

DRAFT STATUTORY INSTRUMENTS

2016 No.

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

**The Cambridgeshire and Peterborough Combined Authority
Order 2016**

Made - - - -

Coming into force in accordance with article 1

This Order is made in exercise of the powers conferred by sections 103 to 105, 105A, 107A, 107D, 107E, section 107G(1), 114 and 117 of, and paragraph 3 of Schedule 5A to and paragraph 3 of Schedule 5B to, 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 109 of the 2009 Act 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 110(2) of the 2009 Act has been carried out.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 of the 2009 Act.

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.

(a) 2009 c. 20. Section 103 was amended by sections 12 and 14 of the Cities and Local Government Devolution Act 2016 (c. 1). 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. Section 105A was inserted by section 7 of the Cities and Local Government Devolution Act 2016. Section 107A was inserted by section 2 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 107G was inserted by section 5 of the Cities and Local Government Devolution Act 2016. Section 114 was amended by 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) and amended by paragraph 24 of Schedule 5 to the Cities and Local Government Devolution Act 2016. Schedule 5A was inserted by Schedule 3 to the Cities and Local Government Devolution Act 2016. Schedule 5B was inserted by Schedule 2 to the Cities and Local Government Devolution Act 2016.

In accordance with sections 105(3A), 104(10) and 105B(2)(a) of the 2009 Act the councils for the local government areas of Cambridge, Cambridgeshire, East Cambridgeshire, Fenland, Huntingdonshire, Peterborough and South Cambridgeshire have consented to the making of this Order.

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.

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.

PART 1

General

Citation and commencement

2.—(1) This Order may be cited as the Cambridgeshire and Peterborough Combined Authority Order 2016.

(2) Save as provided in paragraph (3) this Order shall come into force on either—

(a) 1st February 2017; or

(b) if the Order is made on or after 1st February 2017, on the day after the day on which the Order is made.

(3) Articles 8 and 13 shall come into force on 8th May 2017.

Interpretation

3. In this Order—

“the 1980 Act” means the Highways Act 1980(b);

“the 1992 Act” means the Local Government Finance Act 1992(c).

“the 1999 Act” means the Greater London Authority Act 1999(d);

“the 2000 Act” means the Transport Act 2000(e)

“the 2003 Act” means the Local Government Act 2003(f);

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004(g);

“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“the 2011 Act” means the Localism Act 2011(h);

“combined area” means the area consisting of the areas of the constituent councils;

“the Combined Authority” means the Cambridgeshire and Peterborough Combined Authority as constituted by article 3;

(a) Section 105B was inserted by section 7 of the Cities and Local Government Devolution Act 2016.

(b) 1980 c.66.

(c) c 14.

(d) 1999 c. 29.

(e) 2000 c.38.

(f) 2003 c.26.

(g) 2004 c. 5.

(h) 2011 c. 20.

“constituent councils” means the councils for the local government areas of Cambridge, Cambridgeshire, East Cambridgeshire, Fenland, Huntingdonshire, Peterborough and South Cambridgeshire;

“the Local Enterprise Partnership” means the board of the Greater Cambridge Greater Peterborough Local Enterprise Partnership;

“the Mayor” means the Mayor for the Combined Authority as provided for by article 5; and

Upper-tier authority” means Cambridgeshire County Council and Peterborough City Council.

PART 2

Establishment of a combined authority for Cambridgeshire and Peterborough

Establishment

4.—(1) There is established a combined authority for the combined area.

(2) The Combined Authority is to be a body corporate and is to be known as the Cambridgeshire and Peterborough Combined Authority.

(3) The functions of the Combined Authority are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

Constitution

5. The Schedule (which makes provision about the constitution of the Combined Authority) has effect.

Mayor

6.—(1) There is to be a Mayor for the combined area.

(2) The first election for the return of a Mayor is to take place on 4th May 2017.

(3) Subsequent elections for the return of a Mayor for the combined area shall take place—

(a) on the ordinary day of election in 2021, and

(b) in every fourth year thereafter on the same day as the ordinary day of election.

