

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

2017 No.

LOCAL GOVERNMENT, ENGLAND

The Tees Valley Combined Authority (Functions) 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 105(3), 105A(1)(b) and (2)(a), 107D(1), 114(1) and (3) and 117(5) of the Local Democracy, Economic Development and Construction Act 2009(1) (“the 2009 Act”).

In accordance with section 105B(1)(b) of the 2009 Act(2)—

- (a) the councils whose local government areas are comprised in the area of the Tees Valley Combined Authority and the Tees Valley Combined Authority have consented to the making of this Order(3), and
- (b) the Secretary of State considers that the making of this Order is likely to improve the exercise of statutory functions in the area to which this Order relates.

The Secretary of State, having had regard to a scheme prepared and published under section 112 of the 2009 Act(4), 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(5) has been carried out.

In accordance with section 113(3) of the 2009 Act, in making this Order, the Secretary of State has had regard to the need to reflect the identities and interests of local communities, and the need to secure effective and convenient local government.

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.

-
- (1) 2009 c. 20. Section 105A was inserted by section 7 of the Cities and Local Government Devolution Act 2016 (c. 1) (“the 2016 Act”). Section 114 was amended by section 23 of, and paragraphs 17 and 26 to, the 2016 Act. Section 107D was inserted by section 4 of the 2016 Act. Section 117 was amended by section 13 of the Localism Act 2011 and Schedule 5 to the 2016 Act.
 - (2) Section 105B was inserted by section 7 of the 2016 Act.
 - (3) This Order relates to the area of the Tees Valley Combined Authority, which was established by the Tees Valley Combined Authority Order 2016 (S.I. 2016/449). Article 2 of S.I. 2016/449 defines the “combined area” as the area consisting of the areas of the constituent councils, who are the local government areas of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees.
 - (4) Section 112 was amended by sections 6 and 23 of, and paragraphs 17 and 23 of Schedule 5 to, the 2016 Act.
 - (5) Section 113 was amended by sections 12, 14 and 23 of, and paragraph 24 of Schedule 5 to, the 2016 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.

Accordingly the Secretary of State makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Tees Valley Combined Authority (Functions) Order 2017.

(2) Save as provided in paragraph (3) this Order comes into force on the day after the day on which it is made.

(3) Article 5(1) comes into force on 8th May 2017.

Interpretation

2. In this Order—

“the 1989 Act” means the Local Government and Housing Act 1989⁽⁶⁾;

“the 1999 Act” means the Greater London Authority Act 1999⁽⁷⁾;

“the 2003 Act” means the Local Government Act 2003⁽⁸⁾;

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

“the 2011 Act” means the Localism Act 2011⁽⁹⁾;

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

“Combined Authority” means the Tees Valley Combined Authority;

“constituent council” means the councils for the local government areas of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-On-Tees.

“Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 of the 2011 Act following the designation of an area of land by the Combined Authority; and

“Mayor” means the mayor for the combined area⁽¹⁰⁾ except in the term “the Mayor of London”.

Conferral of functions on the Combined Authority

3.—(1) The Combined Authority shall have in relation to the combined 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);

⁽⁶⁾ 1989 c 42.

⁽⁷⁾ 1999 c. 29.

⁽⁸⁾ 2003 c. 26.

⁽⁹⁾ 2011 c. 20.

⁽¹⁰⁾ Article 3 of the Tees Valley Combined Authority (Election of Mayor) Order 2016 (S.I. 2016/783) provides for there to be a mayor for the combined area.

- (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 Mayor);
- (k) section 220 (directions by the Mayor);
- (l) section 221 (consents);
- (m) paragraph 1 of Schedule 21 (membership);
- (n) paragraph 2 of Schedule 21 (terms of appointment of members);
- (o) paragraph 3 of Schedule 21 (staff);
- (p) paragraph 4 of Schedule 21 (remuneration etc: members and staff);
- (q) paragraph 6 of Schedule 21 (committees); and
- (r) paragraph 8 of Schedule 21 (proceedings and meetings).

(2) The exercise by the Combined Authority of the functions corresponding to the functions contained 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.

(3) The exercise by the Combined Authority of the functions corresponding to the functions contained 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 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 excluded from a Mayoral development area.

(4) The exercise by the Combined Authority 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 North York Moors National Park Authority, if the Combined Authority proposes to exercise the functions in respect of the whole or any part of the area of the North York Moors National Park Authority⁽¹¹⁾;
- (b) 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.

(5) For the purposes of paragraphs (2), (3) and (4)(b), the consent must be given at a meeting of the Combined Authority.

