

# **Appendix 3**

## **Scheme for a Mayoral Combined Authority for the Area of Bristol, Bath & North East Somerset and South Gloucestershire**

June 2016

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## Introduction and Objectives

The three unitary authorities of Bristol, Bath & North East Somerset and South Gloucestershire, supported by the West of England Local Enterprise Partnership, have come together to enhance the delivery of economic development in their geography. Responding to clear evidence of a slowdown in economic growth, especially in productivity growth, along with persistent concentrations of economic exclusion and environmental threats from climate change, the three authorities have decided to formalise their joint working and take advantage of a devolution agreement with Government.

The shared objective is to strengthen the region's contribution to UK growth and productivity, whilst enhancing the liveability that is at the heart of our offer. Summed up in our vision of "*A prosperous economy with a rising quality of life for all*" this means achieving prosperity in a way that contributes nationally while also supporting the area's unique appeal within the UK as a liveable place with exceptionally high quality of life. Any growth must recognise the area's ambitions to achieve a fairer, low carbon society and to close the gap between economically excluded and other communities.

We intend to drive local economic growth, through increased productivity, by tackling specific issues which have been identified as constraints – transport, housing delivery, skills and inequalities. These issues will be approached in the context of our area's environmental resilience and climate change.

We will carry our commitment to 'good growth' through the essential processes of economic development. Specifically, the economic model at the heart of investment decision-making and evaluation of impact will consider the social and environmental impact, as well as economic uplift. This will be done through what are described as 'balancing metrics', alongside a measure of economic growth (GVA), modelling and monitoring a number of measures of equality and environmental enhancement.

## **1. Intention to establish a Mayoral Combined Authority**

A Mayoral Combined Authority will be established pursuant to section 103 of the Local Democracy, Economic Development and Construction Act 2009, as amended by the Cities and Local Government Devolution Act 2016. It shall come into existence on 1<sup>st</sup> April 2017.

This Scheme has been produced as a result of a Governance Review conducted under Section 108 of the 2009 Act, as amended, which concluded that the establishment of a Mayoral Combined Authority for the area would be likely to improve the exercise of certain statutory functions in relation to the Bristol, Bath & South Gloucestershire area.

The proposals in this scheme will be the subject of a public consultation, between Monday 4<sup>th</sup> July and Friday 13<sup>th</sup> August 2016.

### **1.1. Geography**

The Mayoral Combined Authority's area shall be the whole of the following three constituent authority areas:

Bath & North East Somerset Council  
Bristol City Council  
South Gloucestershire Council

Each of the above authorities will be the Mayoral Combined Authority's constituent members ("Constituent Council" and "Constituent Councils" will be construed accordingly).

### **1.2. Name**

The Name of the Mayoral Combined Authority will be the West of England Combined Authority. The name of the Directly Elected Mayor will be the West of England Combined Authority Mayor.

### **1.3. Membership**

- 1.3.1. Each Constituent Council shall appoint one of its elected members as a member of the Mayoral Combined Authority
- 1.3.2. Each Constituent Council will also appoint two other people ("Substitute Members") to act as members of the Mayoral Combined Authority in the absence of the member appointed under 1.3.1 above. Any Substitute Member will have the same decision-making authority and voting rights as the person whose place they are taking.
- 1.3.3. For the purposes of this Scheme, any reference to a member of the Mayoral Combined Authority is to be treated as including a reference to the appointed substitute members

- 1.3.4. For the purposes of this paragraph, an elected mayor of a Constituent Council is to be treated as a member of the Constituent Council.
- 1.3.5. Each Member must act in accordance with the statutory order, constitution and standing orders, together with observing the Code of Conduct for members.
- 1.3.6. Where a Member of the Mayoral Combined Authority ceases (for whatever reason) to be a member of the constituent authority which appointed them, the Member will cease to be a member of the Mayoral Combined Authority, and the constituent authority will appoint a replacement member as soon as possible. This shall not apply where the Directly Elected Mayor is a member of a constituent authority, in which case ceasing to be a member of that constituent authority shall not debar them from continuing as Mayor and a member of the Mayoral Combined Authority.
- 1.3.7. Each Constituent Authority may at any time terminate the appointment of a Member appointed by it to the Mayoral Combined Authority.
- 1.3.8. The Mayor will be a member of and Chair the Mayoral Combined Authority. A Deputy Mayor must be appointed by the Mayor from the membership of the Mayoral Combined Authority. The Deputy Mayor will Chair meetings of the Mayoral Combined Authority in the absence of the Mayor.

