
DRAFT STATUTORY INSTRUMENTS

2018 No.

The Newcastle Upon Tyne, North Tyneside and Northumberland
Combined Authority (Establishment and Functions) Order 2018

PART 7

Mayoral functions and funding

Functions exercisable only by the Mayor

26.—(1) The functions set out in paragraph (2) are general functions exercisable only by the Mayor.

(2) The functions referred to in paragraph (1) are—

(a) the functions of the Combined Authority in the following enactments—

(i) section 9(2) of the 2008 Act (acquisition of land); and

(ii) section 17 of the 1985 Act (acquisition of land for housing purposes) insofar as they are exercisable for the purpose of acquiring land compulsorily in accordance with section 17(3); and

(b) the functions of the Combined Authority corresponding to the functions specified in the following provisions of the 2011 Act—

(i) section 197 (designation of mayoral development areas);

(ii) section 199 (exclusion of land from Mayoral development areas);

(iii) section 200 (transfer of property etc. to a Mayoral development corporation);

(iv) section 202 (functions in relation to Town and Country Planning);

(v) section 204 (removal or restriction of planning functions);

(vi) sections 214 to 217;

(vii) sections 219 to 221; and

(viii) paragraphs 1 to 4, 6 and 8 of Schedule 21 (Mayoral Development Corporations).

(3) The exercise by the Mayor of the functions mentioned in paragraph (2)(a) requires the consent of—

(a) all members of the Combined Authority appointed by the constituent councils whose area contains any part of the land subject to the proposed compulsory acquisition; or

(b) substitute members acting in place of those members.

(4) The exercise by the Mayor of the functions corresponding to the functions contained in section 197(1) (designation of Mayoral development areas) of the 2011 Act requires the consent of—

(a) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be designated as a Mayoral development area; or

(b) substitute members acting in place of those members.

(5) The exercise by the Mayor of the functions corresponding to the functions contained in section 199(1) (exclusion of land from Mayoral development areas) of the 2011 Act in respect of any Mayoral development area requires the consent of—

- (a) all members of the Combined Authority appointed by a constituent council whose local government area contains any part of the area to be excluded from a Mayoral development area; or
- (b) substitute members acting in place of those members.

(6) The 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 Northumberland 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 Northumberland National Park; and
- (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.

(7) For the purpose of paragraphs (3), (4) and (5) and (6)(b), the consent must be given at a meeting of the Combined Authority.

(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 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).

Funding

27.—(1) Subject to paragraphs (2) and (5), the constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the exercise of its functions 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 26(1), 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 equal shares between the constituent councils.

(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; and
- (b) any precept issued in relation to such expenditure under section 40 of the Local Government Finance Act 1992 is to be disregarded from any calculation of the costs of the expenditure.

(5) The costs of the Combined Authority reasonably attributable to the exercise of its functions relating to transport must be met by means of three separate levies issued by the Authority to the councils for the local government areas of—

- (a) Newcastle Upon Tyne;
- (b) North Tyneside; and
- (c) Northumberland,

under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992.

(6) A levy issued by the Durham, Gateshead, South Tyneside and Sunderland Combined Authority under section 74 of the Local Government Finance Act 1988 to the councils for the local government areas of Newcastle Upon Tyne, North Tyneside and Northumberland in respect of the financial year beginning 1st April 2018 has effect for that year from and after the commencement date as if it had been so issued by the Combined Authority.

Continuity

28.—(1) Nothing in this Order affects the validity of anything done, before the commencement date, by or in relation to—

- (a) the ITA with respect to the functions, property, rights and liabilities transferred under article 6 of the 2014 Order and article 7 of this Order;
- (b) Durham County Council and Northumberland County Council with respect to the functions transferred under article 8 of the 2014 Order;
- (c) Durham County Council and Northumberland County Council with respect to the functions transferred under article 7(1)(b) and (c); and
- (d) the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority with respect to functions exercised in relation to the combined area immediately before the commencement date.

(2) Anything (including legal proceedings) which—

- (a) is in the process of being done by or in relation to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority immediately before the commencement date; and
- (b) which relates to any functions of the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority exercised in relation to the combined area excluding the functions exercisable by the joint transport committee under article 9(1)(a) to (g),

may be continued by or in relation to the Combined Authority.

(3) Anything which—

- (a) is in effect immediately before the commencement date; and
- (b) which was made or done by or in relation to the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority for the purposes of or otherwise in connection with any functions exercised in relation to the combined area excluding the functions exercisable by the joint transport committee under article 9(1)(a) to (g),

has effect as if made or done by or in relation to the Combined Authority.

(4) The Combined Authority is to be substituted for the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority in any instruments, contracts or legal proceedings which—

- (a) are made or commenced before the commencement date; and
- (b) relate to any of the functions exercisable by the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority in relation to the combined area excluding the functions exercisable by the joint transport committee under article 9(1)(a) to (g).

(5) Anything (including legal proceedings) which is in the process of being done by or in relation to a relevant body immediately before the commencement date and which relates to the functions exercisable by the joint transport committee under article 9(1)(a) to (g) may be continued by the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority acting jointly.

(6) Anything which—

- (a) is in effect immediately before the commencement date; and
- (b) which was made or done by or in relation to a relevant body for the purposes of or otherwise in connection with any of the functions exercisable by the joint transport committee under article 9(1)(a) to (g),

has effect as if made or done by or in relation to the Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority acting jointly.

(7) The Combined Authority and the Durham, Gateshead, South Tyneside and Sunderland Combined Authority are jointly to be substituted for a relevant body in any instruments, contracts or legal proceedings which—

- (a) are made or commenced before the commencement date;
- (b) and relate to any of the functions exercisable by the joint transport committee under article 9(1)(a) to (g).

(8) Paragraphs (2) to (7) are subject to article 11(6) of the 2014 Order.

(9) For the purposes of this article, a relevant body is—

- (a) the ITA;
- (b) Durham County Council;
- (c) Northumberland County Council; and
- (d) the Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority.

(10) A reference in this article to anything made or done by or in relation to a relevant body includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to that authority.

Amendments to the 2014 Order

29. Schedule 5 (which makes amendments to the 2014 Order) has effect.