
EXPLANATORY NOTE

(This note is not part of the Order)

Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) (“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 of a local authority under sections 104, 105 and 105A of the 2009 Act, and power to exercise specified functions of any other public authority under section 16 of the Cities and Local Government Devolution Act 2016 (c. 1).

The Secretary of State may provide for there to be a mayor for the area of a combined authority where the constituent councils of the combined authority (each district council or county council whose area is within the area of the combined authority) and any existing combined authority consent under section 107B(3) of the 2009 Act. Such authorities are referred to as “mayoral combined authorities”.

Mayoral combined authorities are major precepting authorities for the purposes of setting council tax under the Local Government Finance Act 1992 (c. 14) (“the 1992 Act”). This Order makes provision for various matters connected with precepting for mayoral functions.

Article 3 provides that the costs of a mayor are to be met from precepts issued by the mayoral combined authority under section 40 of the 1992 Act (except in relation to the West of England Combined Authority where different arrangements will apply).

Article 4 and the Schedule modifies the provisions in the 1992 Act where the mayor of a combined authority exercises the functions of a police and crime commissioner (“PCC functions”), in particular to ensure that the council tax requirement relating to PCC functions (“the PCC component”) is separated from the council tax requirement relating to other mayoral functions (“the general component”). They also make consequential modifications to the Local Authorities (Conduct of Referendums) (Council Tax Increases) (England) Regulations 2012 (S.I. 2012/444) and the Council Tax (Demand Notices) (England) Regulations 2011 (S.I. 2011/3038).

Article 5 to 10 provide for the budget setting process in relation to the general component.

Article 11 provides for the keeping of a mayoral fund.

Article 12 disapplies the power to precept in respect of the financial year commencing on 1st April 2017.

Article 13 makes transitional provision relating to the Greater Manchester Combined Authority.

A full regulatory impact assessment has not been prepared as this instrument will have no impact on the costs of business and the voluntary sector.