



Department for
Communities and
Local Government

Proposal to establish a combined authority for the areas of Barnsley, Doncaster, Rotherham and Sheffield

Consultation

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Chapter 1 - The consultation

Why we are consulting

1. The nine councils of the “Sheffield City Region Local Enterprise Partnership” have jointly prepared and published a scheme with proposals for delivering greater economic growth in their area. These councils – the four South Yorkshire authorities (Barnsley, Doncaster and Rotherham Metropolitan Borough Councils and Sheffield City Council) and the district councils of Bassetlaw, Bolsover, Chesterfield, Derbyshire Dales and North East Derbyshire – are proposing measures to improve transport, economic development and regeneration in the area. These proposed measures are centred on replacing the South Yorkshire Integrated Transport Authority with a combined authority which will bring together responsibility for transport, economic development and regeneration.
2. Where councils come forward with such locally led proposals, the statute¹ provides that the Secretary of State may, if certain statutory conditions are met and if Parliament approves, make an order opening the way for the councils to adopt their new ways of working. Such an order would establish the combined authority that the councils are proposing to facilitate their joint working. The combined authority would also replace the existing Integrated Transport Authority. Whilst the Secretary of State will consider the circumstances of each particular case, he has adopted a localist policy in relation to how he will exercise these powers. This is to say that where councils come forward with such proposals which command wide local support, if the Secretary of State considers that the statutory conditions are met he will invite Parliament to approve the order establishing the proposed combined authority to enable the councils to give full effect to their ambitions for joint working.
3. There are a number of statutory conditions that have to be considered, including that the area of the combined authority must consist of contiguous whole local government areas and not overlap with the area of another combined authority, an economic prosperity board, or an integrated transport authority and the Secretary of State must consider, having regard to the scheme published by the councils concerned, that establishing the combined authority would be likely to improve:
 - the exercise of statutory functions relating to transport in the area,
 - the effectiveness and efficiency of transport in the area,
 - the exercise of statutory functions relating to economic development and regeneration in the area, and
 - economic conditions in the area.

¹ Local Democracy, Economic Development and Construction Act 2009

Before making such an order the Secretary of State must consult:

- each appropriate authority, and
- such other persons if any as the Secretary of State considers appropriate.

The statute also requires that the Secretary of State in making the order must have regard to the need:

- to reflect the identities and interests of local communities, and
- to secure effective and convenient local government.

4. Accordingly, given the nine councils' proposals and having regard to his localist policy, the Secretary of State is now consulting on a proposal to establish a combined authority for the area of South Yorkshire, replacing the South Yorkshire Integrated Transport Authority.

Who we are consulting

5. The appropriate authorities which the statute requires the Secretary of State to consult are:

- a county council if the area of the county council, or part of that area, is within the area for which the combined authority is to be established;
- a district council if the area of the district council is within the area for which the combined authority is to be established;
- an Economic Prosperity Board, if its area or part of its area, is within the area for which the combined authority is to be established;
- an Integrated Transport Authority, if its integrated transport area, or part of that area, is within the area for which the combined authority is to be established.

6. In this case these statutory consultees are the metropolitan borough councils of Barnsley, Doncaster and Rotherham and Sheffield City Council and South Yorkshire Integrated Transport Authority.

7. In addition the Secretary of State considers in this case it is also appropriate to consult:

- the three local enterprise partnerships concerned – “Sheffield City Region Local Enterprise Partnership”; “Derby, Derbyshire, Nottingham and Nottinghamshire Local Enterprise Partnership”; and “Leeds City Region Local Enterprise Partnership”;
- the five councils (“non-constituent councils”) of Bassetlaw, Bolsover, Chesterfield, Derbyshire Dales and North East Derbyshire districts; these are the councils that have published the scheme of proposals but whose areas are not within the area of the proposed combined authority, and hence they are not statutory consultees;

- the county councils of Derbyshire and Nottinghamshire as certain district councils within these counties are involved as non-constituent councils in the proposed combined authority;
- those councils and authorities neighbouring the combined authority area - Kirklees Council, Wakefield Council, Selby District Council and North Yorkshire County Council, East Riding of Yorkshire Council, North Lincolnshire Council, High Peak Borough Council, and the Peak District National Park Authority.

We also welcome comments from members of the public, local businesses and their representative bodies and representatives of the voluntary sector.

