



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 7

MULTI-AREA AGREEMENTS

Basic concepts

121 Multi-area agreements

- (1) This Part makes provision about multi-area agreements.
- (2) In this Part “multi-area agreement” means a document that—
 - (a) covers an area for which there are two or more local authorities (see section 122), and
 - (b) specifies improvement targets for that area.
- (3) Any part of the area may be separated from any other part by territory that is not part of the area.
- (4) In this Part “improvement target” means a target for improvement in the economic, social or environmental well-being of the whole or any part of the area covered by a multi-area agreement and which relates to any or all of the following—
 - (a) one or more local authorities for that area;
 - (b) one or more partner authorities for that area (see section 123);
 - (c) one or more other persons acting, or having functions exercisable, in that area.
- (5) For the purposes of this Part, a target specified in a multi-area agreement relates to a person if—
 - (a) the exercise of any of that person's functions, or anything done by that person, could contribute to the attainment of the target, and
 - (b) that person has consented to the application of the target to that person.

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- (6) A person is taken to have consented to the application of a target to that person if—
- (a) that person has consented to the target being specified in the agreement, or
 - (b) where the target has been changed, that person has consented to the change.

Commencement Information

II S. 121 in force at 12.1.2010, see s. 148(7)

122 Local authorities

- (1) Each of the following is a local authority for the purposes of this Part—
- (a) a county council in England;
 - (b) a district council in England;
 - (c) a London borough council;
 - (d) the Council of the Isles of Scilly;
 - (e) the Common Council of the City of London in its capacity as a local authority;
 - (f) an economic prosperity board established under section 88 or a combined authority established under section 103.
- (2) For the purposes of this Part, a local authority is an authority for an area if the whole or any part of the local authority's area coincides with or falls within that area.

Commencement Information

I2 S. 122 in force at 12.1.2010, see s. 148(7)

123 Partner authorities

- (1) For the purposes of this Part, each of the following is a partner authority for an area—
- (a) any person mentioned in subsection (2), where the whole or any part of the area for which the person acts or is established coincides with or falls within that area,
 - (b) a person mentioned in subsection (3), where the person provides services at or from a hospital or other establishment or facility in that area,
 - (c) any person mentioned in subsection (4), and
 - (d) where the area includes the area of a London borough council or the Common Council of the City of London, Transport for London.
- (2) The persons referred to in subsection (1)(a) are—
- (a) a fire and rescue authority which is not a local authority;
 - (b) a National Park authority;
 - (c) the Broads Authority;
 - (d) a police authority;
 - (e) a chief officer of police;
 - (f) a joint waste authority established under section 207(1) of the Local Government and Public Involvement in Health Act 2007 (c. 28);
 - (g) a waste disposal authority established under section 10 of the Local Government Act 1985 (c. 51);

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- (h) an Integrated Transport Authority;
 - (i) a Primary Care Trust;
 - (j) a development agency established by section 1 of the Regional Development Agencies Act 1998 (c. 45);
 - (k) a local probation board or a probation trust;
 - (l) a youth offending team.
- (3) The persons referred to in subsection (1)(b) are—
- (a) a National Health Service trust;
 - (b) an NHS foundation trust.
- (4) The persons referred to in subsection (1)(c) are—
- (a) the Arts Council of England;
 - (b) the English Sports Council;
 - (c) the Environment Agency;
 - (d) the Health and Safety Executive;
 - (e) the Historic Buildings and Monuments Commission;
 - (f) the Homes and Communities Agency;
 - (g) the Learning and Skills Council for England;
 - (h) the Museums, Libraries and Archives Council;
 - (i) Natural England;
 - (j) the Secretary of State in so far as the Secretary of State has functions—
 - (i) under section 2 of the Employment and Training Act 1973 (c. 50) (arrangements with respect to obtaining etc employment or employees),
 - (ii) as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66),
 - (iii) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27), or
 - (iv) under sections 2 and 3 of the Offender Management Act 2007 (c. 21) (responsibility for ensuring the provision of probation services throughout England and Wales).
- (5) The Secretary of State may by order—
- (a) amend subsection (2), (3) or (4) so as to—
 - (i) add to it any person who has functions of a public nature, or
 - (ii) remove from it any person for the time being mentioned in it;
 - (b) amend subsection (4)(j) so as to—
 - (i) add to it any function of the Secretary of State, or
 - (ii) remove from it any function for the time being mentioned in it;
 - (c) make such other amendments of this section as appear to the Secretary of State to be necessary or expedient in consequence of provision made by paragraph (a) or (b).
- (6) Before making an order under subsection (5) the Secretary of State must consult—
- (a) such representatives of local government as the Secretary of State considers appropriate, and
 - (b) such other persons (if any) as the Secretary of State considers appropriate.

