



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 2

#### LOCAL DEMOCRACY AND DEVOLUTION

### CHAPTER 1

#### COMBINED COUNTY AUTHORITIES

##### *CCAs and their areas*

## 9 Combined county authorities and their areas

- (1) The Secretary of State may by regulations establish as a body corporate a combined county authority (a “CCA”) for an area that meets the following conditions.
- (2) Condition A is that the area is wholly within England and consists of—
  - (a) the whole of the area of a two-tier county council, and
  - (b) the whole of one or more of—
    - (i) the area of a two-tier county council,
    - (ii) the area of a unitary county council, or
    - (iii) the area of a unitary district council.
- (3) Condition B is that no part of the area forms part of—
  - (a) the area of another CCA,
  - (b) the area of a combined authority, or
  - (c) the integrated transport area of an Integrated Transport Authority.
- (4) Regulations under subsection (1) must specify the name by which the CCA is to be known.
- (5) In this Chapter—

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“combined authority” means a combined authority established under section 103(1) of the Local Democracy, Economic Development and Construction Act 2009;

“economic prosperity board” means an economic prosperity board established under section 88(1) of that Act;

“Integrated Transport Authority” means an Integrated Transport Authority for an integrated transport area;

“two-tier county council” means a county council whose area includes the areas of district councils;

“unitary county council” means a county council whose area does not include the areas of district councils;

“unitary district council” means a district council whose area does not form part of the area of a county council.

### *Constitution of CCAs*

## **10 Constitutional arrangements**

- (1) The Secretary of State may by regulations make provision about the constitutional arrangements of a CCA.
- (2) “Constitutional arrangements” in relation to a CCA means—
  - (a) the membership of the CCA (including the number and appointment of members of the CCA and the remuneration of, and pensions or allowances payable to or in respect of, any member of the CCA);
  - (b) the voting powers of members of the CCA (including provision for different weight to be given to the vote of different descriptions of member);
  - (c) the executive arrangements of the CCA;
  - (d) the functions of any executive body of the CCA.
- (3) In subsection (2)(c) “executive arrangements” means—
  - (a) the appointment of an executive;
  - (b) the functions of the CCA which are the responsibility of an executive;
  - (c) the functions of the CCA which are the responsibility of an executive and which may be discharged by a committee of the CCA or by a body other than the CCA;
  - (d) arrangements relating to the review and scrutiny of the discharge of functions;
  - (e) access to information on the proceedings of an executive of the CCA;
  - (f) the disapplication of section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) in relation to an executive of the CCA or a committee of such an executive;
  - (g) the keeping of a record of any arrangements relating to the CCA and falling within paragraphs (a) to (f).
- (4) Regulations under subsection (1) which, by virtue of subsection (2)(a), include provision about the number and appointment of members of the CCA must provide—
  - (a) for the members of the CCA other than—
    - (i) the mayor (in the case of a mayoral CCA),
    - (ii) the CCA’s non-constituent members (see section 11), and
    - (iii) the CCA’s associate members (see section 12),

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- to be appointed by the CCA's constituent councils, and
- (b) for each of the constituent councils to appoint at least one of its elected members as a member of the CCA.
- (5) The provision which may be made by regulations under subsection (1) by virtue of subsection (2)(d) includes—
- (a) provision setting up or dissolving an executive body of a CCA, or merging two or more executive bodies of a CCA;
- (b) provision conferring functions on, or removing functions from, an executive body of a CCA;
- (c) provision transferring functions of a CCA to an executive body of the CCA, and transferring functions of an executive body of a CCA to the CCA.
- (6) Regulations under subsection (1) may not provide for the budget of a CCA to be agreed otherwise than by the CCA.
- (7) The power to make regulations under subsection (1) is subject to—
- (a) sections 11 and 12 and regulations under section 13(1) (non-constituent and associate members), and
- (b) sections 14(4) and 25(9) and (12) (procedure for CCA consents).
- (8) Regulations under subsection (1) may be made in relation to a CCA only with the consent of—
- (a) the constituent councils, and
- (b) in the case of regulations in relation to an existing CCA, the CCA.
- (9) If the only provision made under subsection (1) in regulations under this Chapter is provision as a result of regulations under section 25(1) (changes to boundaries of a CCA's area)—
- (a) subsection (8) does not apply to the regulations under this Chapter, and
- (b) subsections (6) to (13) of section 25 apply in relation to the regulations as if they contained the provision made by the regulations under subsection (1) of that section.
- (10) If the only provision made under subsection (1) in regulations under this Chapter is provision as a result of regulations to which section 31 applies (procedure for direct conferral of general functions on mayor)—
- (a) subsection (8) does not apply to the regulations under this Chapter, and
- (b) the regulations may be made only with the consent of the mayor for the CCA.
- (11) In this Chapter “constituent council”, in relation to a CCA or proposed CCA, means—
- (a) a county council for an area within the CCA's area or proposed area, or
- (b) a unitary district council for an area within the CCA's area or proposed area.

## **11 Non-constituent members of a CCA**

- (1) A CCA may designate a body other than a constituent council as a nominating body for the purposes of this Chapter.
- (2) A nominating body may be designated under subsection (1) only if the body consents to the designation.

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- (3) A nominating body of a CCA may nominate a representative of the body for appointment by the CCA as a member (a “non-constituent member”).
- (4) The non-constituent members of a CCA are to be non-voting members of that authority unless the voting members resolve otherwise.
- (5) A resolution under subsection (4) does not permit non-constituent members to vote on a decision whether the CCA should consent to the making of regulations under this Chapter.

## **12 Associate members of a CCA**

- (1) A CCA may appoint an individual to be a member (“an associate member”) of the CCA.
- (2) The associate members of a CCA are to be non-voting members of the CCA.

## **13 Regulations about members**

- (1) The Secretary of State may by regulations make provision about—
  - (a) constituent members of a CCA;
  - (b) the mayor for the area of a CCA in the mayor’s capacity as a member of the CCA;
  - (c) nominating bodies of a CCA;
  - (d) non-constituent members of a CCA;
  - (e) associate members of a CCA.
- (2) The provision that may be made by regulations under subsection (1) includes, in particular, provision about—
  - (a) the cases in which a decision of a CCA requires a majority, or a particular kind of majority, of the votes of members of a particular kind;
  - (b) the process for the designation of a nominating body or the removal of such a designation;
  - (c) the number of nominating bodies that may be designated by a CCA;
  - (d) the number of non-constituent members that may be appointed by a nominating body of a CCA;
  - (e) the appointment, disqualification, resignation or removal of a non-constituent member;
  - (f) the appointment of a substitute member to act in place of a non-constituent member;
  - (g) the maximum number of non-constituent members of a CCA;
  - (h) the making by a nominating body of a CCA of payments towards the costs of the CCA;
  - (i) the things which may or may not be done by, or in relation to, a non-constituent member;
  - (j) the appointment, disqualification, resignation or removal of an associate member;
  - (k) the appointment of a substitute member to act in place of an associate member;
  - (l) the maximum number of associate members of a CCA;

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- (m) the things which may or may not be done by, or in relation to, an associate member.
- (3) Regulations under subsection (1) may confer a discretion on a CCA to determine any matter.
- (4) In this section “constituent member”, in relation to a CCA, means a member of the CCA (other than any mayor for the area of the CCA) appointed by a constituent council.

#### **14 Review of CCA’s constitutional arrangements**

- (1) This section applies if regulations under section 10(1) (constitution of CCA) enable a CCA to make provision about its constitution (“constitutional provision”).
- (2) An appropriate person may carry out a review of the CCA’s constitutional provision if—
  - (a) an appropriate person proposes a review, and
  - (b) the CCA consents to the review.
- (3) If an appropriate person carries out a review under subsection (2), they may propose changes to the CCA’s constitutional provision as a result of the review for agreement by the CCA.
- (4) The question of whether to consent under subsection (2)(b) or to agree to changes proposed under subsection (3) is to be decided at a meeting of the CCA by a simple majority of the voting members of the CCA who are present at the meeting.
- (5) In the case of a mayoral CCA—
  - (a) a majority in favour of consenting under subsection (2)(b) does not need to include the mayor, but
  - (b) a majority in favour of changes proposed under subsection (3) must include the mayor.
- (6) The reference in subsection (4) to a voting member—
  - (a) includes a substitute member who may act in place of a voting member;
  - (b) does not include a non-constituent member.
- (7) In this section “appropriate person”, in relation to a CCA, means—
  - (a) a member of the CCA appointed by a constituent council, or
  - (b) the mayor for the area of the CCA, if it is a mayoral CCA (see section 27(8)).

