



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 6

ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

[^{F1}Mayors for combined authority areas

Textual Amendments

- F1** Ss. 107A, 107B and cross-heading inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), ss. **2(1)**, 25(2)

107A Power to provide for election of mayor

- (1) The Secretary of State may by order provide for there to be a mayor for the area of a combined authority.
- (2) A mayor for the area of a combined authority is to be elected by the local government electors for that area in accordance with provision made by or under this Part.
- (3) In subsection (2) “local government elector” has the meaning given by section 270(1) of the Local Government Act 1972.
- (4) Schedule 5B makes further provision about the election of mayors for areas of combined authorities.
- (5) A mayor for the area of a combined authority is entitled to the style of “mayor”.
- (6) A mayor for the area of a combined authority is by virtue of that office a member of, and the chair of, the combined authority.

Status: Point in time view as at 17/07/2017.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Mayors for combined authority areas. (See end of Document for details)

- (7) An order under this section providing for there to be a mayor for the area of a combined authority may not be revoked by making a further order under this section; but this does not prevent the making of an order under section 107 abolishing the authority (together with the office of mayor).
- (8) In this Part “mayoral combined authority” means a combined authority for an area for which provision is made in an order under this section for there to be a mayor.

107B Requirements in connection with orders under section 107A

- (1) The Secretary of State may make an order under section 107A in relation to a combined authority's area if a proposal for there to be a mayor for the authority's area has been made to the Secretary of State by the appropriate authorities.
- (2) A proposal under subsection (1) may be included in a scheme prepared and published under section 109 or 112.
- (3) An order under section 107A may also be made without any such proposal having been made if—
 - (a) the appropriate authorities consent, or
 - (b) in the case of an existing combined authority, there are one or more non-consenting constituent councils but the combined authority and at least two constituent councils consent.
- (4) Where an order under section 107A is made by virtue of subsection (3)(b) of this section, the Secretary of State must make an order under section 106 to remove the area of each non-consenting constituent council from the existing area of the combined authority.
- (5) For the purposes of this section “the appropriate authorities” are—
 - (a) each county council the whole or any part of whose area is within the area for which the combined authority is, or is to be, established,
 - (b) each district council whose area is within the area for which the combined authority is, or is to be, established, and
 - (c) in the case of an order in relation to an existing combined authority, the combined authority,
 and a “constituent council” is a council within paragraph (a) or (b).]

[^{F2}107C Deputy mayors etc

- (1) The mayor for the area of a combined authority must appoint one of the members of the authority to be the mayor's deputy.
- (2) The deputy mayor holds office until the end of the term of office of the mayor, subject to subsection (3).
- (3) A person ceases to be the deputy mayor if at any time—
 - (a) the mayor removes the person from office;
 - (b) the person resigns as deputy mayor;
 - (c) the person ceases to be a member of the combined authority.
- (4) If a vacancy occurs in the office of deputy mayor, the mayor must appoint another member of the combined authority to be deputy mayor.

Status: Point in time view as at 17/07/2017.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Mayors for combined authority areas. (See end of Document for details)

- (5) The deputy mayor must act in place of the mayor if for any reason—
 - (a) the mayor is unable to act, or
 - (b) the office of mayor is vacant.
- (6) If for any reason—
 - (a) the mayor is unable to act or the office of mayor is vacant, and
 - (b) the deputy mayor is unable to act or the office of deputy mayor is vacant,the other members of the combined authority must act together in place of the mayor, taking decisions by a simple majority.
- (7) In this Part “deputy mayor”, in relation to a mayoral combined authority, means the person appointed under this section by the mayor for the authority's area.]

