

APPENDIX 3

Draft Order laid before Parliament under section 117(2) of the Local Democracy, Economic Development and Construction Act 2009, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2016 No.

LOCAL GOVERNMENT, ENGLAND

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

Made - - - -

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 107D(7), 107E(1), 113D(1), 114 and 117(5) of the Local Democracy, Economic Development and Construction Act 2009(a) (“the 2009 Act”).

The Secretary of State, having regard to a scheme prepared and published under section 112 of the 2009 Act(b), 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(c) 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(d).

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

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- (a) 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). Section 105 was amended by sections 6, 9 and 14 of the Cities and Local Government Devolution Act 2016. Section 105A was inserted by section 7 of the Cities and Local Government Devolution Act 2016. Sections 107D and 107E were inserted by section 4 of the Cities and Local Government Devolution Act 2016. Section 113D was inserted by section 10 of the Cities and Local Government Devolution Act 2016. Section 114 was amended by section 23 of, and paragraphs 17 and 26 of Schedule 5 to, the Cities and Local Government Devolution Act 2016. Section 117(2), (2A) and (3) was substituted by section 13 of the Localism Act 2011 (c. 20). Section 117 was amended by sections 13 and 23 of, and paragraphs 17 and 29 of Schedule 5 to the Cities and Local Government Devolution Act 2016.
 - (b) Section 109 was amended by sections 6 and 12 of the Cities and Local Government Devolution Act 2016.
 - (c) Section 113 was amended by sections 12, 14 and 23 of, and paragraph 24 of Schedule 5 to, the Cities and Local Government Devolution Act 2016.
 - (d) 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.
 - (e) Section 105B was inserted by section 7 of the Cities and Local Government Devolution Act 2016.

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.

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.

PART 1

General

Citation and commencement

1.—(1) This Order may be cited as the Liverpool City Region Combined Authority (Functions and Amendment) Order 2016.

(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 18, 21, 22 and 23(1) and (2) come into force on 8th May 2017.

Interpretation

2. In this Order—

“the 1980 Act” means the Highways Act 1980(a);

“the 1984 Act” means the Road Traffic Regulation Act 1984(b);

“the 1988 Act” means the Road Traffic Act 1988(c);

“the 1989 Act” means the Local Government and Housing Act 1989(d);

“the 1990 Act” means the Town and Country Planning Act 1990(e);

“the 1999 Act” means the Greater London Authority Act 1999(f);

“the 2003 Act” means the Local Government Act 2003(g);

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004(h);

“the 2008 Act” means the Housing and Regeneration Act 2008(i);

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

“the 2008 Order” means the Town and Country Planning (Mayor of London) Order 2008(j)

“the 2011 Act” means the Localism Act 2011(k)

“the 1996 Regulations” means the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996(l);

“the 2014 Order” means the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (m);

(a) 1980 c.66

(b) 1984 c.27.

(c) 1988 c.52.

(d) 1989 c. 42.

(e) 1990 c. 8.

(f) 1999 c. 29.

(g) 2003 c.26.

(h) 2004 c 5.

(i) 2008 c. 17.

(j) S.I. 2008/580.

(k) 2011 c. 20.

(l) S.I. 1996/2489 amended in relation to England by S.I. 2009/1116.

(m) S.I. 2014/4865.

“the Area” means the area of the Combined Authority;

“constituent councils” means the 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 2011 Order(a);

“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 3, following the designation of an area of land by the Combined Authority.

“the HCA” means the Homes and Communities Agency(b);

“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(c) 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)(d);
- (c) section 336 (withdrawal);
- (d) section 337 (publication)(e);
- (e) section 338 (examination in public)(f);
- (f) section 339 (review of matters affecting the strategy);
- (g) section 340 (reviews of the strategy);
- (h) section 341 (alteration or replacement)(g);
- (i) section 342 (matters to which the Mayor is to have regard);
- (j) section 346 (monitoring and data collection)(h); and
- (k) section 348 (mayor’s functions as to planning around Greater London).

(a) 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 that Local Transport Act 2008 (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.

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

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

(d) 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).

(e) 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 Localism Act 2011.

(f) 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.

(g) 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 3 and 5(a) and (b) of Schedule 8 and Part 16 of Schedule 25 to, the Localism Act 2011.

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

(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^(a) apply in relation to the preparation and publication of a spatial 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 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 55 of Schedule 22 to, the Localism Act 2011. 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; section 222 of, and paragraph 56 of Schedule 22 to, the Localism Act 2011. 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 Localism Act 2011. 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).

- (a) section 41 of the 1999 Act (general duties of the Mayor in relation to his strategies)(a);
- (b) section 356A of the 1999 Act (London Waste and Recycling Board)(b);
- (c) section 10 of the London Olympic Games and Paralympic Games Act 2006(c); and
- (d) the Town and Country Planning (London Spatial Development Strategy) Regulations 2000(d).

Planning applications of potential strategic importance

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

- (a) section 2A of the 1990 Act (the Mayor of London: applications of potential strategic importance);
- (b) section 2B of the 1990 Act (section 2A: supplementary provisions);
- (c) section 2C of the 1990 Act (matters reserved for subsequent approval);
- (d) section 2E of the 1990 Act (section 2A and planning obligations under section 106);
- (e) section 2F of the 1990 Act (representation hearings);
- (f) section 74 of the 1990 Act (directions etc. as to method of dealing with applications);
- (g) article 4 of the 2008 Order (notification to the Mayor of applications of potential strategic importance);
- (h) article 6 of the 2008 Order (mayor's power to direct refusal of a PSI application); and
- (i) article 7 of the 2008 Order (direction that the Mayor is to be the local planning authority).

(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”.

(4) The provisions in section 333 of the 1990 Act (orders and regulations) apply in relation to the power of the Secretary of State to make orders under sections 2A and 2F of that Act, by statutory instrument, prescribing the circumstances in which, and the conditions subject to which, the Combined Authority may give a direction under section 2A and provision in relating to public admission to representation hearings and public access to documents, etc at such hearings under section 2F of that Act, as it applies in relation to the power of the Secretary of State to make orders under sections 2A and 2F of that Act, by statutory instrument, prescribing the circumstances in which, and the conditions subject to which, the Mayor of London may give a direction under section 2F of that Act and provision in relating to public admission to representation hearings and public access to documents, etc at such hearings under section 2F of that Act.

(5) The provisions in the 2008 Order apply in relation to the circumstances in which the Combined Authority's powers to give directions may be exercised and procedural matters connected with the exercise of those powers by the Combined Authority as they apply in relation to the circumstances in which the Mayor of London's powers to give directions may be exercised and procedural matters connected with the exercise of those powers by the Mayor.

(6) The 2008 Order shall have effect as if—

- (a) for every reference to “the Mayor” there were substituted “the Combined Authority”;

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- (a) 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 Localism Act 2011.
 - (b) 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 Localism Act 2011.
 - (c) 2006 c. 12. Section 10 was amended by section 195 of, and paragraph 9 of Schedule 20 to, the Localism Act 2011.
 - (d) S.I. 2000/1491

- (b) regulation 3 were omitted;
- (c) in regulation 6—
 - (i) every reference to “Greater London” is to be read as a reference to “the Area”;
 - (ii) in sub-paragraph (2)(a) for “the Greater London Authority” there were substituted “the Combined Authority”, and
 - (iii) sub-paragraphs (2)(c) and (f) were omitted; and
- (d) for parts 1, 2 and 3 of the Schedule to the 2008 Order there were substituted parts 1, 2 and 3 in Schedule 2.

