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STATUTORY INSTRUMENTS

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**2017 No. 611**

**LOCAL GOVERNMENT, ENGLAND  
TRANSPORT, ENGLAND**

**The Combined Authorities (Finance) Order 2017**

*Made* - - - - *26th April 2017*

*Coming into force in accordance with article 1*

The Secretary of State makes the following Order in exercise of the powers conferred by sections 107G, 114(1) and 117(1A) and (5) of, and paragraph 6 of Schedule 5C to, the Local Democracy, Economic Development and Construction Act 2009(1) (“the 2009 Act”).

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament pursuant to section 117(2) of the 2009 Act.

**PART 1** **E+W**

Introductory

**Citation and commencement** **E+W**

1. This Order may be cited as the Combined Authorities (Finance) Order 2017 and comes into force on the day after the date on which it is made.

**Commencement Information**

**II** Art. 1 in force at 27.4.2017, see [art. 1](#)

**Interpretation** **E+W**

2. In this Order—

“the 1992 Act” means the Local Government Finance Act 1992(2);

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(1) [2009 c. 20](#). Section 107G was inserted by section 5 of the Cities and Local Government Devolution Act 2016 (“the 2016 Act”). Section 114 was amended by Schedule 5 to the 2016 Act. Subsections (2), (2A) and (3) of section 117 were substituted by section 13 of the 2016 Act, Schedule 5C was inserted by section 4(2) of, and Schedule 2 to, the 2016 Act and subsections (1A) and (5) were inserted by paragraph 29 of Schedule 5 to the 2016 Act.

(2) [1992 c. 14](#).

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“the 2009 Act” means the Local Democracy, Economic Development and Construction Act 2009;

“mayoral functions” in relation to a mayor, means—

- (a) the mayor’s general functions(3); and
- (b) if the mayor exercises PCC functions, the mayor’s PCC functions;

“the relevant amounts and calculations” means, in respect of the mayor’s general functions—

- (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 42A, 42B, 47 to 49 and 52ZJ of the 1992 Act (calculation of council tax requirements etc.);
- (b) estimates of other amounts to be used for the purposes of such a calculation;
- (c) estimates of such a calculation; or
- (d) amounts required to be stated in a precept under Chapter 4 of Part 1 of the 1992 Act (precepts).

#### Commencement Information

**I2** Art. 2 in force at 27.4.2017, see [art. 1](#)

## PART 2 **E+W**

### Mayoral combined authorities: precepts

#### Costs of mayor to be met from precepts **E+W**

**3.—(1)** The costs of a mayor(4) for the area of a combined authority that are incurred in, or in connection with, the exercise of mayoral functions are to be met from precepts issued by the authority under section 40 of the 1992 Act (issue of precepts by major precepting authorities)(5).

(2) Paragraph (1) has effect subject to—

- (a) the transitional provisions in Part 5; and
- (b) any contrary provision made in an order under Part 6 of the 2009 Act (economic prosperity boards and combined authorities).

#### Commencement Information

**I3** Art. 3 in force at 27.4.2017, see [art. 1](#)

#### Power to issue precept: supplementary provision in respect of PCC functions **E+W**

**4.—(1)** This article applies where a mayor exercises PCC functions.

(2) The following provisions are modified in accordance with the Schedule to this Order—

- (3) See section 120 of the Local Democracy, Economic Development and Construction Act 2009 for meaning of “general functions” and “PCC functions”.
- (4) See section 120 of the Local Democracy, Economic Development and Construction Act 2009 for meaning of “mayor” and “combined authority”.
- (5) Section 40 was amended by section 83 of the Greater London Authority Act 1999 (c. 29); section 79 of, and paragraph 17 of Schedule 7 to, the Localism Act 2011 (c. 20); and by section 5 of the Cities and Local Government Act 2016.

- (a) chapter 4 and 4ZA of Part 1 of the 1992 Act (precepts and referendums relating to council tax increases)(**6**);
- (b) the Council Tax (Demand Notices) (England) Regulations 2011(**7**);
- (c) the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012(**8**).

(3) Any monies paid to the mayor by a billing authority in respect of the PCC component of a precept(**9**) issued to the billing authority must be paid by the mayor into the police fund kept by the mayor by virtue of section 21 of the Police Reform and Social Responsibility Act 2011(**10**).