#### **1.4. Proceedings & Voting**

- 1.4.1. Decisions to be made in exercise of the functions of the Combined Authority will be made by a meeting of the Mayoral Combined Authority except
  - 1.4.1.1. where responsibility for exercise of the function has been delegated in accordance with the Constitution of the Mayoral Combined Authority (and which may include delegation of such powers and functions of the Mayoral Combined Authority to sub-committees or to officers as the Mayoral Combined Authority considers appropriate)
  - 1.4.1.2. where the matter falls to be considered by a Scrutiny Committee or Audit Committee of the Mayoral Combined Authority
- 1.4.2. All Constituent Members of the Mayoral Combined Authority will have one vote. The Mayor and Deputy Mayor will not have a second or casting vote.
- 1.4.3. The Mayoral Combined Authority will aim to reach decisions by consensus but, subject to paragraphs 1.4.4 to 1.4.7 below, any matter that comes before the Mayoral Combined Authority to be decided will

be decided by way of a simple majority of the members of the Mayoral Combined Authority present and voting (whether a motion or an amendment), unless

1.4.3.1. the vote is tied; or

1.4.3.2. the majority does not include the support of the Mayor

in which case the matter shall be deemed not to have been carried.

1.4.4. The following matters will require the unanimous support of all members of the Mayoral Combined Authority for approval:

1.4.4.1. Amendments to the Mayoral Combined Authority Constitution;

1.4.4.2. Adoption of a joint spatial plan; and

1.4.4.3. Such other matters as may be contained in the Mayoral Combined Authority Constitution and agreed with the Mayor

1.4.5. Approval of the Combined Authority's borrowing and limits, treasury management strategy including reserves, investment strategy and setting of the Combined Authority levy will require the unanimous support of all Constituent Councils of the Mayoral Combined Authority for approval (that is, the Mayor will not vote on these issues)

1.4.6. Decisions in discharge of responsibility for a general function exercisable only by the Mayor may be made, as determined by the Mayor, by:

- a) the Mayor
- b) the deputy mayor,
- c) another member of the combined authority, or
- d) an officer of the combined authority

1.4.7. The following mayoral decisions will require the consent of the Mayoral Combined Authority member of the Constituent Council in whose area the decision will apply:

- a) the designation of any area of land as a mayoral development area leading to the establishment, by Order, of a mayoral development corporation;
- b) the compulsory purchase of land or buildings by the Mayor;
- c) the introduction of bus lane enforcement schemes proposed by the Mayor or Mayoral Combined Authority;
- d) any decision that could lead to a financial liability falling directly upon that Constituent Council;
- e) the designation of any area as a Clean Air Zone; and
- f) such other matters as may be contained in the Mayoral Combined Authority constitution and agreed with the Mayor

- 1.4.8. The Combined Authority Mayor will also be required to consult the Mayoral Combined Authority on his/her plans, policies and strategies, related to the exercising of mayoral functions, which it may reject if two-thirds of the Constituent Council members agree to do so.
- 1.4.9. The West of England Combined Authority Mayor will also be required to consult the West of England Combined Authority on his/her strategies, which it may reject if two-thirds of the constituent council members agree to do so. The West of England Combined Authority will also examine the Mayor's spending plans and will be able to amend his/her plans, if two-thirds of the constituent council members agree to do so.
- 1.4.10. Mayoral decisions so made shall be conducted in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (SI 2012/2089), as may be later amended and subject to any other enactment, together with the provisions of the Mayoral Combined Authority Constitution.

## **1.5. Scrutiny**

- 1.5.1. The Mayoral Combined Authority shall establish a Committee to exercise responsibility for the Overview and Scrutiny functions applicable to the Mayoral Combined Authority. This Committee (and the Audit Committee outline at 1.6 below) shall be established and function in line with The Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2016.
- 1.5.2. Membership of the Overview and Scrutiny Committee shall consist of:
  - a) four members from each Constituent Council (other than a member or substitute member of the Mayoral Combined Authority);
  - b) two to three other members of the Constituent Councils in order to achieve greater political balance; and
  - c) such other independent person as may be appointed by the Committee or relevant sub-committee.
- 1.5.3. The Chair of the Overview and Scrutiny Committee shall be a member of a Constituent Council (who may not be a person who is a member of a registered political party of which the Mayor is a member) to be appointed by the Committee as the first business of the Committee in any municipal year.
- 1.5.4. The Overview and Scrutiny Committee may appoint such sub-committees as it deems necessary to fulfil its functions.