PART 3

Housing and regeneration

Conferral of functions corresponding to functions that the HCA has in relation to the Area

6.—(1) The functions of the HCA which are specified in the following provisions of the 2008 Act are to be functions of the Combined Authority that are exercisable in relation to the Area—

- (a) section 5 (powers to provide housing or other land);
- (b) section 6 (powers for regeneration, development or effective use of land);
- (c) section 7 (powers in relation to infrastructure);
- (d) section 8 (powers to deal with land etc);
- (e) section 9 (acquisition of land);
- (f) section 10 (restrictions on disposal of land);
- (g) section 11 (main powers in relation to acquired land)(a);
- (h) section 12 (powers in relation to, and for, statutory undertakers);
- (i) paragraphs 19 and 20 of Schedule 3 (powers in relation to burial grounds and consecrated land etc.); and
- (j) paragraphs 1, 2, 3, 4, 6, 10 and 20 of Schedule 4 (extinguishment or removal powers for the HCA).

(2) The Combined Authority is to exercise the functions contained in the provisions specified in paragraph (2) for the purposes of or for purposes incidental to the following objects—

- (a) to improve the supply and quality of housing in the Area,
- (b) to secure the regeneration or development of land or infrastructure in the Area,
- (c) to support in other ways the creation, regeneration or development of communities in the Area or their continued well-being, and
- (d) to contribute to the achievement of sustainable development and good design in the Area,

with a view to meeting the needs of people living in the Area.

(3) The functions contained in the provisions specified in paragraph (1) are—

- (a) exercisable concurrently with the HCA, and
- (b) subject to Schedules 2 and 3 to the 2008 Act.

(4) In paragraph (2) “good design” and “needs” have the meanings given by section 2(2) of the 2008 Act and the reference to improving the supply of housing includes a reference to improving the supply of particular kinds of housing.

(a) Section 11 was amended by section 32(1) and (2) of the Infrastructure Act 2015 (c. 7).

(5) Section 23(3) of the Land Compensation Act 1961(a) (compensation where planning decision made after acquisition) applies in relation to an acquisition by the Combined Authority as it applies to the HCA.

Acquisition and appropriation of land for planning and public purposes

7.—(1) The functions of the constituent councils specified in the following provisions as applied by article 8(2) to (6) are exercisable by the Combined Authority in relation to the Area—

- (a) section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes)(b);
- (b) section 227 of the 1990 Act (acquisition of land by agreement);
- (c) section 229 of the 1990 Act (appropriation of land forming part of common, etc);
- (d) section 230(1)(a) of the 1990 Act (acquisition of land for purposes of exchange);
- (e) section 232 of the 1990 Act (appropriation of land held for planning purposes);
- (f) section 233 of the 1990 Act (disposal by local authorities of land held for planning purposes)(c);
- (g) section 235 of the 1990 Act (development of land held for planning purposes);
- (h) section 236 of the 1990 Act (extinguishment of rights over land compulsorily acquired)(d);
- (i) section 237 of the 1990 Act (power to override easements and other rights)(e);
- (j) section 238 of the 1990 Act (use and development of consecrated land);
- (k) section 239 of the 1990 Act (use and development of burial grounds); and
- (l) section 241 of the 1990 act (use and development of open spaces).

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

Condition on the exercise of the functions conferred by articles 6(1) and 7(1)

8.—(1) The exercise of the functions in section 9 of the 2008 Act and section 226 of the 1990 Act by the Combined Authority requires the consent of all members of the Combined Authority appointed by the constituent councils whose council area contains any part of the land subject to the proposed compulsory acquisition or substitute members acting in place of those members, to be provided at a meeting of the Combined Authority.

Application of provisions of the 1990 Act and the 2008 Act

9.—(1) This article has effect in consequence of articles 6 and 7.

(2) Part 9 of the 1990 Act (acquisition and appropriation of land for planning purposes, etc) applies in relation to the Combined Authority and land which has been vested in or acquired by the Combined Authority for planning and public purposes as it applies to a constituent council and land vested in or acquired by a constituent council for planning and public purposes.

(3) Chapters 1 and 2 of Part 1 of, and Schedules 2 to 4 to, the 2008 Act apply in relation to the powers of the Combined Authority to acquire land for housing and infrastructure under the

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- (a) 1961 c. 33. Section 23 was amended by section 66 of, and paragraph 1 of Schedule 14 to, the Planning and Compensation Act 1991 (c. 34), sections 181 and 187 of, and paragraph 1 of Schedule 22 to, the Leasehold Reform, Housing and Urban Development Act 1993 (c. 28) and by section 56 of, and paragraph 2 of Schedule 8 to, the 2008 Act (c. 17).
 - (b) Section 226 was amended by sections 79, 99 and 120 of, and paragraph 3 of Schedule 3 and paragraph 1 of Schedule 9 to, the 2004 Act.
 - (c) Section 233 was amended by section 8 of the Growth and Infrastructure Act 2013 (c. 27).
 - (d) Section 236 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 (c. 21).
 - (e) Section 237 was amended by section 406 of, and paragraph 103 of Schedule 17 to, the Communications Act 2003 and by section 194 of, and paragraph 4 of Schedule 9 to, the Planning Act 2008.

functions specified in article 6(1) and land acquired by the Combined Authority under those functions as they apply to the HCA and land acquired by the HCA with the modifications made by Parts 1 and 2 of Schedule 3.

(4) Schedule 3 set out how the provisions in the 2008 Act as modified by paragraph (3) apply.

PART 4

Mayoral development areas

Designation of Mayoral development areas

10.—(1) The Combined Authority shall have in relation to the Area functions corresponding to the following functions contained in the provisions in the 2011 Act, that the Mayor of London has in relation to Greater London—

- (a) section 197 (designation of Mayoral development areas);
- (b) section 199 (exclusion of land from Mayoral development areas);
- (c) section 200 (transfers of property etc to a Mayoral development corporation);
- (d) section 202 (functions in relation to Town and Country Planning);
- (e) section 204 (removal or restriction of planning functions);
- (f) section 214 (powers in relation to discretionary relief from non-domestic rates);
- (g) section 215 (reviews);
- (h) section 216 (transfers of property, rights and liabilities);
- (i) section 217 (dissolution: final steps);
- (j) section 219 (guidance by the Combined Authority);
- (k) section 221 (directions by the Combined Authority);
- (l) paragraph 1 of Schedule 21 (membership);
- (m) paragraph 2 of Schedule 21 (terms of appointment of members);
- (n) paragraph 3 of Schedule 21 (staff);
- (o) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (p) paragraph 6 of Schedule 21 (committees); and
- (q) paragraph 8 of Schedule 21 (proceedings and meetings).

Application of provisions in the 2011 Act

11.—(1) Chapter 2 of Part 8 (Mayoral development corporations) of the 2011 Act applies to the Combined Authority and any Corporation as it applies in relation to the Mayor of London and a Mayoral development corporation respectively, with the modifications made by Schedule 4.

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

- (a) any reference to a Mayoral development corporation, or
- (b) any reference which falls to be read as a reference to a Mayoral development corporation,

is to be treated as including a reference to a Corporation.