(4) The term of office of the Mayor returned at an election for the return of a Mayor for the combined area—

(a) begins with the fourth day after the day of the poll at the election for the return of a Mayor for the combined area, and

(b) ends with the third day after the day of the poll at the next election for the return of a Mayor for the combined area.

Funding

7.—(1) The constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the Combined Authority’s exercise of the functions mentioned in articles 7, 8, 9, 10 and 11 are met.

(2) The costs of the Mayor that are incurred in, or in connection with, the exercise of mayoral functions mentioned in article 12 are to be met—

(a) by the constituent councils in the financial year ending on 31 March 2018; and

(b) thereafter from precepts issued by the Combined Authority under section 40 of the 1992 Act.

(3) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2)(a) are met is to be determined by apportioning such costs between the constituent councils in equal proportions.

(4) The functions mentioned in articles 7, 8, 9, 10, 11 and 12(2)(b) 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 and in accordance with the Transport Levying Bodies Regulations 1992(a).

(5) The constituent councils and the Mayor must ensure that the costs of the Mayor reasonably attributable to the exercise of the functions specified in article 12 are met, to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(6) Any precept issued under regulations made under section 40 of the 1992 Act(b) is to be disregarded for the purposes of paragraph (3).

PART 3

Transport

Power to pay grant

8.—(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 —

- (a) concurrently with a Minister of the Crown; and
- (b) only for the purpose of paying grant to an upper-tier authority.

(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 an upper-tier authority in relation to the exercise of its highways functions.

(4) In determining that amount, the Combined Authority must have regard to the desirability of ensuring that the authority has sufficient funds to facilitate the effective discharge of those functions.

(5) In complying with paragraph (4), the Combined Authority must take into account—

- (a) any other sources of funding available to the authority for expenditure incurred or to be incurred in relation to the exercise of its highways functions; and
- (b) the most recent determination by the Secretary of State of an amount of grant paid to the authority for those purposes.

(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—

(7) in subsection (1)—

- (i) for “A Minister of the Crown” there were substituted “The Combined Authority”];
- (ii) for “a local authority in England and Wales” there were substituted “an upper-tier authority”;
- (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.

(a) S.I. 1992/2789, amended by S.I. 2012/213 and S.I. 2015/27.

(b) Section 40 was amended by section 83 of the Greater London Authority Act 1999, 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.

(8) In this article “highway functions” means the functions which are exercisable by an upper tier authority (in whatever capacity) in relation to the highways for which they are the highway authority.

Local Transport

9.—(1) The following are exercisable by the Combined Authority in relation to the combined area—

- (a) the functions of the upper tier authorities contained in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985(a); and
- (b) the functions of the upper tier authorities as local transport authorities contained in Part 2 (local transport) of the 2000 Act.

(2) The functions are exercisable by the Combined Authority instead of by the upper tier authorities.

Agreements between authorities

10.—(1) The functions of the upper tier authorities contained in section 6(b) 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 combined area.

(2) The functions of the upper tier authorities as local highway authorities contained in the following provisions of the 1980 Act are exercisable by the Combined Authority in relation to the combined area—

- (a) section 8(c) (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works).
- (b) section 62(d) (general power of improvement);
- (c) section 64(e) (dual carriageways and roundabouts);
- (d) section 65 (cycle tracks);
- (e) section 66(f) (footways and guard-rails etc for publicly maintained highways);
- (f) section 68 (refuges);
- (g) section 69(g) (subways);
- (h) section 70 (footbridges over highways);
- (i) section 73(h) (power to prescribe improvement line for widening street);
- (j) section 74(i) (power to prescribe a building line);
- (k) section 75 (variation of widths of carriageways and footways);

(a) 1985 c.67.

(b) 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, and S.I. 1995/1986.

(c) 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.

(d) Section 62 was amended by Schedule 10 to the Transport Act 1981 (c. 56), Schedule 17 to the Local Government Act 1985 (c. 51), and section 1(1) of the Traffic Calming Act 1992 (c. 30).

(e) Section 64 was amended by the Schedule 17 to the Local Government Act 1985 and Schedule 9 to the New Roads and Street Works Act 1991 (c.22).