## **1.6. Audit Committee**

- 1.6.1. The Mayoral Combined Authority shall establish a Committee of not less than 10 members to exercise responsibility for the Audit functions applicable to the Mayoral Combined Authority
- 1.6.2. Membership of the Audit Committee shall consist of:
  - a) two members from each Constituent Council (other than a member or substitute member of the Mayoral Combined Authority);
  - b) one to three other members of the Constituent Councils in order to achieve greater political balance; and
  - c) at least one independent person

## **1.7. Appointments**

- 1.7.1. The Mayoral Combined Authority will appoint to the three statutory positions being:
  - a) Head of Paid Service (s.4 Local Government and Housing Act 1989)
  - b) Chief Finance Officer (s.112/114 Local Government Finance Act 1988)
  - c) Monitoring Officer (s.5 Local Government and Housing Act 1989)together with arrangements for the appointment of a person to act as a scrutiny officer of the overview and scrutiny committee
- 1.8.1. These positions may be undertaken by officers already serving in one or more Constituent Councils.
- 1.8.2. The Mayor may appoint one person as the Mayor's political adviser

## **1.9 Standing Orders**

- 1.9.1. The Mayoral Combined Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

## **1.10 Remuneration**

- 1.10.1. The Mayor shall be paid an allowance as agreed by Constituent Council members, following consideration of a report from an Independent Remuneration Panel (which performs a similar function for one of the Constituent Councils). This panel will also consider allowances payable to the independent member(s) of the scrutiny and/or audit committee.
- 1.10.2. No remuneration shall be payable by the Mayoral Combined Authority to its Constituent Council members, or substitute members, (other

than allowances for travel and subsistence), provided always that a Constituent Council may, on the recommendation of an independent remuneration panel, pay a special responsibility allowance to any member appointed by it to the Mayoral Combined Authority in respect of duties and responsibilities undertaken as a member, or substitute member, of the Mayoral Combined Authority.

## **2. Functions, Powers & Duties**

### **2.1. Mayoral Functions, Powers and Duties**

2.1.1. The proposed Mayoral Combined Authority functions that are intended to be Mayoral functions pursuant to the Devolution Agreement, and the conditions under which they can be exercised by the Mayor, are indicated within the Agreement.

2.1.2. The Mayor will Chair the Mayoral Combined Authority.

2.1.3. Mayoral functions are to include

- the power to raise a supplement on business rates to fund infrastructure, in consultation with the local business community, in accordance with relevant legislation and paragraph 3.3
- responsibility for a local transport plan (the Joint Transport Plan) covering the Combined Authority area,
- responsibility for a devolved and consolidated transport budget (subject to the provisions of paragraph 2.1.4)
- responsibility for franchised bus services (under the Bus Services Bill) and 'smart' ticketing
- responsibility for a Key Route Network of local roads, as defined and agreed by the Mayoral Combined Authority.
- adoption of a statutory spatial development plan, subject to unanimous approval of the Mayoral Combined Authority
- creation of supplementary planning documents and apply a single viability appraisal process for planning applications in the Mayoral Combined Authority area, subject to unanimous approval of the Constituent Councils
- being consulted on and/or call-in planning applications identified as strategic, cross-boundary, linear infrastructure
- undertaking land assembly and compulsory purchase; and forming joint ventures with landowners, developers and Registered Providers, with the agreement of the relevant Constituent Councils
- creation of Mayoral Development Corporations, with planning and land assembly powers, which will support delivery of strategic sites in the city-region. This power will be exercised with the consent of the Constituent Councils in which the development corporation is to be used.



- 2.1.4. The consolidated transport budget will be devolved to the Mayor on the basis that this will not disadvantage the Constituent Councils in regard to their statutory duties as the local highway and traffic authorities for non-Key Route Network roads in the Combined Authority area.
- 2.1.5. Allocation of highways funding to the Constituent Councils must take proper regard to each council's statutory functions, the level of funding needed for delivery of those functions and/or the previous allocations made by the Secretary of State to each authority.

## **2.2. Mayoral Combined Authority Functions, Powers and Duties**

- 2.2.1. The prime purpose of the Mayoral Combined Authority is to improve the exercise of statutory functions in relation to the area. In pursuit of this prime purpose, the Mayoral Combined Authority will take on those powers and functions set out in the Devolution Agreement
- 2.2.2. The functions intended for the Mayoral Combined Authority by way of the Devolution Agreement will either come into being upon the making of an Order establishing the Mayoral Combined Authority, as a result of this Scheme, or through the making of further Orders under s105A of the 2009 Act, to transfer a function or confer on the Mayoral Combined Authority a function currently exercised by another public authority elsewhere
- 2.2.3. In accordance with the S74 of the Local Government Finance Act 1988, the Combined Authority will have the power to raise a levy in respect of its expenses relating to its costs and functions. The setting of the Combined Authority levy will be approved by unanimous agreement of the Constituent Councils. It is for the Constituent Councils to decide how best to apportion the amount to be raised by the levy between the Constituent Councils. It is a decision for each Constituent Council as to how they meet the cost of the levy.
- 2.2.4. Upon establishment the Mayoral Combined Authority will also have those functions set out Sections 2.3 and 2.4 below, in relation to strategic economic development and transport. These include functions in relation to strategic planning policy (including the planning for future housing and employment land provision)
- 2.2.5. The Mayoral Combined Authority will exercise its powers and duties concurrently with the Constituent Councils (where Constituent Councils have the same functions). No Constituent Council is ceding existing functions to the Mayoral Combined Authority without express agreement.
- 2.2.6. The Constituent Councils and the Mayoral Combined Authority will agree operating protocols for the exercise of concurrent powers and

duties by the Mayoral Combined Authority. These protocols will recognise the strategic role of the Mayoral Combined Authority and safeguard the role of Constituent Councils in local decision making and delivery.

