



TO: ALL MEMBERS

(Copy to recipients of Council Papers)

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17 November 2016

Dear Councillor

EXTRAORDINARY COUNCIL – MONDAY 21 NOVEMBER 2016

Agenda Item 4: Norfolk and Suffolk Devolution Agreement **Report No: COU/SE/16/019: Addendum to Appendix A**

Since publication of the Agenda for the Extraordinary Council meeting on 21 November 2016, local authority Leaders have now received the attached Draft Order relating to Norfolk and Suffolk Devolution. This was noted in your report as being sent 'to follow'.

The agenda and papers published advised you that the report on Norfolk and Suffolk Devolution Agreement contained an Appendix 'Contents of Draft Norfolk and Suffolk Combined Authority Order'. This was not the Statutory Instrument but explained the content of the Statutory Instrument.

The Draft Order will be loaded onto the website in addition to the other Devolution papers for the meeting on 21 November 2016 and a hard copy will be sent out to you by first class post later today.

Yours sincerely

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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

2016 No.

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

The Norfolk and Suffolk Combined Authority Order 2016

Made - - - -

Coming into force in accordance with article 1

This Order is made in exercise of the powers conferred by sections 103 to 105, 105A, 107A, 107D, 107E, 114 and 117 of, and paragraph 3 of Schedule 5A to and paragraph 3 of Schedule 5B to, the Local Democracy, Economic Development and Construction Act 2009(a) (“the 2009 Act”).

The Secretary of State, having regard to a scheme prepared and published under section 109 of the 2009 Act 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 110(2) of the 2009 Act has been carried out.

The Secretary of State is satisfied that the area to which this Order relates meets the conditions set out in section 103 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 to secure effective and convenient local government(b).

In accordance with sections 105(3A), 104(10) and 105B(2)(c) of the 2009 Act the councils for the local government areas of Babergh, Broadland, Forest Heath, Ipswich, King's Lynn and West

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- (a) 2009 c. 20. Section 103 was amended by sections 12 and 14 of the Cities and Local Government Devolution Act 2016 (c. 1). Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016. Section 105 was amended by sections 6, 9 and 14 of the Cities and Local Government Devolution Act 2016. Section 105A was inserted by section 7 of the Cities and Local Government Devolution Act 2016. Section 107A was inserted by section 2 of the Cities and Local Government Devolution Act 2016. Sections 107D and 107E were inserted by section 4 of the Cities and Local Government Devolution Act 2016. Section 114 was amended by Schedule 5 to the Cities and Local Government Devolution Act 2016. Section 117(2), (2A) and (3) was substituted by section 13 of the Localism Act 2011 (c. 20) and amended by paragraph 24 of Schedule 5 to the Cities and Local Government Devolution Act 2016. Schedule 5A was inserted by Schedule 3 to the Cities and Local Government Devolution Act 2016. Schedule 5B was inserted by Schedule 2 to the Cities and Local Government Devolution Act 2016.
 - (b) Section 113(3) of the 2009 Act requires the Secretary of State when making an order under sections 104, 105, 106 or 107 in relation to an existing combined authority to have regard to the need to reflect the identities and interests of local communities, and to secure effective and convenient local government.
 - (c) Section 105B was inserted by section 7 of the Cities and Local Government Devolution Act 2016.

Norfolk, Mid-Suffolk, Norfolk, St Edmundsbury, South Norfolk, Suffolk Coastal, Suffolk and Waveney have consented to the making of this Order.

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.

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.

PART 1

General

Citation and commencement

1. This Order may be cited as the Norfolk and Suffolk Combined Authority Order 2016 and shall come into force on either—

- (a) 1st March 2017; or
- (b) if the Order is made on or after 1st March 2017, on the day after the day on which the Order is made.

Interpretation

2. In this Order—

“the 1980 Act” means the Highways Act 1980(a);

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

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

“the 2000 Act” means the Transport Act 2000(d)

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

“the 2004 Act” means the Planning and Compulsory Purchase Act 2004(f);

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

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

“combined area” means the area consisting of the areas of the councils for the local government areas of Babergh, Broadland, Forest Heath, Ipswich, King's Lynn and West Norfolk, Mid-Suffolk, St Edmundsbury, South Norfolk, Suffolk Coastal and Waveney;

“the Combined Authority” means the Norfolk and Suffolk Combined Authority as constituted by article 3;

“constituent councils” means the councils for the local government areas of Babergh, Broadland, Forest Heath, Ipswich, King's Lynn and West Norfolk, Mid-Suffolk, Norfolk, St Edmundsbury, South Norfolk, Suffolk Coastal, Suffolk and Waveney;

(a) 1980 c.66.
(b) 1989 c.42.
(c) 1999 c.29.
(d) 2000 c.38.
(e) 2003 c.26.
(f) 2004 c.5.
(g) 2011 c.20.

“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;

“the Local Enterprise Partnership” means the board of the New Anglia Local Enterprise Partnership;

“the Mayor” means the Mayor for the Combined Authority as provided for by article 5 except where there is a reference to the Mayor of London; and

“upper-tier authorities” means the county councils for the local government areas of Norfolk and Suffolk.

PART 2

Establishment of a combined authority for Norfolk and Suffolk; election of the Mayor; funding

Establishment

3.—(1) There is established a combined authority for the combined area.

(2) The combined authority is to be a body corporate and is to be known as the Norfolk and Suffolk Combined Authority.

(3) The functions of the Combined Authority are those functions conferred or imposed upon it by this Order or by any other enactment (whenever passed or made), or as may be delegated to it by or under this Order or any other enactment (whenever passed or made).

Constitution

4. Schedule 1 (which makes provision about the constitution of the Combined Authority) has effect.

Mayor

5.—(1) There is to be a Mayor for the area of the Combined Authority.

(2) The first election for the return of a Mayor is to take place on 4th May 2017.

