

Cabinet

26 August 2025

Name of Cabinet Member:

Cabinet Member for Jobs, Regeneration and Climate Change - Councillor J O'Boyle

Director approving submission of the report:

Director of Regeneration and Economy

Ward(s) affected:

All

Title:

Schedule 1 of the West Midlands Combined Authority (Functions and Amendment) Order 2017, Combined Authority Roads

Is this a key decision?

No

No - Although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive summary:

This report relates to a West Midlands Combined Authority (WMCA) proposal to remove Schedule 1 of the West Midlands Combined Authority (Functions and Amendments) Order 2017, which prescribes a list of roads designated as Combined Authority Roads. Combined Authority Roads are also known as Key Network Roads. The WMCA Board, at its meeting on 25th June 2025, resolved:

- (1) That WMCA Board agree to initiate a period of statutory consultation in relation to the removal of Schedule 1 to the West Midlands Combined Authority (Functions and Amendment) Order 2017.
- (2) That the consultation run from 23 June 2025 to 15 August 2025 for 8 weeks.
- (3) That a report be brought back to the WMCA Board on 12 September detailing the outcome of the consultation and proposed next steps.

The reason for this resolution is that Schedule 1 duplicates WMCA powers under Section 107ZA of Local Democracy and Construction Act 2009 (2009 Act), as amended by the Levelling-up and Regeneration Act 2023, and grants the power to Combined Authorities to designate a highway in its area as a Key Network Road (KNR), or remove that designation, with the consent of its constituent authorities and its Mayor. The explicit designation of Roads in Schedule 1 causes the WMCA two main issues.

- a) The WMCA now has the power to designate KNRs, but Schedule 1 only allows the WMCA to use its powers over the roads already specified as Combined Authority Roads.
- b) The ability to undesignate roads as KNRs is blocked as their designation as Combined Authority Roads would remain as provided for in the 2017 Order.

The WMCA is the only Mayoral Combined Authority where this situation is in place, and following consultation with the Department for Transport it has been agreed that the removal of Schedule 1 is the most appropriate way in which to rectify this issue.

In practical terms, this change will not impact upon the way in which the Key Network Roads in Coventry (which comprises most “A” class roads and some “B” class roads) is managed, with the City Council remaining responsible for the day-to-day management of these roads, including matters such as setting speed limits, determining parking restrictions and other traffic management regulations, and monitoring traffic conditions and taking appropriate action to address any incidents or emerging priorities.

Given the timescales and the relatively technical nature of the amendments being proposed by the WMCA, this report seeks delegated authority to be granted to the Director of Regeneration and Economy following consultation with the Cabinet Member for Jobs, Regeneration and Climate Change in relation to the decision to submit the proposal to the Secretary of State and the subsequent decision regarding the laying of the Order.

Recommendations:

Cabinet is recommended to:-

1. Delegate authority to the Director of Regeneration and Economy, following consultation with the Cabinet Member for Jobs, Regeneration and Climate Change, to consent to the submission of the proposal to amend the 2017 Order to the Secretary of State, following the WMCA Board meeting on 12 September, on the basis that any WMCA powers relating to the Key Route Network within Coventry will only be applied in full agreement with the City Council.
2. Delegate authority to the Director of Regeneration and Economy, following consultation with the Cabinet Member for Jobs, Regeneration and Climate Change to consent to the laying of the draft Order once it has been received from the Secretary of State

.List of Appendices included:

The following appendices are attached to the report:

Appendix 1 – Schedule 1 – Combined Authority Roads
Appendix 2 – Powers specified in the 2017 Order

Background papers:

None

Other useful documents

None.

Has it or will it be considered by Scrutiny?

No

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

No

Will this report go to Council?

No

Report title: Schedule 1 of the West Midlands Combined Authority (Functions and Amendment) Order 2017, Combined Authority Roads

1. Context (or background)

- 1.1. The West Midlands Combined Authority (WMCA) is the strategic transport authority for the WMCA area, including the constituent authorities, and has certain functions in relation to Combined Authority Roads, also known as the Key Network Roads. Combined these roads are frequently described as the Key Road Network (KRN) and for the purposes of this report these terms can be used interchangeably. The Combined Authority Roads are set out in Schedule 1 of the WMCA (Functions and Amendment) Order 2017, as listed in Appendix 1. In Coventry, these include sections of the A45, A428, A429, A444, A4053, A4082, A4114, A4600, B4082, B4098, B4106, B4110, B4113, and the B4118.
- 1.2. The WMCA has separate powers (subject to the consent of constituent authorities and its Mayor) to add or remove roads from the list of Key Network Roads, but is unable to exercise those powers because of the Schedule 1 list.
- 1.3. Section 107ZA of Local Democracy and Construction Act 2009 (2009 Act), as amended by the Levelling-up and Regeneration Act 2023, grants the power to combined authorities to designate a highway in its area as a Key Network Road (KNR), or remove that designation, with the consent of its constituent authorities and its mayor. The explicit designation of Combined Authority Roads in Schedule 1 causes the WMCA two main issues.
 - a) The WMCA now has the power to designate KNRs, but Schedule 1 only allows the WMCA to use its powers over the roads already specified as Combined Authority Roads.
 - b) The ability to undesignate roads as KNRs is blocked as their designation as Combined Authority Roads would remain as provided for in the 2017 order.
- 1.4. In order to resolve the discrepancy between the WMCA's 2017 Order and s107ZA of LDEDCA 2009, an Order is required to be made under s104, 105 and s114 of LDEDCA 2009 to amend the 2017 Order to remove Schedule 1. An Order under s104 and 105 must follow the process as set out in s112A of LDEDCA 2009 and can only be made with the consent of the constituent authorities and the Combined Authority.
- 1.5. WMCA has therefore liaised with the Department for Transport to agree the most appropriate way to obtain an amendment to the 2017 order to remove the designation of combined authority roads and resolve this discrepancy.
- 1.6. At the WMCA Board meeting on 13 June 2025, the following was resolved:
 - 1) That WMCA Board agree to initiate a period of statutory consultation in relation to the removal of Schedule 1 to the West Midlands Combined Authority (Functions and Amendment) Order 2017.