⁽¹¹⁾ The North York Moors National Park Authority was established by article 3 of the National Park Authorities (England) Order 1996 (S.I. 1996/1243), as amended by S.I. 1996/2546, 1997/633, 1999/416, 2006/3165, 2009/557, 2009/837, 2010/490 and 2014/571. Article 3 of S.I. 1996/1243 was restated in article 3 of the National Park Authorities (England) Order 2015 (S.I. 2015/770).

Application of provisions in the 2011 Act

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

(2) Chapter 2 of Part 8 of the 2011 Act applies to a Corporation as it applies in relation to a Mayoral development corporation, with the modifications made by the Schedule.

(3) Subject to paragraph (7), in any enactment passed or made on or before the date on which article 1(2) comes into force—

- (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.

(4) 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.

(5) For the purposes of establishing a Corporation, giving the Corporation a name, giving effect to any decisions notified to the Secretary of State under sections 199(4) (exclusion of land from Mayoral development areas), 202(8) (decisions about planning functions) or 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 sections 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 sections 199(4), 202(8) or 214(6) of the 2011 Act or in relation to the transfer of land to or from a Mayoral development corporation.

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

(7) Paragraph (3) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996 (works: further and supplementary provisions)(**12**);
- (b) section 31(1A) of the 1999 Act (limits of the general power)(**13**);

(12) 1996 c 61. Paragraph 9(8) of Schedule 2 was amended by paragraph 43 of Schedule 22 to the 2011 Act.

(13) 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 of the 1999 Act (delegation)(14);
- (d) section 60A(3) of the 1999 Act (confirmation hearings etc for certain appointments by the Mayor)(15);
- (e) section 68(6) of the 1999 Act (disqualification and political restriction)(16);
- (f) section 73 of the 1999 Act (monitoring officer)(17);
- (g) section 424 of the 1999 Act (interpretation)(18);
- (h) section 24(4) of the Planning and Compulsory Purchase Act 2004 (conformity with spatial development strategy)(19); and
- (i) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008 (works: further and supplementary provisions)(20).

Functions exercisable only by the Mayor

5.—(1) The functions conferred by article 3(1) shall be general functions exercisable only by the Mayor(21).

(2) 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 article 3(1) is to be treated as having been done by or in relation to the Mayor.

Incidental provisions

6. The following provisions of the 1989 Act(22) shall apply in relation to a Corporation as if it were a local authority—

- (a) section 1 (disqualification and political restriction of certain officers and staff)(23); and
- (b) sections 2 and 3A (politically restricted posts and exemptions from restriction) (24) so far as they have effect for the purposes of that section.

-
- (14) 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.
 - (15) 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.
 - (16) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.
 - (17) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007 (c. 24), 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 of the Schedule to S.I. 2000/1435.
 - (18) 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 (c. 24), 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.
 - (19) 2004 c. 5. Section 24 was amended by paragraphs 54 and 55 of Schedule 22 to the 2011 Act.
 - (20) 2008 c. 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the 2011 Act.
 - (21) 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 police and crime commissioner functions.
 - (22) 1989 c 42.
 - (23) Section 1 was amended by section 80 of the Local Government Act 1972 (c. 70), Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) and paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).
 - (24) Section 3A was inserted by section 202(2) of the Local Government and Public Involvement in Health Act 2007 (c. 28) and amended by Part 1 of Schedule 7 to the 2009 Act and paragraph 4 of Part 1 of Schedule 25 to the Localism Act 2011.

7. Section 5(25) 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.

8. Section 32 of the 2003 Act shall apply in relation to expenditure of a Corporation but as if—
- (a) each reference to a functional body were a reference to a Corporation;
 - (b) each reference to the Greater London Authority were a reference to the Combined Authority;
 - (c) each reference to the Mayor of London were a reference to the Mayor; and
 - (d) subsection (7) were omitted.

Transitional provisions

9.—(1) Until 8th May 2017 the functions conferred by article 3(1) shall be exercised only by the chairman of the Combined Authority(26).

(2) Anything which, immediately before the day on which article 3(1) comes into force 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 article 3(1) is to be treated as having been done by or in relation to the chairman of the Combined Authority.

(3) Before the chairman of the Combined Authority designates an area of land, under functions corresponding to the functions contained in section 197 of the 2011 Act, the chairman must refer the proposal to one of the Combined Authority’s overview and scrutiny committees(27) for consideration.

(4) Before an area of land is designated as a Mayoral development area the chairman of the Combined Authority must have regard to any report or recommendation made by any of the Combined Authority’s overview and scrutiny committees.

Funding

10.—(1) The constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of the functions mentioned in article 3 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 article 3, 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 the costs of the Combined Authority referred to in paragraph (1) between the constituent councils in

(25) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates Courts Act 1994 (c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (c. 16), section 132 of the 1999 Act, paragraph 24 of Schedule 5 to the Local Government Act 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 (c. 28), paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13) and articles 1(2), 2(1) and 23(1)(a) to (f) of S.I. 2001/2237.