(4) In paragraph (3) “PCC component of a precept” means the amounts stated in a precept in respect of the mayor’s PCC functions in accordance with section 40 of the 1992 Act as modified by the Schedule to this Order.

**Commencement Information**

**I4** Art. 4 in force at 27.4.2017, see [art. 1](#)

## PART 3 **E+W**

### Setting of a combined authority’s budget: mayor’s general functions

#### **Mayor to notify combined authority of proposed budget: general component **E+W****

**5.**—(1) The mayor must, before 1st February in any financial year, notify the combined authority of the mayor’s draft budget in relation to the following financial year.

(2) The draft budget must—

- (a) set out the mayor’s spending plans and how the mayor intends to meet the costs of the mayor’s general functions; and
- (b) include the relevant amounts and calculations.

(3) In this Part references to “the combined authority” are, except in article 8(7) and (8), to be construed as references to members of the authority other than the mayor.

**Commencement Information**

**I5** Art. 5 in force at 27.4.2017, see [art. 1](#)

#### **Combined authority to review budget **E+W****

**6.**—(1) The combined authority must review the mayor’s draft budget notified to it under article 5.

(2) The combined authority may make a report to the mayor on the draft budget.

(3) Any report—

(6) Sections 42A and 42B and Part 4ZA were inserted by sections 72 and 75 of, and Schedule 5 to, the Localism Act 2011. Consequential amendments were made to sections 40, 47, 48 and 49 by Schedule 7 to the Localism Act 2011.

(7) [S.I. 2011/3038](#) amended by [S.I. 2016/188](#) and [2017/13](#).

(8) [S.I. 2012/444](#) amended by [S.I. 2013/409](#).

(9) See section 40 of the Local Government Finance Act 1992 ([c. 14](#)) as modified by the Schedule to this Order for provisions on the PCC component of the precept.

(10) [2011 c. 13](#). For modification of section 21 in respect of the mayor for the area of the Greater Manchester Combined Authority see [S.I. 2017/470](#).

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- (a) must set out whether or not the combined authority would approve the draft budget in its current form; and
  - (b) may include recommendations, including recommendations as to the relevant amounts and calculations that should be used for the financial year.
- (4) The mayor's draft budget shall be deemed to be approved by the combined authority unless the authority makes a report under paragraph (2) to the mayor before 8th February.

#### Commencement Information

**I6** Art. 6 in force at 27.4.2017, see [art. 1](#)

#### Mayor's consideration of report **E+W**

7. Where the combined authority makes a report under article 6, it must specify a period of at least five working days beginning on the day after the day on which the mayor receives the report within which the mayor may—

- (a) decide whether or not to make any revisions to the draft budget; and
- (b) notify the combined authority of the reasons for that decision and, where revisions are made, the revised draft budget.

#### Commencement Information

**I7** Art. 7 in force at 27.4.2017, see [art. 1](#)

#### Combined authority's decision on budget **E+W**

8.—(1) When any period specified under article 7 by the combined authority has expired the authority must determine whether to—

- (a) approve the mayor's draft budget (or revised draft budget, as the case may be); or
- (b) veto the draft budget (or revised draft budget) and approve the mayor's draft budget incorporating the combined authority's recommendations contained in the report to the mayor under article 6.

(2) The mayor's draft budget (or revised draft budget) shall be deemed to be approved unless vetoed within the relevant period in accordance with this article.

(3) In making a decision on a question under paragraph (1) the combined authority must take into account the reasons given by the mayor under article 7.

(4) Any decision to veto the mayor's draft budget (or draft revised budget) and approve the mayor's draft budget incorporating the combined authority's recommendations contained in the report to the mayor under article 6 must be decided by a two thirds majority of the members, or substitute members acting in their place, of the combined authority present and voting on the question at a meeting of the authority.

(5) In paragraph (2) "relevant period" means the period of five working days beginning with the day after the date on which the period specified under article 7 expires.

(6) Paragraph (7) applies in a case where the mayor has failed, in accordance with article 5(1), to notify the combined authority of the mayor's draft budget before 1st February.

(7) Where this paragraph applies, the combined authority must determine the relevant amounts and calculations that are to be used for the financial year.

(8) Any decision under paragraph (7) must be decided by a two thirds majority of the members, or substitute members acting in their place, of the combined authority present and voting on the question at a meeting of the authority.

