Cities and Local Government Devolution Act 2016

2016 CHAPTER 1

Mayoral combined authorities

4 Functions

(1) After section 107C of the Local Democracy, Economic Development and Construction Act 2009 (inserted by section 3 above) insert—

"**107D Functions of mayors: general**

(1) The Secretary of State may by order make provision for any function of a mayoral combined authority to be a function exercisable only by the mayor.

(2) In this Part references to "general functions", in relation to a mayor for the area of a combined authority, are to any functions exercisable by the mayor other than PCC functions.

(3) The mayor may arrange—
- (a) for the deputy mayor to exercise any general function of the mayor,
- (b) for another member or officer of the combined authority to exercise any such function, or
- (c) so far as authorised by an order made by the Secretary of State—
  - (i) for a person appointed as the deputy mayor for policing and crime by virtue of an order under paragraph 3(1) of Schedule 5C, or
  - (ii) for a committee of the combined authority, consisting of members appointed by the mayor (whether or not members of the authority),

to exercise any such function.

(4) An order under subsection (3)(c)(ii) may include provision—
- (a) about the membership of the committee;

(b) about the member of the committee who is to be its chair;

(c) about the appointment of members;

(d) about the voting powers of members (including provision for different weight to be given to the vote of different descriptions of member);

(e) about information held by the combined authority that must, or must not, be disclosed to the committee for purposes connected to the exercise of the committee's functions;

(f) applying (with or without modifications) sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).

(5) Provision in an order under subsection (1) for a function to be exercisable only by the mayor is subject to subsection (3); but the Secretary of State may by order provide that arrangements under subsection (3)—

(a) may authorise the exercise of general functions only of a description specified in the order, or

(b) may not authorise the exercise of general functions of a description so specified.

(6) Any general function exercisable by the mayor for the area of a combined authority by virtue of this Act is to be taken to be a function of the combined authority exercisable—

(a) by the mayor individually, or

(b) in accordance with arrangements made by virtue of this section or section 107E.

(7) An order under this section may—

(a) include provision for general functions to be exercisable by the mayor subject to conditions or limitations specified in the order (including, for example, a condition for general functions to be exercisable only with the consent of the appropriate authorities (as defined by section 107B (5)));

(b) provide for members or officers of a mayoral combined authority to assist the mayor in the exercise of general functions;

(c) confer ancillary powers on the mayor for the purposes of the exercise of general functions;

(d) authorise the mayor to appoint one person as the mayor's political adviser;

(e) provide for the terms and conditions of any such appointment;

(f) provide that functions that the mayoral combined authority discharges in accordance with arrangements under section 101(1)(b) of the Local Government Act 1972 (discharge of local authority functions by another authority) are to be treated as general functions exercisable by the mayor (so far as authorised by the arrangements).

(8) Provision under subsection (7)(c) may include provision conferring power on the mayor that is similar to any power exercisable by the mayoral combined authority—

(a) under section 113A, or

(b) under an order made under section 113D,

but the power conferred on the mayor may not include a power to borrow money.

(9) An order under this section may be made only with the consent of—
  (a) the appropriate authorities (as defined by section 107B(5)), and
  (b) in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.

(10) Where an order under this section is contained in the same instrument as an order made by virtue of section 107B(3)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (9) above.

107E Joint exercise of general functions

(1) The Secretary of State may by order make provision for, or in connection with, permitting arrangements under section 101(5) of the Local Government Act 1972 to be entered into in relation to general functions of a mayor for the area of a combined authority.

(2) Provision under subsection (1) may include provision—
  (a) for the mayor for the area of a combined authority to be a party to the arrangements in place of, or jointly with, the authority;
  (b) about the membership of any joint committee;
  (c) about the member of the joint committee who is to be its chair;
  (d) about the appointment of members to a joint committee;
  (e) about the voting powers of members of a joint committee (including provision for different weight to be given to the vote of different descriptions of member).

(3) Provision under subsection (2)(b) to (d) may include provision for the mayor or other persons—
  (a) to determine the number of members;
  (b) to have the power to appoint members (whether or not members of the combined authority or a local authority that is a party to the arrangements).

(4) Provision under subsection (2)(d) may include provision as to the circumstances in which appointments to a joint committee need not be made in accordance with sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).

(5) In this section references to a joint committee are to a joint committee falling within section 101(5)(a) of the Local Government Act 1972 that is authorised to discharge, by virtue of an order under this section, general functions of a mayor for the area of a combined authority.

107F Functions of mayors: policing

(1) The Secretary of State may by order provide for the mayor for the area of a combined authority to exercise functions of a police and crime commissioner in relation to that area.

(2) The reference in subsection (1) to functions of a police and crime commissioner is to any functions conferred on police and crime commissioners by or under—
   (a) Part 1 of the Police Reform and Social Responsibility Act 2011, or
   (b) any other Act (whenever passed).

(3) In this Part references to "PCC functions", in relation to a mayor for the area of a combined authority, are to the functions of a police and crime commissioner that are exercisable by the mayor by virtue of subsection (1).

(4) An order under subsection (1) may be made only with the consent of—
   (a) the appropriate authorities (as defined by section 107B(5)), and
   (b) in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.

(5) If an order is made under subsection (1) in relation to a combined authority's area—
   (a) the Secretary of State must by order provide that there is to be no police and crime commissioner for that area as from a specified date;
   (b) the Secretary of State may by order provide that any election of a police and crime commissioner for that area that would otherwise take place (whether before or after the specified date) by virtue of section 50(1)(b) of the Police Reform and Social Responsibility Act 2011 is not to take place.

(6) An order under subsection (5) may include provision—
   (a) for the term of office of a police and crime commissioner to continue until the date specified under subsection (5) (a) (in spite of section 50(7)(b) of the Police Reform and Social Responsibility Act 2011);
   (b) for an election to fill a vacancy in the office of a police and crime commissioner, which otherwise would take place under section 51 of that Act, not to take place if the vacancy occurs within a period of six months ending with the specified date.

(7) Schedule 5C contains further provision in connection with orders under this section.

(8) Any PCC function exercisable by the mayor for the area of a combined authority by virtue of this Act is to be taken to be a function of the combined authority exercisable—
   (a) by the mayor acting individually, or
   (b) by a person acting under arrangements with the mayor made in accordance with provision made under Schedule 5C.

(9) Where an order under subsection (1) is contained in the same instrument as an order made by virtue of section 107B(3)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (4) above."

(2) After Schedule 5B to that Act (inserted by section 2 above) insert, as Schedule 5C, the Schedule set out in Schedule 2 to this Act.

Changes to legislation:
There are currently no known outstanding effects for the Cities and Local Government Devolution Act 2016, Section 4.