Textual Amendments

F2 S. 107C inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\), ss. 3, 25\(2\)](#)

[^{F3}107D Functions of mayors: general

- (1) The Secretary of State may by order make provision for any function of a mayoral combined authority to be a function exercisable only by the mayor.
- (2) In this Part references to “general functions”, in relation to a mayor for the area of a combined authority, are to any functions exercisable by the mayor other than PCC functions.
- (3) The mayor may arrange—
 - (a) for the deputy mayor to exercise any general function of the mayor,
 - (b) for another member or officer of the combined authority to exercise any such function, or
 - (c) so far as authorised by an order made by the Secretary of State—
 - (i) for a person appointed as the deputy mayor for policing and crime by virtue of an order under paragraph 3(1) of Schedule 5C, or
 - (ii) for a committee of the combined authority, consisting of members appointed by the mayor (whether or not members of the authority), to exercise any such function.
- (4) An order under subsection (3)(c)(ii) may include provision—
 - (a) about the membership of the committee;
 - (b) about the member of the committee who is to be its chair;
 - (c) about the appointment of members;
 - (d) about the voting powers of members (including provision for different weight to be given to the vote of different descriptions of member);
 - (e) about information held by the combined authority that must, or must not, be disclosed to the committee for purposes connected to the exercise of the committee's functions;
 - (f) applying (with or without modifications) sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).

Status: Point in time view as at 17/07/2017.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Mayors for combined authority areas. (See end of Document for details)

- (5) Provision in an order under subsection (1) for a function to be exercisable only by the mayor is subject to subsection (3); but the Secretary of State may by order provide that arrangements under subsection (3)—
- (a) may authorise the exercise of general functions only of a description specified in the order, or
 - (b) may not authorise the exercise of general functions of a description so specified.
- (6) Any general function exercisable by the mayor for the area of a combined authority by virtue of this Act is to be taken to be a function of the combined authority exercisable—
- (a) by the mayor individually, or
 - (b) in accordance with arrangements made by virtue of this section or section 107E [F4 or 107EA].
- (7) An order under this section may—
- (a) include provision for general functions to be exercisable by the mayor subject to conditions or limitations specified in the order (including, for example, a condition for general functions to be exercisable only with the consent of the appropriate authorities (as defined by section 107B (5)));
 - (b) provide for members or officers of a mayoral combined authority to assist the mayor in the exercise of general functions;
 - (c) confer ancillary powers on the mayor for the purposes of the exercise of general functions;
 - (d) authorise the mayor to appoint one person as the mayor's political adviser;
 - (e) provide for the terms and conditions of any such appointment;
 - (f) provide that functions that the mayoral combined authority discharges in accordance with arrangements under section 101(1)(b) of the Local Government Act 1972 (discharge of local authority functions by another authority) are to be treated as general functions exercisable by the mayor (so far as authorised by the arrangements).
- (8) Provision under subsection (7)(c) may include provision conferring power on the mayor that is similar to any power exercisable by the mayoral combined authority—
- (a) under section 113A, or
 - (b) under an order made under section 113D,
- but the power conferred on the mayor may not include a power to borrow money.
- (9) An order under this section may be made only with the consent of—
- (a) the appropriate authorities (as defined by section 107B(5)), and
 - (b) in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.
- (10) Where an order under this section is contained in the same instrument as an order made by virtue of section 107B(3)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (9) above.

Textual Amendments

F3 Ss. 107D-107F inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **ss. 4(1), 25(2)**

Status: Point in time view as at 17/07/2017.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Mayors for combined authority areas. (See end of Document for details)

F4 Words in s. 107D(6)(b) inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 8\(3\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/726](#), reg. 2(a)

Modifications etc. (not altering text)

C1 [S. 107D\(3\)](#) applied (with modifications) (8.5.2017) by [The Greater Manchester Combined Authority \(Fire and Rescue Functions\) Order 2017 \(S.I. 2017/469\)](#), arts. 1(3), [5\(2\)](#)