How to respond

8. Your response must be received by 7 October. It can be sent by email to collaborate@communities.gsi.gov.uk or in writing to:

Kathy Billington
 Department for Communities and Local Government
 Local Democracy Division
 Zone 3/J1 Eland House
 Bressenden Place
 London, SW1E 5DU

Please title your response 'Response to Proposal to establish a combined authority for the areas of Barnsley, Doncaster, Rotherham and Sheffield.'

Confidentiality and data protection

9. Any responses to this consultation may be made public. If you do not want all or part of your response or name made public, please state this clearly in the response. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.
10. Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want other information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.
11. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of

the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. The Department will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties

Chapter 2 - The Councils' Scheme

The scheme

12. On 25 April 2013 the nine councils of the “Sheffield City Region Local Enterprise Partnership” published in accordance with the statute a scheme with proposals for delivering greater local economic growth centred on the establishment of a combined authority across the South Yorkshire area. Before preparing this scheme, the councils had as required by the statute undertaken a review of the governance arrangements across South Yorkshire. A document² (“the governance review”) describing this review and its conclusions may be viewed at www.sheffieldcityregion.org.uk/projects/the-sheffield-city-region-authority where the scheme may also be viewed. The paragraphs below outline the findings of the councils' governance review, and their conclusions which underpin the proposals in the scheme.

The governance review

13. The governance review considered the effectiveness and efficiency of arrangements in South Yorkshire for transport, economic development and regeneration. In particular it was commissioned to:
- evaluate the effectiveness and efficiency of existing governance arrangements for economic development, regeneration and transport across the area;
 - consider the options available for making changes to these governance structures and arrangements – including leaving existing governance unchanged, strengthening or restructuring existing governance arrangements, establishing an economic prosperity board or establishing a combined authority;
 - recommend which option is likely to be most beneficial to the area
14. The governance review considered the following four options: do nothing; informal restructuring; an economic prosperity board; a combined authority.
15. The nine councils consider that the lack of any formal link between decision making in relation to transport, economic development and regeneration makes it difficult for decisions to be co-ordinated in a way that achieves maximum benefit for the functional economic area. The governance review states that “the absence of more formal arrangements therefore compromises the area’s medium to long-term ambition of greater autonomy and ‘earned devolution’ – which is unacceptable given our local

² Strengthening Governance in the Sheffield City Region, April 2013

ambitions and capacity to deliver”. The review states that failure to strengthen governance across the area would be “detrimental to the future economic performance” of the area.

16. The governance review concluded that the establishment of a combined authority would improve the delivery of statutory functions in connection with transport, economic development and regeneration across South Yorkshire. The strategic oversight that the combined authority would provide would deliver sustainable economic social benefits to the area – in line with the councils’ long term ambitions. Furthermore, in the councils’ view a combined authority as the optimal legal model for the area would allow them to take tough, binding decisions on transport, economic development and regeneration across the area, supporting the improvements in the economic outputs of the functional economic area.

Existing governance arrangements

17. The governance review looked at the existing governance arrangements. Since 2004, the nine local authorities have been working together effectively across the functional economic area. This relationship was formalised through the “Sheffield City Forum”, which then became the “Sheffield City Region Local Enterprise Partnership” and the “Sheffield City Region Leaders Group”.
18. This partnership working has supported a co-ordinated approach to tackling issues across the functional economic area with some notable success, for example, securing an enterprise zone which benefits from business rate relief and enhanced capital allowances and a city deal that will see more powers, including control over funding, devolved to the area. However, the “Sheffield City Region Local Enterprise Partnership” and the “Sheffield City Region Leaders Group” have no legal powers and rely on delegations from or agreements by their relevant councils. This can slow down the implementation of board decisions as well as creating ambiguity around the decision making process.
19. The councils consider that the lack of a formal link between decision making in relation to economic development, regeneration and transport makes it more challenging for decisions to be co-ordinated in a way that secures maximum economic and social benefit; the “South Yorkshire Integrated Transport Authority” having overall responsibility for ensuring an integrated, efficient and economic transport network across the four local authorities in the South Yorkshire metropolitan area whilst the responsibility for economic development and regeneration rests with the nine individual local authorities from whom the Leaders Group and Local Enterprise Partnership receive agreements that can require further ratification.