(9) Paragraphs (4) and (8) have effect subject to—

(a) paragraphs (10) and (11); and

(b) any provision to the contrary in an order made under Part 6 of the 2009 Act.

(10) In paragraphs (4) and (8) “member” and “substitute member” does not include any person who is not a member of a constituent council.

(11) In relation to the Tees Valley Combined Authority(11), the reference in paragraphs (4) and (8) to a two thirds majority is to be read as a reference to a three fifths majority.

#### Commencement Information

**I8** Art. 8 in force at 27.4.2017, see [art. 1](#)

#### Calculations and amounts to be used in setting precept **E+W**

**9.**—(1) The relevant amounts and calculations which are approved by the combined authority in accordance with article 8 shall be used in making a calculation (whether originally or by way of substitute)—

(a) under the provisions of the 1992 Act mentioned in paragraph (2); and

(b) in calculating the amounts to be stated in a precept under Chapter 4 of Part 1 of the 1992 Act (precepts).

(2) The provisions are—

(a) section 42A (calculation of council tax requirement by authorities in England);

(b) section 42B (calculation of basic amount of tax by authorities in England);

(c) sections 47 to 49 (calculation of tax for different valuation bands; calculation of amount payable by each billing authority; substitute calculations); and

(d) section 52ZJ (major precepting authority’s duty to make substitute calculations).

#### Commencement Information

**I9** Art. 9 in force at 27.4.2017, see [art. 1](#)

#### Transparency of budget decision **E+W**

**10.** Immediately after any vote is taken at a meeting to consider a question under article 8, there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

#### Commencement Information

**I10** Art. 10 in force at 27.4.2017, see [art. 1](#)

(11) The Tees Valley Combined Authority was established by article 3 of the Tees Valley Combined Authority Order 2016 (S.I. 2016/449).

## PART 4 **E+W**

### Funds

#### Mayor's general fund **E+W**

**11.**—(1) The mayor must keep a fund (to be known as the mayor's general fund) in relation to receipts arising, and liabilities incurred, in the exercise of the mayor's general functions.

(2) All of the mayor's receipts in respect of the exercise of the mayor's general functions must be paid into the mayor's general fund.

(3) All of the mayor's expenditure in respect of the exercise of the mayor's general functions must be paid out of the mayor's general fund.

(4) The mayor must keep accounts of payments made into or out of the mayor's general fund.

#### Commencement Information

**111** Art. 11 in force at 27.4.2017, see [art. 1](#)

## PART 5 **E+W**

### Transitional provisions

#### Disapplication of power to issue precepts for the financial year 2017/2018 and subsequent years in certain cases **E+W**

**12.**—(1) Subject to article 13, the costs of a mayor for the area of a combined authority that are incurred in, or in connection with, the exercise of mayoral functions in the financial year commencing on 1st April 2017 are not to be met from precepts issued by the authority under section 40 of the 1992 Act (issue of precepts by major precepting authorities).

(2) The costs of a mayor for the area of a combined authority that are incurred in, or in connection with, the exercise of mayoral functions in a financial year commencing on or after 1st April 2018 ("the relevant year") are not to be met from precepts issued by the authority under section 40 of the 1992 Act if the first election of a mayor for the area of the combined authority occurs during the relevant year.

(3) The costs of a mayor for the area of a combined authority that are incurred in, or in connection with, the exercise of mayoral functions in the financial year that immediately follows the relevant year are not to be met from precepts issued by the authority under section 40 of the 1992 Act if the first election of a mayor for the area of the combined authority occurs after 23rd January in the relevant year.

