



Cities and Local Government Devolution Act 2016

2016 CHAPTER 1

Mayoral combined authorities

2 Power to provide for an elected mayor

- (1) After section 107 of the Local Democracy, Economic Development and Construction Act 2009 insert—

“Mayors for combined authority areas

107A Power to provide for election of mayor

- (1) The Secretary of State may by order provide for there to be a mayor for the area of a combined authority.
- (2) A mayor for the area of a combined authority is to be elected by the local government electors for that area in accordance with provision made by or under this Part.
- (3) In subsection (2) “local government elector” has the meaning given by section 270(1) of the Local Government Act 1972.
- (4) Schedule 5B makes further provision about the election of mayors for areas of combined authorities.
- (5) A mayor for the area of a combined authority is entitled to the style of “mayor”.
- (6) A mayor for the area of a combined authority is by virtue of that office a member of, and the chair of, the combined authority.
- (7) An order under this section providing for there to be a mayor for the area of a combined authority may not be revoked by making a further order under this

section; but this does not prevent the making of an order under section 107 abolishing the authority (together with the office of mayor).

- (8) In this Part “mayoral combined authority” means a combined authority for an area for which provision is made in an order under this section for there to be a mayor.

107B Requirements in connection with orders under section 107A

- (1) The Secretary of State may make an order under section 107A in relation to a combined authority’s area if a proposal for there to be a mayor for the authority’s area has been made to the Secretary of State by the appropriate authorities.
 - (2) A proposal under subsection (1) may be included in a scheme prepared and published under section 109 or 112.
 - (3) An order under section 107A may also be made without any such proposal having been made if—
 - (a) the appropriate authorities consent, or
 - (b) in the case of an existing combined authority, there are one or more non-consenting constituent councils but the combined authority and at least two constituent councils consent.
 - (4) Where an order under section 107A is made by virtue of subsection (3)(b) of this section, the Secretary of State must make an order under section 106 to remove the area of each non-consenting constituent council from the existing area of the combined authority.
 - (5) For the purposes of this section “the appropriate authorities” are—
 - (a) each county council the whole or any part of whose area is within the area for which the combined authority is, or is to be, established,
 - (b) each district council whose area is within the area for which the combined authority is, or is to be, established, and
 - (c) in the case of an order in relation to an existing combined authority, the combined authority,
 and a “constituent council” is a council within paragraph (a) or (b).”
- (2) After Schedule 5A to that Act (inserted by section 8 below) insert, as Schedule 5B, the Schedule set out in Schedule 1 to this Act.

3 Deputy mayors etc

After section 107B of the Local Democracy, Economic Development and Construction Act 2009 (inserted by section 2 above) insert—

“107C Deputy mayors etc

- (1) The mayor for the area of a combined authority 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;
 - (c) the person ceases to be a member of the combined authority.
- (4) If a vacancy occurs in the office of deputy mayor, the mayor must appoint another member of the combined authority 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 combined authority must act together in place of the mayor, taking decisions by a simple majority.
- (7) In this Part “deputy mayor”, in relation to a mayoral combined authority, means the person appointed under this section by the mayor for the authority’s area.”

4 Functions

- (1) After section 107C of the Local Democracy, Economic Development and Construction Act 2009 (inserted by section 3 above) insert—

“107D Functions of mayors: general

- (1) The Secretary of State may by order make provision for any function of a mayoral combined authority to be a function exercisable only by the mayor.
- (2) In this Part references to “general functions”, in relation to a mayor for the area of a combined authority, are to any functions exercisable by the mayor other than PCC functions.
- (3) The mayor may arrange—
 - (a) for the deputy mayor to exercise any general function of the mayor,
 - (b) for another member or officer of the combined authority to exercise any such function, or
 - (c) so far as authorised by an order made by the Secretary of State—
 - (i) for a person appointed as the deputy mayor for policing and crime by virtue of an order under paragraph 3(1) of Schedule 5C, or
 - (ii) for a committee of the combined authority, consisting of members appointed by the mayor (whether or not members of the authority),to exercise any such function.
- (4) An order under subsection (3)(c)(ii) may include provision—
 - (a) about the membership of the committee;