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- (7) An order under subsection (5) must be made by statutory instrument.
- (8) A statutory instrument containing an order under subsection (5) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) For the purposes of subsection (2)(e), a chief officer of police acts and is established for the area of the chief officer's police force.
- (10) The Secretary of State's functions under this Part by virtue of subsection (4)(j)(iv) are functions to which section 2(1)(c) of the Offender Management Act 2007 (functions to be performed through arrangements under section 3 of that Act) applies.

Commencement Information

I3 S. 123 in force at 12.1.2010, see s. 148(7)

Preparation and approval of multi-area agreements

124 Proposal for multi-area agreement

- (1) The local authorities for an area proposed to be covered by a multi-area agreement (“the proposed area”) may request the Secretary of State to give a direction under section 125 for the preparation and submission of a draft multi-area agreement for the proposed area.
- (2) The local authorities making the request—
 - (a) must include all of the local authorities for the proposed area, other than any non-unitary district council for that area;
 - (b) may include any non-unitary district council for that area.
- (3) In this Part “non-unitary district council” means a district council for an area that is part of the area of a county council.
- (4) The request must be made in writing and must—
 - (a) identify the local authorities making the request,
 - (b) nominate one of them to be responsible for preparing and submitting the draft, and
 - (c) identify the proposed area.
- (5) The local authorities making the request must have regard to any guidance issued by the Secretary of State about such requests.

Commencement Information

I4 S. 124 in force at 12.1.2010, see s. 148(7)

125 Direction to prepare and submit draft multi-area agreement

- (1) If a request is made in accordance with section 124, the Secretary of State may direct the responsible authority to prepare a draft multi-area agreement for the proposed area and submit it to the Secretary of State.

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Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Part 7. (See end of Document for details)

- (2) The draft must specify, in relation to each improvement target—
 - (a) the persons or persons to whom the target relates, and
 - (b) where the target does not relate to the whole of the proposed area, the part or parts of the area to which it relates.
- (3) The draft must specify the period for which the multi-area agreement is to have effect.
- (4) A direction under this section—
 - (a) may specify the date by which the draft must be submitted to the Secretary of State;
 - (b) may be varied or revoked.

Commencement Information

I5 S. 125 in force at 12.1.2010, see s. 148(7)

126 Preparation of draft multi-area agreement

- (1) In preparing a draft multi-area agreement in accordance with a direction under section 125, the responsible authority must consult—
 - (a) each of the other local authorities for the proposed area,
 - (b) each partner authority for that area, and
 - (c) such other persons as appear to it to be appropriate.
- (2) In preparing the draft, the responsible authority must co-operate with—
 - (a) each of the other local authorities for the proposed area, and
 - (b) each partner authority for that area,in determining the improvement targets relating to that local authority or partner authority that are to be specified in the draft.
- (3) In preparing the draft, the responsible authority must have regard to any guidance issued by the Secretary of State.
- (4) In determining the improvement targets relating to it which are to be specified in the draft, each of the other local authorities, and each partner authority, for the proposed area must—
 - (a) co-operate with the responsible authority, and
 - (b) have regard to any guidance issued by the Secretary of State.