(26) Paragraph 2(1) of Schedule 1 to S.I 2016/449 provides that the Combined Authority must in each year appoint a chairman from among its members, at the first meeting of the Combined Authority, and in subsequent years at the annual meeting of the Combined Authority.

(27) Paragraph 1 of Schedule 5A to the 2009 Act provides that a combined authority must arrange for the appointment by the authority of one or more committees of the authority to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the authority. Paragraph 1(2)(c) of Schedule 5A provides that the combined authority’s arrangements must ensure that the combined authority’s overview and scrutiny committee has power (or its overview and scrutiny committees) have power between them to make reports or recommendations to the authority on matters that affect the authority’s area or the inhabitants of the area.

such proportions as they may agree or, in default of such agreement, in the following shares between the constituent councils—

Darlington 15.80%

Hartlepool 14.67%

Middlesbrough 20.89%

Redcar and Cleveland 20.97%

Stockton-on-Tees 27.67%.

(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 section 40 of the Local Government Finance Act 1992 (issue of precepts by major precepting authorities)**(28)** is to be disregarded from any calculation of the costs of the expenditure.

(5) 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.

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

Date

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

(28) 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 2016 Act.

SCHEDULE

Article 4(1) and (2)

Modification of the 2011 Act

1.—(1) Part 8 of the 2011 Act (Mayoral development corporations) is modified in accordance with the following provisions.

(2) Section 196 of the 2011 Act (interpretation of Chapter) is to be read as if—

(a) ““the Mayor” means the Mayor of London” is omitted; and

(b) at the appropriate places there were inserted—

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

““Combined Authority” means the Tees Valley Combined Authority established by the Tees Valley Combined Authority Order 2016 **(29)**;”;

““Corporation” means a corporation established by the Secretary of State in accordance with the provisions in section 198 following the designation of an area of land by the Combined Authority;”;

““National Park” means a National Park mentioned in column 1 of Part 1 of Schedule 1 to the National Park Authorities (England) Order 2015**(30)**;”;

““National Park authority” means a National Park authority for a National Park. ”.

(3) Sections 196 to 222 of the 2011 Act shall have effect as if for every reference to—

(a) “the Greater London Authority” there were substituted “the Combined Authority”;

(b) “the Mayor” there were substituted “the Combined Authority”, except for the two occurrences in section 197(3)(e); and

(c) “MDC” there were substituted “Corporation”.

(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 combined area”;

(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 combined area**(31)**”,

(ii) in paragraph (d) for “the London Assembly” there were substituted “the Combined Authority” 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) in paragraph (a) for “the London Assembly” there were substituted “the Combined Authority”,

(ii) paragraph (b) were omitted,

(29) [S.I. 2016/449](#).

(30) [S.I. 2015/770](#).

(31) Article 7 of, and Schedule 2 to, the Tees Valley Combined Authority Order 2016 confer on the Combined Authority functions exercisable for the purpose of economic development and regeneration.

- (iii) in paragraph (d) for “each London borough council whose borough” there were substituted a reference to “each district council or county council whose local government area”,
 - (iv) in paragraph (e) for “the Common Council of the City of London if any part of the area is within the City” there were substituted “a National Park authority if any part of the area is within the National Park”,
 - (v) paragraphs (f) and (g) were omitted;
- (d) in subsection (5)—
- (i) in paragraph (a) for “the London Assembly” there were substituted “the Combined Authority”,
 - (ii) in paragraph (b)(i) for “the Assembly” there were substituted “the Combined Authority”,
 - (iii) in paragraph (b)(ii) for “the Assembly members voting” there were substituted “all members of the Combined Authority who are appointed by the constituent councils (including substitute members, acting in place of those members) present and voting on that motion”;
- (e) in subsection (6)(c) for “Mayoral development corporation” there were substituted “Corporation”; and
- (f) subsection (7) were omitted.
- (5) Section 198 of the 2011 Act (Mayoral development corporations: establishment) shall have effect as if—
- (a) in the heading for “Mayoral development corporation” there were substituted “Corporation”; and
 - (b) for every other reference to “Mayoral development corporation” there were substituted “Corporation”.
- (6) Section 199 of the 2011 Act (exclusion of land from Mayoral development areas) shall have effect as if in subsection (2) for “the London Assembly” there were substituted “the Combined Authority”.
- (7) 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 or county council wholly or partly in the combined area”,
 - (ii) paragraph (b) were omitted,
 - (iii) in paragraphs (d) and (e), for “in Greater London” there were substituted a reference to “in the combined area”,
 - (iv) paragraphs (f) to (h) were omitted, and
 - (v) 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.

