STATUTORY INSTRUMENTS

2017 No. 430

LOCAL GOVERNMENT, ENGLAND
TRANSPORT, ENGLAND

The Liverpool City Region Combined Authority (Functions and Amendment) Order 2017

Made - - - - 16th March 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 104(1)(a), 105(1) and (3), 105A(1)(a) and (b), (2), (3)(b), (6), (7), 107D(1) and (7)(a) to (e), 114 and 117(5) of the Local Democracy, Economic Development and Construction Act 2009(**1**) ("the 2009 Act").

The Secretary of State, having had regard to a scheme prepared and published under section 112 of the 2009 Act(**2**), considers that—

(a) the making of this Order is likely to improve the exercise of statutory functions in the area to which this Order relates, and

(b) any consultation required by section 113(2) of the 2009 Act(**3**) has been carried out.

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and the need to secure effective and convenient local government(**4**).

In accordance with sections 104(10), 105(3A), 105B(2)(**5**) and 113D(2) of the 2009 Act the Liverpool City Region Combined Authority and the district councils whose areas are comprised in the area of that combined authority have consented to the making of this Order.

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.

(**1**) 2009 c. 20. Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016 (c. 1) ("the 2016 Act"). Section 105 was amended by sections 6, 9 and 14 of the 2016 Act. Section 105A was inserted by section 7 of the 2016 Act. Sections 107D and 107E were inserted by section 4 of the 2016 Act. Section 113D was inserted by section 10 of the 2016 Act. Section 114 was amended by section 23 of, and paragraphs 17 and 26 of Schedule 5 to, the 2016 Act. Section 117(2), (2A) and (3) was substituted by section 13 of the 2011 Act. Section 117 was amended by sections 13 and 23 of, and paragraphs 17 and 29 of Schedule 5 to the 2016 Act.

(**2**) Section 109 was amended by sections 6 and 12 of the 2016 Act.

(**3**) Section 113 was amended by sections 12, 14 and 23 of, and paragraph 24 of Schedule 5 to, the 2016 Act.

(**4**) Section 113(3) of the 2009 Act requires the Secretary of State when making an order under sections 104, 105, 106 or 107 in relation to an existing combined authority to have regard to the need to reflect the identities and interests of local communities and to secure effective and convenient local government.

(**5**) Section 105B was inserted by section 7 of the 2016 Act.

In accordance with section 105B(9) of the 2009 Act the Secretary of State has laid before Parliament a report explaining the effect of this Order and why the Secretary of State considers it appropriate to make this Order.

Accordingly, the Secretary of State makes the following Order:

PART 1

General

Citation and commencement

1.—(1) This Order may be cited as the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017

(2) Save as provided in paragraph (3) this Order comes into force on the day after the day on which it is made.

(3) Articles 5, 10 to 17, 19, 20 and 21(2)(a) and (b) come into force on 8th May 2017.

Interpretation

2. In this Order—

"the 1984 Act" means the Road Traffic Regulation Act 1984(**6**);

"the 1988 Act" means the Road Traffic Act 1988(**7**);

"the 1989 Act" means the Local Government and Housing Act 1989(**8**);

"the 1990 Act" means the Town and Country Planning Act 1990(**9**);

"the 1999 Act" means the Greater London Authority Act 1999(**10**);

"the 2003 Act" means the Local Government Act 2003(**11**);

"the 2004 Act" means the Planning and Compulsory Purchase Act 2004(**12**);

"the 2008 Act" means the Housing and Regeneration Act 2008(**13**);

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

"the 2011 Act" means the Localism Act 2011(**14**);

"the 1996 Regulations" means the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996(**15**);

"the 2008 Order" means the Town and Country Planning (Mayor of London) Order 2008(**16**);

(**6**) 1984 c. 27.
(**7**) 1988 c. 52.
(**8**) 1989 c. 42.
(**9**) 1990 c. 8.
(**10**) 1999 c. 29.
(**11**) 2003 c. 26.
(**12**) 2004 c. 5.
(**13**) 2008 c. 17.
(**14**) 2011 c. 20.
(**15**) S.I. 1996/2489 amended in relation to England by S.I. 2009/1116.
(**16**) S.I 2008/580.

"the 2014 Order" means the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014(**17**);

"the Area" means the area of the Combined Authority;

"constituent councils" means the district councils for the local government areas of Halton, Knowsley, Liverpool, St Helens, Sefton, and Wirral;

"the Combined Authority" means the Liverpool City Region Combined Authority, a body corporate established by the 2014 Order(**18**);

"Corporation" means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act, with the modifications made by Schedule 4, following the designation of an area of land by the Combined Authority;

"the HCA" means the Homes and Communities Agency(**19**);

"highway functions" means the functions which are exercisable by a constituent council (in whatever capacity) in relation to the highways for which they are the highway authority; and

"the Mayor" means the mayor for the Area(**20**) except where the reference is to the Mayor of London.

