

Appendix 1C of Constitution

Order Provision/Function	Description	Legislation
<p>Article 3- HIGHWAYS FUNCTIONS</p> <p>(MCA functions)</p>	<p>The MCA may by agreement with the DfT or a strategic highways company agree for the delegation to the MCA of all or any of the functions of the DfT/ strategic highways company with respect to the maintenance and improvement of, and other dealing with, any trunk road or any land which does not form part of a trunk road but which has been acquired in connection with a trunk road under section 239(2) or (4) or section 246 of the Act.</p> <p>The MCA may enter into agreements with Constituent Council for or in relation to the construction, reconstruction, alteration, improvement or maintenance of a highway for which the Constituent Council are the highway authority. An agreement may provide that any functions specified in the agreement, being functions exercisable as respects that highway by the highway authority therefor, shall be exercisable by the MCA on such terms and subject to such conditions (if any) as may be so specified</p>	<p>Sections 6 & 8 of the Highways Act 1980</p>
<p>Article 4- POWER TO PAY GRANTS</p> <p>(Mayoral function)</p>	<p>Power to pay Grants to Constituent Councils and in particular with regards towards expenditure related to Constituent Council expenditure related to the exercise of Highways functions.</p> <p>In determining the amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council in relation to the exercise of its highways functions, the Combined Authority must consult with the MCA Members (at an MCA meeting) and have regard to the desirability of ensuring that the council has sufficient funds to facilitate the effective discharge of those functions, having regard to other sources of funding of the highway authority.</p>	<p>Local Government Act 2003, s.31</p>
<p>Article 5- EDUCATION, SKILLS, AND TRAINING</p> <p>(MCA functions)</p>	<p>Provisions allowing the MCA to secure education for compulsory school age but under the age of 19 years having regard to any guidance given by the Secretary of State.</p> <p>Provisions ensuring that the relevant education and training functions are exercised with a view to promoting high standards, ensuring fair access of opportunity for education and training and promoting the fulfilment of learning potential for persons under 20 years of age or persons</p>	<p>Section 51A of the Further and Higher Education Act 1992.</p> <p>Education Act 1996 :- s.13A, 15A,15B</p>

	<p>over 20 years of age with an Education Health and Care Plan.</p> <p>Power to secure the provision for their area of full-time or part-time education suitable to the requirements of persons from <i>other areas</i> who are over compulsory school age but have not attained the age of 19, and the power may secure the provision for their area of full-time or part-time education suitable to the requirements of persons who have attained the age of 19, including provision for persons from other areas. The above includes power to secure the provision—</p> <ul style="list-style-type: none"> (a) of training, including vocational, social, physical and recreational training, and (b) of organised leisure time occupation <p>The duty to ensure that its functions are exercised so as to promote young persons participating in education or training and to make arrangements to identify those young persons who are not fulfilling their duty to so participate. The duty to make available to young persons and relevant young adults for whom it is responsible such services as it considers appropriate to encourage, enable or assist the effective participation of those persons in education or training.</p> <p>The MCA also has a duty to cooperate with other agencies when exercising its functions/duties.</p>	<p>Education and Skills Act 2008:- s.10, 12, 68, 70 and 85</p> <p>Section 10 of the Children Act 2004</p>
<p>Article 6&7 – ADULT EDUCATION BUDGET (MCA function)</p>	<p>As part of the devolution deal for South Yorkshire , the SCR MCA will take responsibility for the Adult Education Budget (AEB) which is currently administered by the Education Skills Funding Agency, to deliver adult skills provision, from the start of the academic year 2021, to new learners aged 19+ who reside in South Yorkshire. Through the transfer of the specified adult education functions the combined authority will be able to better shape adult education provision that is available to their residents to ensure it meets the needs of the combined authority’s economy and link to the SEP/LIS. The Order transfers to the SCR MCA the following adult education functions in the Apprenticeships, Skills, Children and Learning Act 2009,from the Secretary of State for Education to the SCR MCA:</p> <ul style="list-style-type: none"> • section 86 which relates to education and training for persons aged 19 or over 	<p>Apprenticeships, Skills, Children and Learning Act 2009:- sections 86, 87, 88, 90, and 100(1)</p>