- 2) That the consultation run from 23 June 2025 to 15 August 2025 for 8 weeks.
 - 3) That a report be brought back to the WMCA Board on 12 September detailing the outcome of the consultation and proposed next steps.
- 1.7 Following the completion of the consultation and at the WMCA Board meeting on 12 September, the outcome of the consultation will be considered. Should WMCA Board be minded to continue with the submission to the Secretary of State, the Monitoring Officer will write to all constituent councils, detailing the outcome of the consultation and the decision of the WMCA Board. Each constituent council will be requested to consider the information provided and whether to consent to the submission of the proposal to the Secretary of State.

2. Options considered and recommended proposal

Option 1 – Do nothing – Not Recommended

- 2.1. The consequence of retaining the existing position is that the WMCA would be unable to designate new roads as a Key Network Road, or to remove that designation from a road. As an example, it is likely that the Keresley Link Road, when built, would be designated as a Key Network Road, due to its role as a key distributor road in the north-west of the city, whilst other roads, such as Radford Road, might be taken off the KNR list due to reduced importance in terms of traffic levels. If Schedule 1 remains in place, such changes would not be possible.

Option 2 – Support the removal of Schedule 1 – Recommended

- 2.2. It is recommended that the City Council supports the removal of Schedule 1 as set out in sections above to enable the WMCA to amend the designation of KNR and utilise the new powers afforded to it under the 2009 Act as amended.

3. Results of consultation undertaken

- 3.1. The WMCA is leading a public consultation on the removal of Schedule 1 and commenced public consultation in relation to this matter on 23 June 2025. The outcome of this consultation will be reported back to the WMCA Board at a future meeting. Further details on this consultation can be found here:
<https://www.wmca.org.uk/what-we-do/consultations/consultation-on-key-route-network-legislation/>

4. Timetable for implementing this decision

- 4.1. Depending upon the outcome of the consultation, the WMCA Board will consider options and reach a decision of whether Schedule 1 should be removed. The WMCA will then write to constituent authorities requesting that they consider the information provided and to confirm whether they consent to the WMCA Board submitting its proposal to the DfT.

5. Comments from Director of Finance and Resources and Director of Law and Governance

5.1. Financial Implications

There are no financial implications arising from this report.

5.2. Legal Implications

Section 107ZA of Local Democracy, Economic Development and Construction Act 2009 (LDEDCA 2009), as amended by the Levelling-up and Regeneration Act 2023 (LURA 2023), grants the power to combined authorities to designate a highway in its area as a key network road (“KNR”), or remove that designation, with the consent of its constituent authorities and its mayor.

The WMCA is the only combined authority whose statutory order designates particular roads as combined authority roads, which has resulted in a situation where WMCA now has the power under s107ZA of LDEDCA to designate KNR’s but its power to remove that designation may be somewhat fettered as the designation as combined authority roads would remain as provided for in Schedule 1 of The West Midlands Combined Authority (Functions & Amendments) Order 2017 (‘2017 order’).

Following discussion with the Department for Transport, it was agreed that the appropriate process to remove the existing designation was to seek an order pursuant to s104 and/or 105 and 114 of LDEDCA 2009, pursuant to the submission of a proposal under s112A.

Before a proposal can be submitted to the Secretary of State, the WMCA must follow the procedure as provided for in s112A(3) of LDEDCA 2009 which requires a public consultation to be carried out across the area of the WMCA and have regard to the results of this consultation in preparing the proposal for submission to the Secretary of State.

Following the conclusion of the Consultation, consent will be required from all constituent Councils and the WMCA to submit a proposal to the Secretary of State to amend the 2017 Order.

Once the Secretary of State has provided the amended Statutory Instrument, further consent will be required from each constituent council and the WMCA to the laying of the Order.

6. Other implications

6.1. How will this contribute to the One Coventry Plan?

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

Management of the road network within Coventry is led, on a day-to-day basis, by the City Council. This will not be impacted by a result of this decision. An efficient and safe road network is critical to the economic and social well-being of residents and

businesses, and clarity over respective responsibilities between local highway authority and strategic transport authority is critical. The City Council and WMCA already work closely together in the discharge of their respective responsibilities and this change will help to maintain that joint working going forward.

6.2. How is risk being managed?

There are no specific risks associated with this decision.

6.3. What is the impact on the organisation?

There are no impacts upon the City Council arising from this decision.

6.4. Equalities / EIA?

This decision relates to a change in WMCA function rather than City Council function. That change will not impact in any way upon the management of the local road network within Coventry, and the objective of ensuring that the local road network is accessible to all.

6.5. Implications for (or impact on) climate change and the environment?

There are no specific implications from this decision in relation to climate change or the environment.

6.6. Implications for partner organisations?

There are no implications for partner organisations, other than the beneficial impact for the WMCA arising from the removal of Schedule 1.

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