PART 2

Planning

Spatial development strategy

3.—(1) The Combined Authority shall have, in relation to the Area, functions corresponding to functions in the 1999 Act that the Mayor of London has in relation to Greater London, which are specified in the following provisions in the 1999 Act—

(a) section 334 (the spatial development strategy);

(b) section 335 (public participation)(**21**);

(c) section 336 (withdrawal);

(d) section 337 (publication)(**22**);

(e) section 338 (examination in public)(**23**);

(f) section 339 (review of matters affecting the strategy);

(g) section 340 (reviews of the strategy);

(**17**) S.I. 2014/865.

(**18**) The Liverpool City Region Combined Authority was established by the 2014 Order. Article 3(2) provides that "the combined authority is to be a body corporate and to be known as the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority. However, section 104(4) of the 2009 Act applies section 97 of the Local Transport Act 2008(c. 26) (change of name of ITA) to a combined authority as it applies to an Integrated Transport Authority and on 1 April 2014 the Combined Authority passed a resolution, in relation to which the requirements mentioned in section 97 (2) were met, to change the name by which the Combined Authority is known from the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority to the Liverpool City Region Combined Authority.

(**19**) The HCA is a body corporate established under section 1 of the 2008 Act.

(**20**) Article 3 to S.I 2016/448 provides for there to be a mayor for the area of the Combined Authority.

(**21**) Section 335 was amended by section 29(1) and (2) of the Greater London Authority Act 2007 (c. 24) and section 228(2)(a), (b) and (c) and 237 of, and Part 33 of Schedule 25 to the Localism Act 2011 (c. 20).

(**22**) Section 337 was amended by section 118(2) of, and paragraph 22(1), and (2)(b) and (c) of Schedule 7 to, the 2004 Act and sections 109(7) and 237 of, and paragraphs 3 and 4 of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act.

(**23**) Section 338 was amended by section 48(1) of, and paragraph 52 of Schedule 8 to, the Tribunals, Courts and Enforcement Act 2007 (c. 15) and article 2(2) of, and paragraph 19 of the Schedule to, S.I. 2013/2042.

(h) section 341 (alteration or replacement)(**24**);

(i) section 342 (matters to which the Mayor is to have regard);

(j) section 346 (monitoring and data collection)(**25**); and

(k) section 348 (mayor's functions as to planning around Greater London).

(2) The exercise by the Combined Authority of the functions corresponding to the functions in sections 335 (public participation), 336 (withdrawal), 337 (publication) and 341 (alteration or replacement) of the 1999 Act requires a unanimous vote in favour by all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, to be carried at a meeting of the Combined Authority.

Adaptation of enactments in consequence of article 3

4.—(1) This article has effect in consequence of article 3(1).

(2) Part 8 of the 1999 Act applies in relation to the preparation and publication of a spatial development strategy by the Combined Authority as it applies in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 1 of Schedule 1.

(3) Sections 343 (regulations) and 420 of the 1999 Act (orders and regulations) apply in relation to the functions of the Secretary of State to make regulations by statutory instrument under section 343(1) with respect to all or any of the following —

(a) the form and content of the spatial development strategy published by the Combined Authority;

(b) the documents (if any) the Secretary of State requires to accompany the spatial development strategy published by the Combined Authority;

(c) the procedure to be followed by the Combined Authority in connection with the preparation, withdrawal, publication, making, review, alteration or replacement of the spatial development strategy, or in connection with any review under section 339 as modified by Part 1 of Schedule 1; and

(d) the procedure to be followed at an examination in public examining matters affecting the consideration of the spatial development strategy,

as they apply in relation to the functions of the Secretary of State to make such regulations in relation to the spatial development strategy published by the Mayor of London.

(4) Subject to paragraph (6) and to Schedule 1, in any enactment passed or made on or before 8th May 2017—

(a) any reference to a spatial development strategy, or

(b) any reference which falls to be read as a reference to a spatial development strategy,

is to be treated as including a reference to a strategy prepared and published in accordance with the function conferred by article 3(1).

(5) Sections 19 (preparation of local development documents), 24 (conformity with regional strategy), 37 (interpretation), 38 (development plan) and 113 (validity of strategies, plans and documents) of the 2004 Act(**26**) apply in relation to the preparation and publication of a spatial

(**24**) Section 341 was amended by section 118(2) of and, paragraph 22(1) and (3) of Schedule 7 to, the 2004 Act, section 85(1) of, and paragraphs 9 and 10 of Schedule 5 to, the 2009 Act (c. 20) and sections 109(7) and 237 of, and paragraphs 3and 5(a) and (b) of Schedule 8 and Part 16 of Schedule 25 to, the 2011 Act.

(**25**) Section 446 was amended by section 118(2) of, and paragraph 23(1) and (4) of Schedule 27 to, the 2004 Act.