107E Joint exercise of general functions

- (1) The Secretary of State may by order make provision for, or in connection with, permitting arrangements under section 101(5) of the Local Government Act 1972 to be entered into in relation to general functions of a mayor for the area of a combined authority.
- (2) Provision under subsection (1) may include provision—
 - (a) for the mayor for the area of a combined authority to be a party to the arrangements in place of, or jointly with, the authority;
 - (b) about the membership of any joint committee;
 - (c) about the member of the joint committee who is to be its chair;
 - (d) about the appointment of members to a joint committee;
 - (e) about the voting powers of members of a joint committee (including provision for different weight to be given to the vote of different descriptions of member).
- (3) Provision under subsection (2)(b) to (d) may include provision for the mayor or other persons—
 - (a) to determine the number of members;
 - (b) to have the power to appoint members (whether or not members of the combined authority or a local authority that is a party to the arrangements).
- (4) Provision under subsection (2)(d) may include provision as to the circumstances in which appointments to a joint committee need not be made in accordance with sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).
- (5) In this section references to a joint committee are to a joint committee falling within section 101(5)(a) of the Local Government Act 1972 that is authorised to discharge, by virtue of an order under this section, general functions of a mayor for the area of a combined authority.]

Textual Amendments

F3 Ss. 107D-107F inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), [ss. 4\(1\)](#), [25\(2\)](#)

[^{F5}107EAE Exercise of fire and rescue functions

- (1) This section applies to a mayor for the area of a combined authority who—
 - (a) by virtue of section 107D(1), may exercise functions which are conferred on a fire and rescue authority in that name (“fire and rescue functions”), and

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- (b) by virtue of section 107F(1), may exercise functions of a police and crime commissioner.
- (2) The Secretary of State may by order make provision—
 - (a) authorising the mayor to arrange for the chief constable of the police force for the police area which corresponds to the area of the combined authority to exercise fire and rescue functions exercisable by the mayor;
 - (b) authorising that chief constable to arrange for a person within subsection (4) to exercise the chief constable's fire and rescue functions.
- (3) An order under subsection (2) may provide that arrangements made under the order—
 - (a) may authorise the exercise of any functions mentioned in that subsection;
 - (b) may authorise the exercise of any functions mentioned in that subsection other than those specified or described in the order;
 - (c) may authorise the exercise of such of the functions mentioned in that subsection as are specified or described in the order.
- (4) The persons mentioned in subsection (2)(b) are—
 - (a) members of the chief constable's police force;
 - (b) the civilian staff of that police force, as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011;
 - (c) members of staff transferred to the chief constable under a scheme made by virtue of section 107EC(1);
 - (d) members of staff appointed by the chief constable under section 107EC(2).
- (5) Provision in an order under section 107D(1) for a function to be exercisable only by the mayor for the area of a combined authority is subject to provision made by virtue of subsection (2).
- (6) This section is subject to—
 - (a) section 107EB (section 107EA orders: procedure), and
 - (b) section 37 of the Fire and Rescue Services Act 2004 (prohibition on employment of police in fire-fighting).
- (7) In this section “fire and rescue functions”, in relation to a chief constable, means—
 - (a) functions which are exercisable by the chief constable by virtue of provision made under subsection (2)(a), and
 - (b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.

Textual Amendments

- F5** Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), ss. **8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

107EB Section 107EA orders: procedure

- (1) An order under section 107EA(2) may be made in relation to the mayor for the area of a combined authority only if the mayor has requested the Secretary of State to make the order.
- (2) A request under subsection (1) must be accompanied by a report which contains—

