



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 6

ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

Requirements in connection with orders about combined authorities

108 Review by authorities: new combined authority

- (1) Any two or more of the authorities to whom this section applies may undertake a review of [^{F1}the exercise of statutory functions in relation to an area (“the review area”) with a view to deciding whether to prepare and publish a scheme under section 109.]
- (2) This section applies to—
 - (a) a county council in England;
 - (b) a district council in England;
 - (c) an EPB;
 - (d) an ITA.
- (3) Where the review is being undertaken by a county council, the review area must include—
 - (a) the areas of one or more district councils that are within the area of the county council, or
 - (b) if there are no such areas, the area of the county council.
- (4) Where the review is being undertaken by a district council, the review area must include the area of the district council.
- (5) Where the review is being undertaken by an EPB, the review area must include one or more local government areas within the EPB's area.

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- (6) Where the review is being undertaken by an ITA, the review area must include one or more local government areas within the ITA's integrated transport area.
- (7) The review area may also include the area of any county council or district council in England that does not constitute or fall within the area of an authority undertaking the review.

Textual Amendments

F1 Words in s. 108(1) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **ss. 6(3), 25(2)**

Modifications etc. (not altering text)

C1 S. 108: functions made exercisable (E.) (18.3.2022) by [The North Yorkshire \(Structural Changes\) Order 2022 \(S.I. 2022/328\)](#), arts. 1(1), **7(3)(a)**

C2 S. 108 applied (E.) (18.3.2022) by [The Cumbria \(Structural Changes\) Order 2022 \(S.I. 2022/331\)](#), arts. 1(1), **17(a)**

Commencement Information

I1 S. 108 in force at 17.12.2009 by [S.I. 2009/3318](#), **art. 2(a)**

109 Preparation and publication of scheme: new combined authority

- (1) This section applies where two or more of the authorities that have undertaken a review under section 108 conclude that the establishment of a combined authority for an area would be likely to improve [^{F2}the exercise of statutory functions in relation to the area.]
- (2) The authorities may prepare and publish a scheme for the establishment of a combined authority for the area (“the scheme area”).
- (3) Subject as follows, the scheme area—
- must consist of or include the whole or any part of the review area,
 - may include one or more other local government areas, and
 - must meet [^{F3}condition A] in section 103.
- (4) The scheme area may not include a local government area unless each appropriate authority for that area—
- participates in the preparation of the scheme, or
 - consents to its inclusion in the scheme area.
- (5) For this purpose—
- a county council is an appropriate authority for a local government area that is or forms part of the area of that county council;
 - a district council is an appropriate authority for a local government area that is the area of that district council.

Textual Amendments

F2 Words in s. 109(1) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **ss. 6(4), 25(2)**

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F3 Words in s. 109(3)(c) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\), ss. 12\(4\), 25\(2\)](#)

Modifications etc. (not altering text)

C3 [S. 109](#): functions made exercisable (E.) (18.3.2022) by [The North Yorkshire \(Structural Changes\) Order 2022 \(S.I. 2022/328\)](#), arts. 1(1), 7(3)(b)

C4 [S. 109](#) applied (E.) (18.3.2022) by [The Cumbria \(Structural Changes\) Order 2022 \(S.I. 2022/331\)](#), arts. 1(1), 17(a)

Commencement Information

I2 [S. 109](#) in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(a\)](#)

110 Requirements in connection with establishment of combined authority

[^{F4}(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—

- (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.]

[^{F5}(3A) Subsection (3B) applies where the Secretary of State is considering whether to make an order establishing a combined authority for an area and—

- (a) part of the area is separated from the rest of it by one or more local government areas that are not within the area, or
- (b) a local government area that is not within the area is surrounded by local government areas that are within the area.

(3B) In deciding whether to make the order, the Secretary of State must have regard to the likely effect of the creation of the proposed combined authority on the exercise of functions equivalent to those of the proposed combined authority's functions in each local government area that is next to any part of the proposed combined authority area.]

(4) In making the order, the Secretary of State must have regard to the need—

- (a) to reflect the identities and interests of local communities, and

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(b) to secure effective and convenient local government.

Textual Amendments

- F4** S. 110(1)-(3) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **ss. 14(7)**, 25(2)
- F5** S. 110(3A)(3B) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **ss. 12(5)**, 25(2)

Commencement Information

- I3** S. 110 in force at 17.12.2009 by [S.I. 2009/3318](#), **art. 2(a)**

^{F6} 111 Review by authorities: existing combined authority

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Textual Amendments

- F6** S. 111 omitted (26.10.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 66(2)**, 255(2)(i) (with [ss. 66\(10\)\(12\)](#), 247)

^{F7} 112 Preparation and publication of scheme: existing combined authority

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Textual Amendments

- F7** S. 112 omitted (26.10.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 66(2)**, 255(2)(i) (with [ss. 66\(10\)\(12\)](#), 247)

^{F8} 112A Proposal for changes to existing combined arrangements

- (1) One or more authorities to which this section applies may—
- (a) prepare a proposal for the making of an order under section 104, 105, 105A, 106, 107, 107A, 107D or 107F in relation to an existing combined authority, and
 - (b) submit the proposal to the Secretary of State.
- (2) This section applies to the following authorities—
- (a) the combined authority;
 - (b) a county council the whole or any part of whose area is within the area of the combined authority;
 - (c) a district council whose area is within the area of the combined authority;
 - (d) in the case of a proposal for the making of an order under section 106 to add all or part of the area of a county council to the area of the combined authority, that county council;
 - (e) in the case of a proposal for the making of an order under section 106 to add the area of a district council to the area of the combined authority, that district council.

