

Appendix A – Summary Headlines

Statutory Instrument - Cheshire and Warrington Combined Authority Order 2026

What is the Statutory Instrument?

A Statutory Instrument (SI) is a form of secondary legislation.

It outlines changes to existing legislation without needing to create a new Act.

The SI will then form the ‘Order’ which establishes the rules and procedures that govern how the Cheshire and Warrington Combined Authority (C&W CA) will operate as a public body.

When the English Devolution and Community Empowerment Bill (EDB) becomes an Act, these additional functions will apply to what will then be the Cheshire and Warrington Mayoral Strategic Authority (C&W MSA).

What does it do and when will it come into force?

It clarifies that Cheshire and Warrington have met the statutory tests – and that establishing the C&W CA will likely improve the economic, social and environmental well-being of people who live and work in the area.

It is reliant on all three councils in Cheshire and Warrington giving their consent to establishing the creation of the C&W CA.

Subject to consent and the parliamentary process to make the Order, the C&W CA would come into force on the day after the Order is made.

The table below sets out some key elements within the Order:

The Mayor

- Mayoral election date to be confirmed and set out in the Order
- To take place every 4 years
- The mayoral term of office commences 4 days after the day of the election (or nearest working day)
- The mayor may appoint a political advisor who will be employed only as long as the mayor is in office. This would be a politically restricted post.
- Functions set out below.

Governance

- As part of the SI, a statutory constitution is included as a schedule to the Order.
- Whilst C&W can add a local constitution with additional bespoke sections, it must maintain the following core governance arrangements.
- The SI confirms the following:

Membership:

- 2 x elected members from each constituent council
- Each member to have 1 named substitute

Chair/Vice-Chair:

- The mayor will be the chair of the C&W CA.
- Before the mayor is elected, the C&W CA will appoint a chair and vice-chair from the constituent council members
- No meeting can happen without the chair or vice chair present

***Non-constituent and associate members:**

- A maximum of 6 (no obligation to appoint the maximum)
- Non-constituent bodies must nominate a member and named substitute
- Associate members must nominate a named substitute

**Non-constituent: Representatives of an organisation (e.g. PCC/VCFSE/NHS)*

Associate: Named individual

Decision-Making

- **Simple majority** of the members present (*pre-May 2027 mayoral election*)
- **Simple majority plus mayor** or deputy mayor (*post-May 2027 mayoral election*)
- **Before the mayor's term of office**, no business can be conducted unless the chair or vice-chair and at least 3 members appointed by the constituent councils are present.
- **After the mayor begins in office**, no business can be conducted unless the mayor (or deputy mayor) and at least 4 members appointed by the constituent councils are present.
- **A member of the C&W CA will be the deputy mayor.** If a member is acting in this capacity, they can bring in their substitute.
- **No member has a casting vote.** Tied votes are not carried.
- **Before the mayoral election**, specific mayoral functions will be conferred on the MCA. As soon as the mayor's term of office begins, they will transfer to the mayor:
 - Development of a Local Transport Plan
 - The power to pay (transport) grant
 - General powers of competence

Day 1 Functions

- **The same functions as constituent councils to deliver economic development and regeneration.** (*These powers/functions will run concurrently with councils*).
- **Transport:**
 - The C&W CA will become the **Local Transport Authority** for Cheshire and Warrington.
 - This will be established via a **1-year transition period** (from the date that the C&W CA is established by the Order). After the transition period, the exercise of this function will be exercisable by the C&W CA only.

- The C&W CA will be responsible for the development of the Local Transport Plan. This requires the local transport authority to develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area, and to implement those policies.
- The Local Transport Grant for C&W will come via the C&W CA.
- The C&W CA will be responsible for **passenger transport** as the local transport authority:
 - This places a duty on the local transport authority to identify public passenger transport needs that would not be met on a purely commercial basis i.e. without local transport authority intervention.
 - The local transport authority has the power to tender and enter agreements with providers for subsidised services. The local transport authority will also become by default the franchising authority.
 - There will be a permanent concurrent arrangement where a constituent council already runs its own municipal bus company. This is the case for WBC.
 - The C&W CA can pay grants to anyone in respect of the running of transport facilities and services as well as bus services but must seek consent from each constituent council whose area those functions are proposed to be exercised.
 - Concessionary fares process and permits.
- **Constituent councils remain as the highways authority for their area.**

Decisions about funding and budgets

- Constituent councils must ensure that C&W CA costs are aligned to the exercise of its functions.
- Constituent councils must meet reasonable costs of the Combined Authority and/or mayoral functions if they are not funded via the resources of the C&W CA (including any precept). All mayoral costs must first be agreed by the C&W CA. The mayor cannot incur any expenditure unless agreed by the C&W CA.
- Constituent councils cannot be liable for any expenditure, unless the Combined Authority has approved such a request in accordance with its budget decision-making processes (either as per the Finance Order 2017 for mayoral budget or simple majority including the mayor for Combined Authority budget).

- The C&W CA must establish an Audit Committee and a statutory Chief Financial Officer post (otherwise known as a Section 73 Officer).

