



# 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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