- 2.2.7. Notwithstanding the above, a Constituent Council and the West of England Mayoral Combined Authority may enter into arrangements under Section 101 of the Local Government Act 1972 and/or Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2012 to allow the delegation of functions from a Constituent Council to the Mayoral Combined Authority. In all such cases, acceptance of a delegation will require a decision of the Mayoral Combined Authority.

### **2.3. Transport**

- 2.3.1. The Mayor will be responsible for a devolved and consolidated multi-year local transport budget for the area of the Mayoral Combined Authority, to enable greater surety of funding, more effective and efficient long-term asset management and procurement arrangements. This budget will be fully devolved and provide a firm funding settlement for the period through to 2020/21. This Mayoral budget is separate from the existing 10-year transport funding settlement that has already been agreed with Government through the existing West of England City Deal. It will be a Mayoral Function, carried out in accordance with the Mayoral Combined Authority's examination of and ability to reject the Mayoral budget, in accordance with paragraphs 1.4.9. and 2.1.4 of this Scheme.
- 2.3.2. The Mayoral Combined Authority will become the Transport Authority for the region. It will be appropriate however, for certain powers conferred with that status to be devolved back to the individual Constituent Councils and exercised at the local level. It is expected that this will include, but not be limited, to the duty to support socially necessary bus services under Section 63 of the Transport Act 1985. The powers and functions to be devolved back to the Constituent Council shall be agreed by the unanimous decision of the Constituent Council Members of the Combined Authority (that is, excluding the Mayor).
- 2.3.3. In accordance with paragraph 2.4.3. of this Scheme, The Mayor will be given powers over strategic planning, including the power to prepare and adopt a Spatial Development Strategy (hereinafter referred to as the Joint Spatial Plan), the powers in Part 2 of the Transport Act 2000 to produce a Local Transport Plan known here as the Joint Transport Plan, which would include the Bus Strategy, Key Route Network and Asset Management Plan. The Joint Transport Plan will establish a Key Route Network, for which the Mayoral Combined Authority will take on exclusively the role of the Highway Authority. The Mayoral Combined Authority will be the Highway

Authority for the Key Route Network for the purposes of exercising the powers of the Highways Act 1980 and the relevant other primary and secondary legislation. For all other routes other than the KRN, the relevant Constituent Council remains the Highway Authority.

- 2.3.4. The Mayoral Combined Authority will be granted, in respect of the Key Route Network and with the approval of the Constituent Councils, functions equivalent to those conferred upon the Mayor of London, by the Transport Act 2000. The outcome will be to ensure a consistent approach to the enforcement, application of penalty charges etc. of bus lanes
- 2.3.5. The Mayoral Combined Authority will be granted powers equivalent to those contained within Part 1 of the Road Traffic Regulation Act. These powers would enable the Key Route Network to be statutorily defined and allow the Key Route Network roads to be strategically managed and coordinated at the city-region level by the Mayoral Combined Authority on behalf of the Mayor. An Asset Management Plan will be developed as part of the JTP which will guide investment in the network. The Asset Management Plan will cover the whole highways network, not simply the Key Route Network alone.
- 2.3.6. The Mayor and the Mayoral Combined Authority will have the power to create Clean Air Zones, with the affected highway authority(ies) consent.
- 2.3.7. It is proposed that powers retained by the Secretary of State for Transport to make grants to bus service operators under Section 154 of the Transport Act 2000, will be transferred, incrementally, to the Mayoral Combined Authority. Initially, the powers to be devolved would relate only to tendered services, which would be delegated to the Constituent Councils (as per 2.3.2 above). This would provide the Combined Authority with an early opportunity to engage on a formal basis with operators of the current commercial bus network, prior to and in expectation of the new regime to be introduced by the forthcoming Bus Service Bill.
- 2.3.8. The Mayoral Combined Authority will be granted functions equivalent to the below, concurrently with the relevant Constituent Council, unless otherwise stated:
  - 2.3.8.1. Section 6 of the Highways Act 1980 (enabling the Secretary of State or Highways England to delegate to or enter into an agreement with a county council, metropolitan district council or London borough council in relation to the construction, improvement or maintenance of trunk roads). It is proposed that the section should be modified to include the Mayoral Combined Authority amongst the authorities to which such functions may be delegated, to support better integration

between local and national networks, or the equivalent legislative provision in order to achieve the aim of better integration.