Case for a combined authority

20. The governance review set out a case for the combined authority. The functional economic area is an area of great economic significance which contributes over £25.7 billion gross value added (a measure of the value of [goods](#) and [services](#) produced in an area). It has been forecast that there is potential in the area for the creation of a further 68,000 jobs which will help to deliver over £29.7 billion gross value added. This

would contribute an extra £1,464 million to the exchequer by 2022 and £2,924 million by 2030.

21. Whilst the existing joint arrangements have delivered some economic transformation for the area, both the Leaders Group and the Local Enterprise Partnership feel that for the area to reach its full potential in terms of jobs and growth and indeed to support further devolution from Whitehall, the governance for the functional economic area needs to be on a stronger, long term, stable, and accountable footing. In short, the area has reached the limits of what it can deliver within the existing arrangements and it wishes to move from informal collaboration to joint decision making. Placing the governance of the area on a statutory footing through the establishment of a combined authority was also a key commitment in the City Deal for the functional economic area.

22. Accordingly, the review's conclusions on the four options were as follows:

- Do nothing. This option was discounted on the basis that this would not address the current challenges of ambiguity and overlap, misaligned priorities and decision making that currently exists within the area and would fail to realise its longer term ambitions.
- Informal restructuring. This option was discounted on the basis that following an informal restructuring any decisions would still be dependent on agreement and delegations from constituent authorities which continues the unnecessary ambiguity and delay. Furthermore, the longer-term ambitions of the area would not be realised.
- An economic prosperity board. This was discounted on the basis that, whilst it would help to align decision making in relation to strategic economic development, it would not align with strategic transport planning with decisions in relation to transport continuing to be made by "South Yorkshire Integrated Transport Authority". Again the longer-term ambitions of the area would not be realised.
- A combined authority. This was deemed to be the optimal statutory model for the area to realise its long term economic transformation. As a corporate body with legal personality and powers in its own right, a combined authority will be well placed to lead collaboration between relevant local councils and other partners across the area – aligning both strategic economic development and transport. It will provide a stable mechanism for long term strategic decision making across the whole of the functional economic area.

23. The governance review concluded that the establishment of a combined authority for South Yorkshire was the optimal solution to addressing the issues and opportunities that the governance review set out. It also concluded that establishing a combined authority would improve the exercise of statutory functions in relation to economic development, regeneration and transport across the functional economic area leading to an enhancement of the area's economic conditions and performance.

Chapter 3 - Issues for consultation

24. Having regard to the nine councils' proposals, the support of the "Sheffield City Region Local Enterprise Partnership" and his localist policy, the Secretary of State is considering making an order under the statute which, if Parliament approves, would replace the "South Yorkshire Integrated Transport Authority" with a combined authority. This would bring together the councils of the metropolitan boroughs of Barnsley, Doncaster and Rotherham and the City of Sheffield. It would also bring the district councils of Bassetlaw, Bolsover, Chesterfield, Derbyshire Dales and North East Derbyshire into these joint working arrangements as "non-constituent councils" of the combined authority.
25. Under the statute the Secretary of State can make the order only if, having regard to the nine councils' scheme, he considers that establishing the combined authority would be likely to improve the effectiveness and efficiency of transport, economic development and regeneration in the area and the economic conditions in the area. In making this judgement the Secretary of State would welcome views on this matter from consultees and others in response to this consultation. Chapter 2 of this consultation sets out the views and conclusions of nine councils to which consultees and others may wish to have regard when responding to the consultation.
26. The Secretary of State also recognises in making the order he must have regard to the need to reflect the identities and interests of local communities and to secure effective and convenient local government. Again the Secretary of State would welcome the views of consultees and others on these matters when responding to the consultation.
27. Finally, were the Secretary of State to make such an order, he is minded that it should provide for a combined authority with a constitution and functions as described in the Annex to this consultation document. A draft of an order to give effect these proposals is at the appendix to the Annex. The Secretary of State would welcome the views of consultees and others on these matters when responding to the consultation.
28. In short, comments are invited on the proposal to establish a combined authority for the areas of Barnsley, Doncaster, Rotherham and Sheffield, and in particular:
- **on whether you consider that establishing the proposed combined authority would be likely to improve the provision of transport in the area and its effectiveness and efficiency, the provision of economic development and regeneration in the area, and the economic conditions in the area;**
 - **on how establishing such an authority may impact on the identities and interests of local communities and on securing effective and convenient local government;**