(f) Section 66 was amended by paragraph 17 of Schedule 4 to the Local Government Act 1985, section 70(1) of the Countryside and Rights of Way Act 2000 (c.37), and paragraph 23 of Schedule 1 to the Infrastructure Act 2015.

(g) Section 69 was amended by Schedule 17 to the Local Government Act 1985, paragraph 7 of Schedule 7 to the Local Government (Wales) Act 1994 (c.19), and paragraph 24 of Schedule 1 to the Infrastructure Act 2015.

(h) Section 73 was amended by sections 37 and 46 of the Criminal Justice Act 1982 (c.48) and paragraph 62 of Schedule 25 to the Water Act 1989 (c.15).

(i) Section 74 was amended by sections 37 and 46 of the Criminal Justice Act 1982 and paragraph 62 of Schedule 25 to the Water Act 1989.

- (l) section 76 (levelling of highways);
- (m) section 77 (alteration of levels);
- (n) section 78 (cutting off of corners);
- (o) section 79(a) (prevention of obstruction to view at corners);
- (p) section 80(b) (power to fence highways);
- (q) section 81 (provision of highway boundary posts);
- (r) section 91 (construction of bridge to carry existing highway maintainable at public expense);
- (s) section 92 (reconstruction of bridge maintainable at public expense);
- (t) section 93(c) (power to make orders as to reconstruction, improvement, etc of privately maintainable bridges);
- (u) section 94 (powers of highway authorities and bridge owners to enter into agreements);
- (v) section 96 (powers of highway and local authorities to plant trees, lay out grass verges etc);
- (w) section 97(d) (lighting of highways);
- (x) section 98 (delegation of lighting functions of highway authority);
- (y) section 99 (metalling of highways);
- (z) section 100(e) (drainage of highways); and
- (aa) section 101 (power to fill in roadside ditches etc).

(3) The functions mentioned in paragraphs (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) In this article “local highway authority” has the meaning given by section 329(1) of the 1980 Act.

PART 4

Additional functions

Economic development and regeneration functions

11. The functions of the constituent councils contained in the following provisions are exercisable by the Combined Authority in relation to the combined area—

- (a) section 144 of the Local Government Act 1972(f) (the power to encourage visitors and provide conference and other facilities); and
- (b) sections 15ZA, 15ZB, 15ZC, 17, 18A(1)(b), 514A and 560A of the Education Act 1996(g) (duties and powers related to the provision of education and training for persons over compulsory school age).

-
- (a) Section 79 was amended by paragraph 18 of Schedule 17 to the Local Government Act 1985, paragraph 8 of Schedule 7 to the Local Government (Wales) Act 1994, sections 37 and 46 of the Criminal Justice Act 1982, and paragraph 52 of Schedule 9 to the Crime and Courts Act 2013 (c.22).
 - (b) Section 80 was amended by paragraph 19 of Schedule 4 to the Local Government Act 1985, paragraph 45(4) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11) and paragraph 25 of Schedule 1 to the Infrastructure Act 2015.
 - (c) Section 93 was amended by paragraph 27 of Schedule 1 to the Infrastructure Act 2015.
 - (d) Section 97 was amended by paragraph 29 of Schedule 1 to the Infrastructure Act 2015.
 - (e) Section 100 was amended by paragraph 21 of Schedule 4 to the Local Government Act 1985, paragraph 62 of Schedule 25 to the Water Act 1989, paragraph 36(1) of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991, and paragraph 9 of Schedule 7 to the Local Government (Wales) Act 1994.
 - (f) Section 144 was amended by the Local Government (Miscellaneous Provisions) Act 1976 (c.57), section 81, Schedule 2; by the Local Government, Planning and Land Act 1980 (c.65), section 194, Schedule 34; and by the Local Government Act 1985 (c.51), sections 1 and 102 and Schedule 17. There are other amendments which are not relevant to this instrument.
 - (g) 1996 c.56. Sections 15ZA, 15ZB, 15ZC, 18A, 514A and 560A were inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), sections 41, 42, 45 to 48 and by S.I. 2010/1158. Section 15ZA was amended by the Children

General power of competence

12. The function in section 1 of the 2011 Act (local authority's general power of competence) is to have effect in relation to the Combined Authority as it has effect in relation to a local authority.

