

Appendix 4

Summary of Scheme, draft Order proposal & Scheme compliance

| Scheme Paragraph | Scheme Proposal | Draft Order Proposal & Scheme compliance |
|--------------------------|--|--|
| Membership | | |
| 2 | Prior to appointment of Mayor, WMCA will appoint a Chair and up to 2 Vice Chairs | To be contained in draft Order? Yes In original Establishment Order and will be retained in existing Establishment Order until Mayor elected and in post. Scheme principles achieved? Yes |
| 3 | Mayor to appoint a Deputy from Constituents | To be contained in draft Order? No, but already in Primary Legislation (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 |
| Mayor and Cabinet | | |
| 6 | Portfolio leads for aspects of the WMCA's responsibilities | To be contained in draft Order? No – Cannot be specified in Order, however will be reflected in the Constitution. Scheme principles achieved? Yes |
| 7 | The Mayor will delegate to areas of Mayoral responsibility to Portfolio leads | To be contained in draft Order? No Cannot be specified in the Order. Portfolio roles will be reflected in CA Constitution, with the requirement that the Mayor has due consideration and regard to this. Scheme principles achieved? Yes |

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| Mayor and Cabinet | | |
| 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 2/3rd to reject (DCLG have confirmed the mayor will not be in the 2/3rd 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> |
| Voting | | |
| 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> |

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| | | |
| 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? No Scheme principles achieved? No 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. |
| Overview and Scrutiny | | |
| 17 | Government are proposing regulations to cover the Overview & Scrutiny and Audit arrangements | To be contained in draft Order? No Separate Regulation Scheme principles achieved? Yes. The CA original Establishment Order and Constitution will be amended to take account of these regulations. |
| 18 | No member of WMCA or any committee (other than O&S) can be a Member of O&SS | To be contained in draft Order? No. Already provided for in Primary Legislation Scheme principles achieved? Yes |
| Transport | | |
| 19 & 20 | The powers and functions funded by the WMCA Transport levy will remain solely functions of the WMCA and not Mayoral. | To be contained in draft Order? Yes Scheme principles achieved? Yes |
| 21 | Mayoral allocation of the devolved and consolidated multi-year capital budget | To be contained in draft Order? Yes Scheme principles achieved? Yes. The Mayor allocates the funding but will be required to have due regard to the maintenance requirements of the network. |

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| | | 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? No Scheme principles achieved? No 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? No Scheme principles achieved? No 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 |

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| | | 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? No deferred to be considered in next devolution deal. Scheme principles achieved? No |
| 26 | Promoting Road Safety | To be contained in draft Order? Yes Scheme principles achieved? Yes. MoU required |

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| | | |
| Transport continued... | | |
| 27 | Clean Air and Low Emission Zones concurrently with Constituent Authorities | <p>To be contained in draft Order? Yes</p> <p>Scheme principles achieved? Yes</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> |
| HS2 Growth | | |
| 28-30 | Combined Authority led Mayoral WMCA Development Corporation | <p>To be contained in draft Order? Yes</p> <p>Scheme principles achieved? Yes – 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? No</p> <p>Scheme principles achieved? Yes Legislation to be repealed by new Neighbourhood Planning Bill.</p> |
| Skills | | |
| 32 | Preparing for local Commissioning | No Powers required at this stage. |
| Employment | | |
| 34 | Ability to assist people to train | To be contained in draft Order? No |

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| | | Scheme principles achieved? No – deferred to be considered in the next devolution deal. |
| More and Better Homes | | |
| 35 – 37 | Objectives and Functions of HCA | To be contained in draft Order? Yes Scheme principles achieved? Yes |
| 38 | Mayoral exercise of HCA CPO Powers is subject to the affected Constituent Members agreeing | To be contained in draft Order? Yes subject to the affected Constituent Members agreeing Scheme principles achieved? Yes |
| 37 | S23 Compensation exemption | To be contained in draft Order? Yes Scheme principles achieved? Yes |
| Supporting and Attracting Business Innovation | | |
| 39 | Government working to support the 3 LEP Integrated Business Support Ecosystem | No Powers required at this stage |
| Culture | | |
| 40 | Ability to provide and support cultural activities and entertainment concurrently with constituent authorities | To be contained in draft Order? Yes Scheme principles achieved? Yes |
| Data Sharing | | |
| 41-43 | Sharing of various data sets for Skills, Employment, Environmental to assist with our Commissions | To be contained in draft Order? Partially – some data sets deferred. Scheme principles achieved? No |

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| | | DWP elements deferred to be considered in the next devolution deal. |
| Mayoral Functions | | |
| 44 | HCA CPO, with the consent of the appropriate authority(/ies) <i>(as at table item 38 above)</i> | To be contained in draft Order? Yes Scheme principles achieved? Yes |
| 44 | 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? Yes Scheme principles achieved? Yes |
| 44 | Bus Service Operators Grant Allocation <i>(as a table item 22 above)</i> | To be contained in draft Order? No Scheme principles achieved? No TfWM have agreed that providing they receive the agreed detail of the allocations to operators nothing further is required at this stage. |
| 44 | Requirement to report to Secretary of State on traffic flows/ growth and reduction forecasts on the KRN | To be contained in draft Order? Yes Scheme principles achieved? Yes |
| 44 | Mayoral Precept | To be contained in draft Order? No 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? No , but will be provided for in Local Growth and Jobs Bill expected to be laid in January 2017. Scheme principles achieved? Yes |
| 44&45 | Mayoral allocation of the devolved and consolidated multi-year capital budget | To be contained in draft Order? Yes Scheme principles achieved? Yes |

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| 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. |
| Finance (these powers will be subject to a separate generic financial regulations order) | | |
| 49 | Devolved investment Strategy | DCLG have reconfirmed Mayor can only contribute via their precept to those areas that are Mayoral functions. |
| 50 | Mayoral Precept | To be contained in draft Order? No 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? No 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? No – no agreement by treasury at this stage for |

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| | | <p>any Combined Authority, so not in separate Generic Finance Order nb Autumn statement)</p> <p>Scheme principles achieved? No</p> |
| 53 | Business Rate Supplement | <p>To be contained in draft Order? No</p> <p>But will be provided for in Local Growth and Jobs Bill expected to be laid in January 2017.</p> <p>Scheme principles achieved? Yes</p> |
| 54 | 100% Business Rate Retention | <p>To be contained in draft Order? No business rate pilot agreed.</p> <p>Scheme principles achieved? Yes</p> |
| 55 | Work with Government to achieve Intermediate Body Status for GBS LEP | Awaiting clarification following Brexit |
| | Issue of levy for transport – now include Bus lane contravention | In draft order |
| Sub Structure | | |
| 56 | Ability for CA to have Committees/ Sub Committees | Nothing required in Order |