(3) Subsequent elections for the return of a Mayor for the area shall take place—

(a) on the ordinary day of election in 2021, and

(b) in every fourth year thereafter on the same day as the ordinary day of election.

(4) The term of office of the Mayor returned at an election for the return of a Mayor for the area—

(a) begins with the fourth day after the day of the poll at the election for the return of a Mayor for the area, and

(b) ends with the third day after the day of the poll at the next election for the return of a Mayor for the area.

Funding

6.—(1) The constituent councils must ensure that the costs of the Combined Authority reasonably attributable to the Combined Authority’s exercise of the functions mentioned in articles 10, 18 and 19 are met.

(2) Any amount payable by each of the constituent councils to ensure that the costs of the Combined Authority referred to in paragraph (1) are met is to be determined by apportioning such costs between the constituent councils in equal proportions.

(3) The functions mentioned in articles 7, 8 and 9 may be funded out of the levy issued by the Combined Authority to the constituent councils under section 74 of the Local Government Finance Act 1988 and in accordance with the Transport Levying Bodies Regulations 1992(a).

(4) The constituent councils and the Mayor must ensure that the costs of the Mayor reasonably attributable to the exercise of the functions specified in article 16 are met, to the extent that the Mayor has not decided to meet these costs from other resources available to the Combined Authority.

(5) Any precept issued under regulations made under section 40 of the Local Government Finance Act 1992(b) is to be disregarded for the purposes of paragraph (4).

PART 3

Transport

Power to pay grant

7.—(1) The functions of a Minister of the Crown contained in section 31 of the 2003 Act (power to pay grant) are functions of the Combined Authority that are exercisable in relation to the combined area.

(2) The functions are exercisable by the Combined Authority—

- (a) concurrently with a Minister of the Crown; and
- (b) only for the purpose of paying grant to an upper-tier authority.

(3) Paragraph (4) applies where, in exercising functions under paragraph (1), the Combined Authority determines an amount of grant to be paid towards expenditure incurred or to be incurred by an upper-tier authority in relation to the exercise of its highways functions.

(4) In determining that amount, the Combined Authority must have regard to the desirability of ensuring that the authority has sufficient funds to facilitate the effective discharge of those functions.

(5) In complying with paragraph (4), the Combined Authority must take into account—

- (a) any other sources of funding available to the authority for expenditure incurred or to be incurred in relation to the exercise of its highways functions; and
- (b) the most recent determination by the Secretary of State of an amount of grant paid to the authority for those purposes.

(6) For the purposes of the exercise by the Combined Authority of the functions specified in paragraph (1), section 31 of the 2003 Act has effect as if—

- (a) in subsection (1)—
 - (i) for “A Minister of the Crown” there were substituted “The Norfolk and Suffolk Combined Authority”,
 - (ii) for “a local authority in England and Wales” there were substituted “an upper-tier authority”,
- (b) subsection (2) were omitted;
- (c) in subsections (3) and (4), for the “the person paying it” there were substituted “the Norfolk and Suffolk Combined Authority”;
- (d) subsection (6) were omitted.

(a) S.I. 1992/2789, amended by S.I. 2012/213 and S.I. 2015/27.

(b) c. 14. Section 40 was amended by section 83 of the Greater London Authority Act 1999, section 79 of and paragraph 7 of Schedule 17 to the Localism Act 2011 and section 5 of the Cities and Local Government Devolution Act 2016.

(7) In this article “highway functions” means the functions which are exercisable by an upper-tier authority (in whatever capacity) in relation to the highways for which they are the highway authority.

Local Transport

8.—(1) The following are exercisable by the Combined Authority in relation to the combined area—

- (a) the functions of the upper-tier authorities contained in Parts 4 (local passenger transport services) and 5 (financial provisions) of the Transport Act 1985(a); and
- (b) the functions of the upper-tier authorities as local transport authorities contained in Part 2 (local transport) of the 2000 Act.

(2) The functions are exercisable by the Combined Authority instead of by the upper-tier authorities.

Agreements between authorities and improvement of highways

9.—(1) The functions of the upper-tier authorities contained in section 6(b) of the 1980 Act (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc) are exercisable by the Combined Authority in relation to the combined area.

(2) The functions of the upper-tier authorities as local highway authorities contained in the following provisions of the 1980 Act are exercisable by the Combined Authority in relation to the combined area—

- (a) section 8(c) (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works).
- (b) section 62(d) (general power of improvement);
- (c) section 64(e) (dual carriageways and roundabouts);
- (d) section 65 (cycle tracks);
- (e) section 66(f) (footways and guard-rails etc for publicly maintained highways);
- (f) section 68 (refuges);
- (g) section 69(g) (subways);
- (h) section 70 (footbridges over highways);
- (i) section 73(h) (power to prescribe improvement line for widening street);
- (j) section 74(i) (power to prescribe a building line);
- (k) section 75 (variation of widths of carriageways and footways);

(a) 1985 c.67.

(b) Section 6 was amended by section 8 of, and paragraph 4 of Schedule 4 to, the Local Government Act 1985 (c.51), section 22 of, and paragraph 2 of Schedule 7 to, the Local Government (Wales) Act 1994 (c. 19), section 1 of, and paragraph 7 of Schedule 1 to, the Infrastructure Act 2015, and S.I. 1995/1986.

(c) Section 8 was amended by section 22 of, and paragraph 3 of Schedule 7 to, the Local Government (Wales) Act 1994, section 8 of, and paragraph 5 of Schedule 4 to, the Local Government Act 1985, and section 1 of, and paragraph 8 of Schedule 1 to, the Infrastructure Act 2015.

(d) Section 62 was amended by Schedule 10 to the Transport Act 1981 (c. 56), Schedule 17 to the Local Government Act 1985 (c. 51), and section 1(1) of the Traffic Calming Act 1992 (c. 30).

(e) Section 64 was amended by the Schedule 17 to the Local Government Act 1985 and Schedule 9 to the New Roads and Street Works Act 1991 (c.22).