General functions of the Combined Authority exercisable only by the Mayor

13.—(1) The functions of the Combined Authority in section 31 of the 2003 Act (power to pay grant) are general functions exercisable only by the Mayor**(a)**.

(2) For the purposes of the exercise of the general functions—

- (a) the Mayor must consult the Combined Authority before exercising these functions; and
- (b) the function in section 1 of the 2011 Act is exercisable by the Mayor.

(3) Any exercise of the function conferred by paragraph (2)(b) which involves the transfer of property, rights and liabilities of the Combined Authority to or from any of the constituent authorities requires the consent of—

- (a) all members of the Combined Authority appointed by the constituent councils, or
- (b) substitute members acting in place of those members,
to be provided at a meeting of the Combined Authority.

(4) Any exercise of the function conferred by paragraph (2)(b) which involves the preparation and publication of a document including a statement formulating the Mayor's strategy for spatial development in the combined area requires the consent of—

- (a) all members of the Combined Authority appointed by the constituent councils, or
- (b) substitute members acting in place of those members,
to be provided at a meeting of the Combined Authority.

Incidental provisions

14. The following provisions shall have effect as if the Combined Authority were a local authority for the purposes of those provisions—

- (a) section 113 of the Local Government Act 1972**(b)** (power to place staff at the disposal of other local authorities);
- (b) section 142(2) of the Local Government Act 1972**(c)** (power to arrange for publication of information etc relating to the functions of the authority); and
- (c) section 222 of the Local Government Act 1972**(d)** (power to prosecute and defend legal proceedings).

15.—(1) The Combined Authority shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985**(a)** and collection of information) whether or not a scheme is made under that section.

and Families Act 2014 (c. 6) Schedule 3(1) paragraph 5, by the Deregulation Act (c. 20) Schedule 14(2) paragraph 44 and by S.I. 2015/1852. Section 15ZC was amended by S.I. 2015/1852. Section 18A was also amended by the Education Act 2011 (c. 21), sections 30 and 82 and by the Children and Families Act 2014 Schedule 3(1) paragraph 8. Section 514A was amended by the Children and Families Act 2014 Schedule 3(1) paragraph 50. Section 560A was amended by the Children and Families Act 2014 Schedule 3(1) paragraph 54.

- (a) 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.
- (b) 1972 c. 70. Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by section 66(1) of and paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19); by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, and paragraph 3 of Schedule 17 to Health and Social Care Act 2012 (c. 7); by S.I. 2000/90; by S.I. 2002/2469; and by S.I. 2007/961.
- (c) Section 142 was amended by the Local Government Act 1986 (c. 10), section 3(1)(a); there are other amendments which are not relevant to this instrument.
- (d) To which there are amendments not relevant to this instrument.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 have effect as if a reference to “that area” were a reference to the combined area.

16. Section 13 of the Local Government and Housing Act 1989^(b) (voting rights of members of certain committees) has effect in relation to the Combined Authority as if—

(a) in subsection (4) after paragraph (h) there were inserted—

“(i) subject to subsection (4A), a committee appointed by the Cambridgeshire and Peterborough Combined Authority;” and

(b) after subsection (4) there were inserted—

“(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils as defined by article 2 of the Cambridgeshire and Peterborough Combined Authority Order 2016.”

17. In Part 2 of Schedule 3 (pension funds) to the Local Government Pension Scheme Regulations 2013^(c) in the table insert at the end—

“An employee of the Cambridgeshire and Peterborough Combined Authority established by the Cambridgeshire and Peterborough Combined Authority Order 2016	Cambridgeshire County Council”
---	--------------------------------

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

Article 4

Constitution

Membership

1.—(1) Each constituent council must appoint one of its elected members to be a member of the Combined Authority.

(2) Each constituent council must appoint another of its elected members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (1) (“the substitute member”).

(a) 1985 c. 51.

