



# 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 EPBs*

#### **97 Review by authorities: new EPB**

- (1) Any two or more of the authorities to whom this section applies may undertake a review of the effectiveness and efficiency of arrangements to promote economic development and regeneration within the area covered by the review (“the review area”).
- (2) This section applies to—
  - (a) a county council in England;
  - (b) a district council in England.
- (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) The review area may also include the area of any county council or district council in England not undertaking the review.

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*Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Requirements in connection with orders about EPBs. (See end of Document for details)*

#### Commencement Information

**11** S. 97 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(a\)](#)

### 98 Preparation and publication of scheme: new EPB

- (1) This section applies where two or more of the authorities that have undertaken a review under section 97 conclude that the establishment of an EPB for an area would be likely to improve—
  - (a) the exercise of statutory functions relating to economic development and regeneration in the area, and
  - (b) economic conditions in the area.
- (2) The authorities may prepare and publish a scheme for the establishment of an EPB 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 <sup>[F1]</sup>condition A] in section 88.
- (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.

#### Textual Amendments

**F1** Words in s. 98(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. 11\(4\), 25\(2\)](#)

#### Commencement Information

**12** S. 98 in force at 17.12.2009 by [S.I. 2009/3318](#), [art. 2\(a\)](#)

### 99 Requirements in connection with establishment of EPB

- (1) The Secretary of State may make an order establishing an EPB for an area only if, having regard to a scheme prepared and published under section 98, the Secretary of State considers that to do so is likely to improve—
  - (a) the exercise of statutory functions relating to economic development and regeneration in the area, and
  - (b) economic conditions in the area.
- (2) Before making the order, the Secretary of State must consult—

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- (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 EPB 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 EPB is to be established.
- [<sup>F2</sup>(3A) Subsection (3B) applies where the Secretary of State is considering whether to make an order establishing an EPB 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 EPB on economic development or regeneration in each local government area that is next to any part of the proposed EPB 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
  - (b) to secure effective and convenient local government.

**Textual Amendments**

**F2** S. 99(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. 11(5), 25(2)**

**Commencement Information**

**I3** S. 99 in force at 17.12.2009 by [S.I. 2009/3318](#), **art. 2(a)**

**100 Review by authorities: existing EPB**

- (1) Any one or more of the authorities to whom this section applies may undertake, in relation to an existing EPB, [<sup>F3</sup>a review of—
- (a) a matter in relation to which an order may be made under section 95 or 96;
  - (b) a matter concerning the EPB that the EPB has power to determine.]
- (2) This section applies to—
- (a) an EPB;
  - (b) a county council whose area, or part of whose area, is within an area of an EPB or could be within a proposed area of an EPB;
  - (c) a district council whose area is within an area of an EPB or could be within a proposed area of an EPB.
- <sup>F4</sup>(3) . . . . .
- (4) The review must relate to one or more areas of an EPB or proposed areas of an EPB.

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- (5) In this section and section 101 a “proposed area of an EPB” means an area of an EPB that may be created by an order under section 95 (changes to boundaries of an EPB’s area).

#### Textual Amendments

- F3** Words in s. 100(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. 13\(2\)\(a\), 25\(2\)](#)
- F4** S. 100(3) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of [Cities and Local Government Devolution Act 2016 \(c. 1\), ss. 13\(2\)\(b\), 25\(2\)](#)

#### Commencement Information

- I4** S. 100 in force at 17.12.2009 by [S.I. 2009/3318, art. 2\(a\)](#)

### 101 Preparation and publication of scheme: existing EPB

- (1) This section applies where one or more of the authorities that have undertaken a review under section 100 conclude that the exercise of the power to make an order under <sup>F5</sup>section 95 or 96] would be likely to improve—
- the exercise of statutory functions relating to economic development and regeneration in an area of an EPB or a proposed area of an EPB, or
  - economic conditions in such an area.
- (2) The authorities may prepare and publish a scheme relating to the power <sup>F6</sup>... in question.
- (3) The reference in subsection (1) to an area of an EPB includes an area that would cease to be an area of an EPB if an order were made in relation to that area under section 96 (dissolution of an EPB’s area).

#### Textual Amendments

- F5** Words in s. 101(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. 13\(3\)\(a\), 25\(2\)](#)
- F6** Words in s. 101(2) omitted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by virtue of [Cities and Local Government Devolution Act 2016 \(c. 1\), ss. 13\(3\)\(b\), 25\(2\)](#)

#### Commencement Information

- I5** S. 101 in force at 17.12.2009 by [S.I. 2009/3318, art. 2\(a\)](#)

### <sup>F7</sup>101A Application in respect of change to constitution, functions or funding: existing EPB

- (1) Any one or more of the authorities to whom this section applies may, in relation to an existing EPB, apply to the Secretary of State in respect of one or more EPB matters.
- (2) This section applies to—
- the EPB;
  - a county council whose area, or part of whose area, is within the area of the EPB;

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- (c) a district council whose area is within the area of the EPB.
- (3) For the purposes of this section an “EPB matter” is a matter in relation to which an order may be made under any of sections 89, 91 and 92.
- (4) An application to the Secretary of State under subsection (1) must—
  - (a) be made in writing;
  - (b) specify how the exercise of the power to make an order under any one or more of sections 89, 91 and 92 would be likely to improve—
    - (i) the exercise of statutory functions relating to economic development and regeneration in the area of the EPB, or
    - (ii) economic conditions in the area of the EPB.
- (5) An application may be made under this section only if every authority to whom this section applies consents to the making of the application.]

#### Textual Amendments

- F7** S. 101A 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. 13\(4\), 25\(2\)](#)

## 102 Requirements in connection with changes to existing EPB arrangements

- (1) The Secretary of State may make an order under any of sections 89, 91, 92, 95 and 96 in relation to an existing EPB only if, having regard to a scheme prepared and published under section 101 [<sup>F8</sup>or to an application made under section 101A], the Secretary of State considers that the making of the order is likely to improve—
  - (a) the exercise of statutory functions relating to economic development and regeneration in the area or areas to which the order relates, or
  - (b) 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 100(2) [<sup>F9</sup>or section 101A(2)], and
  - (b) such other persons (if any),as the Secretary of State considers appropriate.
- [<sup>F10</sup>(2A) Subsection (2B) applies where the Secretary of State is considering whether to make an order under section 95 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 95, the Secretary of State must have regard to the likely effect of the proposed change to the EPB's area on economic development or regeneration in each local government area that is next to any part of the area to be created by the order.]
- (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.

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#### **Textual Amendments**

- F8** Words in s. 102(1) 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. 13(5)(a)**, 25(2)
- F9** Words in s. 102(2)(a) 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. 13(5)(b)**, 25(2)
- F10** S. 102(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. 11(6)**, 25(2)

#### **Commencement Information**

- I6** S. 102 in force at 17.12.2009 by [S.I. 2009/3318](#), **art. 2(a)**

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