(f) Section 66 was amended by paragraph 17 of Schedule 4 to the Local Government Act 1985, section 70(1) of the Countryside and Rights of Way Act 2000 (c.37), and paragraph 23 of Schedule 1 to the Infrastructure Act 2015.

(g) Section 69 was amended by Schedule 17 to the Local Government Act 1985, paragraph 7 of Schedule 7 to the Local Government (Wales) Act 1994 (c.19), and paragraph 24 of Schedule 1 to the Infrastructure Act 2015.

(h) Section 73 was amended by sections 37 and 46 of the Criminal Justice Act 1982 (c.48) and paragraph 62 of Schedule 25 to the Water Act 1989 (c.15).

(i) Section 74 was amended by sections 37 and 46 of the Criminal Justice Act 1982 and paragraph 62 of Schedule 25 to the Water Act 1989.

- (l) section 76 (levelling of highways);
- (m) section 77 (alteration of levels);
- (n) section 78 (cutting off of corners);
- (o) section 79(a) (prevention of obstruction to view at corners);
- (p) section 80(b) (power to fence highways);
- (q) section 81 (provision of highway boundary posts);
- (r) section 91 (construction of bridge to carry existing highway maintainable at public expense);
- (s) section 92 (reconstruction of bridge maintainable at public expense);
- (t) section 93(c) (power to make orders as to reconstruction, improvement, etc of privately maintainable bridges);
- (u) section 94 (powers of highway authorities and bridge owners to enter into agreements);
- (v) section 96 (powers of highway and local authorities to plant trees, lay out grass verges etc);
- (w) section 97(d) (lighting of highways);
- (x) section 98 (delegation of lighting functions of highway authority);
- (y) section 99 (metalling of highways);
- (z) section 100(e) (drainage of highways); and
- (aa) section 101 (power to fill in roadside ditches etc).

(3) The functions mentioned in paragraphs (1) and (2) are exercisable by the Combined Authority concurrently with the upper-tier authorities.

PART 4

Mayoral Development Corporation

Conferral of functions on the Combined Authority

10.—(1) The Combined Authority shall have in relation to the combined area functions corresponding to the functions contained in the provisions in the 1999 Act, that the Mayor of London has in relation to Greater London, and which are specified in Schedule 2.

(2) The exercise of the functions corresponding to the functions contained in section 197 (designation of Mayoral development areas) and 202 (functions in relation to Town and Country Planning) of the 2011 Act requires the consent of all members of the Combined Authority appointed by the constituent councils whose council area contains any part of the area to be designated as a mayoral development area, or substitute members acting in place of those members, to be provided at a meeting of the Combined Authority.

(3) Anything which, immediately before the commencement date specified in article 2, is in the process of being done by or in relation to the Combined Authority for the purposes of or in connection with the functions mentioned in sub-paragraph (1) and Schedule 2 may be continued by or in relation to the Combined Authority.

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- (a) Section 79 was amended by paragraph 18 of Schedule 17 to the Local Government Act 1985, paragraph 8 of Schedule 7 to the Local Government (Wales) Act 1994, sections 37 and 46 of the Criminal Justice Act 1982, and paragraph 52 of Schedule 9 to the Crime and Courts Act 2013 (c.22).
 - (b) Section 80 was amended by paragraph 19 of Schedule 4 to the Local Government Act 1985, paragraph 45(4) of Schedule 2 to the Planning (Consequential Provisions) Act 1990 (c.11) and paragraph 25 of Schedule 1 to the Infrastructure Act 2015.
 - (c) Section 93 was amended by paragraph 27 of Schedule 1 to the Infrastructure Act 2015.
 - (d) Section 97 was amended by paragraph 29 of Schedule 1 to the Infrastructure Act 2015.
 - (e) Section 100 was amended by paragraph 21 of Schedule 4 to the Local Government Act 1985, paragraph 62 of Schedule 25 to the Water Act 1989, paragraph 36(1) of Schedule 1 to the Water Consolidation (Consequential Provisions) Act 1991, and paragraph 9 of Schedule 7 to the Local Government (Wales) Act 1994.

Application of provisions in the 2011 Act

11.—(1) Chapter 2 of Part 8 (Mayoral development corporations) of, and Schedule 21 (Mayoral development corporations) to, the 2011 Act apply to the Combined Authority and a Corporation as they apply in relation to the Mayor of London and a Mayoral development corporation respectively, with the modifications made by Schedule 3.

(2) Subject to paragraph (6), in any enactment passed or made on or before the date on which article 1 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.

(3) 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.

(4) 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 section 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,

by statutory instrument in relation to the establishment of a Corporation and a transfer of land to or from a Corporation as they apply in relation to the establishment of a Mayoral development corporation and a transfer of land to or from a Mayoral development corporation.

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

(6) Paragraph (2) does not apply to—

- (a) paragraph 9(8)(a) of Schedule 2 to the Channel Tunnel Rail Link Act 1996(a);
- (b) section 31(1A) of the 1999 Act(b);
- (c) section 38 of the 1999 Act(c);
- (d) section 60A(3) of the 1999 Act(d);
- (e) section 68(6) of the 1999 Act(e);
- (f) Section 73 of the 1999 Act(f);
- (g) 424 of the 1999 Act(a);

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

(b) 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 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.

(d) 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.

(e) Section 68 was amended by paragraphs 44 and 48 of Schedule 22 and Part 32 of Schedule 25 to the 2011 Act.

(f) Section 73 was amended by sections 7 and 9 of, and Schedule 2 to, the Greater London Authority Act 2007, 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 to the Schedule in S.I. 2000/1435.

- (h) section 24(4) of the 2004 Act^(b); and
- (i) paragraph 8(8)(a) of Schedule 2 to the Crossrail Act 2008^(c).

Incidental provisions

12. The following provisions of the 1989 Act shall apply as if a Corporation were a local authority—

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

13. Section 5^(f) 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.

14.—(1) Section 32 of the 2003 Act applies in relation to expenditure of a Corporation as it applies to expenditure of a functional body.