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- (a) an assessment of why—
 - (i) it is in the interests of economy, efficiency and effectiveness for the order to be made, or
 - (ii) it is in the interests of public safety for the order to be made,
 - (b) a description of any public consultation which the mayor has carried out on the proposal for the order to be made,
 - (c) a summary of the responses to any such consultation, and
 - (d) a summary of the representations (if any) which the mayor has received about that proposal from the constituent members of the combined authority.
- (3) Before making the request the mayor must publish, in such manner as the mayor thinks appropriate, the mayor's response to the representations made or views expressed in response to any consultations on the proposal.
- (4) Subsections (5) to (7) apply if—
- (a) the mayor for the area of a combined authority makes a request under subsection (1) for the Secretary of State to make an order under section 107EA(2), and
 - (b) at least two thirds of the constituent members of the combined authority have indicated that they disagree with the proposal for the order to be made.
- (5) The mayor must, in providing the report under subsection (2), provide the Secretary of State with—
- (a) copies of the representations (if any) made by the constituent members of the combined authority about that proposal, and
 - (b) the mayor's response to those representations and to the responses to any public consultation which the mayor has carried out on that proposal.
- (6) The Secretary of State must—
- (a) obtain an independent assessment of that proposal, and
 - (b) in deciding whether to make the order, have regard to that assessment and to the material provided under subsection (5) (as well as the material provided under subsection (2)).
- (7) The Secretary of State must publish the independent assessment—
- (a) as soon as is reasonably practicable after making a determination in response to the proposal, and
 - (b) in such manner as the Secretary of State thinks appropriate.
- (8) An order under section 107EA(2) may be made only if it appears to the Secretary of State that—
- (a) it is in the interests of economy, efficiency and effectiveness for the order to be made, or
 - (b) it is in the interests of public safety for the order to be made.
- (9) The Secretary of State may not make an order under section 107EA(2) in a case within subsection (8)(a) of this section if the Secretary of State thinks that the order would have an adverse effect on public safety.
- (10) The Secretary of State may, in making an order under section 107EA(2) in relation to the mayor for the area of a combined authority, give effect to the mayor's proposal for the order with such modifications as the Secretary of State thinks appropriate.

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- (11) Before making an order which gives effect to such a proposal with modifications, the Secretary of State must consult the mayor and the combined authority on the modifications.
- (12) In this section—
- “constituent council”, in relation to a combined authority, means—
- (a) a county council the whole or any part of whose area is within the area of the combined authority, or
 - (b) a district council whose area is within the area of the combined authority;
- “constituent member”, in relation to a combined authority, means a member of the authority appointed by a constituent council (but does not include the mayor for the area of the combined authority).

Textual Amendments

F5 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

107EC Section 107EA orders: further provision

- (1) An order under section 107EA(2) may make provision for the making of a scheme to transfer property, rights and liabilities (including criminal liabilities)—
 - (a) from a fire and rescue authority or the combined authority to the chief constable, or
 - (b) from the chief constable to the combined authority,
 (including provision corresponding to any provision made by section 17(4) to (6) of the Localism Act 2011).
- (2) A chief constable to whom an order under section 107EA(2) applies may appoint staff for the purpose of the exercise of the chief constable's fire and rescue functions.
- (3) A chief constable to whom an order under section 107EA(2) applies may—
 - (a) pay remuneration, allowances and gratuities to members of the chief constable's fire and rescue staff;
 - (b) pay pensions to, or in respect of, persons who are or have been such members of staff;
 - (c) pay amounts for or towards the provision of pensions to, or in respect of, persons who are or have been such members of staff.
- (4) In subsection (3) “allowances”, in relation to a member of staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.
- (5) Subject to subsections (6) to (8), a person who is employed pursuant to a transfer by virtue of subsection (1) or an appointment under subsection (2) may not at the same time be employed pursuant to an appointment by a chief constable of the police force for a police area under Schedule 2 to the Police Reform and Social Responsibility Act 2011.
- (6) Where an order under section 107EA(2) is in force in relation to the chief constable of the police force for a police area, the person who is for the time being the police force's

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chief finance officer is to be responsible for the proper administration of financial affairs relating to the exercise of the chief constable's fire and rescue functions.

(7) Subsection (5) does not prevent a person who is employed as a finance officer for fire functions from being at the same time employed as a finance officer for police functions.

(8) In subsection (7)—

“finance officer for fire functions” means a member of a chief constable's fire and rescue staff who—

- (a) is not a chief finance officer of the kind mentioned in subsection (6), and
- (b) is employed to carry out duties relating to the proper administration of financial affairs relating to the exercise of the chief constable's fire and rescue functions;

“finance officer for police functions” means a member of a chief constable's civilian staff within the meaning of the Police Reform and Social Responsibility Act 2011 who—

- (a) is not a chief finance officer of the kind mentioned in subsection (6), and
- (b) is employed to carry out duties relating to the proper administration of a police force's financial affairs.

