STATUTORY INSTRUMENTS

2017 No. 251

LOCAL GOVERNMENT, ENGLAND
TRANSPORT, ENGLAND

The Cambridgeshire and Peterborough Combined Authority Order 2017

Made - - - - 2nd March 2017

Coming into force in accordance with article 1

This Order is made in exercise of the powers conferred by sections 103(1), 104(1)(a), 105(1) and (3), 105A(1)(a), (2) and (3)(b), 107A(1) and (2), 107D(1), (7)(a), (b), (c), (d) and (e), and (8)(b), 107G(1), 113D(1), 114(1) and (3) and 117(5) of, and paragraph 3 of Schedule 5A to and paragraph 3 of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009(**1**) ("the 2009 Act").

The Secretary of State, having had regard to the scheme prepared and published under section 109 of the 2009 Act, 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) the consultation required by section 110(2) of the 2009 Act has been carried out.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103(2) and (5) of the 2009 Act(**2**).

In making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government(**3**).

In accordance with sections 104(10), 105(3A), 105B(2) and 113D(2) of the 2009 Act(**4**), the councils for the local government areas of Cambridge, Cambridgeshire, East Cambridgeshire, Fenland,

(**1**) 2009 c. 20. Section 103 was amended by sections 12 and 14 of the Cities and Local Government Devolution Act 2016 (c. 1) ("the 2016 Act"). Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, 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. Section 107A was inserted by section 2 of the 2016 Act. Section 107D was inserted by section 4 of the 2016 Act. Section 107G was inserted by section 5 of the 2016 Act. Section 113D was inserted by section 10 of 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 Localism Act 2011 (c. 20) and section 117(5) was inserted by paragraph 29 of Schedule 5 to the 2016 Act. Schedules 5A and 5B were inserted by Schedules 3 and 1 respectively to the 2016 Act.

(**2**) Section 103 provides that the Secretary of State may by order establish as a body corporate a combined authority for an area on condition that the area consists of the whole of two or more local government areas in England and that no part of the area forms part of (a) the area of another combined authority, (b) the area of an Economic Prosperity Board, or (c) an integrated transport area.

(**3**) Section 110(4) of the 2009 Act requires the Secretary of State when making an order to establish a 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.

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

Huntingdonshire, Peterborough and South Cambridgeshire have consented to the making of this Order.

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.

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.

Accordingly, the Secretary of State makes the following Order:

PART 1

General

Citation and commencement

1.—(1) This Order may be cited as the Cambridgeshire and Peterborough Combined Authority Order 2017.

(2) Save as provided in paragraph (3), this Order comes into force on—

(a) 1st February 2017; or

(b) if the Order is made on or after 1st February 2017, on the day after the day on which it is made.

(3) Articles 7 and 12 come into force on 8th May 2017.

Interpretation

2. In this Order—

"the 1980 Act" means the Highways Act 1980(**5**);

"the 2000 Act" means the Transport Act 2000(**6**);

"the 2003 Act" means the Local Government Act 2003(**7**);

"the 2011 Act" means the Localism Act 2011(**8**);

"Area" means the area consisting of the areas of the constituent councils;

"Combined Authority" means the Cambridgeshire and Peterborough Combined Authority as constituted by article 3;

"constituent councils" means the councils for the local government areas of Cambridge, Cambridgeshire, East Cambridgeshire, Fenland, Huntingdonshire, Peterborough and South Cambridgeshire;

"Local Enterprise Partnership" means the board of the Greater Cambridge Greater Peterborough Enterprise Partnership Limited(**9**);

(**5**) 1980 c. 66.
(**6**) 2000 c. 38.
(**7**) 2003 c. 26.
(**8**) 2011 c. 20.
(**9**) The Greater Cambridge Greater Peterborough Enterprise Partnership is registered as a company limited by guarantee, Company No: 07553554.

"Mayor" means the mayor for the Combined Authority as provided for by article 5; and

"upper-tier authority" means Cambridgeshire County Council or Peterborough City Council.

PART 2

Establishment of a combined authority for Cambridgeshire and Peterborough

Establishment

3.—(1) There is established as a body corporate a combined authority for the areas of the constituent councils.

(2) The combined authority is to be known as the Cambridgeshire and Peterborough Combined Authority.

(3) The functions of the combined authority are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

Constitution

4. The Schedule (which makes provision about the constitution of the Combined Authority) has effect.

Mayor

5.—(1) There is to be a mayor for the Area.

(2) The first election for the return of a mayor is to take place on 4th May 2017.

(3) Subsequent elections for the return of a mayor for the Area are to take place—

(a) on the ordinary day of election in 2021, and

(b) in every fourth year thereafter on the same day as the ordinary day of election.

(4) The term of office of the mayor returned at an election for the return of a mayor for the Area—

(a) begins with the fourth day after the day of the poll at the election for the return of a mayor for the Area, and

(b) ends with the third day after the day of the poll at the next election for the return of a mayor for the Area.

(5) In this article, "the ordinary day of election", in relation to any year, means the day which is the ordinary day of election in that year of councillors for counties and districts in England as determined in accordance with sections 37 and 37A of the Representation of the People Act 1983(**10**).

Funding

6.—(1) The constituent councils must meet any reasonably incurred costs of the Combined Authority, other than the costs mentioned in paragraph (2), to the extent that the Combined Authority has not decided to meet these costs from other resources available to the Combined Authority.