(b) 1989 c. 42. Section 13 was amended by paragraph 1 of Schedule 21(II) and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Schedule 9(I) to the Police and Magistrates’ Courts Act 1994 (c. 29); by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37(I) and by paragraph 1 of Schedule 38(I) to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by paragraph 1 of Schedule 5(4) to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009; by paragraph 14 of Schedule 14 and by paragraph 1 of Schedule 22(4) to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by S.I. 2001/1517; and by S.I. 2010/1158.

(c) S.I. 2013/2356. Schedule 3 was amended by regulations 31 and 32 of the Local Government Pension Scheme (Amendment) Regulations 2015/755.

(3) The Local Enterprise Partnership must nominate one of its members to be a member of the Combined Authority.

(4) The Local Enterprise Partnership must nominate another of its members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (3) (“the substitute member”).

(5) The Combined Authority must appoint the member nominated by the Local Enterprise Partnership under sub-paragraph (3) as a member of the Combined Authority (“Local Enterprise Partnership Member”).

(6) The Combined Authority must appoint the member nominated by the Local Enterprise Partnership under sub-paragraph (4) to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (5) (“the substitute member”).

(7) A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member of—

- (a) the constituent council that appointed them; or
- (b) the Local Enterprise Partnership that nominated them.

(8) A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the constituent council that appointed them or, as the case may be, the chairman or vice-chairman of the Local Enterprise Partnership that nominated them, and the resignation takes effect on receipt of the notice by the proper officer of the council or chairman or vice-chairman of the Local Enterprise Partnership (as the case may be).

(9) Where a member or substitute member of the Combined Authority’s appointment ceases by virtue of sub-paragraph (7) or (8)—

- (a) the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person’s place;
- (b) the Local Enterprise Partnership must, as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person’s place, such nomination to take effect from the date on which the written notice of nomination is received by the Combined Authority.

(10) A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another one of its elected members in that person’s place.

(11) Where a constituent council exercises its power under sub-paragraph (10), it must give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment shall take effect and the previous appointment terminate at the end of fourteen days from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(12) The Local Enterprise Partnership may at any time terminate the appointment of a Local Enterprise Partnership Member or substitute member nominated by it to the Combined Authority and nominate another of its members in that person’s place.

(13) Where the Local Enterprise Partnership exercises its power under sub-paragraph (12), it must give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.

(14) The Combined Authority must appoint a Local Enterprise Partnership Member nominated under sub-paragraph (13) and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(15) The Combined Authority must appoint a Local Enterprise Partnership Member nominated under sub-paragraph (9)(b) or sub-paragraph (13) at the next meeting of the Combined Authority.

Chair and vice-chair

2.—(1) The Combined Authority must appoint a chair from among its constituent council members and the appointment is to be the first business transacted after the appointment of members of the Combined Authority, at the first meeting of the Combined Authority.

(2) A person ceases to be chair of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

(4) The chair of the Combined Authority ceases to hold office on 7 May 2017.

(5) The position of chair of the Combined Authority is abolished with effect from 8 May 2017.

3.—(1) The Combined Authority must in each year appoint a vice-chair from among its members and the appointments and the order of rotation of the vice-chair are to be the first business transacted after the appointment of members of the Combined Authority and the chair of the Combined Authority, at the first meeting of the Combined Authority, and in subsequent years at the annual meeting of the Combined Authority.

(2) A person ceases to be vice-chair of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of vice-chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

(4) The vice-chair of the Combined Authority ceases to hold office on 7 May 2017.

(5) The position of vice-chair of the Combined Authority is abolished with effect from 8 May 2017.

Proceedings

4.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the members including the Mayor, if the Mayor is in post, or the deputy mayor acting in place of the Mayor, if the deputy mayor is in post, and substitute members, acting in place of all other members entitled to vote on the question to be decided, present and voting on that question at a meeting of the Combined Authority.

(2) Subject to paragraph 2(4) and (5) and sub-paragraph (3), no business is to be transacted at a meeting of the Combined Authority unless at least five members, including the Chair or substitute members, appointed by the constituent councils are present at the meeting.

