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STATUTORY INSTRUMENTS

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**2024 No. 232**

**The East Midlands Combined  
County Authority Regulations 2024**

**PART 8**

Mayoral functions

**Functions exercisable only by the Mayor**

**26.**—(1) The functions of the Combined County Authority set out in the following enactments are general functions exercisable only by the Mayor—

- (a) section 17(3) of the 1985 Act;
- (b) sections 108 (local transport plans), 109 (further provision about plans: England), 112 (plans and strategies: supplementary) and 154(1) (grants to bus service operators) of the 2000 Act<sup>(1)</sup>;
- (c) section 31 of the 2003 Act;
- (d) section 9(2) of the 2008 Act;
- (e) in relation to the functions conferred by regulation 29 (conferral of Business Rate Supplements functions), the BRS Act;
- (f) sections 197, 199, 200, 202, 204, 214 to 217 and 219 to 221 of, and paragraphs 1 to 4, 6 and 8 of Schedule 21 to, the 2011 Act.

(2) Any exercise by the Mayor of the general functions mentioned in paragraph (1) which results in a financial liability falling on a constituent council requires the consent of the lead member of that council.

(3) The Combined County Authority may agree with the Mayor consent requirements relating to the exercise by the Mayor of the general functions mentioned in paragraph (1).

(4) Any exercise by the Mayor of the functions corresponding to the functions contained in section 17(3) of the 1985 Act (acquisition of land for housing purposes), section 226 of the 1990 Act (compulsory acquisition of land for development and other planning purposes), section 9(2) of the 2008 Act (acquisition of land), and section 197(1) of the 2011 Act (designation of Mayoral development areas) requires the consent of—

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(1) 2000 c. 38. Section 108 was amended by CAs with MDC functions have the NPA consent requirement (e.g. West Yorkshire).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 Local Democracy, Economic Development and Construction Act 2009. 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 Local Democracy, Economic Development and Construction Act 2009. 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.

- (a) the lead member of any constituent council whose area contains any part of the land subject to the proposed compulsory acquisition, or a substitute member acting in place of such a member,
  - (b) each district council whose local government area contains any part of the area to be designated as a Mayoral development area, and
  - (c) the Peak District National Park Authority if the Mayor proposes to exercise the function in respect of the whole or any part of the area of the Peak District National Park.
- (5) Any exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) of the 2011 Act (exclusion of land from Mayoral development areas) in respect of any Mayoral development area requires the consent of each member of the Combined County Authority designated under paragraph 1(3) of Schedule 1 by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area or substitute members acting in place of those members.
- (6) Any exercise by the Mayor of the functions corresponding to the functions contained 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—
- (a) the lead members of the Combined County Authority designated under paragraph 1(3) of Schedule 1 by a constituent council whose local government area contains any part of the area to be designated as a Mayoral development area or substitute members acting in place of those members,
  - (b) each district council whose local government area contains any part of the area to be designated as a Mayoral development area, and
  - (c) the Peak District National Park Authority if the Mayor proposes to exercise the functions in respect of the whole or any part of the area of the Peak District National Park.
- (7) In respect of the exercise of the functions conferred by sections 108, 109 and 112 of the 2000 Act—
- (a) the Mayor must consult the Combined County Authority; and
  - (b) the members of the Combined County Authority may amend plans made pursuant to sections 108, 109 and 112 of the 2000 Act if agreed by a two thirds majority of the members, or substitute members acting in their place, of the Combined County Authority present and voting on the question at a meeting of the authority.
- (8) For the purpose of paragraphs (2), (4)(a), (5), (6)(a) and (7) the consent must be given at a meeting of the Combined County Authority.
- (9) For the purposes of the exercise of the general functions mentioned in paragraph (1) the members and officers may assist the Mayor in the exercise of the functions.
- (10) For the purposes of the exercise of the general functions mentioned in paragraph (1) the Mayor may do anything that the Combined County Authority may do under section 49 of the 2023 Act (general power of CCA).
- (11) The Mayor must not make arrangements under section 30(3)(b) of the 2023 Act (functions of mayors: general) for a political adviser appointed under regulation 6 to exercise the functions specified in paragraph (1).

### **Joint committees**

27.—(1) The Mayor may enter into arrangements jointly with the Combined County Authority, the constituent councils and other councils in accordance with section 101(5) of the Local

Government Act 1972<sup>(2)</sup> for the discharge of the general functions of the Combined County Authority which are exercisable only by the Mayor pursuant to regulation 26.

(2) In this regulation “other council” means the council for a county or district in England.