(2) In Section 32 of the 2003 Act, as applied by paragraph (1)—

- (a) references to a functional body are to be read as references to a Corporation;
- (b) references to the Greater London Authority are to be read as references to the Combined Authority; and
- (c) the reference to the Mayor of London is to be read as a reference to the Mayor.

Transitional provisions

15.—(1) Until the commencement of article 10(1) the functions corresponding to the functions contained in section 197 (designation of Mayoral development areas) of the 2011 Act, that the Mayor of London has in relation to Greater London, conferred by article 10, shall be exercised only by the chair of the Combined Authority.

(2) Before the chair of the Combined Authority designates an area of land, under functions corresponding to the functions contained in section 197 of the 2011 Act, that the Mayor of London has in relation to Greater London, the chair must refer the proposal to one of the Combined Authority's overview and scrutiny committees^(g).

(3) Before an area of land is designated as a Mayoral development area the chair of the Combined Authority must have regard to any reports or recommendations made by any of the Combined Authority's overview and scrutiny committees on the proposed designation.

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- (a) 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, 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.
 - (b) Section 24 was amended by paragraphs 54 and 55 of Schedule 22 to the Localism Act 2011.
 - (c) 2008 c. 18. Paragraph 8 of Schedule 2 to the Crossrail Act 2008 was amended by paragraph 58 of Schedule 22 to the Localism Act 2011.
 - (d) Section 1 was amended by section 80 of the Local Government Act 1972 (1972 c. 70), Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (1975 c. 24) and paragraphs 199 and 200 of Part 2 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (2011 c. 13).
 - (e) Section 3A was inserted by section 202(2) of the Local Government and Public Involvement in Health Act 2007 (2007 c. 28) and amended by Part 1 of Schedule 7 to the Local Democracy, Economic Development and Construction Act 2009 and paragraph 4 of Part 1 of Schedule 25 to the Localism Act 2011.
 - (f) Section 5 was amended by Part 1 of Schedule 4 to the Police and Magistrates Courts Act 1994 (1994 c. 29), paragraph 1 of Schedule 7 to the Police Act 1996 (1996 c. 16), section 132 of the Greater London Authority Act 1999, paragraph 24 of Schedule 5 to the Local Government Act 2000 (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, paragraphs 12 and 13 of Schedule 14 and Part 4 of Schedule 22 to the Marine and Coastal Access Act 2009 (2009 c. 23), paragraphs 199 and 202 of Part 3 of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (2011 c. 13) and SI 2001/2237 articles 1(2), 2(1) and 23(1)(a) to (f).
 - (g) 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.

PART 5

Functions of the Combined Authority exercisable only by the Mayor; political advisers

General functions of the Combined Authority exercisable only by the Mayor

- 16.**—(1) The following functions(a) are general functions exercisable only by the Mayor—
- (a) the functions of the Combined Authority in the following enactments—
 - (i) sections 108 (local transport plans), 109 (further provision about plans: England) and 112 (plans and strategies: supplementary) of the 2000 Act(b); and
 - (ii) sections 6 (powers to enter into agreements with the Minister or strategic highways companies relating to the exercise of functions with respect to trunk roads etc) and 8 (power to enter into agreements with local highway authorities and strategic highways companies for the doing of certain works) of the 1980 Act
 - (b) the functions of the Combined Authority corresponding to—
 - (i) section 31 of the 2003 Act (power to pay grant); and
 - (ii) the specified functions in Schedule 2.
- (2) For the purposes of the exercise of the general functions mentioned in sub-paragraph (1)—
- (a) the Mayor must consult the Combined Authority on the approval of any strategy produced in the exercise of these functions;
 - (b) members and officers of the Combined Authority may assist the Mayor in the exercise of the functions
 - (c) the Mayor may do anything that the Combined Authority may do under Chapter 1 of Part 1 of the 2011 Act.

Political advisers

- 17.**—(1) The Mayor may appoint one person as the Mayor’s political adviser.
- (2) Any appointment under paragraph (1) is an appointment as an employee of the Combined Authority.
- (3) No appointment under paragraph (1) shall extend beyond—
- (a) the term of office for which the Mayor who made the appointment was elected; or
 - (b) where the Mayor who appointed the political adviser ceases to be the Mayor before the end of the term of office for which the Mayor was elected, the date on which the Mayor ceases to hold that office.
- (4) A person appointed under paragraph (1) is to be regarded for the purposes of Part 1 of the 1989 Act (political restriction of officers and staff) as holding a politically restricted post under a local authority.
- (5) Subject to paragraph (6), section 9(1), (8), (9) and (11) of the 1989 Act(c)(assistants for political groups), shall apply in relation to an appointment under paragraph (1) as if—

(a) 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 PCC functions.

(b) Section 108 was amended by paragraph 2 of the Schedule to the Transport (Wales) Act 2006 (c.5), the Local Transport Act 2008 (c.26), sections 7 to 9, paragraphs 41 and 42 of Schedule 4 and Part 1 of Schedule 7, and the Local Democracy, Economic Development and Constructions Act 2009 (c.20), paragraph 96 of Schedule 6. Section 109 was amended by paragraph 3 of the Schedule to the Transport (Wales) Act 2006, the Local Transport Act 2000, section 9, and the Local Democracy, Economic Development and Constructions Act 2009 (c.20), paragraph 97 of Schedule 6. Section 112 was amended by the Local Transport Act 2008, sections 10 and 11 and Part 1 of Schedule 7, and the Equality Act 2010, paragraph 48 of Schedule 26.

(c) Section 9 was amended by sections 61 and 204 of, and paragraph 2 of Schedule 2 to, the Local Government and Public Involvement in Health Act 2007 (c. 28) and by S.I. 2001/2237.