#### **15 Overview and scrutiny committees**

- (1) Schedule 1 makes provision for CCAs to have overview and scrutiny committees and audit committees.
- (2) Provision made by regulations under section 10(1) is subject to that Schedule.

#### **16 Funding**

- (1) The Secretary of State may by regulations make provision—
  - (a) for the costs of a CCA to be met by its constituent councils, and

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- (b) about the basis on which the amount payable by each constituent council is to be determined.
- (2) Regulations under subsection (1) may be made in relation to a CCA only with the consent of—
  - (a) the constituent councils, and
  - (b) in the case of regulations in relation to an existing CCA, the CCA.
- (3) Subsection (1) is subject to regulations under section 13(1) (CCA membership).

## 17 Change of name

- (1) A CCA may, by a resolution in relation to which the requirements mentioned in subsection (2) are met, change the name by which it is known.
- (2) The requirements are—
  - (a) that the resolution is considered at a meeting of the CCA which is specially convened for the purpose,
  - (b) that particulars of the resolution were included in the notice of the meeting, and
  - (c) that the resolution is passed at the meeting by not less than two-thirds of the members of the CCA who vote on it.
- (3) A CCA which changes its name under this section must—
  - (a) send notice of the change to the Secretary of State, and
  - (b) publish the notice in such manner as the Secretary of State may direct.
- (4) A change of name under this section does not affect the rights or obligations of the CCA concerned or any other person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

### *Functions of CCAs*

## 18 Local authority functions

- (1) The Secretary of State may by regulations provide for a function of a county council or a district council that is exercisable in relation to an area which is within a CCA's area to be exercisable by the CCA in relation to the CCA's area.
- (2) The Secretary of State may make regulations under subsection (1) only if the Secretary of State considers that the function can appropriately be exercised by the CCA.
- (3) Regulations under subsection (1) may make provision for the function to be exercisable by the CCA either generally or subject to such conditions or limitations as may be specified in the regulations.
- (4) Regulations under subsection (1) which provide for a function of a county council or a unitary district council to be exercisable by a CCA may make provision for the function to be exercisable by the CCA instead of by the county council or unitary district council.
- (5) Regulations under subsection (1) which provide for a function of a county council or a district council to be exercisable by a CCA may make provision—

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- (a) for the function to be exercisable by the CCA concurrently with the county council or district council,
  - (b) for the function to be exercisable by the CCA and the county council or district council jointly, or
  - (c) for the function to be exercisable by the CCA jointly with the county council or district council but also continue to be exercisable by the council alone.
- (6) Regulations under subsection (1) may be made in relation to a CCA only with the consent of—
- (a) the constituent councils, and
  - (b) in the case of regulations in relation to an existing CCA, the CCA.

## **19 Other public authority functions**

- (1) The Secretary of State may by regulations—
- (a) make provision for a function of a public authority that is exercisable in relation to a CCA's area to be a function of the CCA;
  - (b) make provision for conferring on a CCA in relation to its area a function corresponding to a function that a public authority has in relation to another area.
- (2) Regulations under subsection (1) may include further provision about the exercise of the function including—
- (a) provision for the function to be exercisable by the public authority or CCA subject to conditions or limitations specified in the regulations;
  - (b) provision as to joint working arrangements between the CCA and public authority in connection with the function (for example, provision for the function to be exercised by a joint committee).
- (3) The provision that may be included in regulations under subsection (1)(a) includes, in particular, provision—
- (a) for the CCA to have the function instead of the public authority,
  - (b) for the function to be exercisable by the CCA concurrently with the public authority,
  - (c) for the function to be exercisable by the CCA and the public authority jointly, or
  - (d) for the function to be exercisable by the CCA jointly with the public authority but also continue to be exercisable by the public authority alone.
- (4) Regulations under subsection (1)(a) may, in particular, include provision to abolish the public authority in a case where, as a result of the regulations, it will no longer have any functions.
- (5) Regulations under subsection (1) may not provide for a regulatory function that is exercisable by a public authority in relation to the whole of England to be exercisable by a CCA in relation to its area if the regulated function is itself exercisable by the CCA by virtue of regulations under this section.
- (6) Subsection (7) applies where regulations under subsection (1) contain a reference to a document specified or described in the regulations (for example, in imposing a condition by virtue of subsection (2)(a) for an authority to have regard to, or to comply with, a statement of policy or standards set out in the document).



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- (7) If it appears to the Secretary of State necessary or expedient for the reference to the document to be construed—
- (a) as a reference to that document as amended from time to time, or
  - (b) as including a reference to a subsequent document that replaces that document, the regulations may make express provision to that effect.
- (8) See also section 18 of the Cities and Local Government Devolution Act 2016 (devolving health service functions) which contains further limitations.
- (9) In this section—
- “function” (except in subsection (4)) does not include a power to make regulations or other instruments of a legislative character;
- “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
- “public authority”—
- (a) includes a Minister of the Crown or a government department;
  - (b) does not include a county council or a district council;
- “regulated function” means the function of carrying out an activity to which a regulatory function relates;
- “regulatory function” has the meaning given by section 32 of the Legislative and Regulatory Reform Act 2006.

## 20 Section 19 regulations: procedure

- (1) The Secretary of State may make regulations under section 19(1) only if—
- (a) a proposal for the making of the regulations in relation to the CCA has been made to the Secretary of State—
    - (i) as part of a proposal under section 45, or
    - (ii) in accordance with section 47, or
  - (b) the appropriate consent is given and the Secretary of State considers that the making of the regulations is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area or areas to which the regulations relate.
- (2) For the purposes of subsection (1)(b), the appropriate consent is given to the making of regulations under section 19(1) only if—
- (a) in the case of regulations relating to an existing CCA, each appropriate authority consents;
  - (b) in any other case, each constituent council consents.
- (3) The requirements in subsection (1) do not apply where the regulations are made under sections 19(1) and 30(1) in relation to an existing mayoral CCA and provide for a function—
- (a) to be a function of the CCA, and
  - (b) to be a function exercisable only by the mayor.
- See section 31 in relation to regulations of this kind.
- (4) The requirement in subsection (1)(b) for the appropriate consent to be given to the making of regulations under section 19(1) does not apply where—



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- (a) the regulations revoke (in whole or in part), or otherwise amend, previous regulations under section 19(1), and
  - (b) the only purpose of the regulations is to provide for a health service function of a CCA to cease to be exercisable by the CCA.
- (5) In subsection (4)(b) “health service function of a CCA” means a function which—
- (a) relates to the health service, as defined by section 275(1) of the National Health Service Act 2006, and
  - (b) is exercisable by the CCA by virtue of regulations under section 19(1).
- (6) At the same time as laying a draft of a statutory instrument containing regulations under section 19(1) before Parliament, the Secretary of State must lay before Parliament a report explaining the effect of the regulations and why the Secretary of State considers it appropriate to make the regulations.
- (7) The report must include—
- (a) a description of any consultation taken into account by the Secretary of State,
  - (b) information about any representations considered by the Secretary of State in connection with the regulations, and
  - (c) any other evidence or contextual information that the Secretary of State considers it appropriate to include.
- (8) For the purposes of this section “the appropriate authorities” are—
- (a) each constituent council, and
  - (b) in the case of regulations in relation to an existing CCA, the CCA.

## **21 Integrated Transport Authority and Passenger Transport Executive**

- (1) The Secretary of State may by regulations transfer functions of an Integrated Transport Authority (an “ITA”) to a CCA.
- (2) Regulations under subsection (1) may only be made in relation to functions exercisable by the ITA in relation to an area that becomes, or becomes part of, the CCA’s area by virtue of regulations under this Chapter.
- (3) The Secretary of State may by regulations provide for any function that is conferred or imposed on a Passenger Transport Executive by any enactment (whenever passed or made) to be exercisable by a CCA or the executive body of a CCA in relation to the CCA’s area.
- (4) Regulations under subsection (3) may make provision for any function that—
- (a) is conferred or imposed on an ITA by any enactment (whenever passed or made), and
  - (b) relates to the functions of a Passenger Transport Executive, to be exercisable by a CCA in relation to the CCA’s area.
- (5) Regulations under this section may be made in relation to a CCA only with the consent of—
- (a) the constituent councils, and
  - (b) in the case of regulations in relation to an existing CCA, the CCA.