(3) For the purposes of any transfer scheme under any provisions of the 2011 Act applied with modifications by this Order, paragraph 9 of Schedule 24 to the 2011 Act (transfers under scheme under section 200(1) or (4) or 216(1)) applies in relation to—

- (a) any property, rights or liabilities transferred to or from a Corporation in accordance with a transfer scheme, or

- (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities to or from a Corporation in accordance with such a transfer scheme,

as it applies in relation to a Mayoral development corporation.

(4) For the purposes of establishing a Corporation, giving the Corporation a name, giving effect to any decisions notified to the Secretary of State (under section 202(8) (decisions about planning functions), 199(4) (exclusion of land from Mayoral development areas), 214(6) (powers in relation to discretionary relief from non-domestic rates) of the 2011 Act) or in relation to the transfer of land to or from a Corporation under any provision of the 2011 Act, applied with modifications by this Order, the provisions in section 235 of the 2011 Act (orders and regulations) apply in relation to—

- (a) the power of a Minister of the Crown to make an order under section 198(2) (mayoral development corporations: establishment) and 200(6) (transfers of property etc to a Mayoral development corporation) of that Act; and
- (b) the power of the Treasury to make regulations under paragraph 9(2) of Schedule 24 to that Act,

as they apply in relation to the establishment of a Mayoral development corporation, giving the corporation a name, giving effect to any decisions notified to the Secretary of State (under section 202(8), 199(4) and 216(6) of the 2011 Act) and a transfer of land to or from a Mayoral development corporation.

(5) In this article “transfer scheme” means a transfer scheme under section 200(1) or (4) or 216(1) of the 2011 Act.

(6) Paragraph (2) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996(a);
- (b) section 31(1A) of the 1999 Act(b);
- (c) section 38 of the 1999 Act(c);
- (d) section 60A(3) of the 1999 Act(d);
- (e) section 68(6) of the 1999 Act(e);
- (f) Section 73 of the 1999 Act(f);
- (g) 424 of the 1999 Act(g);
- (h) section 24(4) of the Planning and Compulsory Purchase Act 2004(h); and
- (i) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008(i).

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- (a) 1996 c 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.
 - (b) Section 31 was amended by section 186 of, and paragraphs 44 and 45 of Schedule 22 and Parts 31 and 32 of Schedule 25 to, the 2011 Act, section 33 of the Infrastructure Act 2015 (c. 7) and article 2 of S.I. 2012/1530.
 - (c) Section 38 was amended by paragraphs 36 and 37 of Schedule 19, paragraphs 4 and 5 of Schedule 20, paragraphs 44 and 46 of Schedule 22 and Part 32 of Schedule 25 to, the 2011 Act, section 28 of the Growth and Infrastructure Act 2013 (c. 27) and article 2 of S.I. 2012/1530.
 - (d) Section 60A was inserted by section 4 of the Greater London Authority Act 2007 (c. 24) and amended by section 224 of the Planning Act 2008 (c. 29), section 20 of the Police Reform and Social Responsibility Act 2011 (c. 13), paragraphs 44 and 47 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act and articles 1, 2 and 36 of S.I. 2008/2038.
 - (e) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
 - (f) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, paragraph 16 of Part 2 of Schedule 12 to the Local Government and Public Involvement in Health Act 2007 (c. 28), paragraphs 36 and 38 of Schedule 19, Paragraphs 44 and 49 of Schedule 22, Part 32 of Schedule 25 to the 2009 Act and paragraphs 1 and 5 of Part 1 to the Schedule in S.I. 2000/1435.
 - (g) Section 424 was amended by section 1159 of the Companies Act 2006 (c. 46), sections 11, 12, 21, 22 of the Greater London Authority Act 2007, section 3 of the Police Reform and Social Responsibility Act 2011 and paragraphs 44 and 52 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
 - (h) 2004 c 5. Section 24 was amended by paragraphs 54 and 55 of Schedule 22 to the Localism Act 2011.
 - (i) 2008 c 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the Localism Act 2011.

Incidental provisions

12. The following provisions of the 1989 Act(a) shall apply as if a Corporation were a local authority.—

- (a) section 1(b)(disqualification and political restriction of certain officers and staff), and
- (b) sections 2 and 3A(c)(politically restricted posts and exemptions from restriction) so far as they have effect for the purposes of that section.

13. Section 5(d) of the 1989 Act (designation and reports of monitoring officer) shall apply in relation to the Combined Authority as if a Corporation were a committee of the Authority.

14.—(1) Section 32 of the 2003 Act applies in relation to expenditure of a Corporation as it applies to expenditure of a functional body.

(2) In Section 32 of the 2003 Act, as applied by paragraph (1)—

- (a) references to a functional body are to be read as references to a Corporation;
- (b) references to the Greater London Authority are to be read as references to the Combined Authority; and
- (c) the reference to the Mayor of London is to be read as a reference to the Mayor of the Combined Authority.

PART 5

Transport

Power to pay grant

15.—(1) The functions of a Minister of the Crown contained 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) The functions are exercisable by the Combined Authority concurrently with a Minister of the Crown.

(3) Paragraph (4) applies where, in exercising functions under paragraph (1), the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by a constituent council 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 council has sufficient funds to facilitate the effective discharge of those functions.

(5) In complying with paragraph (4), the Combined Authority must take into account any other sources of funding available to the council for expenditure incurred or to be incurred in relation to the exercise of its highway functions.

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

(a) 1989 c.42.

(b) Section 1 was amended by section 80 of the Local Government Act 1972 (1972 c. 70), Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (1975 c. 24) and paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (2011 c. 13).

(c) Section 3A was inserted by section 202(2) of the Local Government and Public Involvement in Health Act 2007 (2007 c. 28) and amended by Part 1 of Schedule 7 to the Local Democracy, Economic Development and Construction Act 2009 and paragraph 4 of Part 1 of Schedule 25 to the Localism Act 2011.

(d) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates Courts Act 1994 (1994 c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (1996 c. 16), section 132 of the Greater London Authority Act 1999, paragraph 24 of Schedule 5 to the Local Government Act 2000 (2000 c. 22), paragraph 14 of Part 2 to Schedule 12 and Part 14 of Schedule 18 to the Local Government and Public Involvement in Health Act 2007, paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (2009 c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (2011 c. 13) and SI 2001/2237 articles 1(2), 2(l) and 23(1)(a) to (f).

- (a) in subsection (1)—
 - (i) for “A Minister of the Crown” there were substituted “The Combined Authority”,
 - (ii) for “local authority in England and Wales” there were substituted “constituent council”,
- (b) subsection (2) were omitted;
- (c) in subsections (3) and (4), for the “the person paying it” there were substituted “the Combined Authority”;
- (d) subsection (6) were omitted.

Agreements between authorities and improvement of highways

16.—(1) The functions of the constituent councils contained in section 6(a) 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) are exercisable by the Combined Authority in relation to the Area.

(2) The functions of the constituent councils as local highway authorities contained in the following provisions of the 1980 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 8(b) of the 1980 Act (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works);
- (b) section 62(c) (general power of improvement).

(3) The functions mentioned in paragraphs (1) and (2) are exercisable by the Combined Authority concurrently with the constituent councils.

(4) In this article “local highway authority” has the meaning given by section 329(1) of the 1980 Act.