#### Commencement Information

**112** Art. 12 in force at 27.4.2017, see [art. 1](#)

#### Transitional provision relating to the Greater Manchester Combined Authority **E+W**

**13.**—(1) This article applies in relation to—

- (a) the Greater Manchester Combined Authority<sup>(12)</sup>;
  - (b) a billing authority<sup>(13)</sup> whose area is within the area of the Greater Manchester Combined Authority; and
  - (c) the financial year commencing on 1st April 2017 (“the relevant year”).
- (2) The costs of the mayor that are incurred in, or in connection with, the exercise of mayoral functions in the relevant year shall be met—
- (a) in the case of the mayor’s PCC functions, from precepts issued by the Police and Crime Commissioner for Greater Manchester under section 40 of the 1992 Act (issue of precepts by major precepting authorities); and
  - (b) in the case of the mayor’s fire and rescue functions, from precepts issued by the Greater Manchester Fire and Rescue Authority under section 40 of that Act.
- (3) A billing authority that has been issued with a precept by the Police and Crime Commissioner for Greater Manchester in respect of the relevant year must, on and after 8th May 2017, pay to the mayor out of its collection fund<sup>(14)</sup> the amounts owing in respect of that precept in accordance with the Local Authorities (Funds) (England) Regulations 1992<sup>(15)</sup>.
- (4) A billing authority that has been issued with a precept by the Greater Manchester Fire and Rescue Authority in respect of the relevant year must, on and after 8th May 2017, pay to the combined authority out of its collection fund the amounts owing in respect of that precept in accordance with the Local Authorities (Funds) (England) Regulations 1992.
- (5) A billing authority that is required to make payments out of its collection fund to the Greater Manchester Fire and Rescue Authority in respect of the relevant year must, on and after 8th May 2017 pay those amounts to the combined authority in accordance with the Non-Domestic Rating (Rates Retention) Regulations 2013<sup>(16)</sup>.
- (6) In paragraph (2)(b), “fire and rescue functions” means the functions conferred on the combined authority as a fire and rescue authority and exercisable by the Mayor in accordance with an order under sections 105A (other public authority functions) and 107D (functions of mayors: general) of the 2009 Act.

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**Commencement Information**

**I13** Art. 13 in force at 27.4.2017, see [art. 1](#)

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<sup>(12)</sup> The Greater Manchester Combined Authority was established by article 3 of the Greater Manchester Combined Authority Order 2011 ([S.I. 2011/908](#)).

<sup>(13)</sup> See section 1(2) of the Local Government Finance Act 1992 for meaning of “billing authority”.

<sup>(14)</sup> See section 89 of the Local Government Finance Act 1988 ([c. 41](#)) for requirement for a billing authority to maintain a collection fund and section 90(2)(a) of that Act for the obligation to make payments out of that fund in respect of a precept issued by a major precepting authority.

<sup>(15)</sup> [S.I. 1992/2428](#).

<sup>(16)</sup> [S.I. 2013/452](#).

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Signed by authority of the Secretary of State for Communities and Local Government

26th April 2017

*Bourne of Aberystwyth*  
Parliamentary Under Secretary of State  
Department for Communities and Local  
Government

SCHEDULE **E+W**

Article 4

Modification of council tax legislation in respect of precepts for PCC functions

**Modification of Chapters 4 and 4ZA of Part 1 of the Local Government Finance Act 1992** **E**  
**+W**

1. Section 40 of the 1992 Act (issue of precepts by major precepting authorities) applies as if after subsection (2) there were inserted—

“(2A) In the case of a mayoral combined authority the amounts referred to in subsection (2) above must be stated separately in respect of the PCC component and the general component referred to in section 42A.”

**Commencement Information**

**I14** Sch. para. 1 in force at 27.4.2017, see [art. 1](#)

2. Section 42A of the 1992 Act (calculation of council tax requirement by authorities in England) applies as if—

(a) after subsection (3) there were inserted—

“(3A) The calculation under subsections (2) and (3) above must be made separately in respect of the mayor’s PCC functions (“the PCC component”) and the mayor’s general functions (“the general component”).”

(b) for subsection (4) there were substituted—

“(4) If the aggregate calculated under subsection (2) above in respect of the PCC component exceeds that calculated under subsection (3) above in respect of the PCC component, the mayor must calculate the amount equal to the difference, and the amount so calculated is to be the authority’s PCC component council tax requirement for the year.

(4A) If the aggregate calculated under subsection (2) above in respect of the general component exceeds that calculated under subsection (3) above in respect of the general component, the authority must calculate the amount equal to the difference, and the amount so calculated is to be its general component council tax requirement for the year.”

**Commencement Information**

**I15** Sch. para. 2 in force at 27.4.2017, see [art. 1](#)

3. Section 42B of the 1992 Act (calculation of basic amount of tax by authorities in England) applies as if—

(a) in subsection (1), in the definition of item R, for “section 42A(4) above as its council tax requirement” there were substituted “section 42A(4) or (4A) above as its PCC component council tax requirement or as its general component council tax requirement, as the case may be”;

(b) after subsection (2) there were inserted—

“(2A) The calculation under subsection (1) above must be made separately in respect of the authority’s PCC component council tax requirement in order to calculate its PCC component basic amount of council tax and in respect of its general component council tax requirement to calculate its general component basic amount of council tax.”