(9) Where an order under section 107EA(2) is in force, the combined authority to which the order applies must pay—

- (a) any damages or costs awarded against the chief constable to whom the order applies in any proceedings brought against the chief constable in respect of the acts or omissions of a member of the chief constable's fire and rescue staff;
- (b) any costs incurred by the chief constable in any such proceedings so far as not recovered by the chief constable in the proceedings;
- (c) any sum required in connection with the settlement of any claim made against the chief constable in respect of the acts or omissions of a member of the chief constable's fire and rescue staff, if the settlement is approved by the authority.

(10) Where an order under section 107EA(2) is in force, the combined authority to which the order applies may, in such cases and to such extent as appears to the authority to be appropriate, pay—

- (a) any damages or costs awarded against a member of the fire and rescue staff of the chief constable to whom the order applies in proceedings for any unlawful conduct of that member of staff;
- (b) costs incurred and not recovered by such a member of staff in such proceedings;
- (c) sums required in connection with the settlement of a claim that has or might have given rise to such proceedings.

(11) In this section—

“fire and rescue functions” has the same meaning as in section 107EA;

“fire and rescue staff”, in relation to a chief constable to whom an order under section 107EA(2) applies, means—

- (a) staff transferred to the chief constable under a scheme made by virtue of subsection (1);
- (b) staff appointed by the chief constable under subsection (2).

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Textual Amendments

F5 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

107ED Section 107EA orders: exercise of fire and rescue functions

- (1) This section applies if—
 - (a) an order under section 107EA(2) makes provision in relation to the area of a combined authority, and
 - (b) by virtue of the order, fire and rescue functions exercisable by the mayor for the area of the combined authority are exercisable by the chief constable of the police force for the police area which corresponds to that area.
- (2) The chief constable must secure that good value for money is obtained in exercising—
 - (a) functions which are exercisable by the chief constable by virtue of the order, and
 - (b) functions relating to fire and rescue services which are conferred on the chief constable by or by virtue of any enactment.
- (3) The chief constable must secure that other persons exercising functions by virtue of the order obtain good value for money in exercising those functions.
- (4) The mayor must—
 - (a) secure the exercise of the duties which are exercisable by the chief constable or another person by virtue of the order,
 - (b) secure the exercise of the duties relating to fire and rescue services which are imposed on the chief constable by or by virtue of any enactment,
 - (c) secure that functions which are exercisable by the chief constable or another person by virtue of the order are exercised efficiently and effectively, and
 - (d) secure that functions relating to fire and rescue services which are conferred or imposed on the chief constable by or by virtue of any enactment are exercised efficiently and effectively.
- (5) The mayor must hold the chief constable to account for the exercise of such functions.

Textual Amendments

F5 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

107EE Section 107EA orders: complaints and conduct matters etc

- (1) If an order is made under section 107EA(2) that enables arrangements to be made for the exercise of functions by members of a police force or the civilian staff of a police force, the Secretary of State may by order amend Part 2 of the Police Reform Act 2002 (persons serving with the police: complaints and conduct matters etc) in consequence of that provision.
- (2) If an order is made under section 107EA(2) that enables arrangements to be made for the exercise of functions by members of staff transferred to a chief constable under a

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scheme made by virtue of section 107EC(1) or appointed by a chief constable under section 107EC(2), the Secretary of State may by order make provision of the type described in subsection (3) in relation to those members of staff.

- (3) The provision referred to in subsection (2) is—
- (a) provision corresponding or similar to any provision made by or under Part 2 of the Police Reform Act 2002;
 - (b) provision applying (with or without modifications) any provision made by or under Part 2 of that Act.
- (4) The Secretary of State may by order, in consequence of any provision made under subsection (2), amend Part 2 of the Police Reform Act 2002.
- (5) Before making an order under this section the Secretary of State must consult—
- (a) the Police Advisory Board for England and Wales,
 - (b) the [^{F6}Independent Police Complaints Commission][^{F6}Director General of the Independent Office for Police Conduct] ,
 - (c) such persons as appear to the Secretary of State to represent the views of police and crime commissioners,
 - (d) such persons as appear to the Secretary of State to represent the views of fire and rescue authorities, and
 - (e) such other persons as the Secretary of State considers appropriate.