Road Safety

17.—(1) The functions of the constituent councils contained in section 39(2) and (3) of the Road Traffic Act 1988(d) (duties of local authorities to prepare and carry out a programme of measures designed to promote road safety, and carry out studies into accidents arising out of the use of vehicles on certain roads within their areas) are exercisable by the Combined Authority in relation to the Area.

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

Traffic regulation

18.—(1) The functions of the constituent councils as local traffic authorities contained in the following provisions of the 1984 Act are exercisable by the Combined Authority in relation to the Area—

- (a) section 1(e) (traffic regulation orders outside Greater London);

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- (a) 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, and S.I. 1995/1986
 - (b) 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) 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).
 - (d) 1988 c.52. Section 39 was amended by section 168 of, and paragraph 121(3) of Schedule 8 to, the New Roads and Street Works Act 1991 (c. 22), and by section 279 of the 1999 Act.
 - (e) Section 1 was amended by paragraph 17 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 36 of Schedule 22 to the Environment Act 1995 (c.X), paragraph 7 of Schedule 11 to the Transport Act 2000, section 45 of the Local Transport Act 2008, and paragraph 71 of Schedule 1 to the Infrastructure Act 2015.

- (b) section 2(4)(a) (what a traffic regulation order may provide); and
 - (c) section 9(b) (experimental traffic schemes);
- (2) The functions are exercisable by the Combined Authority concurrently with the constituent councils.
- (3) Part 1 of, and Schedule 9 to, the 1984 Act apply in relation to the exercise by the Combined Authority of the functions specified in paragraph (1) as they apply in relation to the exercise by the constituent councils of those functions.
- (4) The 1996 Regulations apply in relation to orders made or proposed to be made by the Combined Authority in exercise of the functions specified in paragraph (1) as they apply in relation to orders made or proposed to be made by the constituent councils in exercise of those functions.
- (5) For the purposes of paragraph (4), references in the 1996 Regulations to an order making authority are to be read as including references to the Combined Authority.
- (6) In this article “local traffic authority” has the meaning given by section 121A(c) of the 1984 Act.

PART 6

General power of competence

General power of competence

19. The function in section 1 of the 2011 Act (local authority’s general power of competence) is to have effect in relation to the Combined Authority as it has effect in relation to a local authority.

PART 7

Funding

Funding

20.—(1) The constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of the functions mentioned in articles 3, 5, 6, 7, 10, 19 and 21(10) are met.

(2) Subject to paragraph (4), the constituent councils must meet the costs of the expenditure reasonably incurred by the Mayor in, or in connection with, the exercise of the functions specified in articles 3, 5, 6, 7, 10 and 21(10) 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 proportion to the total resident population of the Combined Authority which resides in that council at the relevant date as estimated by the Statistics Board(d).

(a) Subsection (4) was amended by paragraph 18 of Schedule 8 to the New Roads and Street Works Act 1991.

(b) Section 9 was amended by paragraph 23 of Schedule 8 to the New Roads and Street Works Act 1991, paragraph 24 of Schedule 4 to the Road Traffic Act 1991 (c.X), paragraph 4 of the Local Government Act 1985 (c.X), and paragraph 74 of Schedule 1 to the Infrastructure Act 2015.

(c) Section 121A was inserted by paragraph 70 of Schedule 8 to the New Roads and Street Works Act 1991 (c.22). It was subsequently amended by section 271 of the Greater London Authority Act 1999 (c.29), paragraph 95 of Schedule 1 to the Infrastructure Act 2015 (c.7), S.I. 1999/1820 and S.I. 2001/1400.

(d) Section 25 of the Statistics and Registration Service Act 2007 (c. 18) provides that the Statistics Board is responsible for the functions in section 19 of the Registration Service Act 1953 (c. 37).

- (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;
 - (b) any precept issued in relation to such expenditure under regulations made under section 40 of the Local Government Finance Act 1992(a) is to be disregarded from any calculation of the costs of the expenditure.
- (5) The functions mentioned in articles 15 to 18 are to be funded out of the levy issued by the Combined Authority to the constituent councils under section 74 of the Local Government Finance Act 1988(b) and in accordance with the Transport Levying Bodies Regulations 1992(c).
- (6) For the purposes of this article the relevant date in relation to a payment for a financial year is 30th June in the financial year which commenced two years prior to the financial year in which such payment is made.

PART 8

Functions of the Combined Authority exercisable only by the Mayor; political advisers

General functions of the Combined Authority exercisable only by the Mayor

- 21.—(1) The following functions(d) are general functions exercisable only by the Mayor(e)—
- (a) the functions of the Combined Authority in the following enactments—
 - (i) sections 5 to 12 of, and paragraphs 19 and 20 of Schedule 3 and paragraphs 1 to 4, 6, 10 and 20 of Schedule 4 to, the 2008 Act,
 - (ii) section 31 of the 2003 Act,
 - (iii) sections 108 (local transport plans), 109 (further provision about plans: England) and 112 (plans and strategies: supplementary) of the Transport Act 2000 Act(f); and

-
- (a) c. 14. Section 40 was amended by section 83 of the 1999 Act, section 79 of, and paragraph 7 of Schedule 17 to, the Localism Act 2011 and section 5 of the Cities and Local Government Devolution Act 2016.
 - (b) c. 41. Section 74 was amended by paragraph 72 of Schedule 13 to the Local Government Finance Act 1992 (c. 14), paragraph 21 of Schedule 60 to the Local Government (Wales) Act 1994 (c. 19), Schedule 24 to the Environment Act 1995 (c. 25), section 105 of the Greater London Authority Act 1999 (c. 29), paragraph 305(a) of Schedule 8 to the Courts Act 2003 (c. 39), paragraph 68 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21), paragraph 16 of Schedule 1 to the Local Government and Involvement in Public Health Act 2007 (c. 28), paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20), paragraphs 1 and 2 of Schedule 7 to the Police Reform and Social Responsibility Act 2011 (c. 13), paragraph 182(a) of Schedule 16 to the Localism Act 2011(c. 20); section 9(1)(a), (b) and (2) of, and paragraphs 9 and 10 of Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1), and by S.I. 1994/2825.
 - (c) S.I. 1992/2789, amended by S.I. 2012/213 and S.I. 2015/27.
 - (d) Section 107D(2) of the 2009 Act provides that in Part 6 of that Act 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.
 - (e) The Mayor for the area of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority was established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority (Election of Mayor) Order 2016 (S.I. 2016/782).
 - (f) c. 38. Section 108 was amended by paragraph 2 of the Schedule to the Transport (Wales) Act 2006 (c.5), the Local Transport Act 2008 (c.26), sections 7 to 9, paragraphs 41 and 42 of Schedule 4 and Part 1 of Schedule 7, and paragraph 96 of Schedule 6 to the 2009 Act. Section 109 was amended by paragraph 3 of the Schedule to the Transport (Wales) Act 2006, the Local Transport Act 2000, section 9, and the Local Democracy, Economic Development and Constructions Act 2009 (c.20), paragraph 97 of Schedule 6. Section 112 was amended by the Local Transport Act 2008, sections 10 and 11 and Part 1 of Schedule 7, and the Equality Act 2010, paragraph 48 of Schedule 26. Article 6 of the 2014 Order dissolved the Merseyside Passenger Transport Authority, abolished its area and transferred its functions to the Combined Authority.