## 22 Directions relating to highways and traffic functions

- (1) The Secretary of State may by regulations confer on a CCA a power to give a direction about the exercise of an eligible power.
- (2) An “eligible power” means a power of a county council or a unitary district council which the council has—
  - (a) as highway authority by virtue of section 1 of the Highways Act 1980, or
  - (b) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984.
- (3) In this section references to a power do not include a reference to a duty.
- (4) A power of direction under this section must relate only to the exercise of an eligible power in—
  - (a) the area of the CCA, and
  - (b) the area of the authority subject to the direction.
- (5) A power of direction under this section must relate only to the exercise of an eligible power in respect of—
  - (a) a particular road (whether or not specified in the regulations), or
  - (b) a description of road (whether or not specified in the regulations).
- (6) In subsection (5) “road”—
  - (a) has the meaning given by section 142(1) of the Road Traffic Regulation Act 1984, and
  - (b) does not include any road which is the subject of a concession agreement under Part 1 of the New Roads and Street Works Act 1991.
- (7) A power of direction under this section must relate only to any one or more of—
  - (a) the provision of information about the exercise of an eligible power which the authority subject to the direction has or might reasonably be expected to acquire;
  - (b) the imposition on such an authority of requirements relating to procedures to be followed prior to the exercise of an eligible power;
  - (c) the imposition on such an authority of requirements relating to the obtaining of consent prior to the exercise of an eligible power;
  - (d) the imposition on such an authority of conditions subject to which an eligible power may be exercised (including conditions relating to the times at which, and the manner in which, an eligible power may be exercised);
  - (e) a requirement to exercise an eligible power (including a requirement to exercise an eligible power subject to conditions);
  - (f) a prohibition on the exercise of an eligible power.
- (8) A power of direction under this section may be conferred subject to conditions.
- (9) Any direction given by virtue of this section—
  - (a) must be given in writing and may be varied or revoked by a further direction in writing, and
  - (b) may make different provision for different cases and different provision for different areas.

- (10) If regulations under subsection (1) make provision for a direction by virtue of subsection (7)(e), the regulations must make provision for the direction not to have effect unless the CCA meets the cost of complying with the direction.
- (11) Except as provided for by section 24(7), regulations under subsection (1) may be made in relation to a CCA only with the consent of—
  - (a) the constituent councils, and
  - (b) in the case of regulations in relation to an existing CCA, the CCA.

### **23 Contravention of regulations under section 22**

- (1) Regulations under section 22(1) may provide that, if an authority exercises any power in contravention of a direction under such regulations, the CCA may take such steps as it considers appropriate to reverse or modify the effect of the exercise of the power.
- (2) For the purposes of subsection (1), the CCA has power to exercise any power of the authority subject to the direction on behalf of that authority.
- (3) Any reasonable expenses incurred by the CCA in taking any steps under subsection (1) are recoverable from the authority subject to the direction as a civil debt.

### **24 Designation of key route network roads**

- (1) A CCA may designate a highway or proposed highway in its area as a key route network road, or remove its designation as a key route network road, with the consent of—
  - (a) each constituent council in whose area the highway or proposed highway is, and
  - (b) in the case of a mayoral CCA, the mayor.
- (2) The Secretary of State may designate a highway or proposed highway in the area of a CCA as a key route network road, or remove its designation as a key route network road, if requested to do so by—
  - (a) the CCA,
  - (b) the mayor (if any) of the CCA, or
  - (c) a constituent council.
- (3) A designation or removal under this section must be in writing and must state when it comes into effect.
- (4) The Secretary of State must send a copy of a designation or removal under subsection (2) to the CCA in question at least 7 days before the date on which it comes into effect.
- (5) A CCA must publish each designation or removal under this section of a key route network road within its area before the date on which it comes into effect.
- (6) A CCA that has key route network roads in its area must keep a list or map (or both) accessible to the public showing those roads.
- (7) The requirements in section 22(11) and section 30(11)(a) do not apply to provision under section 22(1) and section 30(1) contained in the same instrument so far as that provision—

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- (a) confers a power of direction on an existing mayoral CCA regarding the exercise of an eligible power in respect of key route network roads in the area of that CCA,
  - (b) provides for that power of direction to be exercisable only by the mayor of the CCA, and
  - (c) is made with the consent of the mayor after the mayor has consulted the constituent councils.
- (8) When a mayor consents under [subsection \(7\)\(c\)](#), the mayor must give the Secretary of State—
- (a) a statement by the mayor that all of the constituent councils agree to the making of the regulations, or
  - (b) if the mayor is unable to make that statement, the reasons why the mayor considers the regulations should be made even though not all of the constituent councils agree to them being made.
- (9) In this section—
- “eligible power” has the meaning given by [section 22\(2\)](#);
  - “key route network road” means a highway or proposed highway designated for the time being under this section as a key route network road;
  - “proposed highway” means land on which, in accordance with plans made by a highway authority, that authority are for the time being constructing or intending to construct a highway shown in the plans.

### *Changes to CCAs*

## **25 Changes to boundaries of a CCA’s area**

- (1) The Secretary of State may by regulations change the boundaries of a CCA’s area by—
- (a) adding a relevant local government area to an existing area of a CCA, or
  - (b) removing a relevant local government area from an existing area of a CCA.
- (2) In this section “relevant local government area” means—
- (a) the area of a two-tier county council,
  - (b) the area of a unitary county council, or
  - (c) the area of a unitary district council.
- (3) Regulations under [subsection \(1\)\(b\)](#)—
- (a) may transfer functions relating to the relevant local government area from the CCA to any other public authority;
  - (b) may provide for any function of the CCA relating to the area to be no longer exercisable in relation to that area.
- (4) In [subsection \(3\)\(a\)](#) “public authority” includes—
- (a) a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975,
  - (b) a government department,
  - (c) a county council, and
  - (d) a district council.

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- (5) Regulations may be made under subsection (1) only if the area to be created by the regulations meets conditions A and B in section 9.
- (6) Regulations under subsection (1) adding or removing a relevant local government area to or from an existing area of a mayoral CCA may be made only if—
  - (a) the relevant council in relation to the relevant local government area consents, and
  - (b) the mayor for the area of the CCA consents.
- (7) Regulations under subsection (1) adding or removing a relevant local government area to or from an existing area of a CCA which is not a mayoral CCA may be made only if—
  - (a) the relevant council in relation to the relevant local government area consents, and
  - (b) the CCA consents.
- (8) For the purposes of subsections (6)(a) and (7)(a), the “relevant council” in relation to a relevant local government area is—
  - (a) if the local government area is the area of a county council, the county council;
  - (b) if the local government area is the area of a unitary district council, the unitary district council.
- (9) The question of whether to consent under subsection (7)(b) to regulations under subsection (1) is to be decided at a meeting of the CCA by a simple majority of the voting members of the authority who are present at the meeting.
- (10) Where regulations under subsection (1)(b) are made as a result of the duty in section 28(3)—
  - (a) subsection (5) does not apply, and
  - (b) neither subsection (6) nor subsection (7) applies.
- (11) Subsection (12) applies if a CCA has made provision about its constitution under regulations under section 10(1).
- (12) A decision about any change to that provision as a result of regulations under subsection (1) is to be decided at a meeting of the CCA by a simple majority of the voting members of the CCA who are present at the meeting.
- (13) A reference in this section to a voting member—
  - (a) includes a substitute member who may act in place of a voting member;
  - (b) does not include a non-constituent member.

## **26 Dissolution of a CCA’s area**

- (1) The Secretary of State may by regulations—
  - (a) dissolve a CCA’s area, and
  - (b) abolish the CCA for that area.
- (2) Regulations under subsection (1)—
  - (a) may transfer functions from the CCA to any other public authority;
  - (b) may provide for any function of the CCA to be no longer exercisable in relation to the CCA’s area.

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- (3) In subsection (2)(a) “public authority” includes—
- (a) a Minister of the Crown within the meaning of the Ministers of the Crown Act 1975,
  - (b) a government department,
  - (c) a county council, and
  - (d) a district council.
- (4) Regulations may be made under subsection (1) only if—
- (a) a majority of the constituent councils consent to the making of the regulations, and
  - (b) in the case of regulations made in relation to a mayoral CCA, the mayor for the area of the CCA also consents to the making of the regulations.

#### *Mayors for CCA areas*

### **27 Power to provide for election of mayor**

- (1) The Secretary of State may by regulations provide for there to be a mayor for the area of a CCA.
- (2) A mayor for the area of a CCA is to be elected by the local government electors for that area in accordance with provision made by or under this Chapter.
- (3) In subsection (2) “local government elector” has the meaning given by section 270(1) of the Local Government Act 1972.
- (4) Schedule 2 makes further provision about the election of mayors for areas of CCAs.
- (5) A mayor for the area of a CCA is entitled to the style of “mayor”.
- (6) A mayor for the area of a CCA is by virtue of that office a member of, and the chair of, the CCA.
- (7) Regulations under subsection (1) providing for there to be a mayor for the area of a CCA may not be revoked by making further regulations under subsection (1); but this does not prevent the making of regulations under section 26(1) abolishing the CCA (together with the office of mayor).
- (8) In this Chapter “mayoral CCA” means a CCA for an area for which provision is made in regulations under subsection (1) for there to be a mayor.