Textual Amendments

- F5** Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 8\(2\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/726](#), [reg. 2\(a\)](#)
- F6** Words in s. 107EE(5)(b) substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [s. 183\(1\)\(5\)\(e\)](#), [Sch. 9 para. 70](#); [S.I. 2017/1249](#), [reg. 2](#) (with [reg. 3](#))

107EF Section 107EA orders: application of fire and rescue provisions

- (1) The Secretary of State may by order—
- (a) apply (with or without modifications) any provision of a fire and rescue enactment in relation to a person within subsection (2);
 - (b) make, in relation to a person within subsection (2), provision corresponding or similar to any provision of a fire and rescue enactment.
- (2) Those persons are—
- (a) a chief constable of a police force for a police area to whom an order under section 107EA(2) applies,
 - (b) a member of staff transferred to such a chief constable under a scheme made by virtue of section 107EC(1),
 - (c) a member of staff appointed by such a chief constable under section 107EC(2),
 - (d) a member of such a chief constable's police force by whom functions are exercisable by virtue of section 107EA(2)(b), and
 - (e) a member of the civilian staff of such a police force (as defined by section 102(4) of the Police Reform and Social Responsibility Act 2011) by whom functions are exercisable by virtue of section 107EA(2)(b).

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- (3) The power conferred by subsection (1)(a) or (b) includes power to apply (with or without modifications) any provision made under a fire and rescue enactment or make provision corresponding or similar to any such provision.
- (4) The Secretary of State may by order amend, revoke or repeal a provision of or made under an enactment in consequence of provision made by virtue of subsection (1).
- (5) In this section “fire and rescue enactment” means an enactment relating to a fire and rescue authority (including, in particular, an enactment relating to an employee of such an authority or property of such an authority).
- (6) References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.

Textual Amendments

F5 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 8\(2\)](#), [183\(1\)\(5\)\(e\)](#); [S.I. 2017/726](#), [reg. 2\(a\)](#)

107EG Section 107EA orders: application of local policing provisions

- (1) The Secretary of State may by order—
 - (a) apply (with or without modifications) any provision of a local policing enactment in relation to a person within subsection (2);
 - (b) make, in relation to such a person, provision corresponding or similar to any provision of a local policing enactment.
- (2) Those persons are—
 - (a) a mayor for the area of a combined authority to whom an order under section 107EA(2) applies,
 - (b) a chief constable to whom such an order applies, and
 - (c) a panel established by virtue of an order under paragraph 4 of Schedule 5C for such an area.
- (3) The power conferred by subsection (1)(a) or (b) includes power to apply (with or without modifications) any provision made by or under a local policing enactment or make provision corresponding or similar to any such provision.
- (4) The Secretary of State may by order amend, revoke or repeal a provision of or made under an enactment in consequence of provision made by virtue of subsection (1).
- (5) In this section “local policing enactment” means an enactment relating to a police and crime commissioner.
- (6) References in this section to an enactment or to provision made under an enactment are to an enactment whenever passed or (as the case may be) to provision whenever the instrument containing it is made.]

Status: Point in time view as at 17/07/2017.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Mayors for combined authority areas. (See end of Document for details)

Textual Amendments

F5 Ss. 107EA-107EG inserted (31.1.2017 for specified purposes, 17.7.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), **ss. 8(2)**, 183(1)(5)(e); S.I. 2017/726, reg. 2(a)