- **on the proposed constitutional arrangements (including the formal name of the combined authority) and functions for a combined authority as set out in the Annex to this consultation paper.**
- **on how such an authority and the local enterprise partnership can work in a seamless manner to ensure the private sector is 'hardwired' into the leadership and decision making for the functional economic area.**

Annex

The proposed constitution and functions for the combined authority

Establishment

1. The combined authority would come into existence on 1 April 2014. The authority could be known as the 'South Yorkshire Combined Authority' or the 'Barnsley, Doncaster, Rotherham and Sheffield Combined Authority' (for the purposes of consultation the draft order at the appendix uses the former title). It would cover the local government areas of Barnsley, Doncaster, Rotherham and Sheffield – the constituent councils. The district councils of Bassetlaw, Bolsover, Chesterfield, North East Derbyshire and Derbyshire Dales – the non-constituent councils - would also be members of the combined authority.
2. South Yorkshire Integrated Transport Authority would be dissolved on the same day and its functions, property, rights and liabilities including those that relate to contracts of employment transferred to the combined authority.

Constitution

3. The combined authority would be made up of six elected members from the four constituent councils, Barnsley, Doncaster, Rotherham and Sheffield. The four constituent councils would each appoint one of its members to the combined authority. In addition, the constituent councils would appoint a second member to the authority. Two of these second members will be elected on a rotational basis to serve on the combined authority for a year at a time.
4. In addition to the six members from the constituent councils, there would be one elected member from each of the five non-constituent councils, Bassetlaw, Bolsover, Chesterfield, North East Derbyshire and Derbyshire Dales.
5. As the economic transformation of the area depends on strong governance, there is an expectation that each member council would appoint its leader or elected mayor to the combined authority. This provides for decision making at the highest level and sets the strategic direction of the authority.
6. At the first meeting of the combined authority a Chairman and Vice-chairman would be appointed on a yearly basis. Members of the combined authority would not be paid for the work they undertake for the authority. However, they may receive allowances for travel and subsistence.
7. Where a member of the combined authority ceases to be a member of their local authority they would also cease to be a member of the combined authority and a replacement member would be appointed as soon as possible.

8. To ensure that the decisions that the combined authority would make are representative of the functional economic area, the authority may choose to co-opt additional non-voting representatives on to it, for example from the “Sheffield City Region Local Enterprise Partnership Board”.

Voting

9. The constituent council members of the combined authority shall have one vote each and decisions would be reached by a simple majority of the members of the authority present and voting. The Chairman would not have a second or casting vote.
10. Non-constituent councils would be non-voting members but may be given voting rights on certain issues should the constituent councils resolve to grant these.
11. If the combined authority is unable to reach a decision (in the case of a tied vote, motion, amendment) then it is expected that this would be referred to “Sheffield City Region Chief Executives Group” who would try and identify the issues that lead to the decision not being made and see how best to resolve this before being voted on again. If the combined authority is unable to reach a decision following a second vote then the motion would be considered to be ‘lost’.

Funding

Economic development

12. The costs of the combined authority in relation to the exercise of its economic development and regeneration functions would be met by the constituent authorities. These costs will be apportioned on a per capita basis. Non-constituent authorities may make contributions to the combined authority.

Transport

13. Section 74 of the Local Government Act 1988 allows for a combined authority to be given power to issue a levy in respect of its expenses relating to its transport functions, but not its economic development or regeneration functions. The Integrated Transport Authority already has a levying power and the scheme proposes that the combined authority should be given an equivalent power. This means that the amount to be raised by the levy would be apportioned to the constituent local councils by population size. The combined authority would not be given any levying powers beyond those of the current Integrated Transport Authority. These levies, as all levies, will be subject to the provisions on council tax referendums in the Local Audit and Accountability Bill, if Parliament enacts this legislation.

Functions

14. The purpose of the combined authority is to improve the exercise of statutory functions in relation to economic development, regeneration and transport across the authorities

combined area leading to an enhancement of the economic conditions and performance of the area.

15. The local authorities concerned are clear that the new combined authority would be streamlined and focused and would only have the powers that are immediately necessary for it to undertake its strategic functions.