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#### Commencement Information

**I16** Sch. para. 3 in force at 27.4.2017, see [art. 1](#)

4. Section 47 of the 1992 Act (calculation of tax for different valuation bands) applies as if after subsection (3) there were inserted—

“(3A) The calculation under subsection (1) above must be made separately in respect of the authority’s PCC component basic amount of council tax and its general component basic amount of council tax.”

#### Commencement Information

**I17** Sch. para. 4 in force at 27.4.2017, see [art. 1](#)

5. Section 48 of the 1992 Act (calculation of amount payable by each billing authority) applies as if after subsection (4) there were inserted—

“(4A) The calculations in subsections (2) and (3) must be made separately in respect of the authority’s PCC component basic amount of council tax for the year and its general component basic amount of council tax for the year.”

#### Commencement Information

**I18** Sch. para. 5 in force at 27.4.2017, see [art. 1](#)

6. Section 49 of the 1992 Act (substitute calculations) applies as if in subsection (2)—

- (a) in paragraph (za) after “other than” there were inserted “a mayoral combined authority or”;
- (b) after paragraph (aa) there were inserted—

“(ab) in the case of a mayoral combined authority—

- (i) the amount under section 42A(4) above as its PCC component council tax requirement, or any amount calculated under section 42B(1) above as its PCC component basic amount of council tax applicable to any dwelling, would exceed that calculated in the previous calculations;
- (ii) the amount under section 42A(4A) above as its general component council tax requirement, or any amount calculated under section 42B(1) above as its general component basic amount of council tax applicable to any dwelling, would exceed that calculated in the previous calculations.”

#### Commencement Information

**I19** Sch. para. 6 in force at 27.4.2017, see [art. 1](#)

7. Section 52ZC of the 1992 Act (determination of whether increase is excessive) applies as if after subsection (6) there were inserted—

“(6A) A principle that applies to a mayoral combined authority and that constitutes or includes a comparison falling within subsection (3) above may only provide for—

- (a) a comparison between PCC component relevant basic amounts of council tax,
  - (b) a comparison between general component relevant basic amounts of council tax,
- or

(c) a comparison within paragraph (a) and a comparison within paragraph (b).”

**Commencement Information**

**I20** Sch. para. 7 in force at 27.4.2017, see [art. 1](#)

**8.** Section 52ZK of the 1992 Act (major precepting authority’s duty to notify appropriate billing authorities) applies as if after subsection (3) there were inserted—

“(3A) In the case of a mayoral combined authority, the reference in subsections (2) and (3) to “precept” is a reference to—

- (a) in a case where its PCC component relevant basic amount of council tax is excessive, that part of the precept which relates to the PCC component;
- (b) in a case where its general component relevant basic amount of council tax is excessive, that part of the precept which relates to the general component;
- (c) in a case where both are excessive, both components of the precept.”

**Commencement Information**

**I21** Sch. para. 8 in force at 27.4.2017, see [art. 1](#)

**9.** Section 52ZT of the 1992 Act (directions to major precepting authorities) applies as if in subsection (2) for “council tax requirement” there were substituted “PCC component council tax requirement or general component council tax requirement as the case may be”.

**Commencement Information**

**I22** Sch. para. 9 in force at 27.4.2017, see [art. 1](#)

**10.** Section 52ZX of the 1992 Act (meaning of relevant basic amount of council tax) has effect as if after subsection (4) there were inserted—

“(4A) In the case of a mayoral combined authority, any reference in this Chapter to the authority’s relevant basic amount of council tax for a financial year is a reference to the amount calculated by it in relation to the year under section 42B(1) above—

- (a) as its PCC component basic amount of council tax for the year (referred to in this Chapter as the mayoral combined authority’s PCC component relevant basic amount of council tax for the year); or
- (b) as its general component basic amount of council tax for the year (referred to in this Chapter as the mayoral combined authority’s general component relevant basic amount of council tax).”

