

Part 5 Functions of the Combined Authority

Functions and Responsibility

- 1.1 The Combined Authority has ultimate responsibility for public transport (amongst other things to be set out) within the Combined Authority Area, but may delegate responsibility for delivery as set out under the Local Government Act 1972.
- 1.2 Pursuant to the order the following provisions have effect as if the Combined Authority were a local authority for the purposes of these provisions:-
 - (i) Section 142(2) of the Local Government Act 1972 (the power to arrange for publication of information etc. relating to the functions of the authority);
 - (ii) Section 222 of the Local Government Act 1972 (the power to instigate and defend legal proceedings).
- 1.3 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 (research and collection of information) whether or not a scheme is made under that section.
- 1.4 The Apprenticeships Skills, Children and Learning Act 2009 shall have effect as if the Combined Authority were a local authority for the purposes of section 84(2).
- 1.5 The Combined Authority is a Local Authority for the purposes of the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

2. Functions conferred on a Combined Authority by Local Government Legislation

- 2.1 The Combined Authority shall have such other powers and duties as are conferred on a Combined Authority by any enactment.
- 2.2 Without prejudice to the generality of the above, such powers and duties include:-
 - (i) the duty to appoint a Head of Paid Service, a Monitoring Officer and an officer with responsibility for the administration of the Combined Authority's financial affairs. Such officers will be appointed in accordance with the Combined Authority Employment Rules;
 - (ii) the power to borrow money
 - (iii) the power to appoint staff and to enter into agreements with other local authorities for the secondment of staff. Staff will be appointed in accordance with the combined Authority Employment Rules as set in this Constitution;
 - (iv) the power to acquire land by agreement or compulsorily for the purpose of any of its functions and to dispose of such land;

- (v) the power to pay subscriptions to the funds of local authority associations;
 - (vi) the duty (without prejudice to any other obligation) to exercise its functions with due regard to the need to prevent crime and disorder, the misuse of drugs and alcohol or re-offending in the Combined Authority Area;
 - (vii) the power under Section 99 of the Local Transport Act 2008 to promote the economic, social and environmental well-being of its area;
 - (viii) the power under section 113A of the Local Democracy, Economic Development and Construction Act 2009 to do anything it considers appropriate for the purpose of carrying out any of its functions.
- 2.3 The Combined Authority is a local authority for the purpose of Section 101 of the Local Government Act 1972 (arrangements for the discharge of functions by local authorities).
- 2.4 The Combined Authority is a best value authority for the purpose of Section 1 of the Local Government Act 1999.
- 2.5 The Combined Authority is a public body for the purpose of the Freedom of Information Act 2000 and shall be registered as both “data controller” and “data processor” as defined by the Data Protection Act 1998.
- 2.6 The Combined Authority is a local authority for the purpose of the power of a Minister of the Crown to pay grants.
- 2.7 The Combined Authority has a statutory responsibility as Local Transport Authority (for the West Midlands to set out and ensure the implementation of policies and strategy to co-ordinate and promote the use of public transport in the West Midlands.
- 2.8 Officers of the Combined Authority shall deliver the Combined Authority’s public transport policies.
3. The Combined Authority is responsible for:-

Transport

- (i) High Speed 2 Connectivity package including the maximising of benefits of HS2 across the West Midland region
- (ii) formulating a long-term strategic vision for the West Midlands public transport system that is based on the vision of an integrated public transport system that contributes to the economic development of the West Midlands through a network of high volume public transport corridors;
- (ii) developing and championing the business case for a rapid transit network, including Midland Metro;

- (iii) developing and championing the 'Vision for Rail' as part of the development of the rail network, in partnership with Network Rail and train operating companies;
- (iv) operating a concessionary fares scheme and implementing the government's National Concessionary Scheme and any local variations;
- (v) championing and developing Smartcard integrated ticketing technology within the region;
- (vi) developing bus travel, by championing the modernisation of the bus network in the region through a culture that focuses on bus passengers and their needs through the Transforming Bus Travel partnership;
- (vii) financially supporting subsidised bus services that are socially necessary, but not commercially viable;
- (viii) providing an annual grant to enable the West Midlands Special Needs Transport Ltd to operate a 'Ring & Ride' service for people who have difficulty in using other public transport facilities;
- (ix) developing sustainable policies for the promotion and encouragement of safe, efficient and economic transport facilities and services to, from and within its area, in partnership with public transport operators, the police and district councils;
- (x) providing sustainable integration between public transport modes, including through the provision of interchanges, in order that a seamless network is developed across the region;
- (xi) promoting and publicising the public transport network through the provision of travel information as part of the 'Network West Midlands' initiative;
- (xii) constructing and maintaining bus stations and public transport infrastructure.

4. Economic Growth

4.1 The Combined Authority will have such well being powers as are set out in sections 99 and 102A of the Local Transport Act 2008 in order to promote economic growth and such powers can be exercised in conjunction with general powers granted to the Combined Authority by virtue of Section 113A of the Local Democracy Economic Development and Construction Act 2009 (as amended by the Localism Act 2011).