- (b) the functions of the Combined Authority corresponding to the functions specified in—
 - (i) sections 2A, 2B, 2C, 2E, 2F, 74, 226, 227, 229, 230(1)(a), 232, 233, 235, 236 to 239 and 241 of the 1990 Act;
 - (ii) sections 334 to 342 and 346 of the 1999 Act;
 - (iii) sections 197, 199, 200, 202, 204, 214 to 217, 219 and 219 of, and paragraphs 1 to 4, 6, 10 and 20 of Schedule 21 to the 2011 Act; and
 - (iv) articles 4, 6 and 7 of the 2008 Order.

(2) The exercise of the functions mentioned in paragraph (1)(b)(i) and (iv) by the Mayor requires the consent of the member of the Combined Authority appointed by the constituent council to whom the application for planning permission was made, or the substitute member acting in place of that member, to be provided at a meeting of the Combined Authority(a).

(3) The exercise of the functions in section 334 (the spatial development strategy), 335 (public participation), 336 (withdrawal), 337 (publication) and 341 (alteration or replacement) of the 1999 Act by the Mayor 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.

(4) The Mayor may only exercise functions mentioned in paragraph (1)(a)(iii) if—

- (a) the Mayor has laid before the Combined Authority, in accordance with standing orders of the Combined Authority—
 - (i) a draft of the local transport plan,
 - (ii) a draft of the local transport plan with any alterations, or
 - (iii) a replacement of the local transport plan,

stating that the Mayor is proposing to exercise the Mayor's functions under sections 108 or 109 of the 2008 Act, and

- (b) the consideration period for the document has expired without the Combined Authority having rejected the proposal.

(5) The Mayor may only exercise functions mentioned in paragraph (1)(a)(ii) if—

- (a) the Mayor has laid before the Combined Authority, in accordance with standing orders of the Combined Authority, a document stating that the Mayor is proposing to pay a grant to one or more of the constituent councils a towards expenditure incurred or to be incurred by it in relation to the exercise of its highway functions, and
- (b) the consideration period for the document has expired without the Combined Authority having rejected the proposal.

(6) The exercise of the functions in section 9 of the 2008 Act and section 226 of the 1990 Act by the Mayor requires the consent of all members of the Combined Authority appointed by the constituent councils whose council area contains any part of the land subject to the proposed compulsory acquisition or substitute members acting in place of those members, to be provided at a meeting of the Combined Authority.

(7) The exercise by the Mayor of the functions corresponding to the functions contained in section 197 (designation of Mayoral development areas), 199 (exclusion of land from Mayoral development areas), 202 (functions in relation to Town and Country Planning) and 204 (removal or restriction of planning functions) of the 2011 Act requires the consent of a constituent council whose local government area contains—

- (a) any part of the area to be designated as a mayoral development area;
- (b) any part of the area to be excluded from a Mayoral development areas; or

(a) The constituent councils are local planning authorities for their areas. Section 1 of the 1990 Act provides that the council of a metropolitan district is the local planning authority for the district and the council of a London borough is the local planning authority for the borough. Section 2A(1) of the 1990 Act provides that Where an application to which that section applies is made to a local planning authority the Mayor of London may direct that he is to be the local planning authority for the purposes of determining the application.

(c) an area in respect of which the Combined Authority proposes to exercise its functions corresponding to the functions contained in section 202(2) to (4) of the 2011 Act.

(8) Members and officers of the Combined Authority may assist the Mayor in the exercise of the functions mentioned in paragraph (1).

(9) For the purposes of subsections (4) and (5)—

(a) the “consideration period” for a document is the 21 days beginning with the day the document is laid before the Combined Authority in accordance with standing orders of the Combined Authority, and

(b) the Combined Authority rejects a proposal if it resolves to do so on a motion—

(i) considered at a meeting of the Combined Authority, and

(ii) agreed to by at least two thirds of the members of the Combined Authority appointed by the constituent councils or the substitute members acting in place of that member, present and voting.

(10) For the purposes of the exercise of the general functions mentioned in paragraph (1) the Mayor may do anything that the Combined Authority may do under section 113A of the 2009 Act (general power of EPB or combined authority)(a).

(11) Anything which, immediately before 8th May 2017, is in the process of being done by or in relation to the Combined Authority or by or in relation to a constituent council for the purposes of or in connection with the functions mentioned in paragraph (1), is to be treated as having been done by or in relation to the Mayor.

Political advisers

22.—(1) The Mayor may appoint one person as the Mayor’s political adviser.

(2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.

(3) No appointment under paragraph (1) shall extend beyond—

(a) the term of office for which the Mayor who made the appointment was elected; or

(b) where the Mayor who appointed the political adviser ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.

(4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.

(5) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act(b)(assistants for political groups), shall apply in relation to an appointment under paragraph (1) as if—

(i) any appointment to that post were the appointment of a person in pursuance of that section; and

(ii) the Combined Authority were a relevant authority for the purposes of that section.

(6) Subsection (3) of section 9 of the 1989 Act shall apply in relation to an appointment under paragraph (1) as if the words “and that the appointment terminates” to the end of that subsection were omitted.

(a) Section 113A was inserted by section 13 of the Localism Act 2011 and amended by section 23 of, and paragraph 25 of Schedule 5 to, the Cities and Local Government Devolution Act 2016.

(b) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 (c. 28) and by S.I. 2001/2237.

PART 9

Amendment of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014

Amendment of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014

23.—(1) The 2014 Order is amended as follows—

(2) Schedule 1 (constitution) is amended as follows—

(a) paragraph 2 is omitted;

(b) in paragraph 3—

(i) for paragraph (1) substitute—

“(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of the members present and voting on that question at a meeting of the Combined Authority, such majority to include the Mayor, if the Mayor is in post, or the deputy Mayor acting in place of the Mayor, if the deputy Mayor is in post, and substitute members, acting in place of members.”,

(ii) for subparagraph (3) substitute—

“(3) Each member appointed according to the provisions in paragraph 1, or a substitute member acting in that member’s place, and the Mayor, if the Mayor is in post, or the deputy Mayor acting in place of the Mayor, if the deputy Mayor, is in post is to have one vote and no member or substitute member is to have a casting vote.

(iii) for sub-paragraph (5) substitute—

“(5) A decision on a question relating to any of the matters specified in sub-paragraph (5A), where such a question does not relate to the exercise of a general function exercisable only by the Mayor in accordance with the provisions in article 21(1) of the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017, 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, present and voting on that question to be carried at a meeting of the Combined Authority.”,
and

(iv) after sub-paragraph (5) insert—

“(5A) The matters referred to in paragraph (5) are—

(a) the determination and review of any transitional arrangements on transport;

(b) all matters relating to the constitution of the Combined Authority;

(c) amendments to the standing orders of the Combined Authority;

(d) all matters relating to the management, maintenance and funding of the Key Route Network of local roads which are to be maintained by the Combined Authority;
and

(f) such matters as may be determined by the Combined Authority and set out in its standing orders.”.

(3) After paragraph 7 insert—

“8.—(1) Subject to sub-paragraph (3), no remuneration is to be payable by the Combined Authority to its members, other than allowances for travel and subsistence paid in accordance with a scheme drawn up by the Combined Authority.

(2) A constituent council may, in accordance with its own scheme of allowances, pay a special responsibility allowance to any member appointed by it to the Combined Authority in respect of duties and responsibilities undertaken as a member of the Combined Authority.

