



Cities and Local Government Devolution Act 2016

2016 CHAPTER 1

Combined authorities and EPBs: areas and procedure

14 Requirements in connection with establishment etc of combined authority

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- (2) In section 103, omit subsection (6) (combined authorities: area must have been included in a scheme under section 109).
- (3) In section 104 (constitution and functions of combined authorities: transport), after subsection (9) (inserted by section 8(1) above) insert—
 - “(10) An order under this section may be made in relation to a combined authority only with the consent of—
 - (a) the constituent councils, and
 - (b) in the case of an order in relation to an existing combined authority, the combined authority.
 - (11) In subsection (10) “constituent council” means—
 - (a) a county council the whole or any part of whose area is within the area or proposed area of the combined authority, or
 - (b) a district council whose area is within the area or proposed area of the combined authority.
 - (12) Subsection (10) is subject to section 106A.”
- (4) In section 105 (constitution and functions of combined authorities: economic development and regeneration), after subsection (3) insert—
 - “(3A) An order under this section may be made in relation to a combined authority only with the consent of—
 - (a) the constituent councils (as defined by section 104(11)), and

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- (b) in the case of an order in relation to an existing combined authority, the combined authority.
- (3B) Subsection (3A) is subject to section 106A.”
- (5) In section 106 (changes to boundaries of a combined authority's area)—
 - (a) in subsection (2), omit paragraph (b);
 - (b) omit subsection (3);
 - (c) after subsection (3) insert—
 - “(3A) An order under this section adding or removing a local government area to or from an existing area of a combined authority may be made only if—
 - (a) the relevant council in relation to the local government area consents,
 - (b) the combined authority consents, and
 - (c) the mayor for the area of the combined authority (if it is a mayoral combined authority) also consents.
 - (3B) For the purposes of subsection (3A)(a), the “relevant council” in relation to a local government area is—
 - (a) if the local government area is the area of a county council, the county council;
 - (b) if the local government area is the area of a district council whose area does not form part of the area of a county council, the district council;
 - (c) if the local government area is the area of a district council whose area forms part of the area of a county council, the district council or the county council.
 - (3C) If there are two relevant councils in relation to a local government area by virtue of subsection (3B)(c), the condition in subsection (3A) for the relevant council to consent is met if—
 - (a) in the case of an order under subsection (1)(a), either or both of the relevant councils consent;
 - (b) in the case of an order under subsection (1)(b), both of the relevant councils consent.
 - (3D) Subsections (2) and (3A) do not apply to an order under subsection (1) (b) that is made as a result of the duty in section 105B(5) or 107B(4).”
- (6) After section 106 insert—

“106A Section 106(1)(a) orders: consent requirements under other powers

- (1) Subsection (2) applies where—
 - (a) the area of a district council is added to the area of a combined authority by an order under section 106(1)(a),
 - (b) the area of the district council forms part of the area of a county council,

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- (c) the Secretary of State proposes to exercise a relevant power as a result of, or otherwise in connection with, the making of the order, and
 - (d) (apart from subsection (2)) the relevant power is exercisable only with the consent of (among other authorities) the county council mentioned in paragraph (b).
 - (2) The relevant power is exercisable whether or not the county council consents.
 - (3) Subsection (4) applies where—
 - (a) the area of a county council is added to the area of a combined authority by an order under section 106(1)(a),
 - (b) the area of the county council includes the areas of district councils,
 - (c) the Secretary of State proposes to exercise a relevant power as a result of, or otherwise in connection with, the making of the order, and
 - (d) (apart from subsection (4)) the relevant power is exercisable only with the consent of (among other authorities) a district council within paragraph (b).
 - (4) The relevant power is exercisable whether or not the district council consents.
 - (5) In this section, “relevant power” means a power—
 - (a) to make an order under section 104, 105 or 105A, or
 - (b) to make regulations under—
 - (i) section 74 of the Local Government Finance Act 1988 (by virtue of subsection (8) of that section), or
 - (ii) section 23(5) of the Local Government Act 2003.”
- (7) In section 110 (requirements in connection with establishment of combined authority), for subsections (1) to (3) substitute—
 - “(1) The Secretary of State may make an order establishing a combined authority for an area only if—
 - (a) the Secretary of State considers that to do so is likely to improve the exercise of statutory functions in the area or areas to which the order relates,
 - (b) the constituent councils consent, and
 - (c) any consultation required by subsection (2) has been carried out.
 - (1A) If a scheme for the establishment of the combined authority has been prepared and published under section 109 the Secretary of State must have regard to that scheme in making the order.
 - (2) The Secretary of State must carry out a public consultation unless—
 - (a) a scheme has been prepared and published under section 109,
 - (b) the constituent councils carried out a public consultation in connection with the proposals contained in the scheme and provided the Secretary of State with a summary of the consultation responses, and
 - (c) the Secretary of State considers that no further consultation is necessary.
 - (3) In this section “constituent council” means—

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- (a) a county council the whole or any part of whose area is within the area for which the combined authority is to be established, or
 - (b) a district council whose area is within the area for which the combined authority is to be established.”
- (8) In section 113 (requirements in connection with changes to existing combined arrangements), for subsections (1) and (2) substitute—
 - “(1) The Secretary of State may make an order under section 104, 105, 106 or 107 in relation to an existing combined authority only if—
 - (a) the Secretary of State considers that to do so is likely to improve the exercise of statutory functions in the area or areas to which the order relates, and
 - (b) any consultation required by subsection (2) has been carried out.
 - (1A) If a scheme has been prepared and published under section 112 the Secretary of State must have regard to that scheme in making the order.
 - (2) The Secretary of State must carry out a public consultation unless—
 - (a) a scheme has been prepared and published under section 112,
 - (b) the authorities that prepared and published the scheme carried out a public consultation in connection with the proposals contained in the scheme and provided the Secretary of State with a summary of the consultation responses, and
 - (c) the Secretary of State considers that no further consultation is necessary.”

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