### **28 Requirements in connection with regulations under section 27**

- (1) The Secretary of State may make regulations under section 27(1) in relation to a CCA’s area if a proposal for there to be a mayor for the CCA’s area has been made to the Secretary of State—
  - (a) as part of a proposal under section 45, or
  - (b) in accordance with section 47.
- (2) Regulations under section 27(1) may also be made without any such proposal having been made if—
  - (a) the appropriate authorities consent, or

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- (b) in the case of an existing CCA, there are one or more non-consenting constituent councils but the CCA and at least two constituent councils consent.
- (3) Where regulations under section 27(1) are made by virtue of subsection (2)(b) of this section, the Secretary of State must make regulations under section 25(1)(b) to remove the area of each non-consenting constituent council from the existing area of the CCA.
- (4) For the purposes of this section “the appropriate authorities” are—
  - (a) the constituent councils, and
  - (b) in the case of regulations in relation to an existing CCA, the CCA.

## **29 Deputy mayors etc**

- (1) The mayor for the area of a CCA must appoint one of the members of the authority to be the mayor’s deputy.
- (2) The deputy mayor holds office until the end of the term of office of the mayor, subject to subsection (3).
- (3) A person ceases to be the deputy mayor if at any time—
  - (a) the mayor removes the person from office,
  - (b) the person resigns as deputy mayor, or
  - (c) the person ceases to be a member of the CCA.
- (4) If a vacancy occurs in the office of deputy mayor, the mayor must appoint another member of the CCA to be deputy mayor.
- (5) The deputy mayor must act in place of the mayor if for any reason—
  - (a) the mayor is unable to act, or
  - (b) the office of mayor is vacant.
- (6) If for any reason—
  - (a) the mayor is unable to act or the office of mayor is vacant, and
  - (b) the deputy mayor is unable to act or the office of deputy mayor is vacant,the other members of the CCA must act together in place of the mayor, taking decisions by a simple majority.
- (7) In this Chapter “deputy mayor”, in relation to a mayoral CCA, means the person appointed under this section by the mayor for the authority’s area.
- (8) References in this section to a member of a CCA do not include a non-constituent or associate member.

## **30 Functions of mayors: general**

- (1) The Secretary of State may by regulations make provision for any function of a mayoral CCA to be a function exercisable only by the mayor.
- (2) In this Chapter references to “general functions”, in relation to a mayor for the area of a CCA, are to any functions exercisable by the mayor other than PCC functions (see section 33(3)).
- (3) The mayor may arrange—
  - (a) for the deputy mayor to exercise any general function of the mayor,



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- (b) for another member or officer of the CCA to exercise any such function,
- (c) so far as authorised by regulations made by the Secretary of State—
  - (i) for a person appointed as the deputy mayor for policing and crime by virtue of regulations under paragraph 3(1) of Schedule 3, or
  - (ii) for a committee of the CCA, consisting of members appointed by the mayor (whether or not members of the CCA),
 to exercise any such function.
- (4) The reference in subsection (3)(b) to a member of a CCA does not include a non-constituent or associate member.
- (5) Regulations 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 CCA 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).
- (6) Regulations under subsection (3)(c) must provide that the committee must not consist solely of non-constituent or associate members.
- (7) Provision in regulations 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 regulations provide that arrangements under subsection (3)—
  - (a) may authorise the exercise of general functions only of a description specified in the regulations, or
  - (b) may not authorise the exercise of general functions of a description so specified.
- (8) Any general function exercisable by the mayor for the area of a CCA by virtue of this Act is to be taken to be a function of the CCA exercisable—
  - (a) by the mayor individually, or
  - (b) in accordance with arrangements made by virtue of this section or section 32 or 34.
- (9) Regulations under this section may—
  - (a) include provision for general functions to be exercisable by the mayor subject to conditions or limitations specified in the regulations (including, for example, a condition for general functions to be exercisable only with the consent of the appropriate authorities (as defined by section 28(4)));
  - (b) provide for members or officers of a mayoral CCA 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;

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- (e) provide for the terms and conditions of any such appointment;
  - (f) provide that functions that the mayoral CCA 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).
- (10) Provision under subsection (9)(c) may include provision conferring power on the mayor that is similar to any power exercisable by the mayoral CCA—
- (a) under section 49 (general power of CCA), or
  - (b) under regulations made under section 52(1) (general power of competence), but the power conferred on the mayor may not include a power to borrow money.
- (11) Except as provided for by section 24(7), regulations under this section may be made only with the consent of—
- (a) the appropriate authorities (as defined by section 28(4)), and
  - (b) in the case of regulations made in relation to an existing mayoral CCA, the mayor of the CCA.
- (12) Where regulations under this section are contained in the same instrument as regulations made by virtue of section 28(2)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (11).
- (13) The requirement in subsection (11) does not apply where the regulations are made under section 19(1) and subsection (1) of this section in relation to an existing mayoral CCA and provide for a function—
- (a) to be a function of the CCA, and
  - (b) to be a function exercisable only by the mayor.

See section 31 in relation to regulations of this kind.

### **31 Procedure for direct conferral of general functions on mayor**

- (1) This section applies in relation to regulations which are made under sections 19(1) and 30(1) in relation to an existing mayoral CCA and provide for a function—
- (a) to be a function of the CCA, and
  - (b) to be a function exercisable only by the mayor.
- (2) The Secretary of State may make the regulations only if a request for the making of the regulations has been made to the Secretary of State by the mayor.
- (3) Before submitting a request under this section, the mayor must consult the constituent councils.
- (4) A request under this section must contain—
- (a) a statement by the mayor that all of the constituent councils agree to the making of the regulations, or
  - (b) if the mayor is unable to make that statement, the reasons why the mayor considers the regulations should be made even though not all of the constituent councils agree to them being made.

**32 Joint exercise of general functions**

- (1) The Secretary of State may by regulations 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 CCA.
- (2) Provision under subsection (1) may include provision—
  - (a) for the mayor for the area of a CCA to be a party to the arrangements in place of, or jointly with, the CCA;
  - (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 CCA 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 regulations under this section, general functions of a mayor for the area of a CCA.

*Police and crime and fire and rescue functions***33 Functions of mayors: policing**

- (1) The Secretary of State may by regulations provide for the mayor for the area of a CCA 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 Chapter references to “PCC functions”, in relation to a mayor for the area of a CCA, are to the functions of a police and crime commissioner that are exercisable by the mayor by virtue of subsection (1).
- (4) Regulations under subsection (1) may be made in relation to an existing mayoral CCA only with the consent of the mayor of the CCA.
- (5) If regulations are made under subsection (1) in relation to a CCA’s area—

- (a) the Secretary of State must by regulations 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 regulations 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) Regulations under subsection (5) may include provision—
- (a) for the term of office of a police and crime commissioner to continue until the date specified in regulations 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 3 contains further provision in connection with regulations under this section.
- (8) Any PCC function exercisable by the mayor for the area of a CCA by virtue of this Act is to be taken to be a function of the CCA 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 3.

### **34 Exercise of fire and rescue functions**

- (1) This section applies to a mayor for the area of a CCA who—
- (a) by virtue of section 30(1), may exercise functions which are conferred on a fire and rescue authority in that name (“fire and rescue functions”), and
  - (b) by virtue of section 33(1), may exercise functions of a police and crime commissioner.
- (2) The Secretary of State may by regulations make provision—
- (a) authorising the mayor to arrange for the chief constable of the police force for the police area which corresponds to the area of the CCA to exercise fire and rescue functions exercisable by the mayor;
  - (b) authorising that chief constable to arrange for a person within subsection (4) to exercise the chief constable’s fire and rescue functions.
- (3) Regulations under subsection (2) may provide that arrangements made under the regulations—
- (a) may authorise the exercise of any functions mentioned in that subsection;
  - (b) may authorise the exercise of any functions mentioned in that subsection other than those specified or described in the regulations;
  - (c) may authorise the exercise of such of the functions mentioned in that subsection as are specified or described in the regulations.
- (4) The persons mentioned in subsection (2)(b) are—
- (a) members of the chief constable’s police force;
  - (b) the civilian staff of that police force, as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011;

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- (c) members of staff transferred to the chief constable under a scheme made by virtue of section 36(1);
  - (d) members of staff appointed by the chief constable under section 36(2).
- (5) Provision in regulations under section 30(1) for a function to be exercisable only by the mayor for the area of a CCA is subject to provision made by virtue of subsection (2).
- (6) This section is subject to—
- (a) section 35 (section 34 regulations: procedure), and
  - (b) section 37 of the Fire and Rescue Services Act 2004 (prohibition on employment of police in fire-fighting).
- (7) In this section “fire and rescue functions”, in relation to a chief constable, means—
- (a) functions which are exercisable by the chief constable by virtue of provision made under subsection (2)(a), and
  - (b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.

