principles achieved? <b>No</b> 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? <b>Yes</b> Scheme principles achieved? <b>Yes</b>
44	Mayoral Precept	To be contained in draft Order? <b>No</b> Will be included in the Finance Order Scheme principles achieved? Partially Mayoral Precept can only be used to fund Mayoral General Functions.
44	Business Rate Supplement	To be contained in draft Order? <b>No</b> , but will be provided for in Local Growth and Jobs Bill expected to be laid in January 2017. Scheme principles achieved? <b>Yes</b>
44&45	Mayoral allocation of the devolved and consolidated multi-year capital budget	To be contained in draft Order? <b>Yes</b> Scheme principles achieved? <b>Yes</b>

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
44&46	Functional power of competence	To be contained in draft Order? Yes Scheme principles achieved? Yes
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.
<b>Finance (these powers will be subject to a separate generic financial regulations order)</b>		
49	Devolved investment Strategy	DCLG have reconfirmed Mayor can only contribute via their precept to those areas that are Mayoral functions.
50	Mayoral Precept	To be contained in draft Order? <b>No</b> To be contained in separate finance order. Scheme principles achieved? Partially, Mayoral Precept can only be used to fund Mayoral General Functions.
51	Levy (Non Transport) on Constituent Authorities	To be contained in draft Order? <b>No</b> Separate finance order (need to see order – indicate only in relation to transport – contributions other functions) Scheme principles achieved? Yes
52	Non Transport Borrowing	To be contained in draft Order? <b>No – no agreement by treasury at this stage for</b>

Scheme Paragraph	Scheme Proposal	Draft Order Proposal & Scheme compliance
		<p><b>any Combined Authority, so not in separate Generic Finance Order nb Autumn statement)</b></p> <p>Scheme principles achieved? <b>No</b></p>
53	Business Rate Supplement	<p>To be contained in draft Order? <b>No</b></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? <b>No</b> 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>
	Issue of levy for transport – now include Bus lane contravention	<p>In draft order</p>
<b>Sub Structure</b>		
56	Ability for CA to have Committees/ Sub Committees	<p>Nothing required in Order</p>