
STATUTORY INSTRUMENTS

2017 No. 126

The West of England Combined Authority Order 2017

PART 7

**Functions of the Combined Authority
exercisable only by the Mayor; political advisers**

General functions of the Combined Authority exercisable only by the Mayor

- 22.**—(1) The following functions⁽¹⁾ are general functions exercisable only by the Mayor—
- (a) the functions of the Combined Authority in sections 108 (local transport plans), 109 (further provision about plans: England) and 112 (plans and strategies: supplementary) of the 2000 Act; and
 - (b) the functions of the Combined Authority corresponding to—
 - (i) section 31 of the 2003 Act (power to pay grant);
 - (ii) sections 334 to 342 and 346 of the 1999 Act;
 - (iii) sections 2A to 2C, 2E and 2F of the 1990 Act; and
 - (iv) the functions specified in article 13(1).
- (2) For the purposes of the exercise of the general functions mentioned in paragraph (1)—
- (a) the Mayor must consult the Combined Authority before exercising these functions;
 - (b) members and officers may assist the Mayor in the exercise of these functions; and
 - (c) the Mayor may do anything that the Combined Authority may do under Chapter 1 of Part 1 of the 2011 Act.
- (3) The following decisions by the Mayor require the consent of the Combined Authority member, or substitute member acting in that member’s place, appointed by the constituent council in whose area the decision will apply—
- (a) the designation of any area of land as a mayoral development area leading to the establishment, by order, of a Corporation;
 - (b) the compulsory purchase of land or buildings by the Mayor;
 - (c) any decision that could lead to a financial liability falling directly upon that constituent council;
 - (d) the designation of any area as a Clean Air Zone; and
 - (e) such other matters as may be contained in the Combined Authority constitution and agreed with the Mayor.

⁽¹⁾ 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.

Political advisers

23.—(1) The Mayor may appoint one person as the Mayor’s political adviser.

(2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.

(3) No appointment under paragraph (1) may extend beyond—

- (a) the term of office for which the Mayor who made the appointment was elected; or
- (b) where the Mayor who appointed the political adviser ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.

(4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.

(5) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act (assistants for political groups)⁽²⁾, applies in relation to an appointment under paragraph (1) as if—

- (a) any appointment to that post were the appointment of a person in pursuance of that section; and
- (b) the Combined Authority were a relevant authority for the purposes of that section.

(6) Subsection (3) of section 9 of the 1989 Act applies in relation to an appointment under paragraph (1) as if the words “and that the appointment terminates” to the end of that subsection were omitted.

(2) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 and by [S.I. 2001/2237](#).