- (a) any appointment to that post were the appointment of a person in pursuance of that section; and
 - (b) the Combined Authority were a relevant authority for the purposes of that section.
- (6) Subsection (3) of section 9 of the 1989 Act shall apply in relation to an appointment under paragraph (1) as if the words “and that the appointment terminates” to the end of that subsection were omitted.

PART 6

Additional functions

Economic development and regeneration functions

18.—(1) The functions of the constituent councils set out in Schedule 4 are exercisable by the Combined Authority in relation to its area.

(2) The functions are exercisable concurrently with the constituent councils.

(3) Any requirement in any enactment for a constituent council to exercise such a function may be fulfilled by the exercise of that function by the Combined Authority.

General power of competence

19.—(1) Chapter 1 of Part 1 of the Localism Act 2011 has effect in relation to a combined authority specified in the order as it has effect in relation to a local authority(a).

Incidental provisions

20. The following provisions shall have effect as if the Combined Authority were a local authority for the purposes of those provisions—

- (a) section 102 of the Local Government Act 1972(b) (appointment of committees);
- (b) section 113 of the Local Government Act 1972(c) (power to place staff at the disposal of other local authorities);
- (c) section 142(2) of the Local Government Act 1972(d) (power to arrange for publication of information etc relating to the functions of the authority); and
- (d) section 222 of the Local Government Act 1972(e) (power to prosecute and defend legal proceedings).

21.—(1) The Combined Authority shall have the power to exercise any of the functions described in subsection (1)(a) and (b) of section 88 of the Local Government Act 1985(a) and collection of information) whether or not a scheme is made under that section.

(a) Section 113D of the 2009 Act as inserted by section 10 of the Cities and Local Government Devolution Act 2016 enables the Secretary of State by order to confer the General Power of Competence, found in Chapter 1 of Part 1 of the Localism Act 2011, on a combined authority.

(b) 1972 c. 70. Section 102 was amended by section 29 of and paragraph 16 of Schedule 9(1) to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41); section 108 of and paragraph 31(1) of Schedule 13 to the Children Act 1989 (c. 41); sections 13(8), 194(4) and Schedule 12(2) to the 1989 Act; and by section 2 of and paragraph 4 of Schedule 3 to the 2011 Act.

(c) Section 113 was amended by paragraph 151 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); by section 66(1) of and paragraph 13 of Schedule 9 to the National Health Service and Community Care Act 1990 (c. 19); by paragraph 18 of Schedule 4 to the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); by paragraph 51(a) of Schedule 1 to the National Health Service (Consequential Provisions) Act 2006 (c. 43); by paragraph 17 of Schedule 5, paragraph 3 of Schedule 7, and paragraph 3 of Schedule 17 to Health and Social Care Act 2012 (c. 7); by S.I. 2000/90; by S.I. 2002/2469; and by S.I. 2007/961.

(d) Section 142 was amended by the Local Government Act 1986 (c. 10), section 3(1)(a); there are other amendments which are not relevant to this instrument.

(e) To which there are amendments not relevant to this instrument.

(2) For the purposes of paragraph (1) of this article, paragraphs (a) and (b) of section 88(1) of the Local Government Act 1985 have effect as if a reference to “that area” were a reference to the combined area.

22. Section 13 of the 1989 Act(b)(voting rights of members of certain committees) has effect in relation to the Combined Authority as if—

(a) in subsection (4) after paragraph (h) there were inserted—

“(i) subject to subsection (4A), a committee appointed by the Norfolk and Suffolk Combined Authority;”; and

(b) after subsection (4) there were inserted—

“(4A) A person who is a member of a committee falling within paragraph (i) of subsection (4) or a sub-committee appointed by such a committee shall for all purposes be treated as a non-voting member of that committee or sub-committee unless that person is a member of one of the constituent councils as defined by article 2 of the Norfolk and Suffolk Combined Authority Order 2016.”

23. In Part 2 of Schedule 3 (pension funds) to the Local Government Pension Scheme Regulations 2013(c) in the table insert at the end—

“An employee of the Norfolk and Suffolk Combined Authority established by the Norfolk and Suffolk Combined Authority Order 2016	[Norfolk County] Council”
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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

SCHEDULE 1 Constitution

Article 4

Membership

1.—(1) Each constituent council must appoint one of its elected members to be a member of the Combined Authority.

(2) Each constituent council must appoint another of its elected members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (1) (“the substitute member”).

(3) The Local Enterprise Partnership must nominate one of its members to be a member of the Combined Authority.

(a) 1985 c. 51.

(b) Section 13 was amended by paragraph 1 of Schedule 21(II) and paragraph 96 of Schedule 37(I) to the Education Act 1993 (c. 35); by paragraph 36 of Schedule 4(I) and by paragraph 1 of Schedule 9(I) to the Police and Magistrates’ Courts Act 1994 (c. 29); by paragraph 1 of Schedule 24 to the Environment Act 1995 (c. 25); by paragraph 96 of Schedule 37(I) and by paragraph 1 of Schedule 38(I) to the Education Act 1996 (c. 56); by paragraph 22 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); by paragraph 1 of Schedule 5(4) to the Children Act 2004 (c. 31); by paragraph 81 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009; by paragraph 14 of Schedule 14 and by paragraph 1 of Schedule 22(4) to the Marine and Coastal Access Act 2009 (c. 23); by paragraph 15 of Schedule 8 to the Public Service Pensions Act 2013 (c. 25); by S.I. 2001/1517; and by S.I. 2010/1158.

(c) S.I. 2013/2356. Schedule 3 was amended by regulations 31 and 32 of the Local Government Pension Scheme (Amendment) Regulations 2015/755.

(4) The Local Enterprise Partnership must nominate another of its members to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (3) (“the substitute member”).

(5) The Combined Authority must appoint the member nominated by the Local Enterprise Partnership under sub-paragraph (3) as a member of the Combined Authority (“Local Enterprise Partnership Member”).

(6) The Combined Authority must appoint the member nominated by the Local Enterprise Partnership under sub-paragraph (4) to act as a member of the Combined Authority in the absence of the member appointed under sub-paragraph (5) (“the substitute member”).