(**10**) 1983 c. 2. Section 37 was amended by section 17 of, and Schedule 3 to, the Greater London Authority Act 1999 (c. 29) and by section 60(1) of the Local Government and Public Involvement in Health Act 2007 (c. 28). Section 37A was inserted by section 60(2) of the Local Government and Public Involvement in Health Act 2007.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably attributable to the exercise of the function specified in article 12(1), to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(3) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraphs (1) and (2) are met is to be determined by apportioning such costs between the constituent councils in such proportions as they may agree or, in default of such agreement, in equal proportions.

(4) In relation to the expenditure mentioned in paragraph (2)—

(a) to the extent to which such expenditure is met by amounts payable under arrangements made under paragraph (3)—

(i) the Mayor must agree with the Combined Authority the total expenditure mentioned in paragraph (2) in advance of incurring this expenditure; and

(ii) in the absence of the agreement specified in paragraph (i), no such expenditure may be incurred; and

(b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992 (issue of precepts by major precepting authorities)(**11**) is to be disregarded in any calculation of the costs of that expenditure.

PART 3

Transport

Power to pay grant

7.—(1) The functions of a Minister of the Crown specified in section 31 of the 2003 Act (power to pay grant) are functions of the Combined Authority that are exercisable in relation to the Area.

(2) These functions are exercisable—

(a) concurrently with a Minister of the Crown; and

(b) only for the purpose of paying grant to an upper-tier authority.

(3) Paragraph (4) applies where, in exercising the functions referred to in paragraph (1), the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by an upper-tier authority in relation to the exercise of its highway functions.

(4) In determining that amount, the Combined Authority must have regard to the desirability of ensuring that the upper-tier authority has sufficient funds to facilitate the effective discharge of those functions.

(5) To comply with paragraph (4), the Combined Authority must take into account—

(a) any other sources of funding available to the upper-tier authority for expenditure incurred or to be incurred in relation to the exercise of its highway functions; and

(b) the most recent determination by the Secretary of State of an amount of grant paid to the upper-tier authority for those purposes.

(6) For the purposes of the exercise of the functions of the Combined Authority referred to in paragraph (1), section 31 of the 2003 Act has effect as if—

(a) in subsection (1)—

(i) the reference to a Minister of the Crown were a reference to the Combined Authority;

(**11**) 1992 c. 14. Section 40 was amended by section 83 of the Greater London Authority Act 1999, section 79 of and paragraph 7 of Schedule 17 to the 2011 Act and section 5 of the 2016 Act.

(ii) the reference to a local authority in England were a reference to an upper-tier authority;

(b) subsection (2) were omitted;

(c) in subsections (3) and (4), the references to the person paying it (the grant) were references to the Combined Authority;

(d) subsection (6) were omitted.

(7) In this article "highway functions" means the functions exercisable by an upper tier authority (in whatever capacity) in relation to the highways for which they are the highway authority(**12**).

Local transport

8. The following functions are exercisable by the Combined Authority, instead of the upper-tier authorities, in relation to the Area—

(a) functions of the upper-tier authorities specified in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985(**13**); and

(b) the functions of the upper-tier authorities as local transport authorities specified in Part 2 (local transport) of the 2000 Act(**14**).

Agreements between authorities

9.—(1) The functions of the upper-tier authorities specified in section 6 of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc.)(**15**) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the upper-tier authorities as local highway authorities specified in the following provisions of the 1980 Act are exercisable by the Combined Authority in relation to the Area—

(a) section 8 (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works)(**16**);

(b) section 62 (general power of improvement)(**17**);

(c) section 64 (dual carriageways and roundabouts)(**18**);

(d) section 65 (cycle tracks);

(e) section 66 (footways and guard-rails etc for publicly maintainable highways)(**19**);

(**12**) Section 1(2) of the 1980 Act provides that outside Greater London the council of a county or metropolitan district is the highway authority for all highways in the county or, as the case may be, the district, whether or not maintainable at the public expense, which are not highways for which the Minister or a strategic highways company is the highway authority.

(**13**) 1985 c. 67.

(**14**) Section 108(4) of the 2000 Act provides that in Part 2 of that Act "local transport authority" means (a) a county council in England, (b) a council of a non-metropolitan district in England comprised in an area for which there is no county council, (c) an Integrated Transport Authority for an integrated transport area in England, (ca) a combined authority, or (d) a county council or county borough council in Wales.

(**15**) Section 6 was amended by section 8 of, and paragraph 4 of Schedule 4 to, the Local Government Act 1985 (c. 51), section 22 of, and paragraph 2 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19), section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015 (c. 7), and S.I. 1995/1986.

(**16**) Section 8 was amended by section 22 of, and paragraph 3 of Schedule 7 to, the Local Government (Wales) Act 1994, section 8 of, and paragraph 5 of Schedule 4 to, the Local Government Act 1985, and section 1 of, and paragraph 8 of Schedule 1 to, the Infrastructure Act 2015 (c. 7).

(**17**) Section 62 was amended by Schedule 10 to the Transport Act 1981 (c. 56), Schedule 17 to the Local Government Act 1985 (c. 51), and section 1(1) of the Traffic Calming Act 1992 (c. 30).

(**18**) Section 64 was amended by Schedule 17 to the Local Government Act 1985 and Schedule 9 to the New Roads and Street Works Act 1991 (c. 22).

(**19**) Section 66 was amended by paragraph 17 of Schedule 4 to the Local Government Act 1985, section 70(1) of the Countryside and Rights of Way Act 2000 (c. 37), and paragraph 23 of Schedule 1 to the Infrastructure Act 2015 (c. 7).