### **35 Section 34 regulations: procedure**

- (1) Regulations under section 34(2) may be made in relation to the mayor for the area of a CCA only if the mayor has requested the Secretary of State to make the regulations.
- (2) A request under subsection (1) must be accompanied by a report which contains—
- (a) an assessment of why—
    - (i) it is in the interests of economy, efficiency and effectiveness for the regulations to be made, or
    - (ii) it is in the interests of public safety for the regulations to be made,
  - (b) a description of any public consultation which the mayor has carried out on the proposal for the regulations to be made,
  - (c) a summary of the responses to any such consultation, and
  - (d) a summary of the representations (if any) which the mayor has received about that proposal from the constituent members of the CCA.
- (3) Before making the request the mayor must publish, in such manner as the mayor thinks appropriate, the mayor’s response to the representations made or views expressed in response to any consultations on the proposal.
- (4) Subsections (5) to (7) apply if—
- (a) the mayor for the area of a CCA makes a request under subsection (1) for the Secretary of State to make regulations under section 34(2), and
  - (b) at least two thirds of the constituent members of the CCA have indicated that they disagree with the proposal for the regulations to be made.
- (5) The mayor must, in providing the report under subsection (2), provide the Secretary of State with—
- (a) copies of the representations (if any) made by the constituent members of the CCA about that proposal, and
  - (b) the mayor’s response to those representations and to the responses to any public consultation which the mayor has carried out on that proposal.
- (6) The Secretary of State must—

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- (a) obtain an independent assessment of that proposal, and
  - (b) in deciding whether to make the regulations, have regard to that assessment and to the material provided under subsection (5) (as well as the material provided under subsection (2)).
- (7) The Secretary of State must publish the independent assessment—
- (a) as soon as is reasonably practicable after making a determination in response to the proposal, and
  - (b) in such manner as the Secretary of State thinks appropriate.
- (8) Regulations under section 34(2) may be made only if it appears to the Secretary of State that—
- (a) it is in the interests of economy, efficiency and effectiveness for the regulations to be made, or
  - (b) it is in the interests of public safety for the regulations to be made.
- (9) The Secretary of State may not make regulations under section 34(2) in a case within subsection (8)(a) of this section if the Secretary of State thinks that the regulations would have an adverse effect on public safety.
- (10) The Secretary of State may, in making regulations under section 34(2) in relation to the mayor for the area of a CCA, give effect to the mayor’s proposal for the regulations with such modifications as the Secretary of State thinks appropriate.
- (11) Before making regulations which give effect to such a proposal with modifications, the Secretary of State must consult the mayor and the CCA on the modifications.
- (12) In this section “constituent member”, in relation to a CCA, means a member of the CCA appointed by a constituent council (but does not include the mayor for the area of the CCA).

### **36 Section 34 regulations: further provision**

- (1) Regulations under section 34(2) may make provision for the making of a scheme to transfer property, rights and liabilities (including criminal liabilities)—
- (a) from a fire and rescue authority or the CCA to the chief constable, or
  - (b) from the chief constable to the CCA,
- (including provision corresponding to any provision made by section 17(4) to (6) of the Localism Act 2011).
- (2) A chief constable to whom regulations under section 34(2) apply may appoint staff for the purpose of the exercise of the chief constable’s fire and rescue functions.
- (3) A chief constable to whom regulations under section 34(2) apply may—
- (a) pay remuneration, allowances and gratuities to members of the chief constable’s fire and rescue staff;
  - (b) pay pensions to, or in respect of, persons who are or have been such members of staff;
  - (c) pay amounts for or towards the provision of pensions to, or in respect of, persons who are or have been such members of staff.
- (4) In subsection (3) “allowances”, in relation to a member of staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.



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- (5) Subject to subsections (6) to (8), a person who is employed pursuant to a transfer by virtue of subsection (1) or an appointment under subsection (2) may not at the same time be employed pursuant to an appointment by a chief constable of the police force for a police area under Schedule 2 to the Police Reform and Social Responsibility Act 2011.
- (6) Where regulations under section 34(2) are in force in relation to the chief constable of the police force for a police area, the person who is for the time being the police force's chief finance officer is to be responsible for the proper administration of financial affairs relating to the exercise of the chief constable's fire and rescue functions.
- (7) Subsection (5) does not prevent a person who is employed as a finance officer for fire functions from being at the same time employed as a finance officer for police functions.
- (8) In subsection (7)—
- “finance officer for fire functions” means a member of a chief constable's fire and rescue staff who—
- (a) is not a chief finance officer of the kind mentioned in subsection (6), and
- (b) is employed to carry out duties relating to the proper administration of financial affairs relating to the exercise of the chief constable's fire and rescue functions;
- “finance officer for police functions” means a member of a chief constable's civilian staff within the meaning of the Police Reform and Social Responsibility Act 2011 who—
- (a) is not a chief finance officer of the kind mentioned in subsection (6), and
- (b) is employed to carry out duties relating to the proper administration of a police force's financial affairs.
- (9) Where regulations under section 34(2) are in force, the CCA to which the regulations apply must pay—
- (a) any damages or costs awarded against the chief constable to whom the regulations apply in any proceedings brought against the chief constable in respect of the acts or omissions of a member of the chief constable's fire and rescue staff;
- (b) any costs incurred by the chief constable in any such proceedings so far as not recovered by the chief constable in the proceedings;
- (c) any sum required in connection with the settlement of any claim made against the chief constable in respect of the acts or omissions of a member of the chief constable's fire and rescue staff, if the settlement is approved by the CCA.
- (10) Where regulations under section 34(2) are in force, the CCA to which the regulations apply may, in such cases and to such extent as appears to the CCA to be appropriate, pay—
- (a) any damages or costs awarded against a member of the fire and rescue staff of the chief constable to whom the regulations apply in proceedings for any unlawful conduct of that member of staff;
- (b) costs incurred and not recovered by such a member of staff in such proceedings;
- (c) sums required in connection with the settlement of a claim that has or might have given rise to such proceedings.



(11) In this section—

“fire and rescue functions” has the same meaning as in section 34;

“fire and rescue staff”, in relation to a chief constable to whom regulations under section 34(2) apply, means—

- (a) staff transferred to the chief constable under a scheme made by virtue of subsection (1);
- (b) staff appointed by the chief constable under subsection (2).

### **37 Section 34 regulations: exercise of fire and rescue functions**

(1) This section applies if—

- (a) regulations under section 34(2) make provision in relation to the area of a CCA, and
- (b) by virtue of the regulations, fire and rescue functions exercisable by the mayor for the area of the CCA are exercisable by the chief constable of the police force for the police area which corresponds to that area.

(2) The chief constable must secure that good value for money is obtained in exercising—

- (a) functions which are exercisable by the chief constable by virtue of the regulations, and
- (b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.

(3) The chief constable must secure that other persons exercising functions by virtue of the regulations obtain good value for money in exercising those functions.

(4) The mayor must—

- (a) secure the exercise of the duties which are exercisable by the chief constable or another person by virtue of the regulations,
- (b) secure the exercise of the duties relating to fire and rescue services which are imposed on the chief constable by or by virtue of any enactment,
- (c) secure that functions which are exercisable by the chief constable or another person by virtue of the regulations are exercised efficiently and effectively, and
- (d) secure that functions relating to fire and rescue services which are conferred or imposed on the chief constable by or by virtue of any enactment are exercised efficiently and effectively.

(5) The mayor must hold the chief constable to account for the exercise of such functions.

### **38 Section 34 regulations: complaints and conduct matters etc**

(1) If regulations are made under section 34(2) that enable arrangements to be made for the exercise of functions by members of a police force or the civilian staff of a police force, the Secretary of State may by regulations amend Part 2 of the Police Reform Act 2002 (persons serving with the police: complaints and conduct matters etc) in consequence of that provision.

(2) If regulations are made under section 34(2) that enable arrangements to be made for the exercise of functions by members of staff transferred to a chief constable under a scheme made by virtue of section 36(1) or appointed by a chief constable under

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section 36(2), the Secretary of State may by regulations make provision of the type described in subsection (3) in relation to those members of staff.