(7) A person ceases to be a member or substitute member of the Combined Authority if they cease to be a member of—

- (a) the constituent council that appointed them; or
- (b) the Local Enterprise Partnership that nominated them.

(8) A person may resign as a member or substitute member of the Combined Authority by written notice served on the proper officer of the constituent council that appointed them or, as the case may be, the chair or vice-chair of the Local Enterprise Partnership that nominated them, and the resignation takes effect on receipt of the notice by the proper officer of the council or chair or vice-chair of the Local Enterprise Partnership (as the case may be).

(9) Where a member or substitute member of the Combined Authority’s appointment ceases by virtue of sub-paragraph (7) or (8)—

- (a) the constituent council that made the appointment must, as soon as practicable, give written notice of that fact to the Combined Authority and appoint another of its elected members in that person’s place;
- (b) the Local Enterprise Partnership must, as soon as practicable, give written notice of that fact to the Combined Authority and nominate another of its members in that person’s place, such nomination to take effect from the date on which the written notice of nomination is received by the Combined Authority.

(10) A constituent council may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and appoint another one of its elected members in that person’s place.

(11) Where a constituent council exercises its power under sub-paragraph (10), it must give written notice of the new appointment and the termination of the previous appointment to the Combined Authority and the new appointment shall take effect and the previous appointment terminate at the end of fourteen days from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(12) The Local Enterprise Partnership may at any time terminate the appointment of a Local Enterprise Partnership Member or substitute member nominated by it to the Combined Authority and nominate another of its members in that person’s place.

(13) Where the Local Enterprise Partnership exercises its power under sub-paragraph (12), it must give written notice of the new nomination and the termination of the previous appointment to the Combined Authority.

(14) The Combined Authority must appoint a Local Enterprise Partnership Member nominated under sub-paragraph (13) and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

(15) The Combined Authority must appoint a Local Enterprise Partnership Member nominated under sub-paragraph (9)(b) or sub-paragraph (13) at the next meeting of the Combined Authority.

(16) For the purposes of this paragraph, an elected Mayor of a constituent council is to be treated as a member of the constituent council.

Chair and vice-chair

2.—(1) The Combined Authority must appoint a chair from among its members and the appointment is to be the first business transacted after the appointment of members of the Combined Authority, at the first meeting of the Combined Authority.

(2) A person ceases to be chair of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

(4) The chair of the Combined Authority ceases to hold office on 7th May 2017.

(5) The position of chair of the Combined Authority is abolished with effect from 8th May 2017.

3.—(1) The Combined Authority must in each year appoint a vice-chair from among its members and the appointments and the order of rotation of the vice-chair are to be the first business transacted after the appointment of members of the Combined Authority and the chair of the Combined Authority, at the first meeting of the Combined Authority, and in subsequent years at the annual meeting of the Combined Authority.

(2) A person ceases to be vice-chair of the Combined Authority if they cease to be a member of the Combined Authority.

(3) If a vacancy arises in the office of vice-chair, an appointment to fill the vacancy is to be made at the next ordinary meeting of the Combined Authority, or, if that meeting is to be held within 14 days of the vacancy arising, at the meeting following that meeting.

(4) The vice-chair of the Combined Authority ceases to hold office on 7th May 2017.

(5) The position of vice-chair of the Combined Authority is abolished with effect from 8th May 2017.

Proceedings

4.—(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by a majority of at least two-thirds of the members and substitute members, acting in place of members, present and voting on that question at a meeting of the Combined Authority.

(2) Subject to paragraphs 2(4) and (5), 3(4) and (5) and to sub-paragraph (3), no business is to be transacted at a meeting of the Combined Authority unless at least seven members, or substitute members, appointed by the constituent councils are present at the meeting, to include members of the following constituent councils—

- (a) Norfolk;
- (b) Suffolk;
- (c) any one member from Broadland, Kings Lynn and West Norfolk or South Norfolk; and
- (d) any one member from Babergh, Forest Heath, Ipswich, Mid-Suffolk, St Edmundsbury, Suffolk Coastal or Waveney.

(3) If the Mayor is in post, no business is to be transacted at a meeting of the Combined Authority unless at least the following members are present at the meeting—

- (a) the Mayor, or the deputy mayor acting in place of the Mayor; and
- (b) seven members, or substitute members, appointed by the constituent councils are present at the meeting, to include members of the following constituent councils—
 - (i) Norfolk;
 - (ii) Suffolk;
 - (iii) any one member from Broadland, Kings Lynn and West Norfolk or South Norfolk; and

(iv) any one member from Babergh, Forest Heath, Ipswich, Mid-Suffolk, St Edmundsbury, Suffolk Coastal or Waveney.

(4) Each member, or substitute member acting in that member's place, is to have one vote and no member or substitute member is to have a casting vote.

(5) If a vote is tied on any matter it is deemed not to have been carried.

(6) Members appointed from the Local Enterprise Partnership shall be non-voting members of the Combined Authority.

(7) A decision on a question relating to the following matters require a unanimous vote in favour at a full meeting of the Combined Authority by all members appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that question to be carried—

- (a) approval of the Combined Authority's constitution, standing orders and any amendments;
- (b) approval of any amendments to the Combined Authority's constitution, other than changes required by legislation or minor or consequential drafting changes;
- (c) approval of proposals to the Secretary of State under section 112(a) of the 2009 Act for the conferral of additional powers and functions;
- (d) provision of consent to orders made under Part 6 of the 2009 Act;
- (e) appointment of members drawn otherwise than from the elected members of the constituent councils or conferral of voting rights on such members;
- (f) approval of the making of arrangements for the exercise of functions of constituent councils;
- (g) approval of the spatial planning framework and any supplementary planning documents;
- (h) approval of borrowing limits, treasury management strategy including reserves, investment strategy, borrowing and budget of the Combined Authority including the amount of any expenses to be met by the constituent councils;
- (i) the appointment and dismissal of the Combined Authority's Head of Paid Service, Monitoring Officer and Chief Financial Officer;
- (j) the establishment, appointment and determination of the terms of reference of committees of the Combined Authority; and
- (k) the establishment, appointment, determination of the terms of reference and acceptance of appointments to the overview and scrutiny committee of the Combined Authority.