Commencement Information

I6 S. 126 in force at 12.1.2010, see s. 148(7)

127 Approval of draft multi-area agreement

- (1) If a draft multi-area agreement is submitted to the Secretary of State under section 125, the Secretary of State may by notice in writing to the responsible authority—
 - (a) approve the draft,
 - (b) require the responsible authority to modify the draft, or

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- (c) reject the draft.
- (2) If the Secretary of State approves a draft multi-area agreement, a multi-area agreement in the form of the draft has effect for the period specified in it.
- (3) A requirement to modify a draft multi-area agreement operates for the purposes of section 125 as a direction under that section to prepare and submit a further draft of a multi-area agreement.
- (4) If the Secretary of State rejects a draft multi-area agreement, the Secretary of State may not give a further direction under section 125 based on the same request under section 124.

Commencement Information

I7 S. 127 in force at 12.1.2010, see s. 148(7)

128 Submission of existing multi-area agreement

- (1) This section applies to a multi-area agreement prepared otherwise than in accordance with a direction under section 125.
- (2) The local authorities for the area covered by the agreement may—
 - (a) submit the agreement to the Secretary of State, and
 - (b) request the Secretary of State to approve the agreement under section 129.
- (3) The local authorities making the request—
 - (a) must include all of the local authorities for the area covered by the agreement, other than any non-unitary district council for that area;
 - (b) may include any non-unitary district council for that area.
- (4) Before making the request, the local authorities must consult—
 - (a) any other local authority for the area covered by the agreement, and
 - (b) each partner authority for that area.
- (5) The agreement must specify, in relation to each improvement target—
 - (a) the persons or persons to whom the target relates, and
 - (b) where the target does not relate to the whole of the proposed area, the part or parts of the area to which it relates.
- (6) The agreement must specify the period for which it has effect.
- (7) The request must be made in writing and must—
 - (a) identify the local authorities making the request,
 - (b) nominate one of them as the responsible authority in relation to the agreement,
 - (c) identify the area covered by the agreement, and
 - (d) provide information about the outcome of the consultation under subsection (4).
- (8) The local authorities making the request must have regard to any guidance issued by the Secretary of State about such requests.

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Commencement Information

I8 S. 128 in force at 12.1.2010, see s. 148(7)

129 Approval of existing multi-area agreement

- (1) If a multi-area agreement is submitted to the Secretary of State in accordance with section 128, the Secretary of State may approve the agreement by notice in writing to the responsible authority.
- (2) An agreement approved under this section has effect for the purposes of this Part for the period specified in it.

Commencement Information

I9 S. 129 in force at 12.1.2010, see s. 148(7)

Effect of multi-area agreements

130 Duty to have regard to improvement targets

Where a multi-area agreement has effect by virtue of section 127 or 129—

- (a) each local authority for the area covered by the agreement, and
- (b) each partner authority for that area,

must, in exercising its functions, have regard to every improvement target specified in the agreement that relates to it.

Commencement Information

I10 S. 130 in force at 12.1.2010, see s. 148(7)

Revision of multi-area agreements

131 Responsible authorities

- (1) Subject as follows, in this Part “the responsible authority”, in relation to a multi-area agreement, means—
 - (a) the authority that prepared the draft of the agreement, or
 - (b) in the case of an agreement approved under section 129, the authority nominated under section 128 in relation to the agreement.
- (2) The local authorities to which the targets specified in a multi-area agreement relate may request the Secretary of State to agree to another one of those authorities becoming the responsible authority in relation to the agreement.
- (3) A request under subsection (2) must be made in writing.

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Commencement Information

III S. 131 in force at 12.1.2010, see s. 148(7)

132 Revision proposals

- (1) At any time while a multi-area agreement has effect by virtue of section 127 or 129, the responsible authority—
 - (a) may prepare and submit to the Secretary of State a revision proposal, and
 - (b) must do so if the Secretary of State so directs.
- (2) In this Part “revision proposal”, in relation to a multi-area agreement, means a document proposing any or all of the following—
 - (a) the enlargement of the area covered by the agreement;
 - (b) changes to improvement targets specified in the agreement;
 - (c) the removal of improvement targets from the agreement;
 - (d) the addition of improvement targets to the agreement;
 - (e) the extension of the period specified in the agreement for which the agreement has effect.
- (3) A revision proposal that proposes changes to an improvement target must specify—
 - (a) each person to whom the target relates, and
 - (b) where it does not relate to the whole of the area covered by the agreement, the part or parts of the area to which it relates.
- (4) A revision proposal that proposes the addition of an improvement target must specify—
 - (a) each person to whom the target would relate, and
 - (b) where the target would not relate to the whole of the area covered by the agreement, the part or parts of the area to which it would relate.
- (5) A direction under this section—
 - (a) may specify the date by which a revision proposal must be submitted to the Secretary of State;
 - (b) may be varied or revoked.

