



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 6

ECONOMIC PROSPERITY BOARDS AND COMBINED AUTHORITIES

Requirements in connection with orders about combined authorities

110 Requirements in connection with establishment of combined authority

[^{F1}(1) The Secretary of State may make an order establishing a combined authority for an area only if—

- [^{F2}(a) the Secretary of State considers that to do so is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area,
 - (aa) the Secretary of State considers that to do so is appropriate having regard to the need—
 - (i) to secure effective and convenient local government, and
 - (ii) to reflect the identities and interests of local communities,
 - (ab) where a proposal for the establishment of the combined authority has been submitted under section 109A, the Secretary of State considers that its establishment will achieve the purposes specified under [subsection \(7\)](#) of that section,]
 - (b) the constituent councils consent, and
 - (c) any consultation required by subsection (2) has been carried out.

[^{F3}(1A) If a proposal for the establishment of the combined authority has been submitted under section 109A, the Secretary of State must have regard to the proposal in making the order.]

- (2) The Secretary of State must carry out a public consultation unless—

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Section 110. (See end of Document for details)

- [^{F4}(a) a proposal has been prepared under section 109A,
 (b) a public consultation has been carried out in connection with the proposal and the Secretary of State has been provided with a summary of the consultation responses, and]
 (c) the Secretary of State considers that no further consultation is necessary.
- (3) In this section “constituent council” means—
 (a) a county council the whole or any part of whose area is within the area for which the combined authority is to be established, or
 (b) a district council whose area is within the area for which the combined authority is to be established.]
- [^{F5}(3A) Subsection (3B) applies where the Secretary of State is considering whether to make an order establishing a combined authority for an area and—
 (a) part of the area is separated from the rest of it by one or more local government areas that are not within the area, or
 (b) a local government area that is not within the area is surrounded by local government areas that are within the area.
- (3B) In deciding whether to make the order, the Secretary of State must have regard to the likely effect of the creation of the proposed combined authority on the exercise of functions equivalent to those of the proposed combined authority's functions in each local government area that is next to any part of the proposed combined authority area.]
- ^{F6}(4)

Textual Amendments

- F1** S. 110(1)-(3) substituted (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. 14(7)**, 25(2)
- F2** S. 110(1)(a)-(ab) substituted for s. 110(1)(a) (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 65(5)**, 255(2)(h) (with [ss. 65\(9\)\(10\)](#), 247)
- F3** S. 110(1A) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 65(6)**, 255(2)(h) (with [ss. 65\(9\)\(10\)](#), 247)
- F4** S. 110(2)(a)(b) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 65(7)**, 255(2)(h) (with [ss. 65\(9\)\(10\)](#), 247)
- F5** S. 110(3A)(3B) 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. 12(5)**, 25(2)
- F6** S. 110(4) omitted (26.12.2023) by virtue of [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 65(8)**, 255(2)(h) (with [ss. 65\(9\)\(10\)](#), 247)

Commencement Information

- I1** S. 110 in force at 17.12.2009 by [S.I. 2009/3318](#), **art. 2(a)**

Changes to legislation:

There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Section 110.