



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 6

ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

Constitution and functions of EPBs

89 Constitution

- (1) The Secretary of State may by order make provision in relation to an EPB about—
 - (a) the membership of the EPB;
 - (b) the voting powers of members of the EPB;
 - (c) the executive arrangements of the EPB.
- (2) The provision that may be made about membership includes provision about—
 - (a) the number and appointment of members of the EPB;
 - (b) the remuneration of, and pensions or allowances payable to or in respect of, any member of the EPB.
- (3) The provision that may be made about voting powers includes provision for different weight to be given to the vote of different descriptions of member.
- (4) The provision that may be made about executive arrangements includes provision about—
 - (a) the appointment of an executive;
 - (b) the functions of the EPB that are the responsibility of an executive;
 - (c) the functions of the EPB that are the responsibility of an executive and that may be discharged by a committee of the EPB or by a body other than the EPB;
 - (d) arrangements relating to the review and scrutiny of the discharge of functions;
 - (e) access to information on the proceedings of an executive of the EPB;

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- (f) the disapplication of section 15 of the [Local Government and Housing Act 1989 \(c. 42\)](#) (duty to allocate seats to political groups) in relation to an executive of the EPB or a committee of such an executive;
 - (g) the keeping of a record of any arrangements relating to the EPB and falling within paragraphs (a) to (f).
- (5) An order under this section may not provide for the budget of an EPB to be agreed otherwise than by the EPB.

90 Constitution: membership and voting

- (1) An order under section 89 that includes provision about the number and appointment of members of an EPB must provide—
- (a) for a majority of the members of the EPB to be appointed by the EPB’s constituent councils,
 - (b) for those members to be appointed from among the elected members of the constituent councils, and
 - (c) for each constituent council that is a representative council to appoint at least one of its elected members as a member of the EPB.
- (2) For the purposes of this section—
- (a) a county council is a constituent council of an EPB if the area of the county council, or part of that area, is within the EPB’s area;
 - (b) a district council is a constituent council of an EPB if the area of the district council is within the EPB’s area.
- (3) For the purposes of this section, the following are representative councils in relation to an EPB—
- (a) if the EPB’s area coincides with or includes the whole of the area of a county council, the county council;
 - (b) if the EPB’s area includes part of the area of a county council—
 - (i) the county council, or
 - (ii) each district council for an area within that part, as determined by or in accordance with the order;
 - (c) if the EPB’s area includes the area of a unitary district council, the district council.
- (4) In this Part “unitary district council” means a district council whose area is not part of the area of a county council.
- (5) If an order under section 89 provides for members of an EPB to be appointed otherwise than from among the elected members of its constituent councils, the order must provide for those members to be non-voting members.
- (6) The voting members of an EPB may resolve that provision made in accordance with subsection (5) is not to apply in the case of the EPB.

91 Exercise of local authority functions

- (1) The Secretary of State may by order provide for a function of a local authority that is exercisable in relation to an area within an EPB’s area to be exercisable by the EPB in relation to the EPB’s area.

- (2) The Secretary of State may make an order under this section only if the Secretary of State considers that the function can appropriately be exercised by the EPB.
- (3) An order under this section may make provision for the function to be exercisable by the EPB either generally or subject to such conditions or limitations as may be specified in the order.
- (4) An order under this section may make provision—
 - (a) for the function to be exercisable by the EPB instead of by the local authority, or
 - (b) for the function to be exercisable by the EPB concurrently with the local authority.
- (5) An EPB must perform the functions that are exercisable by the EPB by virtue of this section with a view to promoting the economic development and regeneration of its area.
- (6) In this section “local authority” means—
 - (a) a county council, or
 - (b) a district council.

92 Funding

- (1) The Secretary of State may by order make provision—
 - (a) for the costs of an EPB to be met by its constituent councils, and
 - (b) about the basis on which the amount payable by each constituent council is to be determined.
- (2) For the purposes of this section—
 - (a) a county council is a constituent council of an EPB if the area of the county council, or part of that area, is within the EPB’s area;
 - (b) a district council is a constituent council of an EPB if the area of the district council is within the EPB’s area.

93 Accounts

- (1) Each EPB must keep a fund to be known as the general fund.
- (2) All receipts of the EPB must be carried to that fund.
- (3) All liabilities falling to be discharged by the EPB must be discharged out of that fund.
- (4) Accounts must be kept of—
 - (a) receipts carried to the general fund, and
 - (b) payments made out of the general fund.

94 Change of name

- (1) An EPB may change its name by a resolution in accordance with this section.
- (2) The resolution must be considered at a meeting of the EPB that is specially convened for the purpose.

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- (3) Particulars of the resolution must have been included in the notice of the meeting.
- (4) The resolution must be passed at the meeting by not less than two-thirds of the members of the EPB who vote on it.
- (5) An EPB that changes its name under this section must—
 - (a) send notice of the change to the Secretary of State, and
 - (b) publish the notice in such manner as the Secretary of State may direct.
- (6) A change of name under this section does not affect the rights or obligations of the EPB or any other person, or render defective any legal proceedings.
- (7) Any legal proceedings may be commenced or continued as if there had been no change of name.