**Commencement Information**

**I23** Sch. para. 10 in force at 27.4.2017, see [art. 1](#)

**Commencement Information**

**I14** Sch. para. 1 in force at 27.4.2017, see [art. 1](#)

**I15** Sch. para. 2 in force at 27.4.2017, see [art. 1](#)

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- I16** Sch. para. 3 in force at 27.4.2017, see [art. 1](#)
- I17** Sch. para. 4 in force at 27.4.2017, see [art. 1](#)
- I18** Sch. para. 5 in force at 27.4.2017, see [art. 1](#)
- I19** Sch. para. 6 in force at 27.4.2017, see [art. 1](#)
- I20** Sch. para. 7 in force at 27.4.2017, see [art. 1](#)
- I21** Sch. para. 8 in force at 27.4.2017, see [art. 1](#)
- I22** Sch. para. 9 in force at 27.4.2017, see [art. 1](#)
- I23** Sch. para. 10 in force at 27.4.2017, see [art. 1](#)

### Modification of the Council Tax (Demand Notices) (England) Regulations 2011 E+W

**11.** Regulation 3 (definition of “council tax requirement”) of the Council Tax (Demand Notices) (England) Regulations 2011 (“the 2011 Regulations”) applies as if in paragraph (4)(b) after “42A(4)” there were inserted “or 42A(4A) as the case may be”.

#### Commencement Information

- I24** Sch. para. 11 in force at 27.4.2017, see [art. 1](#)

**12.** Regulation 8 (supply of information by precepting authorities) of the 2011 Regulations applies as if in paragraph (2)(b) for “council tax requirement” there were substituted “PCC component council tax requirement and general component council tax requirement”.

#### Commencement Information

- I25** Sch. para. 12 in force at 27.4.2017, see [art. 1](#)

**13.** Schedule 1 (contents of demand notices) to the 2011 Regulations applies as if in paragraph 8 at the end there were inserted “including the amount of the PCC component and the amount of the general component”.

#### Commencement Information

- I26** Sch. para. 13 in force at 27.4.2017, see [art. 1](#)

#### Commencement Information

- I24** Sch. para. 11 in force at 27.4.2017, see [art. 1](#)
- I25** Sch. para. 12 in force at 27.4.2017, see [art. 1](#)
- I26** Sch. para. 13 in force at 27.4.2017, see [art. 1](#)

### Modification of the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 E+W

**14.** The Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 apply as if—

- (a) in regulation 2(1) (interpretation) there were inserted at the appropriate place the following definition—

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““general component relevant basic amount of council tax” and “PCC component relevant basic amount of council tax” have the meaning given by section 52ZX of the 1992 Act;”

- (b) in regulation 3 (question to be asked in a referendum) after paragraph (3) there were inserted—

“(4) Where a referendum is held in relation to a mayoral combined authority’s PCC component relevant basic amount of council tax for a financial year, references to an authority’s relevant basic amount of council tax in Schedule 1 are to be interpreted as references to the authority’s PCC component relevant basic amount of council tax.

(5) Where a referendum is held in relation to a mayoral combined authority’s general component relevant basic amount of council tax for a financial year, references to an authority’s relevant basic amount of council tax in Schedule 1 are to be interpreted as references to the authority’s general component relevant basic amount of council tax.”

- (c) in regulation 5 (publicity and other information to be provided in connection with referendums by precepting authorities other than the Greater London authority—

(i) in the heading at the end there were inserted “or a mayoral combined authority”;

(ii) in paragraph (1) after “Greater London Authority” there were inserted “or a mayoral combined authority”;

- (d) after regulation 6 (publicity and other information to be provided in connection with referendums by the Greater London Authority) there were inserted—

**“Publicity and other information to be provided in connection with referendums by a mayoral combined authority**

**6A.—**(1) This paragraph applies where a mayoral combined authority has determined under section 52ZB(3) in relation to a financial year (“the relevant financial year”) that—

(a) its PCC component or general component relevant basic amount of council tax is excessive; or

(b) both of those components are excessive.