- (3) The Combined Authority may only pay an allowance to the Mayor if—
- (a) the Combined Authority has considered a report published by an independent remuneration panel established by one or more of the constituent councils under regulation 20 of the Local Authorities (Members' Allowances) (England) Regulations 2003 which contains recommendations for such an allowance; and
 - (b) the allowance paid by the Combined Authority does not exceed the amount specified in the recommendation made by the independent remuneration panel.”.

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

Name
Parliamentary Under Secretary of State
Department for Communities and Local Government

Date

SCHEDULE 1 Article 3

Spatial development strategy

PART 1

Modification of Part 8 of the 1999 Act

- 1.—(1) Part 8 of the 1999 Act is modified in accordance with the following provisions.
- (2) Part 8 of the 1999 Act shall have effect as if—
- (a) sections 344, 345 and 349 were omitted;
 - (b) for every reference to—
 - (i) “Greater London” there were a reference to “the Liverpool City Region”;
 - (ii) “the Mayor” there were a reference to “the Combined Authority”;
 - (iii) “he” there were a reference to “the Combined Authority”, save for section 337(6) (publication);
 - (iv) “under section 343” there were substituted “relating to the Combined Authority under section 343”.
- (3) Section 334 of the 1999 Act (the spatial development strategy) shall have effect as if—
- (a) in subsection (3) for “his” there were substituted “its”;
 - (b) for subsection (4) there were substituted—

“(4) The spatial development strategy must include statements dealing with the general spatial development aspects of such of the Combined Authority’s other policies or proposals as involve considerations of spatial development.”.
- (4) Section 335 of the 1999 Act (public participation) shall have effect as if—
- (a) in subsection (2)(a) for “his” there were substituted “its”;
 - (b) subsection (3)(aa) were omitted;
 - (c) in subsection (3)(b), for “London borough council” there were substituted “constituent council”;
 - (d) in subsection (4), for the words after “include” to the end of the subsection there were substituted—

“—

 - (a) voluntary bodies some or all of whose activities benefit the whole or part of the Liverpool City Region;

- (b) bodies which represent the interests of different racial, ethnic or national groups in the Liverpool City Region;
 - (c) bodies which represent the interests of different religious groups in the Liverpool City Region; and
 - (d) bodies which represent the interests of different persons carrying on business in the Liverpool City Region.”;
- (e) for subsection (8) there were substituted—
- “(8) In this section “the prescribed period” means such period as may be prescribed by, or determined in accordance with, regulations relating to the Combined Authority made under section 343 below.”.
- (5) Section 336 of the 1999 Act (withdrawal) shall have effect as if —
- (a) in subsection (3)—
 - (i) paragraph (a) were omitted; and
 - (ii) paragraph (b) were omitted.
- (6) Section 338 of the 1999 Act (examination in public) shall have effect as if for “Authority” there were substituted “the Mayor of the Liverpool City Region”.
- (7) Section 339 (review of matters affecting the strategy) shall have effect as if in subsection (2) for “his” there were substituted “its”.
- (8) Section 342 of the 1999 Act (matters to which the Mayor is to have regard) shall have effect as if—
- (a) for subsection (1) there were substituted—

“(1) In exercising its functions under the preceding provisions of this Part, the Combined Authority shall have regard to—

 - (a) the National Planning Policy Framework;
 - (b) the effect that the proposed spatial development strategy or revision would have on—
 - (i) the health of persons in the Liverpool City Region;
 - (ii) health inequalities between persons living in the Liverpool City Region;
 - (iii) the achievement of sustainable development in the United Kingdom;
 - (iv) climate change and the consequences of climate change;
 - (v) the need to ensure that the strategy is consistent with national policies and the EU obligations of the United Kingdom; and
 - (c) such other matters as the Secretary of State may prescribe.”.
 - (b) subsection (2) were omitted.
- (9) Section 344 of the 1999 Act (amendments of the Town and Country Planning Act 1990) shall have effect as if it were omitted.
- (10) Section 345 of the 1999 Act (Town and Country Planning Act 1990: costs of appeals) shall have effect as if it were omitted.
- (11) Section 347 of the 1999 Act (functional bodies to have regard to the strategy), shall have effect as if there were substituted—

“Constituent councils to have regard to the strategy

347.

In exercising any function, each of the constituent councils and the Combined Authority shall have regard to the spatial development strategy, but this is without prejudice to section 24 of the Planning and Compulsory Purchase Act 2004 as modified by Part 2 of Schedule 1 to the Liverpool City Region Combined Authority (Functions and Amendment) Order 2016

(which requires certain documents of a constituent council to be in general conformity with the strategy).”.

(12) Section 348 of the 1999 Act (Mayor’s functions as to planning around Greater London) shall have effect as if—

- (a) in subsections (1), (2) and (3) for “his” there were substituted “its”;
- (b) in subsection (3), for “London borough councils” there were substituted “constituent councils”; and
- (c) in subsection (4), for “Authority” there were substituted “Combined Authority”.

(13) Section 349 of the 1999 Act (abolition of joint planning committee for Greater London) shall have effect as if it were omitted.

(14) Section 350 of the 1999 Act (interpretation of Part VIII) shall have effect as if —

- (a) the following definitions were inserted, in the appropriate places—

“constituent councils” means the 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;

“the Liverpool City Region” means the area of the Combined Authority;

“Mayor of the Liverpool City Region” is the person elected to the position established by article 3 of the Liverpool City Region Combined Authority (Election of Mayor with Police and Crime Commissioner Functions) Order 2016;” and

- (b) subsection (2) were omitted.

PART 2

Modification of the 2004 Act

2.—(1) Sections 19, 24, 37, 38 and 113 of the 2004 Act are modified in accordance with the following provisions.

(2) Section 19 of the 2004 Act (preparation of local development documents), shall have effect as if for subsection (2)(c) there were substituted—

“(c) the spatial development strategy if the authority is a constituent council of the Combined Authority or if any of the authority’s area adjoins the Liverpool City Region;”.

(3) In section 24 of the 2004 Act (conformity with regional strategy) shall have effect as if—

- (a) for subsection (1)(b) there were substituted—

“(b) the spatial development strategy if the authority is a constituent council of the Combined Authority.”;

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

“(4A) A local planning authority which is a constituent council of the Combined Authority—

- (a) must request the opinion in writing of the Combined Authority as to the general conformity of a development plan document with the spatial development strategy;
- (b) may request the opinion in writing of the Combined Authority as to the general conformity of any other local development document with the spatial development strategy.”;

- (c) after subsection (5) there were inserted—

“(5A) The Combined Authority may give an opinion as to the general conformity of a local development document with the spatial development strategy irrespective of whether a request is made under subsection (4A).”; and

(d) in subsection (7) for “Mayor” there were substituted “Mayor of the Liverpool City Region”.

(4) Section 37 of the 2004 Act (interpretation) shall have effect as if after subsection (6A)(a), there were inserted—

“(6B) In relation to the Combined Authority, in this section—

“constituent council” means one of the councils for the local government areas of Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral;

“Combined Authority” is the Liverpool City Region Combined Authority established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014;

“the Liverpool City Region” is the area of Combined Authority as specified in article 3 of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 ;

“Mayor of the Liverpool City Region ” is the person elected to the position established by article 3 of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority (Election of Mayor Order 2016; and

“spatial development strategy”, in relation to the Combined Authority, means a strategy established by the Combined Authority in exercise of powers under article 3 of the Liverpool City Region Combined Authority (Functions and Amendment) Order 2016.”.

