

Growth & Regeneration Scrutiny Commission

6th January 2021



Report of: Director Legal and Democratic Services

Title: Legal Briefing – West of England Combined Authority

Ward: ALL

Officer Presenting Report: Director Legal and Democratic Services

Recommendation

That the Commission note the report.

Summary

The briefing note provides an overview of the legal framework that governs the expansion of the West of England Combined Authority.



Briefing Note – West of England Combined Authority

1. This briefing note provides an overview of the legal framework that governs the expansion of the West of England Combined Authority. It has been prepared for the Growth and Regeneration Scrutiny Commission meeting on 6 January 2020.
2. Bristol City Council is a constituent council of the West of England Combined Authority (“WECA”) which was created by the West of England Combined Authority Order 2017 (“the Order”), which was made under Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”). The other constituent councils are South Gloucestershire Council and Bath and North East Somerset Council.
3. Any decision to expand the Combined Authority would require a change to the WECA Constitution. In practice WECA would need to approve a new governance scheme which would make changes to the WECA Constitution and this would require a unanimous decision of WECA.
4. The authority for this is found in paragraph 4(7)(a) of Schedule 1 of the Order which states that the unanimous approval of the Combined Authority is required for the “approval of the Combined Authority’s constitution and standing orders and any amendments”.
5. Once approved the new governance scheme would need to be the subject of public consultation as required under sections 112 and 113 of the 2009 Act. The requirement for public consultation is a prerequisite to the Secretary of State making an Order under section 106 of the 2009 Act.
6. Section 106 of the 2009 Act makes provision for changes to the boundaries of a combined authority area, by adding (or removing) another local government area, e.g. North Somerset Council.
7. The approval of an Order from the Secretary of State to expand the Combined Authority (made under section 106 of the 2009 Act) would require the consent of WECA, WECA’s Mayor and NSC. As noted above, Putting the order into effect would require the appropriate changes to WECA’s constitution (see para 3), such approval to be unanimous. The separate consent of the other constituent councils would not be required.