- (3) The provision referred to in subsection (2) is—
  - (a) provision corresponding or similar to any provision made by or under Part 2 of the Police Reform Act 2002;
  - (b) provision applying (with or without modifications) any provision made by or under Part 2 of that Act.
- (4) The Secretary of State may by regulations, in consequence of any provision made under subsection (2), amend Part 2 of the Police Reform Act 2002.
- (5) Before making regulations under this section the Secretary of State must consult—
  - (a) the Police Advisory Board for England and Wales,
  - (b) the Director General of the Independent Office for Police Conduct,
  - (c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
  - (d) such persons as appear to the Secretary of State to represent the views of fire and rescue authorities, and
  - (e) such other persons as the Secretary of State considers appropriate.

### **39 Section 34 regulations: application of fire and rescue provisions**

- (1) The Secretary of State may by regulations—
  - (a) apply (with or without modifications) any provision of a fire and rescue enactment in relation to a person within subsection (2);
  - (b) make, in relation to a person within subsection (2), provision corresponding or similar to any provision of a fire and rescue enactment.
- (2) Those persons are—
  - (a) a chief constable of a police force for a police area to whom regulations under section 34(2) apply,
  - (b) a member of staff transferred to such a chief constable under a scheme made by virtue of section 36(1),
  - (c) a member of staff appointed by such a chief constable under section 36(2),
  - (d) a member of such a chief constable’s police force by whom functions are exercisable by virtue of section 34(2)(b), and
  - (e) a member of the civilian staff of such a police force (as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011) by whom functions are exercisable by virtue of section 34(2)(b).
- (3) The power conferred by subsection (1)(a) or (b) includes power to apply (with or without modifications) any provision made under a fire and rescue enactment or make provision corresponding or similar to any such provision.
- (4) The Secretary of State may by regulations amend, revoke or repeal a provision of or made under an enactment in consequence of provision made by virtue of subsection (1).
- (5) In this section “fire and rescue enactment” means an enactment relating to a fire and rescue authority (including, in particular, an enactment relating to an employee of such an authority or property of such an authority).

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- (6) References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.

#### **40 Section 34 regulations: application of local policing provisions**

- (1) The Secretary of State may by regulations—
- (a) apply (with or without modifications) any provision of a local policing enactment in relation to a person within subsection (2);
  - (b) make, in relation to such a person, provision corresponding or similar to any provision of a local policing enactment.
- (2) Those persons are—
- (a) a mayor for the area of a CCA to whom regulations under section 34(2) apply,
  - (b) a chief constable to whom such regulations apply, and
  - (c) a panel established by virtue of regulations under paragraph 4 of Schedule 3 for such an area.
- (3) The power conferred by subsection (1)(a) or (b) includes power to apply (with or without modifications) any provision made under a local policing enactment or make provision corresponding or similar to any such provision.
- (4) The Secretary of State may by regulations amend, revoke or repeal a provision of or made under an enactment in consequence of provision made by virtue of subsection (1).
- (5) In this section “local policing enactment” means an enactment relating to a police and crime commissioner.
- (6) References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.

#### *Financial matters relating to mayors*

#### **41 Mayors for CCA areas: financial matters**

- (1) The Secretary of State may by regulations make provision for the costs of a mayor for the area of a CCA that are incurred in, or in connection with, the exercise of mayoral functions to be met from precepts issued by the CCA under section 40 of the Local Government Finance Act 1992.
- (2) The function of issuing precepts under Chapter 4 of Part 1 of the Local Government Finance Act 1992 in respect of mayoral functions is to be a function exercisable only by the mayor acting on behalf of the CCA.
- (3) The Secretary of State may by regulations modify the application of Chapter 4 or 4ZA of Part 1 of the Local Government Finance Act 1992 so far as applying to cases where the precepting authority in question under that Chapter is a mayoral CCA.
- (4) Where the mayoral functions of a mayor include PCC functions—
- (a) the provision made by virtue of subsection (3) must include provision to ensure that the council tax requirement calculated under section 42A of the

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Local Government Finance Act 1992 consists of separate components in respect of the mayor’s PCC functions and the mayor’s general functions, and

- (b) the function of calculating the component in respect of the mayor’s PCC functions is itself to be treated as a PCC function for the purposes of this Part.

(5) The Secretary of State may by regulations make provision—

- (a) requiring the mayor to maintain a fund in relation to receipts arising, and liabilities incurred, in the exercise of general functions;
- (b) about the preparation of an annual budget in relation to the exercise of general functions.

(For power to make corresponding provision in relation to PCC functions, see paragraph 7 of Schedule 3.)

(6) Provision under subsection (5)(b) may in particular include provision for—

- (a) the mayor to prepare a draft budget;
- (b) the draft to be scrutinised by—
  - (i) the other members of the CCA, and
  - (ii) a committee of the CCA appointed in accordance with paragraph 1(1) of Schedule 1;
- (c) the making of changes to the draft as a result of such scrutiny;
- (d) the approval of the draft by the CCA (including a power to veto the draft in circumstances specified in the regulations and the consequences of any such veto);
- (e) the basis on which such approval is to be given.

(7) The reference in subsection (6)(b)(i) to a member of a CCA does not include a non-constituent or associate member.

(8) In this section “mayoral functions”, in relation to a mayor, means—

- (a) the mayor’s general functions, and
- (b) if the mayor exercises PCC functions, the mayor’s PCC functions.

#### *Alternative mayoral titles*

## **42 Alternative mayoral titles**

(1) At the first meeting of a mayoral CCA after regulations made under section 27(1) come into force, the CCA must, by a resolution in accordance with subsection (3)—

- (a) provide that the mayor for the area of the CCA is to be known by the title of mayor, or
- (b) change the title by which the mayor for the area of the CCA is to be known to an alternative title mentioned in subsection (2).

(2) The alternative titles are—

- (a) county commissioner;
- (b) county governor;
- (c) elected leader;
- (d) governor;

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- (e) a title that the CCA considers more appropriate than the alternative titles mentioned in paragraphs (a) to (d), having regard to the title of other public office holders in the area of the CCA.
- (3) The following requirements must be met in relation to the resolution mentioned in subsection (1)—
- (a) particulars of the resolution must be included in the notice of the meeting,
  - (b) where the resolution includes a proposed alternative title mentioned in subsection (2)(e), the resolution must specify why the CCA considers that the title is more appropriate than the other alternative titles mentioned in subsection (2), and
  - (c) the resolution must be passed at the meeting by a simple majority of the members of the CCA who vote on it.
- (4) Subsections (5) and (6) apply where under this section a mayoral CCA changes the title by which the mayor for the area of the CCA is to be known to an alternative title.
- (5) The CCA must—
- (a) send notice of the change to the Secretary of State,
  - (b) publish the notice in the area of the CCA in such manner as the CCA considers appropriate, and
  - (c) publish the notice in such other manner as the Secretary of State may direct.
- (6) Where this subsection applies—
- (a) a reference in any enactment (whenever passed or made) to the mayor for the area of the CCA is, unless the context otherwise requires, to be read as a reference to the alternative title by which the mayor is to be known, and
  - (b) references to mayor, mayoral (except in the expression “mayoral CCA”) and deputy mayor are to be construed accordingly.
- (7) A change of title under this section does not affect the rights or obligations of any person or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of title.
- (8) In this section a reference to a member of a CCA does not include a non-constituent member.
- (9) In this section “enactment”—
- (a) includes an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978, but
  - (b) does not include this section or section 43.

### **43 Alternative mayoral titles: further changes**

- (1) This section applies where a mayoral CCA has—
- (a) by a resolution under section 42 or by a previous resolution under this section, changed the title by which the mayor for the area of the CCA is to be known to an alternative title,
  - (b) by a resolution under section 42, provided that the mayor for the area of the CCA is to be known by the title of mayor, or
  - (c) by a previous resolution under this section, provided that the mayor for the area of the CCA is no longer to be known by an alternative title.

