
STATUTORY INSTRUMENTS

2017 No. 510

**The West Midlands Combined Authority
(Functions and Amendment) Order 2017**

PART 8

**Amendment of the West Midlands Combined
Authority Order 2016; incidental provisions**

Amendments of the West Midlands Combined Authority Order 2016

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) at the end of the definition of “Local Enterprise Partnership” omit “and”;

(c) after the definition of “Local Enterprise Partnership” insert—

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

(d) 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) In Schedule 1 (constitution)—

(a) in paragraph 1 (membership)—

(i) sub-paragraph (1) is omitted;

(ii) for sub-paragraph (4) there is substituted—

“(4) Each constituent council must appoint another of its elected members to act as a member of the Combined Authority (“the substitute member”) if a member appointed in accordance with the provisions in sub-paragraph (2)—

(a) is absent; or

(b) has been appointed as the deputy Mayor and is acting in place of the Mayor at a meeting.”**(1)**;

(b) omit paragraph 2 (chairman and vice-chairman); and

(c) for paragraph 3 (proceedings) there is substituted—

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

“Proceedings

3.—(1) Subject to the following sub-paragraphs, a decision on a question relating to any matter to be decided by the Combined Authority must meet each of the following requirements—

- (a) Requirement B;
- (b) Requirement C.

(2) A decision on a question relating to any matter to be decided by the Combined Authority which relates to any of the matters specified in articles 7 and 10 of this Order must meet each of the following requirements—

- (a) Requirement A;
- (b) Requirement C.

(3) A decision as to whether to consent to a Corporation submitting a compulsory purchase order, authorising the acquisition of land under section 207(2) of the Localism Act 2011, to the Secretary of State for confirmation must meet each of the following requirements—

- (a) Requirement C;
- (b) Requirement D.

(4) Subject to sub-paragraph (5), a decision on a question relating to any of the matters specified in sub-paragraph (7) must meet each of the following requirements—

- (a) Requirement C;
- (b) Requirement E.

(5) If a decision on a question relating to any of the matters specified in sub-paragraph (7) will affect the Mayor’s exercise of any of the general functions exercisable only by the Mayor that are specified in article 22 of the West Midlands Combined Authority (Functions and Amendment) Order 2017 the decision must meet each of the following requirements—

- (a) Requirement C;
- (b) Requirement F.

(6) The requirements mentioned in sub-paragraphs (1) to (5) are—

- (a) Requirement A is a majority of at least two-thirds of the members appointed by the constituent councils present and voting on a question at a meeting of the Combined Authority;
- (b) Requirement B is that the Mayor and at least two-thirds of the members appointed by the constituent councils present and voting on a question at a meeting of the Combined Authority, vote for the same outcome;
- (c) Requirement C is that 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, there is a simple majority of all members entitled to vote on the question to be decided present and voting on a question;
- (d) Requirement D is that—
 - (i) the requirements in Requirement B are met;
 - (ii) the majority of at least two-thirds of the members appointed by the constituent councils present and voting on that question, required by

Requirement B, includes each member appointed by a constituent council whose local government area contains the whole or any part of the area in respect of which the Corporation proposes to acquire the land;

- (e) Requirement E is a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, present and voting on that question at a meeting of the Combined Authority;
 - (f) Requirement F is a unanimous vote in favour by the Mayor and all members of the Combined Authority appointed by the constituent councils, present and voting on that question at a meeting of the Combined Authority.
- (7) The matters referred to in sub-paragraphs (4) and (5) are—
- (a) approval of borrowing limits, treasury management strategy including reserves, investment strategy and capital budget of the Combined Authority;
 - (b) the conferral of further functions on the Combined Authority by the Secretary of State under sections 105 or 105A of the 2009 Act;
 - (c) voting rights for members of the Combined Authority appointed otherwise than from among the elected members of the constituent councils;
 - (d) the Combined Authority's exercise of its functions under section 113A of the 2009 Act;
 - (e) amendments to the standing orders of the Combined Authority; and
 - (f) such other plans and strategies as may be determined by the Combined Authority and set out in its standing orders.
- (8) No business is to be transacted at a meeting of the Combined Authority unless the Mayor and at least five members appointed by at least five of the constituent councils are present at the meeting.
- (9) Each member is to have one vote and no member or substitute member is to have a casting vote.
- (10) Members appointed by the non-constituent councils or appointed by the Local Enterprise Partnerships shall be non-voting members of the Combined Authority but may be given voting rights by resolution of the Combined Authority.
- (11) The proceedings of the Combined Authority are not invalidated by any vacancy among its members or by any defect in the appointment or qualifications of any member.
- (12) In this paragraph—
- (a) a reference to a member appointed by a constituent council includes a substitute member acting in that member's place;
 - (b) a reference to a member appointed by a non-constituent council includes a substitute member acting in that member's place;
 - (c) a reference to a member appointed from a Local Enterprise Partnership includes a substitute member acting in that member's place;
 - (d) a reference to the Mayor includes the deputy Mayor acting in place of the Mayor.
- (13) In sub-paragraphs (9) and (11), the reference to a member includes—
- (a) the Mayor or the deputy Mayor acting in place of the Mayor;
 - (b) a constituent member or a substitute member acting in that member's place;
 - (c) a non constituent member who has been given voting rights by resolution of the Combined Authority or a substitute member acting in that member's place; and

- (d) a member appointed from a Local Enterprise Partnership who has been given voting rights by resolution of the Combined Authority or a substitute member acting in that member's place.

(14) In this paragraph "Corporation" means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the Localism Act 2011, as modified by Schedule 4 to the West Midlands Combined Authority (Functions and Amendment Order 2017, following the designation of an area of land by the Combined Authority.";

- (d) in paragraph 4 (committees)—

- (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 paragraph (4) there is inserted—

“Independent remuneration panel

4A. The Combined Authority may establish an independent remuneration panel to recommend allowances payable to the Mayor and the deputy Mayor.

(2) 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;
- (b) is disqualified from being or becoming a member of the Combined Authority.

(3) The Combined Authority may pay the expenses incurred by an independent remuneration panel established under sub-paragraph (1) in carrying out its functions and may pay the members of the panel such allowances or expenses as the Combined Authority may determine.

(4) An independent remuneration panel must produce a report in relation to the Combined Authority, making recommendations as to any allowances payable to the Mayor and deputy Mayor.

(5) A copy of a report made under sub-paragraph (4) shall be sent to the Combined Authority.”;

- (e) for paragraph 7 (remuneration) there is substituted—

“7.—(1) Subject to paragraph (2), no remuneration is payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined Authority.

(2) The Combined Authority may pay the Mayor and deputy Mayor such allowances as it may agree, in accordance with any recommendations made by its independent remuneration panel.”.

Further incidental provisions

25. In consequence of article 24(2)(e), 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.