

Summary of Draft SI: The Sussex & Brighton Combined County Authority Regulations 2026

1.	The SI will establish the Sussex & Brighton Combined County Authority (CCA) and confirm the statutory tests are met, the Constituent Authorities (CAs) have consented, and the process of approval has been completed.
2.	Commencement date – all Regulations will come into force the day after they are made except Mayoral Functions which come into force on 11 May 2026 (post Mayoral election on 7 th May).
3.	Establishes CCA • Establishes the Combined County Authority and names it as the Sussex and Brighton Combined County Authority. The Authority will have the functions set out in SI although further functions may be conferred in the future through further regulations. • Confirms how the Local Audit and Accountability Act 2014 provisions (statement of accounts) will be met during the first and subsequent years. • References that the Constitution is included as a Schedule (see below). Confirms first financial reporting required from the date Regulations in force to 31st March 2027.
4.	Election of Mayor Sets out how mayors will be elected every fourth year as well as how terms will begin (the first on 7.5.26) and end. Sets out that the mayor will be able to employ a single political advisor, who will be an employee of the Combined Authority. The employment of an advisor is tied to the mayor who recruits them, meaning that they cannot be employed after the end of a term or after a mayor resigns. The position will be a politically restricted post. The advisor will not be responsible for other employees of the Combined Authority.

	Incorporates LGHA 1989 provisions relating to political advisors, including restrictions on pay.
5.	Transport Transfers the functions set out in Ss108, 109 and 112 of Transport Act 2000 to the CCA from the Constituent Authorities. There will be a transition period which will end 31 March 2027 during which the powers will be held concurrently. S108 TA 2000 – is the requirement to develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area and requirement to produce a Local Transport Plan setting out the Policies and how they will be implemented. S109 TA 2000 – sets out the details of who to consult and how to publish the Local Transport Plan S112 TA 2000 – sets out the requirement to have regard to Guidance from Secretary of State and to the needs of disabled people when producing Local Transport Plans. Power to pay a grant A CCA may pay a grant to CA towards expenditure incurred or to be incurred by a constituent council This power is exercisable only by the mayor. In determining the amount to be paid to a constituent council in relation to that council's highway functions, the CCA must have regard to the desirability of ensuring that the council has sufficient funds to exercise its highways function and decisions must take into account other sources of funding.
6.	The following functions can only be exercised by the Mayor:- Ss108,109 and 112 Transport Act 2000 (Local Transport Plans) S31 LGA 2003 – power to pay grants (under Reg 8 above)

	The Mayor can also do anything that a Combined Authority can do under section 49 of the Levelling Up and Regeneration Act (general power of the CCA). However the Mayor may enter into joint committee arrangements pursuant to S101(5) of the LGA 1972 (with the CCA, the CAs and other LAs) for the discharge of the above functions.
7.	How the CCA will be Funded Constituent Authorities to ensure costs of CCA and Mayor are met (to the extent Mayor has decided not to use other funds) reasonably attributed to the exercise of function. The constituent councils must meet the costs of expenditure associated with regulation 10 (Part 5 - mayoral functions above). However, the mayor must agree with the CCA the total expenditure in advance of incurring the expenditure. Any precept issued in relation to this expenditure under section 40 of the Local Government Finance Act 1992 is to be disregarded from the cost of expenditure. The constituent councils must be apportioned either through a mechanism of their own agreement or if no agreement is in place, based on the number of their residents as a proportion of the total population of the CCA area. CCA can raise its own funds through a precept.
8.	CCA duty to share information in relation to Crime & Disorder (plus other additional functions) The functions of the constituent councils set out in section 17A of the Crime and Disorder Act 1998 (sharing of information), exercisable concurrently with the constituent councils. The Combined Authority also becomes the relevant authority for the purposes of Section 115 of the Act (disclosure of information).

