



# 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—
  - (a) the effectiveness and efficiency of transport within the area covered by the review (“the review area”), and
  - (b) the effectiveness and efficiency of arrangements to promote economic development and regeneration within the review area.
- (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.

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- (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.
- (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.

### **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—
  - (a) the exercise of statutory functions relating to transport in the area,
  - (b) the effectiveness and efficiency of transport in the area,
  - (c) the exercise of statutory functions relating to economic development and regeneration in the area, and
  - (d) economic conditions in 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—
  - (a) must consist of or include the whole or any part of the review area,
  - (b) may include one or more other local government areas, and
  - (c) must meet conditions A to C in section 103.
- (4) The scheme area may not include a local government area unless each appropriate authority for that area—
  - (a) participates in the preparation of the scheme, or
  - (b) consents to its inclusion in the scheme area.
- (5) For this purpose—
  - (a) a county council is an appropriate authority for a local government area that is or forms part of the area of that county council;
  - (b) a district council is an appropriate authority for a local government area that is the area of that district council.

### **110 Requirements in connection with establishment of combined authority**

- (1) The Secretary of State may make an order establishing a combined authority for an area only if, having regard to a scheme prepared and published under section 109, the Secretary of State considers that to do so is likely to improve—
  - (a) the exercise of statutory functions relating to transport in the area,
  - (b) the effectiveness and efficiency of transport in the area,
  - (c) the exercise of statutory functions relating to economic development and regeneration in the area, and
  - (d) economic conditions in the area.
- (2) Before making the order, the Secretary of State must consult—

- (a) each appropriate authority, and
  - (b) such other persons (if any) as the Secretary of State considers appropriate.
- (3) For the purposes of this section—
- (a) a county council is an appropriate authority if the area of the county council, or part of that area, is within the area for which the combined authority is to be established;
  - (b) a district council is an appropriate authority if the area of the district council is within the area for which the combined authority is to be established;
  - (c) an EPB is an appropriate authority if the EPB’s area, or part of its area, is within the area for which the combined authority is to be established;
  - (d) an ITA is an appropriate authority if the ITA’s integrated transport area, or part of that area, is within the area for which the combined authority is to be established.
- (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
  - (b) to secure effective and convenient local government.

#### **111 Review by authorities: existing combined authority**

- (1) Any one or more of the authorities to whom this section applies may undertake, in relation to an existing combined authority, a review of one or more combined matters.
- (2) This section applies to—
- (a) a combined authority;
  - (b) a county council whose area, or part of whose area, is within an area of a combined authority or could be within a proposed area of a combined authority;
  - (c) a district council whose area is within an area of a combined authority or could be within a proposed area of a combined authority.
- (3) For the purposes of this section a “combined matter” is—
- (a) a matter in relation to which an order may be made under any of sections 104 to 107;
  - (b) in relation to the combined authority or any executive body of the combined authority, where that body exists at the time of the review, a matter concerning the combined authority or the executive body that the combined authority has power to determine.
- (4) The review must relate to one or more areas of a combined authority or proposed areas of a combined authority.
- (5) In this section and section 112 a “proposed area of a combined authority” means an area of a combined authority that may be created by an order under section 106 (changes to boundaries of a combined authority’s area).

#### **112 Preparation and publication of scheme: existing combined authority**

- (1) This section applies where one or more of the authorities that have undertaken a review under section 111 conclude that the exercise of the power to make an order under any one or more of sections 104 to 107 would be likely to improve—

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- (a) the exercise of statutory functions relating to transport in an area of a combined authority or a proposed area of a combined authority,
  - (b) the effectiveness and efficiency of transport in such an area,
  - (c) the exercise of statutory functions relating to economic development and regeneration in such an area, or
  - (d) economic conditions in such an area.
- (2) The authorities may prepare and publish a scheme relating to the exercise of the power or powers in question.
- (3) The reference in subsection (1) to an area of a combined authority includes an area that would cease to be an area of a combined authority if an order were made in relation to that area under section 107 (dissolution of a combined authority's area).

### **113 Requirements in connection with changes to existing combined arrangements**

- (1) The Secretary of State may make an order under any of sections 104 to 107 in relation to an existing combined authority only if, having regard to a scheme prepared and published under section 112, the Secretary of State considers that the making of the order is likely to improve—
- (a) the exercise of statutory functions relating to transport in the area or areas to which the order relates,
  - (b) the effectiveness and efficiency of transport in that area or those areas,
  - (c) the exercise of statutory functions relating to economic development and regeneration in that area or those areas, or
  - (d) economic conditions in that area or those areas.
- (2) Before making the order, the Secretary of State must consult—
- (a) such of the authorities mentioned in section 111(2), and
  - (b) such other persons (if any),
- as the Secretary of State considers appropriate.
- (3) 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
  - (b) to secure effective and convenient local government.