(3) If the Mayor is in post, no business is to be transacted at a meeting of the Combined Authority unless at least five members are present at the meeting, and such members include—

- (a) the Mayor, or the deputy mayor acting in place of the Mayor, and
- (b) at least four members appointed by the constituent councils, or substitute members.

(4) Each member is to have one vote and no member is to have a casting vote.

(5) If a vote is tied on any matter it is deemed not to have been carried.

(6) Members appointed from the Local Enterprise Partnership shall be non-voting members of the Combined Authority.

(7) A decision on a question relating to the following matters require a vote in favour at a full meeting of the Combined Authority by a majority of at least two-thirds of all members appointed by the constituent councils to include the members appointed by the councils for the local government areas of Cambridgeshire and Peterborough, or substitute members acting in place of those members, present and voting on that question to be carried—

- (a) Transport plan; and
- (b) any spending plans or plans for the allocation of transport-related funding.

(8) A decision to reject the mayoral budget, mayoral strategy or mayoral spending plan requires a vote in favour at a full meeting of the Combined Authority by a majority of at least two-thirds of all members appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that question to be carried.

(9) The proceedings of the Combined Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

(10) In subparagraph (4), 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; and
- (c) a member appointed from the Local Enterprise Partnership who has been given voting rights by resolution of the Combined Authority.

Committees

5.—(1) The Combined Authority must appoint at least one member of each of the constituent councils to the overview and scrutiny committee appointed by the Combined Authority, so that the members of the committee taken as a whole reflect so far as reasonably practicable the balance of political parties for the time being prevailing among members of the constituent councils.

(2) An overview and scrutiny committee appointed by the Combined Authority may not include any substitute member of the Combined Authority.

(3) The Combined Authority must appoint an appropriate person^(a) who is a member of one of the constituent councils to be the chair of the overview and scrutiny committee appointed by the Combined Authority.

Records

6.—(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) is to be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting of the authority, committee or sub-committee, to be regarded as suitable, either the next following meeting or that other meeting.

Standing orders

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

(a) See paragraph 3(5) of Schedule 5A to the 2009 Act

Remuneration

8. No remuneration is to be payable by the Combined Authority to its members.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Cambridgeshire and Peterborough 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 in their area.

The Secretary of State may only establish a combined authority for an area where a scheme for such an authority has been published under section 109 of the 2009 Act. This Order has been made following the publication of such a scheme on 6th May 2015 by the constituent councils whose areas together make up the combined area of the new authority. The scheme is available at: [insert web address].

Under sections 107A(1) and 107B(3) of the 2009 Act the Secretary of State may provide for there to be a Mayor for the area of a combined authority with the consent of 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. Paragraph 3 of Schedule 5B to the 2009 Act provides that the Secretary of State may make provision for the dates on which and years in which mayoral elections for the area of a combined authority may or must take place, the intervals between elections for the return of a Mayor and the term of office of a Mayor.

Part 2 of the Order establishes the new authority, to be known as the Cambridgeshire and Peterborough Combined Authority (“the Combined Authority”), and makes provision for its constitution and funding.

Article 5 of and *Schedule 1* to the Order make provision for the constitution of the Combined Authority. This is supplemental to the provision that is made by Part 1A of Schedule 12 to the Local Government Act 1972 (see paragraph (6A) of that Schedule, as amended by the 2009 Act).

Article 6 of the Order creates the position of Mayor for the area of the Combined Authority. *Article 3* further specifies the term of office for the Mayor for the area of the Combined Authority, and the dates on which elections for the return of a Mayor shall take place and the intervals between elections.

Article 7 makes provision for the funding, by the constituent councils, of the costs of the Combined Authority and the elected Mayor.

Part 3 concerns the transport functions of the Combined Authority. *Articles 8 to 10* provide for the delegation of specified transport functions.

Part 4 confers additional functions on the Combined Authority. *Article 13* sets out the functions of the Combined Authority which are to be only exercisable by the Mayor. *Articles 14 to 17* make some general, incidental provisions relating to the Combined Authority to enable it to carry out its functions effectively.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business or the voluntary sector.