	The Localism Act functions of the CAs exercisable for the purpose of economic development (<u>not</u> economic *assessments*) may also be exercised by the MCCA.
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Constitution

	Detail	Comment/Questions
Membership	The Constitution sets out that each constituent authority must appoint two members to join the CCA. The Constitution outlines that a member of the CCA would cease to be a member if they were no longer a member of the appointing constituent authority, or the appointing constituent authority ended the appointment. Process for termination of appointment (by CA - not CCA) or resignation by written notice to the appointing CA (in latter case takes effect on date of receipt). Where above has happened, a process whereby the CA 1) gives written notice to the CCA & 2) appoints another member 'as soon as practicable' Any new appointment starts/ terminated appointment ends between one week (min) from notice or later specified period of up to 4 weeks.	Membership provisions reflect the provisions proposed within Government's Sussex and Brighton Devolution Consultation. Both East Sussex CC and West Sussex CC have queried this proposal when set out in the consultation, advocating the need for membership to be reflective of population ratios between the three constituent authorities. BHCC is supportive of the proposed membership.

Substitution	One substitute to be appointed per member – i.e. two for each CA (either of whom may sub for either member)	
Chair	Chair and Vice Chair Mayor to act as Chair once elected. Process for appointing a Chair and Vice Chair from the CCA members for the period before the mayoral election. Ahead of the mayor being elected, the CCA will appoint a Chair and Vice Chair. The Chair appointed by the CCA will cease to be Chair following the election of the mayor and the Office of Vice Chair will be abolished. The Chair will also cease holding the position if they are no longer a member of the CCA. Vice Chair to act where Chair unable to/ office vacant. A vacancy in the chair or vice-chair must be filled at the next meeting of the CCA unless this date is within 14 days, then the vacancy is to be filled at the following meeting. No meetings of the CCA can happen if for any reason <u>both</u> the Chair & Vice Chair are unable to act or both their offices are vacant.	
Non-constituent & associate members	Non-Constituent and Associate Members CCA may have a maximum of six non-constituent (NC) members & associate members (AMs) <u>in total</u>. Requirement that each of the above also nominate a sub. See the LURA 2023 for voting & appointment:	The Draft SI does not prevent Non-Constituent Members from voting but requires CCA members to consent. This reflects the position within the 2023 Act (non-

	• AMs may not vote • The NCs are designated by a 'nominating body' only if the CCA approves this and that body agrees. These NCs do not have voting rights <u>unless</u> the CCA resolves to give them voting rights.	<u>constituent members of a CCA).</u> The limit on NC and Associate Members was queried in the consultation, and it was requested that local discretion be allowed.
Voting	Any decision of the CCA ahead of a mayor being elected is by a simple majority, subject to the exceptions listed below. Once a mayor is elected, any decision of the CCA is by simple majority but must include the mayor (or deputy mayor acting in their place). Ahead of a mayor being elected, no business can be transacted without the chair (or vice chair) and three constituent members being present. Once a mayor has been elected, no business can be conducted without the mayor (or deputy) and four constituent members being present.] Decisions regarding the Local Transport Plan (section 108 of the 2000 Act) will be decided by a simple majority. Each member has one vote and there is no casting vote. In the event of a tie in relation to the power of the Local Transport Plan only, the Mayor (or Deputy, acting as Chair) shall have a casting vote. Business conducted by the CCA will not be deemed void as a result of a membership vacancy, or a clerical error in the appointment of a member or substitute. <u>Exceptions</u> to normal rule:	Means a majority vote which the Chair does not vote for would not succeed.

	• a two thirds majority vote needed to veto the Mayor's budget(• in a tied vote on a local transport plan, the Mayor has a casting vote Each member (i.e. voting member) to have one vote and the status quo prevails if vote is tied. No member to have a casting vote – with exception of Mayor on local transport plan.	
Quorum	<u>Before the first Mayor's term</u> starts: requirement that the Chair/ Deputy be present and also three of the members appointed by each constituent council'. <u>After Mayor is elected</u>, the following must be present 1) the Mayor and/or Deputy Mayor acting as Chair and also 2) any four CA members NB If Deputy is chairing, they do <u>not</u> count also as a CA member	
Minutes & records of meetings; Standing Orders & Constitution	Minutes and records required (5); Standing Orders to regulate proceedings (6) and a Constitution (8) permitted. Sets out that the CCA can make provisions about its constitution and Standing Orders.	
Remuneration of members	Ordinary members not remunerated (other than travel & expenses). Remuneration only allowed to following appointees: • Mayor, the Deputy (provided not leader or elected mayor of a CA & receiving an SRA for that)	

	• Members appointed to the O&S of the CCA and any Sub Committee under it OR to the Audit Committee <u>provided that</u> the CCA has established an IRP, considered a report recommending it, and sets a level which does not exceed its recommended allowances	
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