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- (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 combined authority 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).
- (5) Provision in an order 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 order provide that arrangements under subsection (3)—
- (a) may authorise the exercise of general functions only of a description specified in the order, or
 - (b) may not authorise the exercise of general functions of a description so specified.
- (6) Any general function exercisable by the mayor for the area of a combined authority by virtue of this Act is to be taken to be a function of the combined authority exercisable—
- (a) by the mayor individually, or
 - (b) in accordance with arrangements made by virtue of this section or section 107E.
- (7) An order under this section may—
- (a) include provision for general functions to be exercisable by the mayor subject to conditions or limitations specified in the order (including, for example, a condition for general functions to be exercisable only with the consent of the appropriate authorities (as defined by section 107B(5)));
 - (b) provide for members or officers of a mayoral combined authority 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;
 - (e) provide for the terms and conditions of any such appointment;
 - (f) provide that functions that the mayoral combined authority 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).
- (8) Provision under subsection (7)(c) may include provision conferring power on the mayor that is similar to any power exercisable by the mayoral combined authority—
- (a) under section 113A, or
 - (b) under an order made under section 113D,

but the power conferred on the mayor may not include a power to borrow money.

- (9) An order under this section may be made only with the consent of—
- (a) the appropriate authorities (as defined by section 107B(5)), and
 - (b) in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.
- (10) Where an order under this section is contained in the same instrument as an order made by virtue of section 107B(3)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (9) above.

107E Joint exercise of general functions

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

107F Functions of mayors: policing

- (1) The Secretary of State may by order provide for the mayor for the area of a combined authority to exercise functions of a police and crime commissioner in relation to that area.

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

- (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 Part references to “PCC functions”, in relation to a mayor for the area of a combined authority, are to the functions of a police and crime commissioner that are exercisable by the mayor by virtue of subsection (1).
 - (4) An order under subsection (1) may be made only with the consent of—
 - (a) the appropriate authorities (as defined by section 107B(5)), and
 - (b) in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.
 - (5) If an order is made under subsection (1) in relation to a combined authority’s area—
 - (a) the Secretary of State must by order 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 order 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) An order under subsection (5) may include provision—
 - (a) for the term of office of a police and crime commissioner to continue until the date specified 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 5C contains further provision in connection with orders under this section.
 - (8) Any PCC function exercisable by the mayor for the area of a combined authority by virtue of this Act is to be taken to be a function of the combined authority 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 5C.
 - (9) Where an order under subsection (1) is contained in the same instrument as an order made by virtue of section 107B(3)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (4) above.”
- (2) After Schedule 5B to that Act (inserted by section 2 above) insert, as Schedule 5C, the Schedule set out in Schedule 2 to this Act.

5 Financial matters

- (1) In section 39 of the Local Government Finance Act 1992 (precepting and precepted authorities), in subsection (1) after paragraph (aa) insert—
 - “(ab) a mayoral combined authority, as defined by section 107A(8) of the Local Democracy, Economic Development and Construction Act 2009;”.
- (2) In section 40 of that Act (issue of precepts by major precepting authorities), after subsection (10) insert—
 - “(11) Where the precepting authority is a mayoral combined authority—
 - (a) a precept may be issued under this section only in relation to expenditure incurred by the mayor for the authority’s area in, or in connection with, the exercise of mayoral functions (as defined by section 107G(7) of the Local Democracy, Economic Development and Construction Act 2009), and
 - (b) the issuing and calculation of a precept under this Chapter is subject to any provision made in an order under that section.”
- (3) After section 107F of the Local Democracy, Economic Development and Construction Act 2009 (inserted by section 4 above) insert—

“107G Mayors for combined authority areas: financial matters

- (1) The Secretary of State may by order make provision for 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 to be met from precepts issued by the authority 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 combined authority.
- (3) The Secretary of State may by order 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 combined authority.
- (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 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 order make provision—
 - (a) requiring the mayor to maintain a fund in relation to receipts arising, and liabilities incurred, in the exercise of general functions;

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- (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 6 of Schedule 5C.)

- (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 combined authority, and
 - (ii) a committee of the authority appointed in accordance with paragraph 1(1) of Schedule 5A;
 - (c) the making of changes to the draft as a result of such scrutiny;
 - (d) the approval of the draft by the combined authority (including a power to veto the draft in circumstances specified in the order and the consequences of any such veto);
 - (e) the basis on which such approval is to be given.
- (7) 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.”