



Levelling-up and Regeneration Act 2023

2023 CHAPTER 55

PART 2

LOCAL DEMOCRACY AND DEVOLUTION

CHAPTER 2

OTHER PROVISION

Combined authorities

65 Proposal for establishment of combined authority

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended in accordance with subsections (2) to (8).
- (2) Omit sections 108 (review by authorities: new combined authority) and 109 (preparation and publication of scheme: new combined authority).
- (3) Before section 110 insert—

“109A Proposal for new combined authority

- (1) One or more authorities to which this section applies may—
 - (a) prepare a proposal for the establishment of a combined authority 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 the whole or any part of whose area is within the proposed area;
 - (b) a district council whose area is within the proposed area;

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- (c) an EPB the whole or any part of whose area is within the proposed area;
 - (d) an ITA the whole or any part of whose area is within the proposed area;
 - (e) a combined county authority the whole or any part of whose area is within the proposed area.
- (3) In this section—
- “combined county authority” means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;
 - “the proposed area” means the area for which the combined authority 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 combined authority.
- (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.
- (9) Regulations under subsection (8) may make incidental, supplementary, consequential, transitional, transitory or saving provision.”
- (4) Section 110 (requirements in connection with establishment of combined authority) is amended in accordance with subsections (5) to (8).
- (5) In subsection (1), for paragraph (a) substitute—
- “(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,
 - (aa) 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,
 - (ab) where a proposal for the establishment of the combined authority has been submitted under section 109A, the Secretary of State

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considers that its establishment will achieve the purposes specified under [subsection \(7\)](#) of that section.”.

(6) For subsection (1A) substitute—

“(1A) If a proposal for the establishment of the combined authority has been submitted under section 109A, the Secretary of State must have regard to the proposal in making the order.”

(7) In subsection (2), for paragraphs (a) and (b) (and the “and” at the end of paragraph (b)) substitute—

- “(a) a proposal has been prepared under section 109A,
- (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”.

(8) Omit subsection (4).

(9) This section does not affect—

- (a) the operation of section 108 of the Local Democracy, Economic Development and Construction Act 2009 in relation to a review that began before this section came into force, or
- (b) the operation of section 109 of that Act in relation to the preparation and publication of a scheme following such a review.

(10) The amendments made by subsections [\(5\)](#) to [\(8\)](#) do not apply to section 110 of that Act as it has effect in relation to—

- (a) the making of an order in response to a scheme under section 109 of that Act, or
- (b) the making of an order otherwise than in response to a scheme, where a draft of the statutory instrument containing the order was laid before Parliament before the coming into force of this section.