Economic development

16. The authority would have powers that would allow it to drive strategic economic growth across the functional economic area. This means functions such as:

- setting the area's growth strategy;
- setting the area's economic strategies;
- setting the investment strategy for the area's Investment Fund;
- making decisions with regard to the Investment Fund;
- making decisions in relation to the uplift from Enterprise Zone business rates;
- a co-ordinated approach to inward investment.

17. In addition, the combined authority would have other powers relating to the provision of further education and tourism that would contribute to the economic improvement of the functional economic area.

18. The combined authority would not have any planning-related powers.

Transport

19. The transport functions of "South Yorkshire Integrated Transport Authority" would be transferred to the combined authority.

General power of combined authority

20. Combined authorities currently have a 'function related general power of competence' provided to them under Chapter 3 of Part 1 of the Localism Act 2011. Accordingly the order does not make provision for the delegation of the General Power of Competence under section 1 of the Localism Act 2011.

Scrutiny arrangements

21. The nine local authorities would establish a joint overview and scrutiny committee to exercise scrutiny functions over the combined authority including, where appropriate, the authority's sub-boards. Each constituent and non-constituent council would appoint one elected member to the joint overview and scrutiny committee.

Substructures and internal scheme of delegation

Sheffield City Region Local Enterprise Partnership

22. The area has a strong Local Enterprise Partnership Board that brings together elected leaders with representatives from the private sector to ensure that the economic vision for the area is realised. The combined authority would act as the local enterprise partnership's 'accountable body' for the holding of its funding streams.
23. The "Sheffield City Region Local Enterprise Partnership" will work alongside the combined authority providing leadership of particular projects and work streams and carrying out the practical decision making role in respect of certain functions as required by government. This will provide the private sector with a role in the leadership of the functional economic area.

Joint Committee – Transport for Sheffield City Region Board

24. The combined authority and the constituent councils would enter into joint arrangements for the discharge of specified transport functions; this would include the establishment of a joint committee to be called the "Transport for Sheffield City Region Board".

Transport for South Yorkshire Executive

25. The "South Yorkshire Passenger Transport Executive" would remain as an independent legal entity, as an executive body of the combined authority in relation to its transport functions.

Other Arrangements

26. The combined authority may establish sub-structures and sub-committees and delegate powers and functions where appropriate.

Draft Order laid before Parliament under section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

20xx No.

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

**South Yorkshire Combined Authority Order
20xx**

Made - - - - - *****

Coming into force - - - - - *****

This Order is made in exercise of the powers conferred by sections 91 and 93 of the Local Transport Act 2008⁽³⁾ and sections 103 to 105 and 114 to 116 of the Local Democracy, Economic Development and Construction Act 2009⁽⁴⁾.

The Secretary of State, having regard to a scheme prepared and published under section 82 of the Local Transport Act 2008 and section 109 of the Local Democracy, Economic Development and Construction Act 2009, considers that the making of this Order is likely to improve –

- (a) the exercise of statutory functions relating to transport in the area to which this Order relates,
- (b) the effectiveness and efficiency of transport in that area,
- (c) the exercise of statutory functions relating to economic development and regeneration in that area, and
- (d) economic conditions in that area.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 of the Local Democracy, Economic Development and Construction Act 2009.

The Secretary of State has consulted–

- (a) the district councils for the area comprised in the South Yorkshire integrated transport area,
- (b) the South Yorkshire Integrated Transport Authority,
- (c) the South Yorkshire Passenger Transport Executive,
- (d) such other persons as the Secretary of State considered appropriate.

The councils whose areas are comprised in the South Yorkshire integrated transport area have consented to the making of this Order.

⁽³⁾ 2008 c.26.
⁽⁴⁾ 2009 c.20.

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 draft of this instrument has been approved by a resolution of each House of Parliament pursuant to section 94 of the Local Transport Act 2008 and section 117 of the Local Democracy, Economic Development and Construction Act 2009.

Accordingly, the Secretary of State makes the following Order:

PART 1

General

Citation and commencement

2. This Order may be cited as the South Yorkshire Combined Authority Order 20xx and shall come into force on [xxxxx].

Interpretation

3. In this Order —

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

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

“constituent councils” means—

(a) Sheffield City Council; and

(b) Barnsley Metropolitan Borough Council, Doncaster Metropolitan Borough Council and Rotherham Metropolitan Borough Council;

“financial year” means the period of 12 months ending with 31st March in any year;

“non-constituent councils” means—

(c) Chesterfield Borough Council; and

(d) Bassetlaw District Council, Bolsover District Council, North East Derbyshire District Council and Derbyshire Dales District Council.

