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DRAFT STATUTORY INSTRUMENTS

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**2024 No.**

The North East Mayoral Combined Authority  
(Establishment and Functions) Order 2024

PART 9

Mayoral functions and funding

**Functions**

**42.**—(1) The functions of the Combined Authority specified in paragraph (2) are general functions exercisable only by the Mayor.

(2) The functions referred to in paragraph (1) are—

- (a) the functions of the Combined Authority corresponding to those specified in—
  - (i) section 17 of the HA 1985 (acquisition of land for housing purposes) insofar as they are exercisable for the purpose of acquiring land compulsorily in accordance with section 17(3); and
  - (ii) section 9(2) of the 2008 Act (acquisition of land);
- (b) the functions of the Combined Authority corresponding to those specified in sections 334 to 342 and 346 of the 1999 Act;
- (c) the functions of the Combined Authority corresponding to those specified in the following provisions of the 2000 Act—
  - (i) section 108 (local transport plans);
  - (ii) section 109 (further provision about plans: England);
  - (iii) section 112 (plans and strategies: supplementary);
  - (iv) section 154(1) (grants to bus service operators);
- (d) the power to pay grants under section 31 of the 2003 Act (power to pay grant);
- (e) the functions of the Combined Authority corresponding to the functions specified in the following provisions of the 2011 Act—
  - (i) section 197 (designation of mayoral development areas);
  - (ii) section 199 (exclusion of land from Mayoral development areas);
  - (iii) section 200 (transfer of property etc. to a Mayoral development corporation);
  - (iv) section 202 (functions in relation to Town and Country Planning);
  - (v) section 204 (removal or restriction of planning functions);
  - (vi) sections 214 to 217;
  - (vii) sections 219 to 221; and
  - (viii) paragraphs 1 to 4, 6 and 8 of Schedule 21 (Mayoral Development Corporations);

(f) the functions conferred by article 45 of this Order (conferral of the Business Rates Supplements functions).

(3) The exercise by the Mayor of the functions specified in paragraph (2)(a) requires the consent of each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised.

(4) The exercise by the Mayor of the functions corresponding to the functions contained in section 197(1) of the 2011 Act (designation of Mayoral development areas) requires the consent of each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised.

(5) The exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) of the 2011 Act (exclusion of land from Mayoral development areas) in respect of any Mayoral development area requires the consent of each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised.

(6) The exercise by the Mayor of the functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act (functions in relation to town and country planning) in respect of any Mayoral development area requires the consent of—

- (a) the Northumberland National Park Authority if the Combined Authority proposes to exercise the functions in respect of the whole or any part of the area of the Northumberland National Park; and
- (b) each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised.

(7) The exercise by the Mayor of any other function requires the consent of each Constituent Council Member whose constituent council's area contains any part of the land in relation to which the function is to be exercised if it would lead to a financial liability falling directly upon that constituent council or if the requirement for such consent is specified in the Combined Authority's constitution (see Schedule 1).

(8) Members and officers of the Combined Authority may assist the Mayor in the exercise of the functions referred to in paragraph (2).

(9) For the purposes of the exercise of the general functions mentioned in paragraph (1) the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or Combined Authority).

(10) The Mayor may not delegate any of their functions to their political adviser appointed under article 17.

### **Joint committees**

**43.—**(1) The Mayor may enter into arrangements jointly with the Combined Authority, the constituent councils and other councils in accordance with section 101(5) of the 1972 Act for the discharge of the general functions of the Combined Authority which are exercisable only by the Mayor pursuant to article 42(1).

(2) In this article “other council” means the council for a county or district in England, or another combined authority.

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(1) By virtue of section 101(1) of the 1972 Act, and subject to sections 101(1A) to (1E) and (10) of that Act or other express provision made by the 1972 Act or any subsequent Act, the Combined Authority may arrange for the discharge of any of its functions by a committee, a sub-committee or an officer of the Combined Authority, whilst further to section 101(5) of the 1972 Act, the Combined Authority may enter into joint arrangements with other local authorities in relation to the discharge of any of its functions. “Local authority” includes a combined authority (section 101(13)).

## Funding

**44.**—(1) Subject to paragraph (2) and article 26 (funding in respect of transport functions – levy), the constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of its functions are met.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions referred to in article 42(1) to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(3) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2) are met is to be determined by apportioning such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in equal shares between the constituent councils.

(4) In relation to the expenditure mentioned in paragraph (2)—

(a) to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (3)—

(i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure; and

(ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred;

(b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992(2) is to be disregarded from any calculation of the costs of the expenditure.

## Conferral of the Business Rate Supplements functions

**45.**—(1) The Combined Authority has, in relation to the Combined Area, functions corresponding to the functions conferred on the Greater London Authority in relation to Greater London by the Business Rate Supplements Act 2009 (“the BRSA”)(3).

(2) Paragraph (1) does not apply in relation to the function conferred by section 3(5) of the BRSA.

## Modification of BRSA in consequence of article 45

**46.** For the purposes of article 45, the BRSA (as defined in that article) applies to the Combined Authority as if—

(a) references to the Greater London Authority in section 2(1) (levying authorities) and in section 5(2) (prospectus) of the BRSA included references to the Combined Authority;

(b) references in that Act to a lower-tier authority include references to a constituent council whose area forms part of the Combined Area.

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(2) 1992 c. 14.

(3) 2009 c. 7.