



# Cities and Local Government Devolution Act 2016

## 2016 CHAPTER 1

*Combined authorities: accountability etc*

### **8 Overview and scrutiny committees and audit committees**

(1) In section 104 of the Local Democracy, Economic Development and Construction Act 2009 (constitution and functions: transport), after subsection (8) insert—

“(9) Schedule 5A makes provision for combined authorities to have overview and scrutiny committees and audit committees; and provision made in an order under subsection (1) is subject to that Schedule.”

(2) After Schedule 5 to that Act insert, as Schedule 5A, the Schedule set out in Schedule 3 to this Act.

### **9 Funding of combined authorities**

(1) In section 74 of the Local Government Finance Act 1988 (levies), in subsection (10)—

(a) for “attributable to” substitute “attributable—

(a) to”;

(b) after “transport” insert “, or

(b) subject to subsection (11), to the exercise of any other functions.”

(2) After that subsection insert—

“(11) Regulations under this section by virtue of subsection (8) that include provision within subsection (10)(b) may be made only with the consent of—

(a) the constituent councils, and

(b) in the case of regulations in relation to an existing combined authority, the combined authority.

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*Status: This is the original version (as it was originally enacted).*

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- (12) Subsection (11) is subject to section 106A of the Local Democracy, Economic Development and Construction Act 2009 (which enables regulations to be made without the consent of all the constituent councils in certain circumstances).
- (13) Regulations under this section by virtue of subsection (8) may not make provision in relation to expenses of a combined authority that are attributable to the exercise of mayoral functions.
- (14) In subsections (8) to (13)—
- “constituent council” means—
    - (a) a county council the whole or any part of whose area is within the area of the combined authority, or
    - (b) a district council whose area is within the area of the combined authority;
  - “mayoral functions” has the meaning given by section 107G(7) of the Local Democracy, Economic Development and Construction Act 2009.”
- (3) In section 23 of the Local Government Act 2003 (meaning of “local authority” for purposes of Part 1 of that Act), in subsection (5) after “only” insert “or in relation to any other functions of the authority that are specified for the purposes of this subsection in regulations made by the Secretary of State.”
- (4) After that subsection insert—
- “(6) A function of a combined authority may be specified in regulations under subsection (5) only with the consent of—
    - (a) each county council the whole or any part of whose area is within the area of the authority,
    - (b) each district council whose area is within the area of the authority, and
    - (c) in the case of regulations in relation to an existing combined authority, the combined authority.
  - (7) Subsection (6) is subject to section 106A of the Local Democracy, Economic Development and Construction Act 2009 (which enables regulations to be made without the consent of every authority within paragraphs (a) and (b) of that subsection in certain circumstances).
  - (8) The reference in subsection (5) to functions of the authority includes, in the case of a mayoral combined authority, mayoral functions.
  - (9) In subsection (8)—
    - “mayoral combined authority” has the meaning given by section 107A(8) of the Local Democracy, Economic Development and Construction Act 2009;
    - “mayoral functions” has the meaning given by section 107G(7) of that Act.
  - (10) No regulations under subsection (5) may be made unless a draft of the statutory instrument containing the regulations (whether containing them alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.”

- (5) In section 105 of the Local Democracy, Economic Development and Construction Act 2009 (constitution and functions of combined authorities: economic development and regeneration), omit subsection (4).

## **10 General power of competence**

After section 113C of the Local Democracy, Economic Development and Construction Act 2009 insert—

### **“113D General power of competence**

- (1) The Secretary of State may by order provide for Chapter 1 of Part 1 of the Localism Act 2011 (which confers a general power of competence on local authorities) to have effect in relation to a combined authority specified in the order as it has effect in relation to a local authority.
- (2) An order under this section may be made only with the consent of the appropriate authorities (as defined by section 107B(5)).
- (3) 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 (2) above.”