Briefing Note

Re Cambridgeshire & Peterborough Combined Authority –

Differences Between the Scheme as Proposed by Constituent Councils and the Draft Order as Prepared by DCLG and the Practical Effects of the Differences.

1. Background

1.1 The draft Order was received late afternoon on Wednesday 9th November 2016. Inspection of the Order revealed that it contained some differences to the Scheme which resulted in further discussions with government which concluded on Monday 14th November 2016. These differences have been carefully reviewed by officers and the implications are set out below. This note is intended to identify and explain the differences. The key areas of difference are as follows:-

- Transport/Highways
- Funding
- General Power of Competence
- Membership of Combined Authority

1.2 The structure of the Order differs from the Scheme and as such it is difficult to do a direct comparison. However, the following identifies and explains the key areas of difference and their potential implications.

2. Changes to the Exercise of Transport Powers

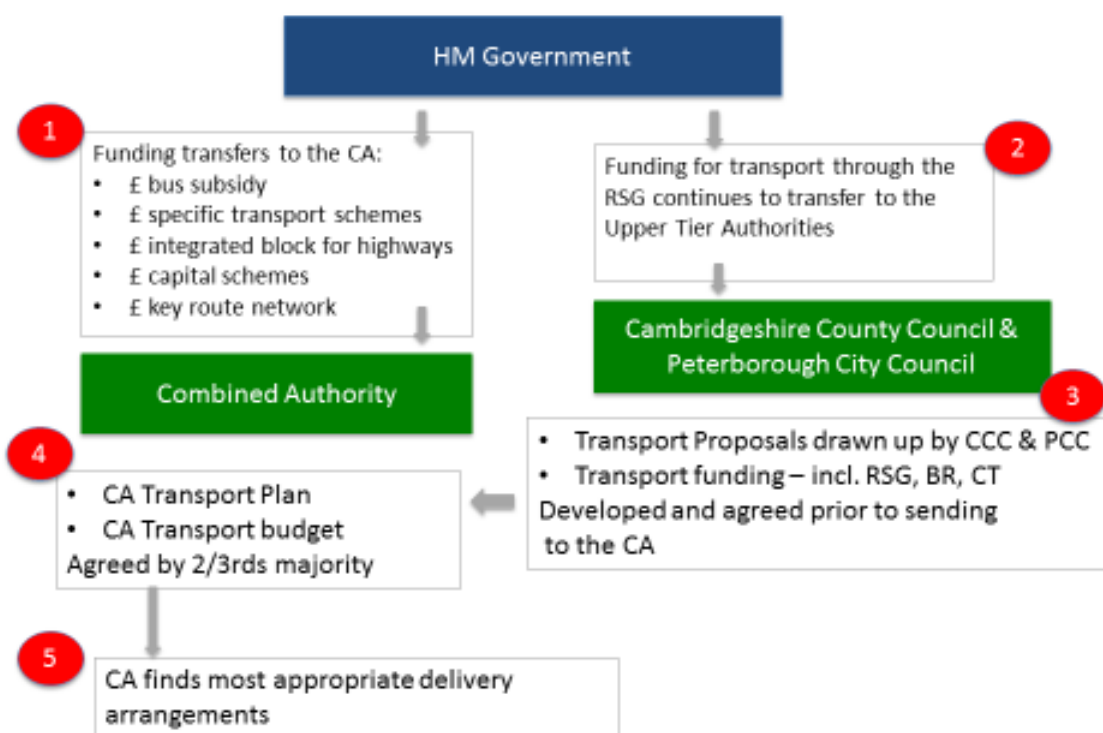
2.1 The grant funding of various passenger transport services was proposed to be exercised concurrently with the Mayor/CA, Cambridgeshire County Council and Peterborough City Council. The Order varies this to only the Combined Authority/Mayor being able to grant funding to these services.

2.2 The Scheme proposed that the function of preparing and publishing Local Transport Plans (which set out the strategy and investment priorities for the areas) should be carried out concurrently with Cambridgeshire County Council and Peterborough City Council. The Order varies this to only the Mayor/CA exercising this function.