4.2 The Combined Authority will exercise functions relating to economic growth including but not limited to:

- Setting a Combined Authority strategic economic plan and investment strategy in consultation with the Non-Constituent Members

- Ensuring effective alignment between decision making on transport and decisions on other areas of policy such as land use, economic development and wider regeneration.
- Using Combined Authority wide economic intelligence and analysis as a basis for strategic planning and coordination.
- Acting as an accountable body for a range of devolved funding.
- Strategic decision making on the skills agenda across the West Midlands.
- Providing a forum for local authorities to exercise the Duty to Cooperate in respect of strategic planning matters
- Coordinating inward investment activity through the development of a range of investment mechanisms. The Combined Authority has the General Power of Competence under Section 1 of the Localism Act 2011 and this will enable the Combined Authority to exercise powers in dealing with economic development and regeneration provided by the Local Democracy Economic Development and Construction Act 2009.

4.3 In order to carry out effective decision making in respect of the Combined Authority areas of responsibility, the Combined Authority may have dedicated committee/sub-committees having responsibility to exercise all or some of its function.

4.4 The Combined Authority will have the ability to determine the composition and the scheme of allowances of any of its committees/sub-committees, or any other body established by the Combined Authority.

5. Matters Reserved for Determination by the Combined Authority

5.1 The following functions of the Combined Authority will remain *reserved matters* for determination by the Combined Authority only:-

- (i) setting its revenue budget for transport, including approving estimates of income and expenditure pursuant to s15 (1)(b) of the Transport Act 1968, determining the grants to be made to passenger transport companies under s13 of the Transport Act 1968, and the issue of a levy pursuant to the Transport Levying Bodies Regulations 1992;
- (ii) determining the borrowing limits of the Combined Authority in relation to transport matters, pursuant to s3 of the Local Government Act 2003;
- (iii) developing strategy policies for the promotion and encouragement of safe, sustainable, efficient and economic transport facilities and services and producing a Local Transport Plan/ Transport Strategy;
- (iv) considering and approving the creation and development of Bus Quality Contract Schemes;
- (v) formulating general policies with respect to the availability and convenience of public passenger services pursuant to s9A (5) - (7) of the Transport Act 1968;
- (vi) formulating policies in regards to a devolved rail franchise and West Midlands Rail Limited

- (vii) appointment of Chair and Vice Chair of the Transport Delivery sub- Committee;
- (viii) responsibility for management and oversight of the Integrated Transport Authority Pension Fund and the on-going maintenance and management of historic schemes;
- (ix) monitoring the Combined Authority's transport budget, pursuant to s15A (2) of the Transport Act 1968;
- (x) allocation and prioritisation of any central government grants and any other form of funding;
- (xi) transportation policy and strategy in respect of its functions detailed in Paragraph above;
- (xii) to determine a scheme of allowances for any committees/sub committees of the Combined Authority;

5.2 Any of the functions set out above may be referred to the Transport Delivery sub-Committee of the Combined Authority for it to make recommendations for consideration and determination by the Combined Authority.

6. Matters referred from the Combined Authority to the Transport Delivery sub-Committee of the Combined Authority to make recommendations to the Combined Authority

6.1 The following functions of the Combined Authority will be referred to the Transport Delivery sub- Committee of the Combined Authority in order for it to *make recommendations* to the Combined Authority for decision:-

- (i) Policies that promote and encourage safe, sustainable, efficient and economic transport facilities and services; and then securing appropriate level of rail services through rail devolution;
- (ii) policy issues as determined by the Combined Authority within the Work Programme;
- (iii) the relevant elements of the Combined Authority's revenue budget and levy;
- (iv) Bus Quality Partnership Schemes;
- (v) appointment of Combined Authority Transport Directors.

7. The following Matters will be delegated from the Combined Authority to the Transport Delivery sub-Committee of the Combined Authority to determine.

7.1 The following functions of the Combined Authority will be delegated to the Transport Delivery sub-Committee of the Combined Authority in order for it to *determine*, subject to the Transport Delivery sub-Committee of the Combined Authority exercising these functions in accordance with any transport policies of the Combined Authority, the Local Transport Plan/ Strategy and the Combined Authority's agreed transport budgets:-

- (i) monitoring and overseeing the delivery of transport activities (including the power pursuant to s15 (6) of the Transport Act 1968) to such directions to officers of the Combined Authority as appears to the Transport Delivery sub-Committee of the Combined Authority to be appropriate to secure the policy objectives of the Combined Authority;
- (ii) ensuring that the Combined Authority secures the provision of appropriate subsidised public passenger transport services under s9A (3) of the Transport Act 1968;
- (iii) considering and approving the creation and development of:-
 - Ticketing Schemes under s135 - 138 of the Transport Act 2000; and
 - Concessionary Travel Schemes under s93 - 104 of the Transport Act 1985;
- (iv) determining what local bus information should be made available, and the way in which it should be made available, under s139 - 143 of the Transport Act 2000;
- (v) ensuring that officers of the Combined Authority implement those actions delegated to it for promoting the economic, social and environmental well-being of the West Midlands in accordance with s99 of the Local Transport Act 2008;
- (vi) monitoring expenditure against its approved budget;
- (vii) approving Combined Authority minor works capital programme and the agreed budget for the scheme concerned;
- (viii) monitoring Combined Authority performance against the agreed Local Transport Plan/ Transport Strategy;
- (ix) formulating, developing and monitoring procedures for public consultation of, and lobbying for, the Combined Authority's transport policies;
- (x) considering issues arising from the implementation of schemes for the introduction of smart ticketing systems and state of the art technologies;
- (xi) authorising the disposal, acquisition and development of any land within any budget agreed by the Combined Authority;
- (xii) determining the operation, performance, contract management and development of tendered bus services, bus stations/stops, and passenger transport services, under s10 (1) of the Transport Act 1968 and within the agreed Combined Authority budget.