PART 2

Establishment of a Combined Authority for South Yorkshire

Establishment

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

(2) The combined authority is to be a body corporate and to be known as the South Yorkshire Combined Authority.

(3) The functions of the South Yorkshire 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. Schedule 1 (which makes provision about the constitution of the South Yorkshire Combined Authority) has effect.

Funding

6.—(1) The constituent councils must meet the costs of the South Yorkshire Combined Authority reasonably attributable to the exercise of its functions relating to economic development and regeneration.

(2) The amount payable by each of the constituent councils is to be determined by apportioning the costs of the South Yorkshire Combined Authority referred to in paragraph (1) between the constituent councils in proportion to the total resident population at the relevant date of the area of each council concerned as estimated by the Registrar General.

(3) For the purposes of paragraph (2) the relevant date in relation to a payment for a financial year is [xxxx] in the financial year which commenced two years prior to the current financial year.

PART 3

Transport

Abolition and transfer of functions

7.—(1) The South Yorkshire integrated transport area is dissolved and the South Yorkshire Integrated Transport Authority is abolished.

(2) On the abolition of the South Yorkshire Integrated Transport Authority—

- (a) its functions; and
- (b) its property, rights and liabilities

are transferred to the South Yorkshire Combined Authority.

Adaptation of enactments

8.—(1) This article has effect in consequence of article 6.

(2) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport area; or
- (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the combined area.

(3) In any enactment (whenever passed or made)—

- (a) any reference to an integrated transport authority; or
- (b) any reference which falls to be read as a reference to such an authority,

is to be treated as including a reference to the South Yorkshire Combined Authority.

(4) Schedule 2 (which amends section 9 of the Transport Act 1968 in consequence of article 6) has effect but this does not affect the generality of paragraphs (2) and (3).

Passenger Transport Executive

9.—(1) In this article “the Executive” means the South Yorkshire Passenger Transport Executive established pursuant to the South Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973⁽⁵⁾.

(2) The Executive is to be an executive body of the South Yorkshire Combined Authority for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the 2009 Act.

Continuity

10.—(1) Nothing in article 6 or 7 affects the validity of anything done by or in relation to the South Yorkshire Integrated Transport Authority before [the date on which article 6 comes into force].

⁽⁵⁾ S.I. 1973/1728.

(2) There may be continued by or in relation to the South Yorkshire Combined Authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred to the South Yorkshire Combined Authority; and
- (b) is in process of being done by or in relation to the South Yorkshire Integrated Transport Authority immediately before [the date on which article 6 comes into force].

(3) Anything which—

- (a) was made or done by or in relation to the South Yorkshire Integrated Transport Authority for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred;
- (b) is in effect immediately before the transfer takes effect,

has effect as if made or done by or in relation to the South Yorkshire Combined Authority.

(4) The South Yorkshire Combined Authority shall be substituted for the South Yorkshire Integrated Transport Authority in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred; and
- (b) are made or commenced before the transfer takes effect.

(5) A reference in this article to anything made or done by or in relation to the South Yorkshire Integrated Transport Authority includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the South Yorkshire Integrated Transport Authority.

(6) Without prejudice to the generality of this article a levy issued by the South Yorkshire Integrated Transport Authority under section 74 of the Local Government Finance Act 1988⁽⁶⁾ and in accordance with the Transport Levying Bodies Regulations 1992⁽⁷⁾ to the constituent councils in respect of the financial year beginning [date] is to have effect for that year as if it had been so issued by the South Yorkshire Combined Authority.

PART 4

Additional functions

Economic development and regeneration functions

11.—(1) The functions of the constituent councils set out in Schedule 3 to this Order are exercisable by the South Yorkshire Combined Authority in relation to its area.

(2) The functions are exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the South Yorkshire Combined Authority.

Incidental provisions

12. The following provisions shall have effect as if the South Yorkshire Combined Authority were a local authority for the purposes of these provisions—

- (a) section 142(2) of the Local Government Act 1972⁽⁸⁾ (the power to arrange for publication of information etc relating to the functions of the authority); and
- (b) section 222 of the Local Government Act 1972 (the power to prosecute and defend legal proceedings).

13.—(1) The South Yorkshire 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⁽⁹⁾ (research and collection of information) whether or not a scheme is made under that section.