2.3.8.2. Section 8 of the Highways Act 1980 (enabling local highway authorities and Highways England to enter into agreements with other such authorities in relation to the construction, improvement, maintenance etc. of a highway for which any party to the agreement is the highway authority). It is proposed that the section be modified to allow the Mayoral Combined Authority to be a party to such agreement as if it were a local highway authority, with the affected highway authority(ies) consent, or the equivalent legislative provisions in order to allow the Mayoral Combined Authority to be party to such agreements.

2.3.8.3. Section 62 of the Highways Act 1980 - General Power of Improvement, or the equivalent legislative provisions to provide Mayoral Combined Authority with General Power of Improvement in respect of highways.

2.3.9. The Mayoral Combined Authority is to receive enhanced powers to provide the opportunity for bus franchising and integrated smart ticketing across all local modes of public transport in the Mayoral Combined Authority Area. The Mayoral Combined Authority will benefit from the powers to be established by the Bus Services Bill when this becomes legislation. Prior to the realisation of the Bus Services Bill the MCA, as the Transport Authority, would have the power set out in Part 2 of the Transport Act 2000 relating to Quality Partnerships.

## **2.4. Planning & Housing**

2.4.1. In order to exercise the functions outlined in 2.1.3 above, the Mayor will be granted the following powers, to run concurrently with the Constituent Councils or Homes & Communities Agency (HCA) as appropriate.

2.4.1.1. Ss.8(1), 11, 12, 15(1), 17 & 18 of the Housing Act 1985 (assessment of housing need)

2.4.1.2. Ss.2, 3 to 12, 17 & 18 of the Housing & Regeneration Act 2008 (objects of HCA and associated powers)

2.4.1.3. S.9 HRA Act 2008 (HCA compulsory purchase order powers), exercised in agreement with the relevant Constituent Council

2.4.1.4. Relevant sections of Part 7 (Housing and Regeneration) of the Greater London Authority Act 2007

- 2.4.1.5. S.226 of the Town & Country Planning Act 1990 (local authority powers)
- 2.4.1.6. Relevant provisions from Part 9 (Acquisition and Appropriation of Land for Planning Purposes, etc.) Town & Country Planning Act 1990
- 2.4.1.7. General power of competence, Ss.1 to 4 of the Localism Act 2011
- 2.4.2. The Mayor will be granted powers analogous to those of the Mayor of London, pursuant to s105A of the Local Democracy, Economic Development and Construction Act 2009 (as amended by Cities and Local Government Devolution Act 2016, s7) and concerning powers granted to the Mayor of London by Ss. 2A-2F of the Town & Country Planning Act 1990 as amended by the Greater London Authority Act 2007, s31(2).
- 2.4.3. Since 2014 the Constituent Councils have been preparing a statutory Spatial Development Strategy (The Joint Spatial Plan) in conjunction with a neighbouring Authority (North Somerset Council). The Joint Spatial Plan is supported by the Joint Transport Plan (referred to above)..
- 2.4.4. The Mayor will be given power to prepare and adopt the Joint Spatial Plan insofar as it relates to the Combined Authority Area. In order to give effect to this, the Mayor will be given powers corresponding to those given to the London Mayor pursuant to Part VIII, sections 334 to 350 of the Greater London Authority Act 1999 (the “GL Act”) with certain modifications. Part VIII of the GL Act will be modified so that references to the GLA, Greater London and the London Mayor are amended to the Mayoral Combined Authority and the Combined Authority Mayor. Reference to the “spatial development strategy” shall be modified to refer to the Joint Spatial Plan. In addition, Part VIII of the GL Act will be amended, including amendments to incorporate the agreed provision that the Combined Authority Mayor’s statutory Joint Spatial Plan (and any supplementary provisions) requires the consent of all the constituent Members of the Mayoral Combined Authority.
- 2.4.5. The Constituent Councils are committed to a plan-led system for sustainable development. The Joint Spatial Plan will be a statutory document. The objective is to provide a plan-led approach to aid the development industry in securing sustainable development to support the economic growth of the region. This provides certainty and enables accelerated housing provision, the ability to provide infrastructure in a timely manner and prioritise investment to deliver growth. It will demonstrate to residents that the Authorities will continue to plan positively for the area in order to minimise the risk of speculative development. The Constituent Councils will work with Government to explore a revised 5-year housing land supply

interpretation which supports the delivery of housing numbers on strategically identified sites.

