



# 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.

- (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.

## 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.

## 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 \(c. 51\)](#);
  - (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.
- (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.

### *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.

#### **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.
- (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.

#### **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.

### **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
  - (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.

### **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

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- (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.

### **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.

#### *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.

#### *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.

### **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.

### **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.
- (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.

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- (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.

### **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.

#### *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.
- (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.

#### *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.



## 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).