⁽⁶⁾ 1988 c.41; [to be completed].

⁽⁷⁾ S.I. 1992/2789, amended by [to be completed].

⁽⁸⁾ 1972 c.72.

⁽⁹⁾ 1985 c.51.

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

14. Section 13 of the Local Government and Housing Act 1989⁽¹⁰⁾ shall have effect as if –

(a) in subsection (4) after paragraph (x) there were inserted –

“(xx) subject to subsection (xx), a committee appointed by the South Yorkshire Combined Authority;”;

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

“(xx) A person who is a member of a committee falling within paragraph (xx) 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 he is a member of one of the constituent councils as defined by article 2 of the South Yorkshire Combined Authority Order 20xx.”.

Signed on behalf of the Secretary of State for Communities and Local Government

Date

Name
Parliamentary Under Secretary of State
Department

SCHEDULES

SCHEDULE 1

Article 4

Constitution

Membership

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

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

(3) Each constituent council is to appoint one of its elected members to be a rotational second member (“the second member”) of the South Yorkshire Combined Authority.

(4) The South Yorkshire Combined Authority must appoint two of the rotational second members each year for a one year term.

(5) The order of rotation of the second members is to be determined at the first meeting of the South Yorkshire Combined Authority.

(6) For the purposes of this Schedule any reference to a member is to be treated as including a reference to the appointed second members.

(7) Each non-constituent council is to appoint one of its elected members to be a member of the South Yorkshire Combined Authority.

(8) Each non-constituent council is to appoint another of its elected members to act as a member of the South Yorkshire Combined Authority in the absence of the member appointed under sub-paragraph (6) (“the substitute member”).

(9) A person ceases to be a member or substitute member of the South Yorkshire Combined Authority if they cease to be a member of the constituent council or non-constituent council that appointed them.

⁽¹⁰⁾ 1989 c.42.

(10) A person may resign as a member or substitute member of the South Yorkshire Combined Authority by written notice served on the proper officer of the constituent council or non-constituent council that appointed them and the resignation shall take effect on receipt of the notice by the proper officer.

(11) Where a member or substitute member's appointment ceases by virtue of sub-paragraph (9) or (10) the constituent council or non-constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the South Yorkshire Combined Authority and appoint another of its elected members in that person's place.

(12) A constituent council or non-constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the South Yorkshire Combined Authority and appoint another of its elected members in that person's place.

(13) Where a constituent council or non-constituent council exercises its power under sub-paragraph (12), it must give written notice of the new appointment and the termination of the previous appointment to the South Yorkshire Combined Authority 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.

(14) For the purposes of this paragraph, an elected mayor of a constituent council or non-constituent council is to be treated as a member of the constituent council or non-constituent council.

Chairman and vice-chairman

16.—(1) The South Yorkshire Combined Authority must in each year appoint a chairman and a vice-chairman from among its members and the appointments are to be the first business transacted after the order of rotation of second members at the first meeting of the South Yorkshire Combined Authority.

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

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

Proceedings

17.—(1) Any questions that are to be decided by the South Yorkshire Combined Authority are to be decided by a majority of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the South Yorkshire Combined Authority.

(2) Each member, or substitute member acting in that member's place, is to have one vote and no member or substitute member is to have a casting vote.

(3) Members appointed by the non-constituent councils will be non-voting members of the South Yorkshire Combined Authority.

(4) The proceedings of the South Yorkshire 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.

Records

18.—(1) The South Yorkshire 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 South Yorkshire Combined Authority, or any committee or sub-committee of the South Yorkshire Combined Authority are to be kept in such form as the South Yorkshire Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the South Yorkshire Combined Authority by the person presiding at that meeting.

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

(5) Until the contrary is provided, a meeting of the South Yorkshire Combined Authority 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 South Yorkshire Combined Authority provide for another meeting of the authority to be regarded as suitable, either the next following meeting or that other meeting.

Standing Orders

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

Remuneration

20.—(1) No remuneration is to be payable by the South Yorkshire Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the South Yorkshire Combined Authority.

(2) A constituent or non-constituent council may, in accordance with its own scheme of allowances, pay a special responsibility allowance to any member appointed by it to the South Yorkshire Combined Authority in respect of duties and responsibilities undertaken as a member of the South Yorkshire Combined Authority.