(**26**) Section 19 was amended by sections 180 and 182 of the Planning Act 2008 (c. 29); section 85 of, and paragraph 14 of Schedule 5 to, the 2009 Act; and section 100 of the Deregulation Act 2015 (c. 20). Section 24 was amended by sections 85 and 146 of, and paragraph 15 of Schedule 5 and paragraph 1 of Schedule 7 to, the 2009 Act; section 222 of, and paragraph

development strategy by the Combined Authority as they apply in relation to the preparation and publication of a spatial development strategy by the Mayor of London, with the modifications made by Part 2 of Schedule 1.

(6) Paragraph (4) does not apply to—

(a) section 41 of the 1999 Act (general duties of the Mayor in relation to his strategies)(**27**);

(b) section 356A of the 1999 Act (London Waste and Recycling Board)(**28**);

(c) section 10 of the London Olympic Games and Paralympic Games Act 2006(**29**); and

(d) the Town and Country Planning (London Spatial Development Strategy) Regulations 2000(**30**).

Planning applications of potential strategic importance

5.—(1) The Combined Authority shall have, in relation to the Area, functions corresponding to the following functions that the Mayor of London has in relation to Greater London—

(a) section 2A of the 1990 Act (the Mayor of London: applications of potential strategic importance)(**31**);

(b) section 2B of the 1990 Act (section 2A: supplementary provisions)(**32**);

(c) section 2C of the 1990 Act (matters reserved for subsequent approval)(**33**);

(d) section 2E of the 1990 Act (section 2A and planning obligations under section 106)(**34**);

(e) section 2F of the 1990 Act (representation hearings)(**35**);

(f) section 74 of the 1990 Act (directions etc. as to method of dealing with applications)(**36**);

(g) the 2008 Order.

(2) Sections 2A, 2B, 2C, 2D, 2E and 2F of the 1990 Act and the 2008 Order apply in relation to the consideration of applications of potential strategic importance by the Combined Authority as they apply in relation to the consideration of applications of potential strategic importance by the Mayor of London.

(3) In section 2A(3)(a) of the 1990 Act as applied by paragraph (2) the references to "Greater London" are to be read as references to "the Area".

---

55 of Schedule 22 to, the 2011 Act. Section 37 was amended by section 180 of the Planning Act 2008; section 56 of, and paragraph 81 of Schedule 8 to, the 2008 Act; section 85 of, and paragraph 174 of Schedule 5 to, the 2009 Act; and section 222 of, and paragraph 56 of Schedule 22 to, the 2011 Act. Section 38 was amended by section 180 of the Planning Act 2008; section 82 of the 2009 Act; sections 109 and 116 of, and paragraph 13 of Schedule 8 and paragraph 6 of Schedule 9 to, the 2011 Act. Section 113 was amended by section 185 of the Planning Act 2008; section 85 of, and paragraph 19 of Schedule 5 to, the 2009 Act; and by section 91 of, and paragraph 8 of Schedule 16 to, the Criminal Justice and Courts Act 2015 (c. 2).

(**27**) Section 41 was amended by sections 24, 28 and 41 of the Greater London Authority Act 2007; and sections 192, 225, 227 and 237 of and paragraph 2 of Schedule 23 and paragraph 1 of Schedule 25 to the 2011 Act.

(**28**) Section 356A was inserted by section 38 of the Greater London Authority Act 2007 and amended by sections 225 of, and paragraph 6 of Schedule 23 to, the 2011 Act.

(**29**) 2006 c. 12. Section 10 was amended by section 195 of, and paragraph 9 of Schedule 20 to, the 2011 Act.

(**30**) S.I. 2000/1491

(**31**) Section 2A was inserted by section 31 of the Greater London Authority Act 2007 and was amended by section 222 of and paragraph 31 of Schedule 22 to the 2011 Act; section 1 of and paragraph 2 of Schedule 1 to the Growth and Infrastructure Act 2013 (c. 27); and by sections 149 and 150 of and paragraph 2 of Schedule 12 to the Housing and Planning Act 2016 (c. 22).

(**32**) Section 2B was inserted by section 31 of the Greater London Authority Act 2007 and was amended by section 28 of the Growth and Infrastructure Act 2013.

(**33**) Section 2C was inserted by section 31 of the Greater London Authority Act 2007 and was amended by section 1 of and paragraph 2 of Schedule 1 to the Growth and Infrastructure Act 2013.

(**34**) Section 2E was inserted by section 32 of the Greater London Authority Act 2007.

(**35**) Section 2F was inserted by section 35 of the Greater London Authority Act 2007.

(**36**) Section 74 was amended by section s19 and 84 of and paragraph 1 of Schedule 19 to the Planning and Compensation Act 1991 (c. 34); section 344 of the 1999 Act; section 121 of and paragraph 9 of Schedule 12 to the 2011 Act; section 30 of and paragraph 10 of Schedule 4(2) to the Infrastructure Act 2015 (c. 7); and by sections 149 and 150 of and paragraph 17 of Schedule 12 to the Housing and Planning Act 2016 (c. 22).