STATUTORY INSTRUMENTS

2016 No. 449

LOCAL GOVERNMENT, ENGLAND
TRANSPORT, ENGLAND

The Tees Valley Combined Authority Order 2016

Made - - - - 29th March 2016

Coming into force in accordance with article 1

This Order is made in exercise of the powers conferred by sections 103 to 105, 114 and 117 of, and paragraph 3 of Schedule 5A to, the Local Democracy, Economic Development and Construction Act 2009(**1**) ("the 2009 Act").

The Secretary of State, having regard to a 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) any 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 of the 2009 Act.

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.

The councils for the local government areas of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees 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.

Accordingly, the Secretary of State makes the following Order:

(**1**) 2009 c. 20. Section 103 was amended by sections 12 and 14 of the Cities and Local Government Devolution Act 2016 (c. 1). Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016. Section 105 was amended by sections 6, 9 and 14 of the Cities and Local Government Devolution Act 2016. Section 114 was amended by Schedule 5 to the Cities and Local Government Devolution Act 2016. Section 117 was amended by section 13 of the Localism Act 2011 (c. 20) and Schedule 5 to the Cities and Local Government Devolution Act 2016. Schedule 5A was inserted by Schedule 3 to the Cities and Local Government Devolution Act 2016.

PART 1

General

Citation and commencement

1. This Order may be cited as the Tees Valley Combined Authority Order 2016 and comes into force on either—

(a) 1st April 2016; or

(b) if the Order is made on or after 1st April 2016, on the day after the day on which the Order is made.

Interpretation

2. In this Order—

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

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

"the Combined Authority" means the Tees Valley Combined Authority as constituted by article 3;

"constituent councils" means the councils for the local government areas of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees;

"financial year" means the period of 12 months ending with 31st March in any year; and

"the Local Enterprise Partnership" means the board of Tees Valley Unlimited.

PART 2

Establishment of a combined authority for Tees Valley

Establishment

3.—(1) There is established a combined authority for the combined area.

(2) The combined authority is to be a body corporate and is to be known as the Tees Valley 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. Schedule 1 (which makes provision about the constitution of the Combined Authority) has effect.

Funding

5.—(1) The constituent councils must meet the costs of the Combined Authority reasonably attributable to the Combined Authority's exercise of the functions mentioned in article 7 (economic development and regeneration functions).

(2) The amount payable by each of the constituent councils in respect of the functions mentioned in article 7 is to be determined by apportioning the costs of the Combined Authority referred to in paragraph (1) between the constituent councils in such proportions as they may agree or, in default of such agreement, in the following shares between the constituent councils—

Darlington 15.80%

Hartlepool 14.67%

Middlesbrough 20.89%

Redcar and Cleveland 20.97%

Stockton-on-Tees 27.67%.

(3) The constituent councils must meet the costs of the Combined Authority reasonably attributable to the Combined Authority's exercise of the functions mentioned in article 6 (delegation of transport functions).

(4) The amount payable by each of the constituent councils in respect of the functions mentioned in article 6 is to be determined by apportioning the costs of the Combined Authority referred to in paragraph (3) between the constituent councils in such proportions as they may agree or, in default of such agreement, the amount payable shall be in the same proportion to the amount that each of the constituent councils have spent on the functions mentioned in article 6 in the financial year ending on 31st March 2016.

PART 3

Transport

Delegation of transport functions

6. There are delegated to the Combined Authority—

(a) the functions of the constituent councils under Parts 4 and 5 of the Transport Act 1985(**2**); and

(b) the functions of the constituent councils as local transport authorities under Part 2 of the Transport Act 2000(**3**).

PART 4

Additional functions

Economic development and regeneration functions

7.—(1) The functions of the constituent councils set out in Schedule 2 are exercisable by the Combined Authority in relation to its area.

(2) The functions are exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

(**2**) 1985 c. 67.
(**3**) 2000 c. 38.

Incidental provisions

8. The following provisions shall have effect as if the Combined Authority were a local authority for the purposes of those provisions—

(a) section 113 of the Local Government Act 1972(**4**) (power to place staff at the disposal of other local authorities);

(b) section 142(2) of the Local Government Act 1972(**5**) (power to arrange for publication of information etc relating to the functions of the authority); and

(c) section 222 of the Local Government Act 1972(**6**) (power to prosecute and defend legal proceedings).

9.—(1) The Combined Authority shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985(**7**) (research and collection of information) whether or not a scheme is made under that section.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 have effect as if a reference to "that area" were a reference to the combined area.

10. Section 13 of the Local Government and Housing Act 1989(**8**)(voting rights of members of certain committees) has effect in relation to the Combined Authority as if—

(a) in subsection (4) after paragraph (h) there were inserted—

"(i) subject to subsection (4A), a committee appointed by the Tees Valley Combined Authority;"; and

(b) after subsection (4) there were inserted—

"(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils as defined by article 2 of the Tees Valley Combined Authority Order 2016."

11. In Part 2 of Schedule 3 (pension funds) to the Local Government Pension Scheme Regulations 2013(**9**) in the table insert at the end—

(**4**) 1972 c. 70. Section 113 was amended by paragraph 151 of Schedule 4 tothe National Health Service Reorganisation Act 1973 (c. 32); by section 66(1) of and paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19); by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, and paragraph 3 of Schedule 17 to Health and Social Care Act 2012 (c. 7); by S.I. 2000/90; by S.I. 2002/2469; and by S.I. 2007/961.

(**5**) Section 142 was amended by the Local Government Act 1986 (c. 10), section 3(1)(a); there are other amendments which are not relevant to this instrument.

(**6**) To which there are amendments not relevant to this instrument.

(**7**) 1985 c. 51.

(**8**) 1989 c. 42. Section 13 was amended by paragraph 1 of Schedule 21(II) and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Schedule 9(I) to the Police and Magistrates' Courts Act 1994 (c. 29); by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37(I) and by paragraph 1 of Schedule 38(I) to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by paragraph 1 of Schedule 5(4) to the Children Act 2004 (c. 31); by paragraph 81of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009; by paragraph 14 of Schedule 14 and by paragraph 1 of Schedule 22(4) to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by S.I. 2001/1517; and by S.I. 2010/1158.

(**9**) S.I. 2013/2356. Schedule 3 was amended by regulations 31 and 32 of the Local Government Pension Scheme (Amendment) Regulations 2015/755.

"An employee of the Tees Valley Combined Authority established by the Tees Valley Combined Authority Order 2016	Middlesbrough Borough Council"

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

James Wharton
Parliamentary Under Secretary of State
Department for Communities and Local Government

29th March 2016