SCHEDULE 2

Article 7(4)

Amendment of Section 9 of the Transport Act 1968

21. Section 9 of the Transport Act 1968⁽¹¹⁾ is amended as follows.

22. In subsection (1)(a)—

(a) in subparagraph (i) after “except Greater Manchester” there is inserted “and South Yorkshire”;

(b) the word “and” after subparagraph (ia) is omitted; and

(c) after subparagraph (ia) there is inserted—

“(ib) the metropolitan county of South Yorkshire shall be the area of a combined authority; and”.

23. In subsection (1)(b)—

(a) the word “and” after subparagraph (ia) is omitted; and

(b) after subparagraph (ia) there is inserted—

“(ib) in relation to the metropolitan county of South Yorkshire, the South Yorkshire Combined Authority; and”.

24. In subsections (2) and (3) after “the area of the Greater Manchester Combined Authority” in each case occurring there is inserted “, the area of the South Yorkshire Combined Authority”.

25. In subsection (5) after “or the area of the Greater Manchester Combined Authority” there is inserted “or of the South Yorkshire Combined Authority”.

26. In subsection (5A) after “2011” there is inserted “and the South Yorkshire Combined Authority means the authority of that name constituted by the South Yorkshire Combined Authority Order 2013”.

⁽¹¹⁾ 1968 c. 73; section 9 was amended by the Local Government (Scotland) Act 1973 (c. 65) Schedule 18, paragraph 1; by the Transport Act 1985 (c. 67) sections 57(1), 58(2), Schedule 3, paragraph 3, Schedule 8; by the Local Government (Scotland) Act 1994 (c. 39) Schedule 13, paragraph 80(2); and in relation to England and Wales only by the Local Transport Act 2008 (c. 26) section 98(4), Schedule 4, paragraph 2 and Schedule 7, Part 4 and by S.I. 2011/908.

Economic Development and Regeneration Functions

27. The power under section 144 of the Local Government Act 1972⁽¹²⁾ (the power to encourage visitors and provide conference and other facilities).

28. The duty under section 8(1) of the Housing Act 1985⁽¹³⁾ (duty of local housing authorities to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation).

29. The duties under sections 15ZA, 15ZB, 15ZC, 17A, 18A(1)(b), of the Education Act 1996⁽¹⁴⁾ and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age).

EXPLANATORY NOTE

(This note is not part of the Order)

This order establishes the South Yorkshire 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 functions relating to transport and to economic development and regeneration 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 25 April 2013 by the constituent councils whose areas together make up the combined area of the new authority. The scheme is available at www.sheffieldcityregion.org.uk/projects/the-sheffield-city-region-authority.

Part 2 of the Order establishes the new authority, to be known as the South Yorkshire Combined Authority on [date], and makes provision for its constitution and funding.

Article 4 of and *Schedule 1* to the Order make provision for the constitution of the South Yorkshire Combined Authority. This is supplemental to the provision that is made by Part 1 of Schedule 12 to the Local Government Act 1972 (see paragraph (6A) of that Schedule, as amended by the 2009 Act).

Article 5 makes provision for the funding, by the constituent councils, of those costs of the South Yorkshire Combined Authority that relate to the exercise of its economic development and regeneration functions.

Part 3 is about the transport aspects of the combined authority. *Article 6* dissolves the South Yorkshire Integrated Transport Authority and transfers its functions and its property, rights and liabilities to the Combined Authority. *Article 7* makes general adaptations to the primary and subordinate legislation, so that references to an integrated transport area or authority are to be treated as extending to the Combined Authority and its area, and introduces Schedule 2 which makes specific amendments to section 9 of the Transport Act 1968.

Article 8 makes the South Yorkshire Passenger Transport Executive an executive body of the Combined Authority. *Article 9* ensures continuity when functions, property, rights or liabilities are transferred by the Order.

Part 4 confers additional functions on the South Yorkshire Combined Authority. *Article 10* confers functions of the constituent councils relating to economic development and regeneration. These are set out in Schedule 3 to the Order and are to be exercised concurrently with the constituent councils. *Articles 11 to 13* make some general, incidental provisions relating to the South Yorkshire Combined Authority to enable it to carry out its functions more effectively.

⁽¹²⁾ 1976 c.76
⁽¹³⁾ 1985 c.51.
⁽¹⁴⁾ 1996 c.56.

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