(5) Section 38 of the 2004 Act (development plan) shall have effect as if—

(a) after subsection (2) there were inserted—

“(2A) For the purposes of any area in the Liverpool City Region the development plan is—

(a) the spatial development strategy;

(b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area; and

(c) the neighbourhood development plans which have been made in relation to that area.”;

(b) after subsection (10) there were inserted—

“(11) In this section—

“Combined Authority” is the Liverpool City Region Combined Authority established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014; and

“the Liverpool City Region” is the area of the Combined Authority as specified in article 3 of the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014;

“spatial development strategy”, in relation to the Combined Authority, means a strategy established by the Combined Authority in exercise of powers under article 3 of the Liverpool City Region Combined Authority (Functions and Amendment) Order 2016.”.

(6) Section 113 of the 2004 Act (validity of strategies, plans and documents) shall have effect as if—

(a) in subsection (1), after “the Mayor of London’s”; there were inserted “or the Combined Authority’s”;

(b) in subsection (11)(e), after “the Mayor of London”, there were inserted “or the Combined Authority”;

(c) after subsection (12), there were inserted—

(a) Section 37(6A) was inserted by section 85 of, and paragraph 17 of Schedule 5 to, the 2009 Act.

“(13) In this section “Combined Authority” is the Liverpool City Region Combined Authority established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014”.

SCHEDULE 2

Article 5

Planning applications of potential strategic importance

“PART 1

Large scale developments

Category 1A

Development which—

- (a) comprises or includes the provision of more than 500 houses, flats, or houses and flats; or
- (b) comprises or includes the provision of flats or houses and the development occupies more than 10 hectares.

Category 1B

Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings with a total floorspace of more than 30,000 square metres.

Category 1C

Development which comprises or includes the erection of a building more than 30 meters high

PART 2

Major infrastructure

Category 2A

1. Development which comprises or includes mining operations where the development occupies more than 10 hectares.
2. In paragraph 1 “mining operations” means the winning and working of minerals in, on or under land, whether by surface or underground working.

Category 2B

1. Waste development to provide an installation with capacity for a throughput of more than 50,000 tonnes per annum of waste produced outside the land in respect of which planning permission is sought.
2. In paragraph 1 “waste development” means any operational development designed to be used wholly or mainly for the purpose of, or a material change of use to, treating, keeping, processing or disposing of refuse or waste materials.

Category 2C

Development to provide—

- (a) an aircraft runway;
- (b) a heliport (including a floating heliport or a helipad on a building);
- (c) an air passenger terminal at an airport;
- (d) a railway station;
- (e) a tramway, an underground, surface or elevated railway, or a cable car;
- (f) a bus or coach station;
- (g) a crossing over or under the River Mersey; or
- (h) a passenger pier on the River Mersey.

PART 3

Development which may affect strategic policies

Interpretation

1. In this Part land shall be treated as used for a particular use if—

- (a) it was last used for that use, or
- (b) it is allocated for that use in—
 - (i) the development plan in force in the area in which the application site is situated,
 - (ii) proposals for such a plan, or
 - (iii) proposals for the alteration or replacement of such a plan.

Category 3A

1. Development which is likely to—

- (a) result in the loss of more than 200 houses, flats, or houses and flats (irrespective of whether the development would entail also the provision of new houses or flats); or
- (b) prejudice the residential use of land which exceeds 4 hectares and is used for residential use.

Category 3B

1. Development—

- (a) which occupies more than 4 hectares of land which is used for a use within Class B1 (business), B2 (general industrial) or B8 (storage or distribution) of the Use Classes Order; and
- (b) which is likely to prejudice the use of that land for any such use.

Category 3C

1. Development which is likely to prejudice the use as a playing field of more than 2 hectares of land which—

- (a) is used as a playing field at the time the relevant application for planning permission is made, or
- (b) has at any time in the five years before the making of the application been used as a playing field.

2. In paragraph 1 “playing field” has the same meaning as in article 10(2)(l) of the GDPO.

Category 3D

1. Development—

- (a) on land allocated as Green Belt or Metropolitan Open Land in the development plan, in proposals for such a plan, or in proposals for the alteration or replacement of such a plan; and
- (b) which would involve the construction of a building with a floorspace of more than 1,000 square metres or a material change in the use of such a building.

Category 3E

1. Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated and—

- (a) comprises or includes the provision of more than 2,500 square metres of floorspace for a use falling within any of the following Classes in the Use Classes Order—
 - (i) class A1 (retail);
 - (ii) class A2 (financial and professional);
 - (iii) class A3 (food and drink);
 - (iv) class B1 (business);
 - (v) class B2 (general industrial);
 - (vi) class B8 (storage and distribution);
 - (vii) class C1 (hotels);
 - (viii) class C2 (residential institutions);
 - (ix) class D1 (non-residential institutions);
 - (x) class D2 (assembly and leisure).

Or

- (b) comprises or includes the provision of more than 150 houses or flats or houses and flats.

Category 3F

1. Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.”.

SCHEDULE 3

Article 9(4)

Housing and Regeneration

PART 1

Modification of the application of Chapters 1 and 2 of Part 1 of the 2008 Act

1.—(1) Chapters 1 and 2 of Part 1 of the 2008 Act are modified in accordance with the following provisions.

(2) Sections 5 (powers to provide housing or other land), 6 (powers for regeneration, development or effective use of land), 7 (powers in relation to infrastructure), 8 (powers to deal with land etc.), 9 (acquisition of land), 10 (restrictions on disposal of land), 11 (main powers in relation to acquired land) of, and Schedules 2 to 4 to, the 2008 Act, as applied by article 8, shall have effect as if for every reference to—

- (a) “the HCA” there were substituted a reference to “the Liverpool City Region Combined Authority”;
- (b) “Part 1” of that Act there were substituted a reference to “Part 3 of the Liverpool City Region Combined Authority (Functions and Amendment) Order 2016”;
- (c) “the HCA’s land” or land acquired or held by the HCA there were substituted a reference to “the Liverpool City Region Combined Authority’s land” or land acquired or held by the Liverpool City Region Combined Authority.

(3) Sections 5, 6, 8, 9 and 10 of the 2008 Act shall have effect as if for every reference to “land” there were substituted a reference to “land in the area of the Liverpool City Region Combined Authority”.

(4) Section 57(1) of the 2008 Act shall have effect as if the following definition were inserted at the appropriate place—

““the Liverpool City Region Combined Authority” means the body corporate established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014;”

PART 2

Modification of the application of Schedules 2 to 4 to the 2008 Act

2.—(1) Schedules 2 to 4 to the 2008 Act are modified in accordance with the following provisions.

(2) Part 1 of Schedule 2 to the 2008 Act (compulsory acquisition of land) shall have effect as if for every reference to “section 9” of that Act there were substituted a reference to “article 5” of this Order;

(3) Schedule 3 to the 2008 Act (main powers in relation to land acquired by the HCA) shall have effect as if for references to land which has been vested in or acquired by the HCA there were substituted references to land which has been vested in or acquired by the Liverpool City Region Combined Authority.

(4) Schedule 4 to the 2008 Act (powers in relation to, and for, statutory undertakers) shall have effect as if for every reference to the HCA under Part 1 of that Act there were substituted a reference to the functions conferred on the Liverpool City Region Combined Authority under article 5.