- 2.4.6. The Joint Spatial Plan (JSP) will set out the policies for the homes and jobs needed in the JSP's area and the strategic spatial distribution needed to accommodate this growth, in terms of providing for sustainable development in the West of England. It will establish the housing requirement for the region and the approach to maintaining and monitoring the supply of housing will be established through JSP preparation and examination processes. The Joint Transport Plan will be a principal material consideration informing the Joint Spatial Plan and will inform high level strategy and the delivery of major transport schemes throughout the area.
- 2.4.7. The creation and preparation of the Joint Spatial Plan alongside the Constituent Councils' local plans will establish a two tier Development Plan Document approach for the area. This is in accordance with the regulations and is in conformity with the National Planning Policy Framework (NPPF), enabling the delivery of sustainable development consistent with national policy. Constituent Councils will remain the planning authorities for their areas, and will continue to retain full responsibility for plan making for their areas in accordance with the NPPF.
- 2.4.8. The Joint Spatial Plan, the Joint Transport Plan and the Asset Management Plan will inform the allocation and spend of the Mayoral Combined Authority Investment Fund.
- 2.4.9. There will be a requirement that any new development plan, or any alteration or replacement of the development plan of any of the Constituent Councils would also need to be consistent with the current Joint Spatial Plan. Local Plans will require a certificate of general conformity from the Mayoral Combined Authority (Regulation 21 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Section 24 of the Planning and Compulsory Purchase Act 2004).
- 2.4.10. The Mayor will be granted certain strategic planning functions; these will include powers to prepare, submit and determine planning applications. The exercise of such functions will be confined to strategic, cross-boundary, linear infrastructure identified in the Joint Spatial Plan. This power will reduce the time and cost constraints that exist with multiple planning applications, for example on transport projects which have crossed several Local Planning Authority boundaries and suffered significant time and challenge delays as a consequence. This power will allow such applications to be heard together by the Mayor in a single decision-making process which will expedite delivery of these schemes.

- 2.4.11. The Mayoral Combined Authority will require powers equivalent to powers granted to the Mayor of London by Ss. 2A-2F of the Town & Country Planning Act 1990 as amended by the Greater London Authority Act 2007, s31(2). The powers will need to be amended such that rather than PSI criteria, applications subject to the power to direct that the Mayor be the Local Planning Authority for the purposes of determining the application are constrained to applications which are a strategic, cross-boundary, linear infrastructure application, which is identified in the Joint Spatial Plan. The powers will need to be amended such that the power to direct that the Mayor be the Local Planning Authority can only be exercised with the agreement of the Constituent Council which remains the Local Planning Authority.
- 2.4.12. The Mayor will be given powers to form joint ventures with land owners, developers and registered providers and to prepare and adopt supplementary planning documents, with the agreement of the relevant Constituent Council. The latter will require the transfer of the powers afforded by Regulation 5 of the Town and Country Planning (Local Planning) (England) Regulations 2012/767, running concurrently with the Constituent Councils and limited to
- 2.4.12.1. Sites/development being delivered or promoted directly by the Mayoral Combined Authority through the creation of a Housing Corporation
- 2.4.12.2. Site based Supplementary Planning Documents (SPDs) of relevance to more than one Constituent Council for which, by agreement of the constituent LPAs, a strategic approach is considered beneficial, and
- 2.4.12.3. Topic based SPDs for which, by agreement of each Constituent Council, a strategic approach across the area is considered beneficial (e.g. Place-making, viability appraisal, biodiversity, waste, retail etc.)
- 2.4.13. The Mayoral Combined Authority will be granted devolution of the objectives and functions of the Homes and Communities Agency ("HCA") under Section 2(1) (with a limitation to the area) and Section 3-12, 17 and 18 of the Housing and Regeneration Act 2008 ("H&R Act 2008"), such powers to be exercised concurrently with the HCA. These functions would be non-Mayoral functions with the exception of the specific HCA compulsory purchase powers as detailed in paragraph 2.4.16.
- 2.4.14. The objectives are to provide the Combined Authority with the necessary powers:
- to improve the supply and quality of housing;

- to secure the regeneration or development of land or infrastructure;
- to support in other ways the creation, regeneration and development of communities or their continued well-being; and
- to contribute to the achievement of sustainable development and good design.

2.4.15. The functions in paragraph 2.4.13 include powers enabling the achievement of the above objectives. Such powers include the power of compulsory purchase in Section 9 of the H&R Act 2008 (subject to the authorisation of the Secretary of State). In respect of this section, in order to achieve the objectives above, the Mayoral Combined Authority should have the benefit of exemption from Section 23 of the Land Compensation Act 1961 enjoyed by the HCA under section 23(3)(d) of that Act.

2.4.16. The exercise of functions contained in Section 9 of the H&R Act 2008, will be a Mayoral function, only exercisable by the Mayor with the consent of the Constituent Council for the area(s) of the land to be compulsorily acquired.