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- (2) The CCA may, by a resolution in accordance with this section—
- (a) in a subsection (1)(a) case—
    - (i) provide that the mayor is no longer to be known by the alternative title, or
    - (ii) change the title by which the mayor is to be known to an alternative title mentioned in subsection (3);
  - (b) in a subsection (1)(b) or (c) case, change the title by which the mayor is to be known to an alternative title mentioned in subsection (3).
- (3) The alternative titles mentioned in subsection (2) are as follows—
- (a) county commissioner;
  - (b) county governor;
  - (c) elected leader;
  - (d) governor;
  - (e) a title that the CCA considers more appropriate than the alternative titles mentioned in paragraphs (a) to (d), having regard to the title of other public office holders in the area of the CCA.
- (4) The following requirements must be met in relation to the resolution mentioned in subsection (2)—
- (a) the resolution must be considered at a relevant meeting of the CCA,
  - (b) particulars of the resolution must be included in the notice of the meeting,
  - (c) where the resolution includes a proposed alternative title mentioned in subsection (3)(e), the resolution must specify why the CCA considers that the title is more appropriate than the other alternative titles mentioned in subsection (3), and
  - (d) the resolution must be passed at the meeting by a simple majority of the members of the CCA who vote on it.
- (5) In subsection (4)(a) “relevant meeting” means the first meeting of the CCA held after a qualifying election for the return of the mayor, provided that the election is at least the third qualifying election since the resolution mentioned in subsection (1) was passed.
- (6) Where under this section an authority provides that the mayor for the area of the CCA is no longer to be known by an alternative title, the CCA must—
- (a) send notice of the change to the Secretary of State,
  - (b) publish the notice in the area of the CCA in such manner as the CCA considers appropriate,
  - (c) publish the notice in such other manner as the Secretary of State may direct.
- (7) Subsections (8) and (9) apply where under this section a CCA changes the title by which the mayor for the area of the CCA is to be known to an alternative title.
- (8) The authority must—
- (a) send notice of the change to the Secretary of State, and
  - (b) publish the notice in the area of the CCA in such manner as the CCA considers appropriate,
  - (c) publish the notice in such other manner as the Secretary of State may direct.
- (9) Where this subsection applies—

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- (a) a reference in any enactment (whenever passed or made) to the mayor for the area of the CCA is, unless the context otherwise requires, to be read as a reference to the alternative title by which the mayor is to be known, and
  - (b) references to mayor, mayoral (except in the expression “mayoral CCA”) and deputy mayor are to be construed accordingly.
- (10) A change of title under this section does not affect the rights or obligations of any person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of title.
- (11) Where a mayoral CCA to which section 42 applies does not pass a resolution as required by subsection (1) of that section, the authority is to be treated for the purposes of this section as if, at the meeting mentioned in that subsection, it had passed the resolution mentioned in section 42(1)(a) (providing that the mayor is to be known by the title of mayor).
- (12) In this section a reference to a member of a CCA does not include a non-constituent member.
- (13) In this section—
- “enactment” has the same meaning as in section 42;
  - “qualifying election” means an election for the return of the mayor, other than—
    - (a) the first election for the return of the mayor, and
    - (b) an election caused by a vacancy in the office of the mayor occurring before expiry of the mayor’s term of office.

#### **44 Power to amend list of alternative titles**

- (1) The Secretary of State may by regulations amend section 42(2) or 43(3) to add, modify or remove a reference to an alternative title or a description of an alternative title.
- (2) In its application to subsection (1), section 252(1)(c) (power for regulations to make consequential etc provision) includes power to make consequential amendments to section 42 or 43.

*Requirements in connection with regulations about CCAs*

#### **45 Proposal for new CCA**

- (1) One or more authorities to which this section applies may—
  - (a) prepare a proposal for the establishment of a CCA for an area, and
  - (b) submit the proposal to the Secretary of State.
- (2) This section applies to the following authorities—
  - (a) a county council whose area is within the proposed area;
  - (b) a unitary district council whose area is within the proposed area;
  - (c) an economic prosperity board the whole or any part of whose area is within the proposed area;
  - (d) an Integrated Transport Authority the whole or any part of whose area is within the proposed area;



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- (e) a combined authority the whole or any part of whose area is within the proposed area.
- (3) In this section “the proposed area” means the area for which the CCA is proposed to be established.
- (4) Before submitting a proposal under this section to the Secretary of State, the authority or authorities preparing the proposal must—
  - (a) carry out a public consultation across the proposed area on the proposal, and
  - (b) have regard to the results of the consultation in preparing the proposal for submission to the Secretary of State.
- (5) The requirements in subsection (4) may be satisfied by things done before the coming into force of this section.
- (6) If a proposal under this section is not submitted by all of the authorities to which this section applies, each authority which does not submit the proposal must consent to its submission to the Secretary of State.
- (7) A proposal under this section must specify the purposes to be achieved by the establishment of the CCA.
- (8) The Secretary of State may by regulations—
  - (a) make further provision about the matters which must be addressed by a proposal under this section;
  - (b) make provision about material which must be included in or submitted with a proposal under this section.

#### **46 Requirements in connection with establishment of CCA**

- (1) The Secretary of State may make regulations establishing a CCA for an area only if—
  - (a) the Secretary of State considers that to do so is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area,
  - (b) the Secretary of State considers that to do so is appropriate having regard to the need—
    - (i) to secure effective and convenient local government, and
    - (ii) to reflect the identities and interests of local communities,
  - (c) where a proposal for the establishment of the CCA has been submitted under section 45, the Secretary of State considers that its establishment will achieve the purposes specified under subsection (7) of that section,
  - (d) the constituent councils consent, and
  - (e) any consultation required by subsection (3) has been carried out.
- (2) If a proposal for the establishment of the CCA has been submitted under section 45, the Secretary of State must have regard to the proposal in making the regulations.
- (3) The Secretary of State must carry out a public consultation unless—
  - (a) a proposal has been prepared under section 45,
  - (b) a public consultation has been carried out in connection with the proposal and the Secretary of State has been provided with a summary of the consultation responses, and
  - (c) the Secretary of State considers that no further consultation is necessary.

- (4) Subsection (5) applies where the Secretary of State is considering whether to make regulations establishing a CCA 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.
- (5) In deciding whether to make the regulations, the Secretary of State must have regard to the likely effect of the creation of the proposed CCA on the exercise of functions equivalent to those of the proposed CCA's functions in each local government area that is next to any part of the proposed CCA area.
- (6) In this Chapter “local government area” means the area of a county council or a district council.

#### **47 Proposal for changes to existing arrangements relating to CCA**

- (1) One or more authorities to which this section applies may—
  - (a) prepare a proposal for the making of regulations under section 10, 16, 18, 19, 21, 22, 25, 26, 27, 30 or 33 in relation to an existing CCA, and
  - (b) submit the proposal to the Secretary of State.
- (2) This section applies to the following authorities—
  - (a) the CCA;
  - (b) a county council whose area is within the area of the CCA;
  - (c) a unitary district council whose area is within the area of the CCA;
  - (d) in the case of a proposal for the making of regulations under section 25 to add the area of a county council to the area of the CCA, that county council;
  - (e) in the case of a proposal for the making of regulations under section 25 to add the area of a unitary district council to the area of the CCA, that unitary district council.
- (3) Before submitting a proposal under this section to the Secretary of State, the authority or authorities preparing the proposal must—
  - (a) carry out a public consultation across—
    - (i) the area of the CCA, and
    - (ii) in the case of a proposal for the making of regulations under section 25 to add a relevant local government area to the area of the CCA, that relevant local government area, and
  - (b) have regard to the results of the consultation in preparing the proposal for submission to the Secretary of State.
- (4) The requirements in subsection (3) may be satisfied by things done before the coming into force of this section.
- (5) Before a proposal under this section for the making of regulations is submitted to the Secretary of State, each person who would have to consent to the making of the regulations must consent to the submission of the proposal.

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- (6) If a proposal under this section is submitted to the Secretary of State by an authority, the authority is to be treated as having consented to its submission for the purposes of subsection (5).
- (7) In determining for the purposes of subsection (6) who would have to consent to the making of regulations under section 27, section 28(2)(b) (limited consent requirements) is to be disregarded.
- (8) A proposal under this section must specify the purposes to be achieved by the regulations which it proposes should be made.
- (9) The Secretary of State may by regulations—
  - (a) make further provision about the matters which must be addressed by a proposal under this section;
  - (b) make provision about material which must be included in or submitted with a proposal under this section.

#### **48 Requirements for changes to existing arrangements relating to CCA**

- (1) The Secretary of State may make regulations under section 10, 16, 18, 19, 21, 22, 25, 26, 27, 30 or 33 in relation to an existing CCA only if—
  - (a) the Secretary of State considers that to do so is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area,
  - (b) the Secretary of State considers that to do so is appropriate having regard to the need—
    - (i) to secure effective and convenient local government, and
    - (ii) to reflect the identities and interests of local communities,
  - (c) where a proposal for the making of the regulations has been submitted under section 47, the Secretary of State considers that making the regulations will achieve the purposes specified under subsection (8) of that section, and
  - (d) any consultation required by subsection (3) has been carried out.
- (2) If a proposal for the making of the regulations has been submitted under section 47, the Secretary of State must have regard to the proposal in making the regulations.
- (3) The Secretary of State must carry out a public consultation unless—
  - (a) a proposal has been prepared under section 47,
  - (b) a public consultation has been carried out in connection with the proposal and the Secretary of State has been provided with a summary of the consultation responses, and
  - (c) the Secretary of State considers that no further consultation is necessary.
- (4) Subsection (5) applies where the Secretary of State is considering whether to make regulations under section 25 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.