(8) A decision to reject a mayoral spending plan requires a vote in favour at a full meeting of the Combined Authority by a majority of at least two-thirds of all members appointed by the constituent councils, or substitute members acting in place of those members, present and voting on that question to be carried.

(9) The proceedings of the Combined Authority are not invalidated by any vacancy among its members or substitute members or by any defect in the appointment or qualifications of any member or substitute member.

Committees

5.—(1) The Combined Authority must appoint an appropriate person(b) who is a member of one of the constituent councils to be the chair of the overview and scrutiny committee appointed by the Combined Authority.

(2) An overview and scrutiny committee appointed by the Combined Authority may not include any substitute member of the Combined Authority.

(a) Section 112 was amended by sections 6 and 23 of and Schedule 5 to the Cities and Local Government Devolution Act 2016.

(b) See paragraph 3(5) of Schedule 5A to the 2009 Act

(3) No business is to be transacted at a meeting of the overview and scrutiny committee unless at least seven members from at least three constituent councils are present at the meeting.

Records

6.—(1) The Combined Authority must make arrangements for the names of members and substitute members present at any meeting to be recorded.

(2) Minutes of the proceedings of a meeting of the Combined Authority, or any committee or sub-committee of the Combined Authority, are to be kept in such form as the Combined Authority may determine.

(3) Any such minutes are to be signed at the same or next suitable meeting of the Combined Authority, committee or sub-committee as the case may be, by the person presiding at that meeting.

(4) Any minute purporting to be signed as mentioned in sub-paragraph (3) is to be received in evidence without further proof.

(5) Until the contrary is proved, a meeting of the Combined Authority, committee or sub-committee, a minute of whose proceedings has been signed in accordance with this paragraph, is deemed to have been duly convened and held, and all the members and substitute members present at the meeting are deemed to have been duly qualified.

(6) For the purposes of sub-paragraph (3) the next suitable meeting is the next following meeting or, where standing orders made by the Combined Authority provide for another meeting of the authority, committee or sub-committee, to be regarded as suitable, either the next following meeting or that other meeting.

Standing orders

7. The Combined Authority may make standing orders for the regulation of its proceedings and business and may vary or revoke any such orders.

Remuneration

8. No remuneration is to be payable by the Combined Authority to its members.

SCHEDULE 2

Article 10

Conferral of functions on the Combined Authority corresponding to functions contained in provisions in the 1999 Act exercised by the Mayor of London in relation to Greater London

1. The Combined Authority is to have in relation to its area functions, corresponding to the functions contained in the following 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);
- (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);
- (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).

SCHEDULE 3

Article 11

PART 1

Modification of Part 8 of the 2011 Act

- 1.**—(1) Part 8 of the 2011 Act is modified in accordance with the following provisions.
- (2) Section 196 of the 2011 Act is to be read as if ““the Mayor” means the Mayor of London” is omitted.
- (3) Sections 196 to 222 of the 2011 Act shall have effect as if for every reference to—
- (a) “the Assembly” there were substituted references to “the Combined Authority”;
 - (b) “the Greater London Authority” there were substituted a reference to “the Combined Authority”;
 - (c) “the London Assembly” there were substituted a reference to “the Combined Authority”; and
 - (d) “the Mayor” there were substituted a reference to “the Combined Authority”.
- (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 area of the Combined Authority”;
 - (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 area of the Combined Authority^(a)”, and
 - (ii) in paragraph (d) the references to “the London Assembly or” were omitted and for “subsection (4)(d), (e), (f) or (g)” there were substituted “subsection 4(d) and (e)”;
 - (c) in subsection (4)—
 - (i) paragraph (a) is omitted,
 - (ii) paragraph (b) is omitted,
 - (iii) in paragraph (d) for “each London borough council whose borough” there were substituted a reference to “each district council or county council wholly or partly in the combined authority’s area”,
 - (iv) paragraphs (f) and (g) are omitted; and

(a) Article 18 of, and Schedule 4 to, the Norfolk and Suffolk Combined Authority Order 2016 confer on the Combined Authority functions exercisable for the purpose of economic development and regeneration.

(d) subsection (7) were omitted.

(5) 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 authority’s area”,

(ii) paragraph (b) is omitted,

(iii) in paragraphs (d) and (e), for “in Greater London” there were substituted a reference to “in the area of the Combined Authority”,

(iv) paragraph (f) is omitted,

(v) paragraph (g) is omitted,

(vi) paragraph (h) is omitted, and

(vii) paragraph (k) is omitted;

(b) in subsection (4) paragraph (b) is omitted;

(c) subsection (7) is omitted;

(d) subsection (8) is omitted; and

(e) in subsection (10) the definitions of a “functional body” and “public authority” are omitted.

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

(7) Section 202 of the 2011 Act (functions in relation to Town and Country planning) shall have effect as if in the definition of “affected authority” in subsection (7) “, (f) or (g)” is omitted.

(8) 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 is substituted a reference to “a district council or a county council”.

(9) 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 authority’s area”; and

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

(10) 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 “or an affected local authority” are omitted; and

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

(11) 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) for “(d) a London borough council” there were substituted a reference to “a district council or county council wholly or partly within the combined authority’s area”, and

(cc) paragraph (e) were omitted.

PART 2

Modification of Schedule 21 to the 2011 Act

2.—(1) Schedule 21 to the 2011 Act is modified in accordance with the following provisions.