The English Devolution and Community Empowerment Bill

What will it mean for C&W devolution?

What does the Bill do?

1. The Bill seeks to describe a consistent approach to devolution structures – and as far as possible gives increased consistency to new and existing governance arrangements.
2. It outlines and expands powers for Mayors and authorities
3. It explains the routes to get further devolved powers over time

Structures

The Bill will create in law a new category of authority in England – the ‘**Strategic Authority**’, the aim of which is to ‘make it quicker and easier to devolve powers away from Westminster to local government’. This will replace the term ‘Combined Authority’ once the Bill becomes legislation.

Each Strategic Authority would belong to one of the levels of devolution outlined

1. Foundation Strategic Authority (non-mayoral)
2. Mayoral Strategic Authority (C&W ‘day 1’ – an MSA)

3. Established Mayoral (A Mayoral Strategic Authority with additional governance requirements that enable greater flexibilities across devolved powers and investment. New Mayoral Strategic Authorities can become established after 18 months in operations if they meet these requirements).

Devolution Framework

- The Bill sets out a clear framework with a standardised set of legal powers, governance arrangements, funding commitments and partnership/collaboration arrangements with government.
- It is a clear move away from negotiated deals/ and inconsistencies across devolved areas.
- This is already reflected in the C&W statutory constitution within the SI.
- The Bill also:
 - Creates the power to extend the framework. i.e. there will be more powers that will be devolved over time (e.g. DEFRA and other Departments who are somewhat 'silent' on devolution at this time).
 - The power to 'pilot' new powers for specific MSAs.
 - Established MSAs will have a 'right to request' new powers.

Operation of the MSA

- Constituent council members can be paid by the MSA. Levels of pay will be determined by the MSAs independent remuneration panel that will need to be established.
- Mayors will be able to appoint and remunerate 'Commissioners' to lead on MSA areas of competence. They will not be members of the MSA.

- The post of mayor cannot also hold a position as a Member of Parliament.
- If mayors decide to raise a precept, it must be specific. The Bill extends the range of functions a precept can be used for to all MSA functions.
- A supplementary vote system will be used for mayoral elections.

Overview of devolution functions and powers within the Bill

The table below sets out the functions and power within the Bill that would transfer to a C&W MSA once legislation is in place (anticipated in 2026).

Transport & local infrastructure In addition to the powers and functions under the Order... ➤ MSAs will be required to set up and coordinate Key Route Networks (KRN) (oversight of most important local roads) ➤ Mayors will hold a ‘Power of Direction’ over councils’ use of local highway and traffic powers on the KRN to deliver against the agreed LTP. ➤ Mayors will have a legal power to set Traffic Reduction Targets on the KRN. ➤ The MSA can regulate on-street micromobility schemes through a licensing regime (e.g. e-bikes). ➤ MSAs can apply to take on Penalty Charge Notices powers (as long as they have the consent of their constituent councils). ➤ Additionally (not in the Bill but via other legislation) - The mayor will have a statutory role in governing, managing, planning and developing the rail network and local rail stations
Skills & employment support

- The Bill will transfer adult education functions to MSAs, including the devolution of the Adult Skills Fund (19+).
- This funding will be non-ringfenced which means the MSA can determine how best to use the fund via the creation of a Local Skills Plan.
- Devolution of the 'supported employment funding' to support those furthest from employment to find and sustain a job.

Housing & strategic planning

- The Bill will give mayors new planning powers similar to those exercised by the Mayor of London. Including:
- Publish a Spatial Development Strategy (SDS) setting out the vision for development across C&W. Once this is agreed and in place, the mayor will then have...
 - The ability to direct refusal of planning applications of potential strategic importance
 - The ability 'call in ' these sort of applications
 - The option to charge a Mayoral Community Infrastructure Levy on new developments to support infrastructure requirements. (Any CIL charging schedule will need a majority agreement from the constituent council).
- Mayors will also be able to prepare Mayoral Development Orders (MDO) – which streamlines planning permission processes. Any MDO must be consulted with and approved by the relevant local planning authority.
- And... designate a Mayoral Development Area and establish a Mayoral Development Corporation to support delivery of large, complex development and regeneration projects.

Economic growth & regeneration

- A statutory duty to develop a Local Growth Plan which will also outline shared priorities with Government and an investment pipeline.
- There will be a legal responsibility for certain public organisations to 'have regard' to the shared priorities of the Local Growth Plan.
- The Bill will require MSAs to work with the LGPS to jointly invest in local projects which deliver social and/or economic benefits to our local communities (as well as financial return).

Environment & Climate Change
➤ The Bill does not transfer statutory environmental or climate-related functions to Strategic Authorities, but it gives the responsibility for the development and delivery of Local Nature Recovery Strategies and does commit to explore future opportunities for devolution in this area
Health, wellbeing and public safety
➤ MSAs will have a legal requirement to ‘have regard’ to the need to reduce health inequality in C&W and improve people’s health in the area. Health impacts should be considered in all policies of the MSA. ➤ The mayor in C&W will not be responsible for exercising police functions.