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- (5) In deciding whether to make the regulations under section 25, the Secretary of State must have regard to the likely effect of the change to the CCA's area on the exercise of functions equivalent to those of the CCA's functions in each local government area that is next to any part of the area to be created by the regulations.
- (6) This section does not apply to regulations under section 25(1)(b) that are made as a result of the duty in section 28(3).

### *General powers of CCAs*

## **49 General power of CCA**

- (1) A CCA may do—
  - (a) anything it considers appropriate for the purposes of the carrying-out of any of its functions (its “functional purposes”),
  - (b) anything it considers appropriate for purposes incidental to its functional purposes,
  - (c) anything it considers appropriate for purposes indirectly incidental to its functional purposes through any number of removes,
  - (d) anything it considers to be connected with—
    - (i) any of its functions, or
    - (ii) anything it may do under paragraph (a), (b) or (c), and
  - (e) for a commercial purpose anything which it may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on a CCA to do something, it confers power (subject to section 50) to do it anywhere in the United Kingdom or elsewhere.
- (3) Power conferred on a CCA by subsection (1) is in addition to, and is not limited by, its other powers.
- (4) This section does not apply in relation to a CCA in respect of which regulations under section 52(1) have effect.

## **50 Boundaries of power under section 49**

- (1) Section 49(1) does not enable a CCA to do anything which it is unable to do by virtue of a relevant limitation which is expressed to apply—
  - (a) to its power under section 49(1),
  - (b) to all of its powers, or
  - (c) to all of its powers but with exceptions that do not include its power under section 49(1).
- (2) If exercise of a relevant power of a CCA is subject to restrictions, those restrictions apply also to exercise of the power conferred on it by section 49(1) so far as that power is overlapped by the relevant power.
- (3) Section 49(1) does not authorise a CCA to borrow money.
- (4) Section 49(1)(a) to (d) does not authorise a CCA to charge a person for anything done by it otherwise than for a commercial purpose (but see section 93 of the Local

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Government Act 2003 (power of CCAs and other best value authorities to charge for discretionary services)).

- (5) Section 49(1)(e) does not authorise a CCA to do things for a commercial purpose in relation to a person if a statutory provision requires it to do those things in relation to the person.
- (6) Where under section 49(1)(e) a CCA does things for a commercial purpose, it must do them through—
- (a) a company within the meaning given by section 1(1) of the Companies Act 2006,
  - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014, or
  - (c) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969.
- (7) In this section—
- “relevant limitation” means a prohibition, restriction or other limitation imposed by a statutory provision;
- “relevant power” means a power conferred by a statutory provision;
- “statutory provision” means a provision of an Act or of an instrument made under an Act.

## **51 Power to make provision supplemental to section 49**

- (1) The Secretary of State may by regulations make provision preventing CCAs from doing under section 49(1) anything which is specified, or is of a description specified, in the regulations.
- (2) The Secretary of State may by regulations provide for the exercise by CCAs of power conferred by section 49(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the regulations.
- (3) The power under subsection (1) or (2) may be exercised in relation to—
- (a) all CCAs,
  - (b) particular CCAs, or
  - (c) particular descriptions of CCAs.
- (4) Before making regulations under subsection (1) or (2) the Secretary of State must consult—
- (a) such representatives of CCAs,
  - (b) such representatives of local government, and
  - (c) such other persons (if any),
- as the Secretary of State considers appropriate.
- (5) Subsection (4) does not apply to regulations under subsection (1) or (2) which are made only for the purpose of amending earlier such regulations—
- (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to a particular CCA or to CCAs of a particular description, or
  - (b) so that the earlier regulations, or any provision of the earlier regulations, ceases to apply to a particular CCA or to CCAs of a particular description.

## **52 General power of competence**

- (1) The Secretary of State may by regulations 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 CCA specified in the regulations as it has effect in relation to a local authority.
- (2) Regulations under subsection (1) may be made only with the consent of the appropriate authorities (as defined by section 28(4)).
- (3) Where regulations under subsection (1) are contained in the same instrument as regulations made by virtue of section 28(2)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (2).

### *Supplementary*

## **53 Incidental etc provision**

- (1) The Secretary of State may by regulations make incidental, consequential, transitional, transitory or supplementary provision for the purposes of, or in consequence of, regulations under this Chapter or for giving full effect to such regulations.
- (2) Regulations under subsection (1) may not include provision amending or disapplying sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).

## **54 Transfer of property, rights and liabilities**

- (1) The Secretary of State may by regulations make provision for the transfer of property, rights and liabilities (including criminal liabilities) for the purposes of, or in consequence of, regulations under this Chapter or for giving full effect to such regulations.
- (2) Property, rights and liabilities may be transferred by—
  - (a) the regulations,
  - (b) scheme made by the Secretary of State under the regulations, or
  - (c) a scheme required to be made under the regulations by a person other than the Secretary of State.
- (3) A transfer by virtue of this section may have effect—
  - (a) whether or not the property, rights and liabilities would otherwise be capable of being transferred;
  - (b) without any instrument or formality being required.
- (4) The rights and liabilities which may be transferred by virtue of this section include rights and liabilities in relation to a contract of employment.
- (5) The Transfer of Undertakings (Protection of Employment) Regulations 2006 ([S.I. 2006/246](#)) apply to the transfer by virtue of this section (whether or not the transfer is a relevant transfer for the purposes of those regulations).
- (6) Regulations under this section or a scheme made under them may define the property, rights and liabilities to be transferred by specifying or describing them.

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- (7) Provision for the transfer of property, rights and liabilities made by virtue of this section may include provision—
- (a) for the creation or imposition by the Secretary of State of new rights or liabilities in respect of anything transferred;
  - (b) for the shared ownership or use of any property or facilities;
  - (c) for the management or custody of transferred property;
  - (d) for bodies to make agreements with respect to any property, income, rights, liabilities and expenses of, and any financial relations between, the parties to the agreement.
- (8) Provision for the transfer of property, rights and liabilities made by virtue of this section may include provision—
- (a) for the continuing effect of things done by the transferor in relation to anything transferred;
  - (b) for the continuation of things (including legal proceedings) in the process of being done, by or on behalf of or in relation to the transferor in relation to anything transferred;
  - (c) for references to the transferor in any agreement (whether written or not), instrument or other document in relation to anything transferred to be treated (so far as necessary for the purposes of or in consequence of the transfer) as references to the transferee.

## 55 Guidance

- (1) The Secretary of State may give guidance about anything that could be done under or by virtue of this Chapter by an authority to whom this section applies.
- (2) An authority to whom this section applies must have regard to any guidance given under this section in exercising any function conferred or imposed by or by virtue of this Chapter.
- (3) Any guidance under this section must be given in writing and may be varied or revoked by further guidance in writing.
- (4) Any such guidance may make different provision for different cases and different provision for different areas.
- (5) This section applies to—
  - (a) a county council;
  - (b) a district council;
  - (c) an Integrated Transport Authority;
  - (d) a combined authority;
  - (e) a CCA.

## 56 Consequential amendments

[Schedule 4](#) (combined county authorities: consequential amendments) has effect.

## 57 Interpretation of Chapter

In this Chapter—



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- “associate member” has the meaning given by section 12(1);
- “CCA” has the meaning given by section 9(1);
- “combined authority” has the meaning given by section 9(5);
- “constituent council” has the meaning given by section 10(11);
- “deputy mayor” has the meaning given by section 29(7);
- “economic prosperity board” has the meaning given by section 9(5);
- “fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004;
- “general functions” has the meaning given by section 30(2);
- “Integrated Transport Authority” has the meaning given by section 9(5);
- “local government area” has the meaning given by section 46(6);
- “mayor”, in relation to the area of a CCA, means the mayor for the area of the CCA by virtue of regulations under section 27(1);
- “mayoral CCA” has the meaning given by section 27(8);
- “nominating body” means a body designated under section 11(1);
- “non-constituent member” has the meaning given by section 11(3);
- “PCC functions” has the meaning given by section 33(3);
- “two-tier county council” has the meaning given by section 9(5);
- “unitary county council” has the meaning given by section 9(5);
- “unitary district council” has the meaning given by section 9(5).