2.4.17. The Mayoral Combined Authority will be granted the power to exercise, subject in each instance to the agreement of the Constituent Council(s) within whose area the property is located, the functions of the Constituent Councils to compulsorily acquire land for development of housing, under section 17 of the Housing Act 1985 and the associated sections 11, 12, 15(1) and 18. The conferral of such powers on the Mayoral Combined Authority will be entirely without prejudice to the exercise of those powers by the Constituent Councils which will exercise those powers as previously.

2.4.18. The Mayoral Combined Authority will be granted the power to exercise concurrently with the Constituent Councils the functions of the Constituent Councils to compulsorily acquire land for development and other planning purposes under section 226 of the Town and Country Planning Act 1990 and the associated powers under sections 227, 229, 230, 232, 233, 235-241 of the Town and Country Planning Act 1990. The Combined Authority's exercise of such powers will in each instance be subject to the agreement of the relevant Constituent Councils in whose area the property is located. The conferral of such powers on the Combined Authority will be entirely without prejudice to the exercise of those powers by the Constituent Councils which will exercise those powers as previously.

2.4.19. The Mayoral Combined Authority will be granted the compulsory purchase powers from the Housing and Planning Act 2016 to acquire compulsorily land for development and other planning purposes. The Mayoral Combined Authority's exercise of such powers will in each instance be subject to the agreement of the relevant Constituent



Councils in whose area the property is located. The conferral of such powers on the Mayoral Combined Authority will be entirely without prejudice to the exercise of those powers by the Constituent Councils which will exercise those powers as previously.

- 2.4.20. The Mayor will be given the power (similar to that of the London Mayor under Part 8 of the Localism Act 2011) to designate any area of land in the Mayoral Combined Authority area as a “mayoral development area”, leading to the establishment by order of Mayoral Development Corporations (“MDCs”).
- 2.4.21. The Mayor’s power to create MDCs will help to drive regeneration and expedite housing delivery on complex schemes. The advantage of MDCs is that they have most of the powers of an Urban Development Corporation but are controlled locally rather than by the Secretary of State. The Mayor’s power to create an MDC will be subject to the agreement of the Constituent Council for the area in which the MDC is to be located. In order to give effect to this section of the deal, it is proposed that the Mayor is given the same powers that are given to the London Mayor pursuant to Part 8, Chapter 2, sections 196 to 222 of the Localism Act 2011 to designate areas of land as MDCs
- 2.4.22. Part 8, Chapter 2 of the Localism Act 2011 will be modified so that references to the GLA, Greater London and the London Mayor are amended to the Mayoral Combined Authority and the Combined Authority Mayor. In addition, Part 8, Chapter 2 of the Localism Act 2011 will need to be amended so that
- it includes the agreed provision that the Combined Authority Mayor’s power to designate an MDC requires the consent of the Constituent Council for the area in question; and
  - an MDC will only have planning powers if the Constituent Council for the area in which the MDC is located consents to this. It is also proposed that, in order to put an MDC in the same position as an Urban Development Corporation in relation to land compensation legislation there should be a number of consequential amendments to the Land Compensation Act 1961. Where an MDC is being proposed (where the boundaries may be far more extensive than the boundary of an individual CPO), designated mayoral development areas are included as an additional Case in section 6 of, and the First Schedule to, the Land Compensation Act 1961.
- 2.4.23. The power to create MDCs will be a Mayoral function (but can only be exercised with the consent of the Constituent Councils for the area(s) of land to be designated). It is proposed that the London Mayor’s power under section 202 of the Localism Act 2011 to decide that a MDC should have certain planning functions in relation to the whole or part of a mayoral development area should be modified in relation to the Combined Authority Mayor so that the Mayor can only exercise

this power with the consent of the Constituent Council(s) for the area concerned

## **2.5. Skills**

- 2.5.1. The Mayoral Combined Authority will be given devolved powers to control the Adult Education Budget from the academic year 2018/19, having been granted the power to vary the block grant allocations made to providers, within an agreed framework, for the academic year 2017/18.
- 2.5.2. Devolution of these powers will be through appropriate amendments to the Apprenticeship, Skills, Children and Learning Act 2009 (ASCL 2009), as amended by the Deregulation Act 2015
- 2.5.3. The Mayoral Combined Authority will be granted responsibility for the Apprenticeship Grant for Employers (AGE).

## **2.6. Business Support**

- 2.6.1. Through devolution, the Mayoral Combined Authority will gain greater influence and decision making in respect of the 2014-2020 European Regional Development Funds (“**ERDF**”) and European Social Funds (“**ESF**”) in the area. This will allow the area to integrate and align investments with other aspects of the devolution deal and local priorities, to improve performance and maximise economic impact. In order to achieve these objectives, the Mayoral Combined Authority will gain the powers of an Intermediate Body to select ERDF and ESF projects, on the basis of strategic fit with Operational Programmes and local conditions. This is in line with arrangements stated in the Devolution Agreement.