2.3 Voting arrangements on the above provision provide that any decision by the CA requires a majority of at least two thirds of all members appointed by the constitutional councils. In addition, a Peterborough member will be required

to be in the two thirds' majority or the plan will not be approved. The Combined Authority's constitution can include a provision to allow for a member from Cambridgeshire County Council to be included in the two thirds majority for the plan to be approved. The LEP representative can vote on these matters, but their vote will not be included in determining the two thirds majority.

3. How the Local Transport Plan and funding changes work in practice:



The main features are as follows:

1 HM Government will devolve a number of transport related budgets directly to the Combined Authority. Currently they are allocated directly to Cambridgeshire County Council and Peterborough City Council as Highway Authorities. These budgets are a mix of both revenue and capital. In addition to the funding streams set out in the box above other funding streams include concessionary fares, ad hoc public transport grants and bus services operators' grants.

2 The Revenue Support Grant will continue to be issued to the Upper Tier Authorities – until it is phased out. This includes elements for transport.

3a) Cambridgeshire County Council and Peterborough City Council will continue to develop their transport plan proposals and the transport funding arrangements needed to support them. The funding arrangements bring together the transport components of the revenue support grant (until it is phased out) and additional contributions from Business Rates, Council Tax and S106/CIL receipts, as is the case now.

4a) The Combined Authority will be responsible for producing the Local Transport Plan and a Transport budget for the Cambridgeshire and Peterborough area. It will do this by taking into account the transport proposals received from Cambridgeshire County Council and Peterborough City Council. It will also consider the economic strategy for the combined authority area and the implications this has for transport. In considering the transport plan and budget the Combined Authority will be able to assess the totality of all funding streams and additionally determine if new funding streams such as the infrastructure investment fund, should be added to the total budget. Both the Local Transport Plan and Transport Budget are presented to the Combined Authority for agreement and require two thirds of constituent councils to support them. The voting arrangements for Cambridgeshire County Council and Peterborough City Council are explained at paragraph 2.3.

5a) When the Combined Authority has approved the Local Transport Plan and the Transport Budget it will ask its officers to find the most effective arrangement for delivery of the functions.

Under the Order the powers to subsidise buses is given to the Mayor/Combined Authority. In addition the national concessionary fare scheme and the ability to receive ad hoc grants to invest in passenger transport services and infrastructure is given to the Mayor/Combined Authority. There appears to be nothing that will preclude CCC or PCC continuing to subsidise bus services.

Under the Order, the Mayor/CA would run a CA wide concessionary fares scheme which in terms of administration, would be sensible and efficient.

4 Funding

4.1 Article 7 of the Order relates to how the costs of the Combined Authority are to be met which states that these costs are to be met by the constituent councils. In the scheme, approved for consultation by councils in June this year, it referred to sharing costs between the constituent councils in

“equitable shares”. The Order has varied this position so that costs will be apportioned in “equal proportions”. In recent briefing of councils it has been made clear that Government have agreed that these costs can be met from the revenue share of the £20m per year fund.

- 4.2 Article 7 (5) requires the constituent councils to cover the risks of the mayor. In relation to this, there is a requirement that the Mayor must obtain a two thirds majority to approve any spending plans which will include his/her costs.
- 4.3 Paragraph 19.3 of the scheme also indicates that the Combined Authority will agree an annual budget identifying expenditure and sources of income. This is not replicated in the Order but the Combined Authority and the Mayor will be able to set out, in the constitution provision for these matters.

5 General Power of Competence

- 5.1 Article 12 of the Order provides that the General Power of Competence will apply to the Mayor whereas the Scheme proposed that it wouldn't. A general power of competence allows the Mayor to do anything that an individual can do. The Mayor could not take over statutory functions of the constituent councils and it is likely he/she will use this power for example to enter into contracts or forge joint ventures in addition to their powers.

6 Membership of Combined Authority

- 6.1 In the scheme it proposes that each council will be represented on the Combined Authority by its Leader. The Order varies this to state that each constituent council must appoint one of its “elected members”. The recommendations set out in the Council reports will need to propose the name of an elected member which is anticipated to be the Leader as set out by the original scheme.