	<ul style="list-style-type: none"> • section 87 which relates to learning aims for such persons: and provision of facilities • section 88 which relates to the payment of tuition fees for such persons • section 90 of the 2009 Act, which relate to the encouragement of education and training for persons aged 19 or over, and • section 100(1) of that Act which relate to the provision of financial resources <p>(devolution is subject to exceptions in relation to apprenticeships training, persons subject to adult detention or any power to make regulations or orders)</p> <p>The MCA, instead of the Secretary of State, will be responsible for these functions in their area. In addition to the functions the DfE will transfer the relevant part of the AEB participation budget to the MCA to undertake the adult education functions.</p> <p>The AEB supports a wide range of provision, including the statutory entitlements to full funding for some adult learners (for example, for learners aged 19-23 studying for their first full level 2 qualification).</p> <p>The following conditions are set on the exercise of the transferred functions:</p> <ul style="list-style-type: none"> • the combined authority must adopt rules of eligibility for awards by an institution to which it secures financial resources under section 100 of the 2009 Act in accordance with any direction given by the Secretary of State; and • in exercising the transferred functions, the combined authority must have regard to guidance issued by the Secretary of State (as amended from time to time or replaced by a subsequent document). <p>The combined authority will be responsible for commissioning and contracting with providers to deliver such adult education.</p> <p>The Order sets the following conditions on the exercise of the specified functions. It requires the MCA to adopt rules of eligibility for awards by an institution to which it makes grants, loans or other payments under section 100 of the 2009 Act in accordance with any direction which may be given by the Secretary of State. Such a direction may be for the purpose of ensuring that a consistent approach is taken as to the eligibility. In addition, in exercising the conferred functions the combined authority is required to have regard to guidance issued by the Secretary of State.</p>	
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<p>Article 11- MAYORAL DEVELOPMENT CORPORAION (Mayoral Function)</p>	<p>A Mayoral Development Corporation (MDC) is a statutory body created to bring forward the regeneration of a defined area. They have powers to acquire, develop, hold, and dispose of land and property. They also have powers to facilitate the provision of infrastructure.</p> <p>The Mayor may designate any area of land in the Combined Area, including separate parcels of land, as a Mayoral development area if:</p> <p>(a) the Authority considers that designation of the area is expedient for furthering economic development and regeneration in the area of the Authority; and</p> <p>(b) the Constituent Councils have been consulted and any the Members whose areas are included in the MCC have consented to the designation.</p> <p>If designated and notified to the SoS, the SoS must establish the MDC by Order. Once establish the MDC is a separate legal entity. A Mayoral development corporation's object is to secure the regeneration of its area and it may only do anything it considers appropriate for that purpose or incidental purposes. A mayoral development corporation can also have specific powers, which must be exercised for that purpose or incidental purposes. Once established, the Authority is obliged to review, from time to time, the continuing existence of a Mayoral development corporation.</p> <p>Subject to the consent of the Member for area included in the MDC, the MDC can become the local planning authority for the purposes, separately or collectively, of plan-making, development control and neighbourhood planning. Once made, these planning functions may be removed or restricted by the Authority.</p> <p>Subject to prior consultation, the Mayor may determine that the power to grant discretionary relief from business rates be transferred from the relevant local authorities to the MDC.</p> <p>Provisions are laid out for membership, terms of appointment of members, Staff, Remuneration etc. members and staff, Committees and proceedings and meetings of a Mayoral development corporation, together with application of local government provisions concerning political restriction of officers, role of the monitoring officer</p>	<p>Localism Act 2011:-s.197, 199, 200, 202, 204, 214, 215, 216, 217, 219, 220, 221, paragraph 1 of Schedule 2; paragraphs 2,3,4,6,8 of Schedule 21.</p>
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<p>Article 10 – Housing and Regeneration (MCA function)</p>	<p>The MCA can:</p> <ul style="list-style-type: none"> • provide housing or other land and facilitate the provision of housing or other land • regenerate or develop land • provide infrastructure and to facilitate the provision of infrastructure. <p>The MCA will therefore be able to acquire, hold, improve, manage, reclaim, repair or dispose of housing or other land or property, or facilitate these activities. It will also be able to carry out building and other operations, including the demolition or conversion of buildings, or facilitate such operations.</p> <p>The acquisition of land by the MCA may be by agreement or compulsorily if the Secretary of State authorises it to do so. Where compulsory acquisition of land and new rights over land is intended, the procedure contained in The Acquisition of Land Act 1981 is required to be followed. The legislation ensures that following any compulsory acquisition of land the usual regime for compensation applies.</p> <p>The powers/functions are to be exercised concurrently with the Homes and Communities Agency.</p> <p>The MCA must exercise the functions for the purposes of, or for purposes incidental to the objective of—</p> <ul style="list-style-type: none"> (a) improving the supply and quality of housing in the Area; (b) securing the regeneration or development of land or infrastructure in the Area; (c) supporting in other ways the creation, regeneration or development of communities in the Area or their continued well-being; and 	<p>Housing and Regeneration Act 2008:- section 5, 6,7,8,9,10,11 and 12; paragraphs 19 and 20 of Schedule 3, paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4</p>

	(d) contributing to the achievement of sustainable development and good design in the Area, with a view to meeting the needs of people living in the Area.	
Article 14(9)- NON STAUTORY SPATIAL PLAN/STRATEGY (Mayoral function)	Utilising the general power of competence under the Localism Act 2011 the Mayor, with the consent of the Leaders of the constituent Councils, may prepare and publish the Mayor's strategy for spatial development	General Power of Competence- Chapter 1/part 1 Localism Act 2011
Article 19(MCA) & Article 14(7)- GENERAL POWER OF COMPETENCE (MCA/Mayoral function)	The MCA and Mayor respectively are given the general power of competence equivalent to the Constituent Councils. This will, subject to the limitations contained in the legislation, allow the MCA/Mayor to do anything an individual can legally do. The Mayors power is further restricted in the Order by requiring the consent of all the Members from the constituent Councils for any proposal to dispose of property/rights/liabilities to or from a constituent council; and only relates to the exercise by the Mayor of general functions	General Power of Competence- Chapter 1/part 1 Localism Act 2011
Article 15- Political Advisor	The Mayor may appoint a political adviser. The person will be an employee of the MCA and will be a fixed term appointment for no longer than the term of office of the Mayor. The post is a politically restricted position.	Local Government and Housing Act 1989 (assistants for political groups and politically restricted posts)
Article 19- Remuneration/ Allowances	The Order sets out that the posts of Mayor and Deputy can be remunerated, as determined by an independent panel established by the MCA. The MCA may pay an allowance after considering a report published by the panel and the amount of the allowance must not exceed the amount specified in the recommendation of the panel.	
Article 19(3)- Voting	The Order establishes that for new functions of the MCA (as detailed above) the decision cannot be carried without the vote of the Mayor or deputy acting in place of the Mayor. The MCA Constitution will set the size of the Majority (3 Members from the Constituent Councils+ the Mayor) and the process to be followed if all 4 Constituent Council Members are in favour. The Order retains the simple majority position for 2014 Order functions (Transport and Economic development). Mayoral functions (as set out above) are decisions for the Mayor to determine at an MCA meeting, subject to the restrictions the Order places on such exercise (as set out above)	