## **2.7. Miscellaneous**

- 2.7.1 An order will be laid for the election of the Combined Authority Mayor to take place in May 2017. The Mayor will be elected by the local government electors for the areas of the Constituent Councils of the Mayoral Combined Authority. As set out in the Cities and Local Government Devolution Act 2016, the Mayor is to be returned under the simple majority system (‘first past the post’), unless there are three or more candidates. If there are three or more candidates, the mayor is to be returned under the supplementary vote system.
- 2.7.2 The initial term for the Combined Authority Mayor will be four years. This will avoid capacity issues for Bristol City Council, which will have several other elections in 2020 (three years after election of the Combined Authority Mayor), namely General Election, Police & Crime Commissioner, Mayor of Bristol and all-out Council elections.

- 2.7.3 The Mayor shall be a member of the West of England Local Enterprise Partnership Board, to ensure continued recognition of the LEP's importance in the design and delivery of local economic strategies.
- 2.7.4 Any transfer to the Mayoral Combined Authority, or to the Combined Authority Mayor, of existing powers or resources currently held by the constituent authorities must be by agreement with the relevant authorities, as set out in this document.
- 2.7.5 An order will be laid to enable the ongoing success of the West of England Economic Development Fund, created as part of the West of England City Deal. This order will ensure that the West of England Enterprise Zones and Enterprise Areas will continue to enjoy their current benefits, including the one Enterprise Area outside the Mayoral Combined Authority area. These benefits include those for the Temple Quarter Enterprise Zone and agreed extension to new sites in Bristol, Bath and Somer Valley Enterprise Zone branding and business rates discounts for business moving onto the zone. The West of England Enterprise Zone and Enterprise Areas (including the one Enterprise Area outside the Mayoral Combined Authority area) will also continue to benefit from 100% growth of business rates retention (from the agreed baseline) for 25 years from their designation with 100% protection from any future reset or redistribution
- 2.7.6 Both the Mayor and Mayoral Combined Authority will be subject to the Public Sector Equalities Duty, created under the Equality Act 2010.

### **3. Funding the Mayor and Mayoral Combined Authority**

- 3.1. s.107G of the Local Democracy, Economic Development and Construction Act 2009, as amended by the Cities and Local Government Devolution Act 2016, allows the Secretary of State to make an order to make provision for the costs of a Mayor for the area of a combined authority that are incurred in, or in connection with, the exercise of mayoral functions to be met from precepts issued by the Mayoral Combined Authority under section 40 of the Local Government Finance Act 1992. It is intended that no precepts be issued at present and the Secretary of State is not requested to make such an order. For the avoidance of doubt, any such future request to the Secretary of State would require the unanimous consent of all councils.
- 3.2. Scrutiny of the Mayoral Budget (and any Mayoral Precepts) will fall within the remit of the overview and scrutiny committee of the Mayoral Combined Authority. The Budget may subsequently be rejected and amended by a two-third majority of the members of the Mayoral Combined Authority (excluding the Mayor), as set out in paragraph 1.4.8 of this scheme.

- 3.3. Subject to the necessary legislation, the Mayor will have the ability, with agreement of the Mayoral Combined Authority and in consultation with the business community, to raise a Business Rate Supplement to fund infrastructure investment. The Mayoral Combined Authority will be a levying authority for the purposes of the Business Rates Supplement Act 2009 and the Constituent Councils shall be deemed to be acting jointly through the Combined Authority in accordance with Section 2(3) of the Business Rates Supplement Act 2009
- 3.4. In accordance with paragraph 2.2.3 of this scheme, regulations should be made pursuant to section 74 of the Local Government Finance Act 1988 to enable the Mayoral Combined Authority to issue a levy to its Constituent Councils, to meet the expenditure of the Mayoral Combined Authority that is reasonably attributable to the exercise of non-mayoral functions. Constituent Councils will be able to pay an agreed contribution to meet the cost of mayoral functions.
- 3.5. Regulations should be made pursuant to section 23 (5) of the Local Government Act 2003 to give the Mayoral Combined Authority borrowing powers for priority infrastructure projects, including but not limited to; transport, highways, housing, investment and economic regeneration, as relevant to the exercise of its functions, both mayoral and non-mayoral, within agreed limits.
- 3.6. Borrowing by the Mayoral Combined Authority, secured against the gain share investment by Government and other funding sources, is required to achieve the maximum economic impact of infrastructure investment and accelerated delivery of housing and productivity growth. The borrowing limits of the Combined Authority will be determined locally by the unanimous agreement of all members of the Mayoral Combined Authority.