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

(9) Section 202 of the 2011 Act (functions in relation to town and country planning) shall have effect as if—

(a) in subsection (7)(c) for “the London Assembly” there were substituted “the Combined Authority”, and

(b) in the definition of “affected authority” there were omitted “, (f) or (g)”.

(10) 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 were substituted a reference to “a district council, county council or a National Park Authority”.

(11) 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 area”; and

(b) in subsection (3) for the words “the Mayor of London” there were substituted “the Combined Authority”.

(12) 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 “the London Assembly or an affected local authority” there were substituted “the Combined Authority or a district council or county council wholly or partly in the combined area”; and

(b) in subsection (4) the definition of “an affected local authority” were omitted.

(13) 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) in paragraph (d) for “a London borough council” there were substituted “a district council or county council wholly or partly within the combined area”, and

(cc) paragraph (e) were omitted.

(14) Schedule 21 of the 2011 Act (Mayoral development corporations) shall have effect as if—

(a) for each reference to “the Mayor” there were substituted “the Combined Authority”, except for the reference in paragraph 1(1);

(b) for each reference to “MDC” there were substituted “Corporation”;

(c) in paragraph 1(1)—

(i) for the reference to “Mayoral development corporation (“MDC”)” there were substituted “Corporation”;

(ii) for the reference to the Mayor of London (“the Mayor”) there were substituted “the Combined Authority”;

(d) in paragraph 1(2) for the reference to “each relevant London council” there were substituted a reference to “each relevant district council or county council”;

- (e) in paragraph 1(3)—
 - (i) sub-paragraph (a) were omitted, and
 - (ii) in sub-paragraph (b) for “a London council” there were substituted “a district council or county council”;
- (f) in paragraph 2(5)(d) for “a relevant London council” there were substituted “a relevant district council or county council”;
- (g) in paragraph 4(4) for the reference to “the London Assembly” there were substituted a reference to “the Combined Authority”;
- (h) in paragraph (9)(c) for “each relevant London council” there were substituted “each relevant district council or county council”; and
- (i) in paragraph 10(1)(c) the reference to “and to the London Assembly” were omitted.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the Tees Valley Combined Authority (“the Combined Authority”) to have in relation to its area functions corresponding to the functions that the Mayor of London has in relation to Greater London to designate Mayoral development areas.

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 in their area.

Section 105A of the 2009 Act enables the Secretary of State by order to make provision for a function of a public authority that is exercisable in relation to a combined authority’s area to be exercisable by the combined authority; or confer on a combined authority, in relation to its area, a function which corresponds to a function which another public authority has in relation to another area.

Article 3 of the Order provides that the Combined Authority is to have in relation to its area functions corresponding to the functions that the Mayor of London has in relation to Mayoral development areas and Mayoral development corporations. It also provides that the exercise of some of those functions by the Combined Authority requires the consent of a member of the Combined Authority who is an elected member of a constituent council whose council area contains any part of the area to be designated as a mayoral development area. The article also provides that the North York Moors National Park Authority must consent before the Combined Authority exercises certain functions in respect of any part of the North York National Park.

Article 4 of, and the Schedule to, the Order applies Chapter 2 of Part 8 (Mayoral development corporations) and section 235 (orders and regulations) of, and paragraph 9 of Schedule 24 (transfers under scheme under section 200(1) or (4) or 216(1)) to, the Localism Act 2011 in relation to areas designated by the Combined Authority and corporations established as a consequence of such designation.

Article 5 provides for the functions conferred by article 3(1) to be exercisable by the Mayor of the Combined Authority only (as a consequence of article 1(3) the Mayor will exercise this function from 8th May 2017).

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory Instrument: The Tees Valley Combined Authority (Functions) Order 2017 No. 250

Articles 6 and 7 apply sections 1 (disqualification and political restriction of certain officers and staff), 2 and 3A (politically restricted posts and exemptions from restriction) of the Local Government, Housing and Land Act 1989 in relation to a Mayoral development corporation established as a consequence of this Order and also section 5 of that Act (designation and reports of monitoring officer) as if a mayoral development corporation established as a consequence of this Order were a committee of the Combined Authority.

Article 8 applies section 32 of the Local Government Act 2003 to ensure that a Minister of the Crown has the power to pay a grant under section 31(1) of the Local Government Act 2003 towards expenditure incurred or to be incurred by a Corporation.

Article 9 provides transitional arrangements for the functions to be exercised by the chairman of the Combined Authority until the Mayor takes office on 8th May 2017.

Article 10 provides for the funding of the functions.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.