(2) Where paragraph (1) applies, the authority must, as soon as is reasonably practicable, and not fewer than 28 days before the date on which the referendum will be held in accordance with sub-paragraph (c) below, publish in such a manner as it considers likely to bring to the attention of persons who live in the authority’s area, a notice which contains a statement—

(a) that a referendum is required to be held on the authority’s council tax increase for the relevant financial year in accordance with Chapter 4ZA of Part 1 of the Local Government Finance Act 1992;

(b) that arrangements to hold the referendum will be made by relevant billing authorities which are to be specified in the notice;

(c) of the date on which the referendum will be held;

(d) of the question to be asked in the referendum;

(e) that the referendum will be conducted in accordance with procedures similar to those used at local government elections;

(f) of the referendum expenses limit that will apply in relation to the referendum and the number of local government electors by reference to which that limit has been calculated;

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- (g) of the authority’s PCC component relevant basic amount of council tax for the relevant financial year;
  - (h) of the authority’s PCC component relevant basic amount of council tax for the financial year preceding the relevant financial year;
  - (i) of the percentage change in the authority’s PCC component relevant basic amount of council tax from the preceding year to the relevant financial year expressed to one decimal place;
  - (j) of what the amount calculated by the authority as its PCC component relevant basic amount of council tax for the relevant financial year would be if the authority’s relevant basic amount of council tax is not approved;
  - (k) of what the percentage change in the authority’s PCC component relevant basic amount of council tax from the preceding financial year to the relevant financial year expressed to one decimal place would be if the authority’s relevant basic amount of council tax is not approved;
  - (l) of the authority’s general component relevant basic amount of council tax for the relevant financial year;
  - (m) of the authority’s general component relevant basic amount of council tax for the financial year preceding the relevant financial year;
  - (n) of the percentage change in the authority’s general component relevant basic amount of council tax from the preceding financial year to the relevant financial year expressed to one decimal place;
  - (o) of what the amount calculated by the authority as its general component relevant basic amount of council tax for the relevant financial year would be if the authority’s relevant basic amount of council tax is not approved;
  - (p) of what the percentage change in the authority’s general component relevant basic amount of council tax from the preceding financial year to the relevant financial year expressed to one decimal place would be if the authority’s relevant basic amount of council tax is not approved;
  - (q) that, not fewer than 28 days before the date on which the referendum will be held, the authority will publish a statement containing the matters referred to in regulation 7(3);
  - (r) of the procedures for obtaining a copy of the statement referred to in subparagraph (q).
- (3) The notice published under paragraph (2) may also include—
- (a) any other factual information relating to the authority’s council tax or the referendum so far as it is presented fairly, or
  - (b) details of the procedures for obtaining such other factual information.”

#### Commencement Information

I27 Sch. para. 14 in force at 27.4.2017, see [art. 1](#)

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority under sections 104, 105 and 105A of the 2009 Act, and power to exercise specified functions of any other public authority under section 16 of the Cities and Local Government Devolution Act 2016 (c. 1).

The Secretary of State may provide for there to be a mayor for the area of a combined authority where the constituent councils of the combined authority (each district council or county council whose area is within the area of the combined authority) and any existing combined authority consent under section 107B(3) of the 2009 Act. Such authorities are referred to as “mayoral combined authorities”.

Mayoral combined authorities are major precepting authorities for the purposes of setting council tax under the Local Government Finance Act 1992 (c. 14) (“the 1992 Act”). This Order makes provision for various matters connected with precepting for mayoral functions.

Article 3 provides that the costs of a mayor are to be met from precepts issued by the mayoral combined authority under section 40 of the 1992 Act (except in relation to the West of England Combined Authority where different arrangements will apply).

Article 4 and the Schedule modifies the provisions in the 1992 Act where the mayor of a combined authority exercises the functions of a police and crime commissioner (“PCC functions”), in particular to ensure that the council tax requirement relating to PCC functions (“the PCC component”) is separated from the council tax requirement relating to other mayoral functions (“the general component”). They also make consequential modifications to the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444) and the Council Tax (Demand Notices) (England) Regulations 2011 (S.I. 2011/3038).

Article 5 to 10 provide for the budget setting process in relation to the general component.

Article 11 provides for the keeping of a mayoral fund.

Article 12 disapplies the power to precept in respect of the financial year commencing on 1st April 2017.

Article 13 makes transitional provision relating to the Greater Manchester Combined Authority.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- art. 8(4) applied (with modifications) by [S.I. 2023/1432 Sch. 1 para. 4\(8\)](#)
- art. 8(4) applied (with modifications) by [S.I. 2024/402 Sch. 1 para. 2\(9\)](#)
- art. 8(4) modified by S.I. 2014/864, Sch. 1 para. 3(12) (as substituted) by [S.I. 2021/112 Sch. 7](#)