Commencement Information

III S. 132 in force at 12.1.2010, see s. 148(7)

133 Preparation of revision proposal

- (1) In preparing a revision proposal, the responsible authority must consult—
 - (a) each of the other local authorities for the area that would be covered by the multi-area agreement if the revision proposal were approved (“the agreement area”),
 - (b) each partner authority for that area, and
 - (c) such other persons as appear to it to be appropriate.

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- (2) In preparing a revision proposal, the responsible authority must co-operate with—
 - (a) each of the other local authorities for the agreement area, and
 - (b) each partner authority for that area,in determining a change affecting that local authority or partner authority that is to be proposed by the revision proposal.
- (3) In preparing a revision proposal, the responsible authority must have regard to any guidance issued by the Secretary of State.
- (4) In determining a change affecting it that is to be proposed by the revision proposal, each of the other local authorities, and each partner authority, for the agreement area must—
 - (a) co-operate with the responsible authority, and
 - (b) have regard to any guidance issued by the Secretary of State.

Commencement Information

I13 S. 133 in force at 12.1.2010, see s. 148(7)

134 Approval of revision proposal

- (1) If a revision proposal relating to a multi-area agreement is submitted to the Secretary of State under section 132, the Secretary of State may by notice in writing to the responsible authority—
 - (a) approve the revision proposal,
 - (b) if the revision proposal was submitted to the Secretary of State pursuant to a direction under section 132(1)(b), require the responsible authority to modify the revision proposal, or
 - (c) reject the revision proposal.
- (2) If the Secretary of State approves the revision proposal, the multi-area agreement has effect subject to the changes set out in the revision proposal.
- (3) A requirement to modify a revision proposal operates for the purposes of section 132 as a direction under subsection (1)(b) of that section to prepare and submit a further revision proposal.

Commencement Information

I14 S. 134 in force at 12.1.2010, see s. 148(7)

Information about multi-area agreements

135 Duty to publish information about multi-area agreement

- (1) If a multi-area agreement is approved under section 127 or 129, the responsible authority must publish such information about the agreement as the authority considers appropriate.

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Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Part 7. (See end of Document for details)

- (2) If a revision proposal is approved under section 134, the responsible authority must publish such information about the revisions to the multi-area agreement as revised by the revision proposal as the authority considers appropriate.
- (3) Information required to be published under this section may be published in such manner as the responsible authority considers appropriate.

Commencement Information

I15 S. 135 in force at 12.1.2010, see s. 148(7)

Supplementary and general

136 Consultation on guidance

- (1) Before issuing guidance under this Part, the Secretary of State must consult—
 - (a) such representatives of local government, and
 - (b) such other persons (if any),
 as the Secretary of State considers appropriate.
- (2) The reference in subsection (1) to representatives of local government includes representatives of any persons who are, or are capable of being, partner authorities for the area covered by a multi-area agreement.

Commencement Information

I16 S. 136 in force at 12.1.2010, see s. 148(7)

137 Interpretation

In this Part—

- “the agreement area” has the meaning given by section 133(1);
- “improvement target” has the meaning given by section 121(4);
- “local authority” has the meaning given by section 122;
- “multi-area agreement” has the meaning given by section 121(2);
- “non-unitary district council” has the meaning given by section 124(3);
- “partner authority” has the meaning given by section 123;
- “the proposed area” has the meaning given by section 124(1);
- “the responsible authority”, in relation to a draft multi-area agreement, means the local authority nominated under section 124(4) to be responsible for preparing and submitting the draft;
- “the responsible authority”, in relation to a multi-area agreement, has the meaning given by section 131;
- “revision proposal” has the meaning given by section 132(2).

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Commencement Information

I17 S. 137 in force at 12.1.2010, see s. 148(7)

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