



Cities and Local Government Devolution Act 2016

2016 CHAPTER 1

An Act to make provision for the election of mayors for the areas of, and for conferring additional functions on, combined authorities established under Part 6 of the Local Democracy, Economic Development and Construction Act 2009; to make other provision in relation to bodies established under that Part; to make provision about local authority governance and functions; to confer power to establish, and to make provision about, sub-national transport bodies; and for connected purposes. [28th January 2016]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Reports about local devolution

1 Devolution: annual report

- (1) The Secretary of State must lay before each House of Parliament an annual report about devolution for all areas within England pursuant to the provisions of this Act.
- (2) The annual report must include information on—
 - (a) the areas of the country where agreements have been reached,
 - (b) the areas of the country where proposals have been received by the Secretary of State and negotiations have taken place but agreement has not yet been reached,
 - (c) functions exercisable by a Minister of the Crown that have been devolved as a result of agreements so as to become exercisable by a mayor for the area of a combined authority (including information as to any such functions that remain exercisable by a Minister of the Crown as a result of an agreement providing for functions to be exercisable jointly or concurrently),

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- (d) additional financial resources and public functions (so far as not falling within paragraph (c)) which have been devolved as a result of agreements, and
 - (e) the extent to which consideration has been given by a Minister of the Crown to the principle that powers should be devolved to combined authorities or the most appropriate local level except where those powers can more effectively be exercised by central government.
- (3) The annual report must be laid before each House of Parliament as soon as practicable after 31 March each year.
- (4) In this section—
- “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.

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).

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- (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;

Changes to legislation: There are currently no known outstanding effects for the Cities and Local Government Devolution Act 2016. (See end of Document for details)

- (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;
 - (b) about the member of the committee who is to be its chair;
 - (c) about the appointment of members;

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- (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—