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- (3) Before submitting a proposal under this section to the Secretary of State, the authority or authorities preparing the proposal must—
 - (a) carry out a public consultation across—
 - (i) the area of the combined authority, and
 - (ii) in the case of a proposal for the making of an order under section 106 to add a local government area to the area of the combined authority, that local government area, and
 - (b) have regard to the results of the consultation in preparing the proposal for submission to the Secretary of State.
- (4) The requirements in subsection (3) may be satisfied by things done before the coming into force of this section.
- (5) Before a proposal under this section for the making of an order is submitted to the Secretary of State, each person who would have to consent to the making of the order must consent to the submission of the proposal.
- (6) If a proposal under this section is submitted to the Secretary of State by an authority, the authority is to be treated as having consented to its submission for the purposes of subsection (5).
- (7) In determining for the purposes of subsection (5) who would have to consent to the making of an order under section 105A, subsections (3) and (4) of section 105B (limited consent requirements) are to be disregarded.
- (8) In determining for the purposes of subsection (5) who would have to consent to the making of an order under section 107A, section 107B(3)(b) (limited consent requirements) is to be disregarded.
- (9) A proposal under this section must specify the purposes to be achieved by the order which it proposes should be made.
- (10) The Secretary of State may by regulations—
 - (a) make further provision about the matters which must be addressed by a proposal under this section;
 - (b) make provision about material which must be included in or submitted with a proposal under this section.
- (11) Regulations under subsection (10) may make incidental, supplementary, consequential, transitional, transitory or saving provision.]

Textual Amendments

F8 S. 112A inserted (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), ss. [66\(3\)](#), [255\(2\)\(i\)](#) (with ss. [66\(10\)\(12\)](#), [247](#))

113 Requirements in connection with changes to existing combined arrangements

[^{F9}(1) The Secretary of State may make an order under section 104, 105, [^{F10}105A, 106, 107, 107A, 107D or 107F] in relation to an existing combined authority only if—

- [^{F11}(a) the Secretary of State considers that to do so is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area,

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- (aa) the Secretary of State considers that to do so is appropriate having regard to the need—
 - (i) to secure effective and convenient local government, and
 - (ii) to reflect the identities and interests of local communities,
- (ab) where a proposal for the making of the order has been submitted under section 112A, the Secretary of State considers that making the order will achieve the purposes specified under [subsection \(9\)](#) of that section, and]
- (b) any consultation required by subsection (2) has been carried out.

[^{F12}(1A) If a proposal for the making of the order has been submitted under section 112A, the Secretary of State must have regard to the proposal in making the order.]

(2) The Secretary of State must carry out a public consultation unless—

- [^{F13}(a) a proposal has been prepared under section 112A,
- (b) a public consultation has been carried out in connection with the proposal and the Secretary of State has been provided with a summary of the consultation responses, and]
- (c) the Secretary of State considers that no further consultation is necessary.]

[^{F14}(2A) Subsection (2B) applies where the Secretary of State is considering whether to make an order under section 106 and—

- (a) part of the area to be created is separated from the rest of it by one or more local government areas that are not within the area, or
- (b) a local government area that is not within the area to be created is surrounded by local government areas that are within the area.

(2B) In deciding whether to make the order under section 106, the Secretary of State must have regard to the likely effect of the change to the combined authority's area on the exercise of functions equivalent to those of the combined authority's functions in each local government area that is next to any part of the area to be created by the order.]

^{F15}(3)

[^{F16}(4) This section does not apply to an order under section 106(1)(b) that is made as a result of the duty in section 105B(5) or 107B(4).]

Textual Amendments

- F9** S. 113(1)-(2) substituted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **ss. 14(8)**, 25(2)
- F10** Words in s. 113(1) substituted (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 66(5)**, 255(2)(i) (with [ss. 66\(10\)\(12\)](#), 247)
- F11** S. 113(1)(a)-(ab) substituted for s. 113(1)(a) (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 66(6)**, 255(2)(i) (with [ss. 66\(10\)\(12\)](#), 247)
- F12** S. 113(1A) substituted (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 66(7)**, 255(2)(i) (with [ss. 66\(10\)\(12\)](#), 247)
- F13** S. 113(2)(a)(b) substituted (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 66(8)**, 255(2)(i) (with [ss. 66\(10\)\(12\)](#), 247)
- F14** S. 113(2A)(2B) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **ss. 12(6)**, 25(2)
- F15** S. 113(3) omitted (26.10.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 66(9)**, 255(2)(i) (with [ss. 66\(10\)\(12\)](#), 247)

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F16 S. 113(4) inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\), s. 25\(2\), Sch. 5 para. 24](#)

Commencement Information

I4 S. 113 in force at 17.12.2009 by [S.I. 2009/3318, art. 2\(a\)](#)

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