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STATUTORY INSTRUMENTS

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**2017 No. 430**

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

**PART 7**

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

**General functions of the Combined Authority exercisable only by the Mayor**

**19.—(1)** The following functions<sup>(1)</sup> are general functions exercisable only by the Mayor<sup>(2)</sup>—

- (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<sup>(3)</sup>; and
- (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 221 of, and paragraphs 1 to 4, 6 and 8 of Schedule 21 to the 2011 Act; and
  - (iv) 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<sup>(4)</sup>.

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- (1) 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.
- (2) 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).
- (3) 2000 c. 38. Section 108 was amended by section 3 of and paragraph 2 of the Schedule to the Transport (Wales) Act 2006 (c. 5); sections 7 to 9, 77 and 131 of and paragraphs 41 and 42 of Schedule 4 to and Part 1 of Schedule 7 to the Local Transport Act 2008; and by section 119 and paragraph 96 of Schedule 6 to the 2009 Act. Section 109 was amended by section 3 of and paragraph 3 of the Schedule to the Transport (Wales) Act 2006, section 9 of the Local Transport Act 2000, and by section 119 of and paragraph 97 of Schedule 6 to the 2009 Act. Section 112 was amended by sections 10, 11 and 131 of and Part 1 of Schedule 7 to the Local Transport Act 2008, and by section 222 of and paragraph 48 of Schedule 26 to the Equality Act 2010. Article 6 of the 2014 Order dissolved the Merseyside Passenger Transport Authority, abolished its area and transferred its functions to the Combined Authority.
- (4) 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

(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 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 each member of the Combined Authority appointed by the constituent councils whose local government area contains any part of the land subject to the proposed compulsory acquisition or substitute members acting in place of those members.

(7) The exercise by the Mayor of the functions corresponding to the functions specified in section 197 (designation of Mayoral development areas) of the 2011 Act requires the consent of all members of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be designated as a Mayoral development area.

(8) The exercise by the Mayor of the functions corresponding to the functions specified in section 199 (exclusion of land from Mayoral development areas) of the 2011 Act in respect of any Mayoral development area requires the consent of each member of the Combined Authority appointed by the constituent councils, or substitute members acting in place of those members, whose local government area contains any part of the area to be excluded from a Mayoral development area.

(9) The exercise by the Combined Authority of the functions corresponding to the functions specified in section 202(2) to (4) of the 2011 Act (functions in relation to Town and Country Planning) in respect of any Mayoral development area requires the consent of each member of the Combined Authority appointed by a constituent council, or a substitute member acting in place of that member, whose local government area contains the whole or any part of the area in respect of which the Combined Authority proposes to exercise the functions.

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

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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.

(11) For the purposes of paragraphs (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.

(12) For the purpose of the exercise of the general functions exercisable by the Mayor, the Mayor may do anything that the Combined Authority may do under section 113A of the 2011 Act (general power of EPB or combined authority)(5).

(13) 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.

(14) For the purposes of paragraphs (6) to (9), the consent must be given at a meeting of the Combined Authority.

### **Political advisers**

**20.**—(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(6) (assistants for political groups), shall apply in relation to an appointment under paragraph (1) as if—

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

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(5) Section 113A was inserted by section 13 of the 2011 Act and amended by section 23 of, and Schedule 25 to, the 2016 Act.

(6) 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 and by [S.I. 2001/2237](#).