(2) Schedule 21 of the 2011 Act shall have effect as if—

- (a) in paragraph 1(1) for the reference to the Mayor of London (“the Mayor”) there were substituted a reference to the Combined Authority;
- (b) for all subsequent references to the Mayor there were substituted a reference to the Combined Authority;
- (c) in paragraph 1(2) for the reference to each relevant London council there were substituted a reference to each district council or county council wholly or partly in the Combined Authority’s area;
- (d) paragraph 1(3)(a) were omitted;
- (e) in paragraph 4(4) for the reference to the London Assembly there were substituted a reference to the Combined Authority; and
- (f) in paragraph 10(c) “and the London Assembly” were omitted.

SCHEDULE 4

Article 18

Economic development and regeneration functions

1. The functions of the constituent councils under section 1 of the 2011 Act to the extent that those functions are exercisable for the purpose of economic development and regeneration.

2. The power under section 144 of the Local Government Act 1972(a) (the power to encourage visitors and provide conference and other facilities).

3. The duties under sections 15ZA, 15ZB, 15ZC, 17 and 18A(1)(b) of the Education Act 1996(b) and the power under sections 514A and 560A of that Act (duties and powers related to the provision of education and training for persons over compulsory school age).

4. The duty under section 69 of the 2009 Act (duty to prepare an assessment of economic conditions).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Norfolk and Suffolk Combined Authority.

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

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- (a) Section 144 was amended by section 81 of and Schedule 2 to the Local Government (Miscellaneous Provisions) Act 1976 (c. 57); by section 194 of and Schedule 34 to the Local Government, Planning and Land Act 1980 (c. 65); and by sections 1 and 102 of and Schedule 17 to the Local Government Act 1985 (c. 51). There are other amendments which are not relevant to this instrument.
 - (b) 1996 c. 56. Sections 15ZA, 15ZB, 15ZC, 18A, 514A and 560A were inserted by the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), sections 41, 42, 45 to 48 and by S.I. 2010/1158. Section 15ZA was amended by paragraph 5 of Schedule 3(1) to the Children and Families Act 2014 (c. 6), by paragraph 44 of Schedule 14(2) to the Deregulation Act (c. 20) and by S.I. 2015/1852. Section 15ZC was amended by S.I. 2015/1852. Section 18A was also amended by the Education Act 2011 (c. 21), sections 30 and 82 and by paragraph 8 of Schedule 3(1) to the Children and Families Act 2014. Section 514A was amended by paragraph 50 of Schedule 3(1) to the Children and Families Act 2014. Section 560A was amended by paragraph 54 of Schedule 3(1) to the Children and Families Act 2014.

authorities in England. Combined authorities are bodies corporate which may be given power to exercise specified functions in their area.

The Secretary of State may only establish a combined authority for an area where a scheme for such an authority has been published under section 109 of the 2009 Act. This Order has been made following the publication of such a scheme on 8th July 2016 by the constituent councils whose areas together make up the combined area of the new authority. The scheme is available at: [https://www.eastangliadevo.co.uk/uploads/Governance_Scheme_\(after_Councils\).pdf](https://www.eastangliadevo.co.uk/uploads/Governance_Scheme_(after_Councils).pdf).

Under sections 107A(1) and 107B(3) of the 2009 Act the Secretary of State may provide for there to be a Mayor for the area of a combined authority with the consent of 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. Paragraph 3 of Schedule 5B to the 2009 Act provides that the Secretary of State may make provision for the dates on which and years in which mayoral elections for the area of a combined authority may or must take place, the intervals between elections for the return of a Mayor and the term of office of a Mayor.

Part 2 of the Order establishes the new authority, to be known as the Norfolk and Suffolk Combined Authority (“the Combined Authority”), and makes provision for its constitution and funding.

Article 4 of and *Schedule 1* to the Order make provision for the constitution of the Combined Authority. This is supplemental to the provision that is made by Part 1A of Schedule 12 to the Local Government Act 1972 (see paragraph (6A) of that Schedule, as amended by the 2009 Act).

Article 5 of the Order creates the position of Mayor for the area of the Combined Authority and further specifies the term of office for the Mayor for the area of the Combined Authority, and the dates on which elections for the return of a Mayor shall take place and the intervals between elections.

Article 6 makes provision for the funding, by the constituent councils, of the costs of the Combined Authority and the elected Mayor.

Part 3 concerns the transport functions of the Combined Authority.

Article 10 of, and *Schedule 2* to, the Order provides that the Combined Authority is to have in relation to its area functions corresponding the functions that the Mayor of London has in relation Mayoral development areas and Mayoral development corporations. It also provides that any designation of a Mayoral development area 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.

Article 11 and *Schedule 3* applies Chapter 2 of Part 8 (Mayoral Development Corporations) of, and Schedule 21 (Mayoral Development Corporations), Schedule 22 (Mayoral Development Corporations: Consequential and Other Amendments), 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.

Articles 12 and *13* apply sections 1 (disqualification and political restriction of certain officers and staff), 2 and 3A (politically restricted posts and exemptions from restriction) in relation to a Mayoral development corporation established as a consequence of this Order and section 5 of the Local Government and Housing Act 1989 (designation and reports of monitoring officer) as if a mayoral development corporation established as a consequence of this Order were a committee of the authority.

Article 14 applies section 32 of the Local Government Act 2003 to ensure that a Minister of the Crown 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 15 provides transitional arrangements for the functions to be exercised by the chair of the Combined Authority until the Mayor is elected on 8th May 2017. *Part 5* makes additional provision for the Mayor for the area of the Combined Authority. *Article 16* sets out the functions of the Combined Authority which are to be only exercisable by the Mayor, and *article 17* provides for the appointment of a political adviser to the Mayor. *Part 6* confers additional functions on the Combined Authority. *Article 18* confers functions of the constituent councils relating to economic development and regeneration. *Article 19* extends to the Combined Authority the general power of competence available to the constituent councils. These are set out in Schedule 4 to the Order and are to be exercised concurrently with the constituent councils. *Articles 20 to 23* make some general, incidental provisions relating to the Combined Authority to enable it to carry out its functions effectively.

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