[^{F3}107F Functions of mayors: policing

- (1) The Secretary of State may by order provide for the mayor for the area of a combined authority to exercise functions of a police and crime commissioner in relation to that area.
- (2) The reference in subsection (1) to functions of a police and crime commissioner is to any functions conferred on police and crime commissioners by or under—
 - (a) Part 1 of the Police Reform and Social Responsibility Act 2011, or
 - (b) any other Act (whenever passed).
- (3) In this Part references to “PCC functions”, in relation to a mayor for the area of a combined authority, are to the functions of a police and crime commissioner that are exercisable by the mayor by virtue of subsection (1).
- (4) An order under subsection (1) may be made only with the consent of—
 - (a) the appropriate authorities (as defined by section 107B(5)), and
 - (b) in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.
- (5) If an order is made under subsection (1) in relation to a combined authority's area—
 - (a) the Secretary of State must by order provide that there is to be no police and crime commissioner for that area as from a specified date;
 - (b) the Secretary of State may by order provide that any election of a police and crime commissioner for that area that would otherwise take place (whether before or after the specified date) by virtue of section 50(1)(b) of the Police Reform and Social Responsibility Act 2011 is not to take place.
- (6) An order under subsection (5) may include provision—
 - (a) for the term of office of a police and crime commissioner to continue until the date specified under subsection (5) (a) (in spite of section 50(7)(b) of the Police Reform and Social Responsibility Act 2011);
 - (b) for an election to fill a vacancy in the office of a police and crime commissioner, which otherwise would take place under section 51 of that Act, not to take place if the vacancy occurs within a period of six months ending with the specified date.
- (7) Schedule 5C contains further provision in connection with orders under this section.
- (8) Any PCC function exercisable by the mayor for the area of a combined authority by virtue of this Act is to be taken to be a function of the combined authority exercisable—
 - (a) by the mayor acting individually, or
 - (b) by a person acting under arrangements with the mayor made in accordance with provision made under Schedule 5C.

Status: Point in time view as at 17/07/2017.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Mayors for combined authority areas. (See end of Document for details)

- (9) Where an order under subsection (1) is contained in the same instrument as an order made by virtue of section 107B(3)(b), a non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (4) above.]

Textual Amendments

F3 Ss. 107D-107F inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **ss. 4(1), 25(2)**

[^{F7}107G Mayors for combined authority areas: financial matters

- (1) The Secretary of State may by order make provision for the costs of a mayor for the area of a combined authority that are incurred in, or in connection with, the exercise of mayoral functions to be met from precepts issued by the authority under section 40 of the Local Government Finance Act 1992.
- (2) The function of issuing precepts under Chapter 4 of Part 1 of the Local Government Finance Act 1992 in respect of mayoral functions is to be a function exercisable only by the mayor acting on behalf of the combined authority.
- (3) The Secretary of State may by order modify the application of Chapter 4 or 4ZA of Part 1 of the Local Government Finance Act 1992 so far as applying to cases where the precepting authority in question under that Chapter is a mayoral combined authority.
- (4) Where the mayoral functions of a mayor include PCC functions—
 - (a) the provision made by virtue of subsection (3) must include provision to ensure that the council tax requirement calculated under section 42A of the Local Government Finance Act 1992 consists of separate components in respect of the mayor's PCC functions and the mayor's general functions, and
 - (b) the function of calculating the component in respect of the mayor's PCC functions is itself to be treated as a PCC function for the purposes of this Part.
- (5) The Secretary of State may by order make provision—
 - (a) requiring the mayor to maintain a fund in relation to receipts arising, and liabilities incurred, in the exercise of general functions;
 - (b) about the preparation of an annual budget in relation to the exercise of general functions.

(For power to make corresponding provision in relation to PCC functions, see paragraph 6 of Schedule 5C.)
- (6) Provision under subsection (5)(b) may in particular include provision for—
 - (a) the mayor to prepare a draft budget;
 - (b) the draft to be scrutinised by—
 - (i) the other members of the combined authority, and
 - (ii) a committee of the authority appointed in accordance with paragraph 1(1) of Schedule 5A;
 - (c) the making of changes to the draft as a result of such scrutiny;
 - (d) the approval of the draft by the combined authority (including a power to veto the draft in circumstances specified in the order and the consequences of any such veto);
 - (e) the basis on which such approval is to be given.

Status: Point in time view as at 17/07/2017.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Mayors for combined authority areas. (See end of Document for details)

- (7) In this section “mayoral functions”, in relation to a mayor, means—
- (a) the mayor's general functions, and
 - (b) if the mayor exercises PCC functions, the mayor's PCC functions.]

Textual Amendments

- F7** S. 107G inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), **ss. 5(3), 25(2)**

Status:

Point in time view as at 17/07/2017.

Changes to legislation:

There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Mayors for combined authority areas.