PART 1

Modification of the 2011 Act

- 1.—(1) Part 8 of the 2011 Act is modified in accordance with the following provisions.
- (2) Section 196 of the 2011 Act shall have effect as if ““the Mayor” means the Mayor of London” is omitted.
- (3) Sections 196 to 222 of the 2011 Act shall have effect as if for every reference to—
- (a) “the Assembly” there were substituted references to “the Combined Authority”;
 - (b) “the Greater London Authority” there were substituted “the Combined Authority”;
 - (c) “the London Assembly” there were substituted “the Combined Authority”; and
 - (d) “the Mayor” there were substituted “the Combined Authority”, except for the two occurrences in section 197(3)(e).
- (4) Section 197 of the 2011 Act (designation of Mayoral development areas) shall have effect as if—
- (a) in subsection (1) for “Greater London” there were substituted “the area of the Combined Authority”;
 - (b) in subsection (3)—
 - (i) in paragraph (a) for “any one or more of the Greater London Authority’s principal purposes” there were substituted “economic development and regeneration in the area of the Combined Authority(a)”,
 - (ii) in paragraph (d) the references to “the London Assembly or” were omitted and for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection 4(d) and (e)”, and
 - (iii) in subsection (f) for “the London Assembly” there were substituted “the Combined Authority”;
 - (c) in subsection (4)—
 - (i) paragraph (a) were omitted,
 - (ii) paragraph (b) were omitted,
 - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted a reference to “each district council or county council wholly or partly in the combined authority’s area”, and
 - (iv) paragraphs (e), (f) and (g) were omitted; and
 - (d) subsection (7) were omitted.
- (5) Section 199 of the 2011 Act (exclusion of land from Mayoral development corporation) shall have effect as if in subsection (2)—

(a) Article 13 of, and Schedule 2 to, the 2014 Order confer on the Combined Authority functions exercisable for the purpose of economic development and regeneration.

- (a) paragraph (a) is omitted, and
- (b) in paragraph (b) “other” is omitted.

(6) Section 200 of the 2011 Act (transfers of property etc to a Mayoral development corporation) shall have effect as if—

- (a) in subsection (3)—
 - (i) in paragraph (a), for “a London borough council” there were substituted a reference to “a district council wholly or partly in the combined authority’s area”,
 - (ii) paragraph (b) were omitted,
 - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted a reference to “in the area of the Combined Authority”,
 - (iv) paragraph (f) were omitted,
 - (v) paragraph (g) were omitted,
 - (vi) paragraph (h) were omitted, and
 - (vii) paragraph (k) were omitted;
- (b) in subsection (4) paragraph (b) were omitted;
- (c) subsection (7) were omitted;
- (d) subsection (8) were omitted; and
- (e) in subsection (10) the definitions of a “functional body” and “public authority” were omitted.

(7) Section 201 of the 2011 Act (object and powers) shall have effect as if subsection (8)(b) were omitted.

(8) Section 202 of the 2011 Act (functions in relation to Town and Country planning) shall have effect as if in subsection (7)—

- (a) “the London Assembly or” were omitted, and
- (b) in the definition of “affected authority” “,(f) or (g)” were omitted.

(9) Section 203 of the 2011 Act (arrangements for discharge of, or assistance with, planning functions) shall have effect as if for each reference to “a London borough council or the Common Council of the City of London” there is substituted a reference to “a district council, county council”.

(10) Section 207 of the 2011 Act (acquisition of land) shall have effect as if—

- (a) in subsection (2) for “in Greater London” there were substituted a reference to “in the Combined Authority’s area”; and
- (b) in subsection (3) for the words “ Mayor of London” there were substituted “the Combined Authority”.

(11) Section 214 of the 2011 Act (powers in relation to discretionary relief from non-domestic rates) shall have effect as if—

- (a) in subsection (4)(c) for “or an affected local authority” were omitted; and
- (b) in subsection (4) the definition of “an affected local authority” were omitted.

(12) Section 216 of the 2011 Act (transfers of property, rights and liabilities) shall have effect as if—

- (a) in subsection (2) “, (e)” were omitted; and
- (b) in subsection (4)—
 - (i) the definition of “functional body” were omitted; and
 - (ii) in the definition of “permitted recipient”—
 - (aa) paragraph (b) were omitted,
 - (bb) for “(d) a London borough council” there were substituted “a district council or county council wholly or partly within the combined authority’s area”, and
 - (cc) paragraph (e) were omitted.

PART 2

Modification of Schedule 21 to the 2011 Act

1.—(1) Schedule 21 to the 2011 Act is modified in accordance with the following provisions.

(2) Schedule 21 of the 2011 Act shall have effect as if—

- (a) in paragraph 1(1) for the reference to the Mayor of London (“the Mayor”) there were substituted the Combined Authority;
- (b) for each subsequent reference to the Mayor in Schedule 21 there were substituted a reference to the Combined Authority;
- (c) in paragraph 1(1) for the reference to “each relevant London council” there were substituted a reference to “each district council or county council wholly or partly in the Combined Authority’s area”;
- (d) paragraph 1(3) were omitted;
- (e) in paragraph 4(4) for the reference to “the London Assembly” there were substituted a reference to “the Combined Authority”; and
- (f) in paragraph 10(1)(c) “and the London Assembly” were omitted.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the conferral of functions of local authorities and other public authorities on the Liverpool City Region Combined Authority (“the Combined Authority”).

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (“the 2009 Act”) provides for the establishment of combined authorities for the areas of two or more local authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions of a local authority under sections 104, 105 and 105A of the 2009 Act, and power to exercise specified functions of any other public authority under section 16 of the Cities and Local Government Devolution Act 2016 (“the 2016 Act”).

The Secretary of State may provide for there to be a mayor for the area of a combined authority where the constituent councils of the combined authority (each district council or county council whose area is within the area of the combined authority) and any existing combined authority consent under section 107B(3) of the 2009 Act.

Part 2 of and Schedule 1 to the Order confers on the Combined Authority functions corresponding to the spatial development strategy function that the Mayor of London has in relation to Greater London under section 334(1) of the Greater London Authority Act 1999.

Part 3 of and Schedule 2 to the Order confer on the Combined Authority functions in relation to housing and regeneration which are exercised concurrently with the Homes and Communities Agency.

Part 5 of and Schedule 3 to the Order confer on the Combined Authority functions corresponding to those of the Mayor of London in relation to the designation of Mayoral development area. Schedule 3 to the Order modifies Part 8 of and Schedule 21 to the Localism Act ("the 2011 Act") which makes provision about the establishment of a Mayor development corporation, its objects and powers as well as its constitution and governance.

Part 6 of the Order gives the ability to exercise the function in section 1 of the 2011 Act (local authority's general power of competence)

Part 7 makes provision for the funding of the functions conferred by this Order.

Part 8 of the Order makes additional provision for the Mayor for the area of the Combined Authority. *Article 21* sets out the functions of the Combined Authority which are to be only exercisable by the Mayor, and *article 22* provides for the appointment of a political adviser to the Mayor.

Part 9 of the Order provides for amendments to the order establishing the Combined Authority. *Article 23* makes some general, incidental provisions relating to the Combined Authority to enable it to carry out its functions effectively and enables the Authority to pay allowances to its members.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.