

D R A F T S T A T U T O R Y I N S T R U M E N T S

2016 No.

LOCAL GOVERNMENT, ENGLAND

The Tees Valley Combined Authority (Constitution) Order 2016

Made - - - -

Coming into force - -

8th May 2017

[The Secretary of State makes the following Order in exercise of the powers conferred by sections 104(1)(a) and 114 of 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(b), 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(c) has been carried out.

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.

In accordance with section 104(10) of the 2009 Act the councils whose 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.

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.

Citation and commencement

1. This Order may be cited as the Tees Valley Combined Authority (Functions and Amendment) Order 2016 and comes into force on 8th May 2017.

(a) 2009 c. 20. Section 104 was amended by sections 8 and 14 of, and Schedule 5 to, the Cities and Local Government Devolution Act 2016. Section 114 was amended by section 23 of and paragraphs 17 and 26 of 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). Section 117 was amended by paragraph 24 of Schedule 5 to the Cities and Local Government Devolution Act 2016.

(b) Section 109 was amended by sections 6 and 12 of the Cities and Local Government Devolution Act 2016.

(c) Section 113 was amended by sections 12, 14 and 23 of and paragraph 24 of Schedule 5 to the Cities and Local Government Devolution Act 2016.

Interpretation

2. In this Order—

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

“the 2016 Order” means the Tees Valley Combined Authority Order 2016(a);

“the Combined Authority” means the Tees Valley Combined Authority, a body corporate established by the 2016 Order(b); and

“the Mayor” means the mayor for the area of the Combined Authority(c).

Amendment of the Tees Valley Combined Authority Order 2016

3.—(1) The Tees Valley Combined Authority Order 2016 is amended as follows—

(2) In article 2 (interpretation) after the definition of “Local Enterprise Partnership” insert—

““Mayor” means the mayor for the area of the Combined Authority; and”.

(3) Schedule 1 (constitution) is amended as follows—

(a) at the end of paragraph 1(2) insert “or if the member has been appointed as the Deputy Mayor and that member is acting in place of the Mayor at a meeting”;

(b) paragraph 2 (chairman and vice-chairman) is omitted(d); and

(c) in paragraph 3 (proceedings)—

(i) for sub-paragraph (1) substitute—

“(1) Subject to the following sub-paragraphs, any questions that are to be decided by the Combined Authority are to be decided by—

(a) a majority of the members appointed by the constituent councils and substitute members, acting in place of those members, present and voting on that question at a meeting of the Combined Authority, and

(b) the Mayor being present and voting with that majority.”,

(ii) in sub-paragraph (2) after “unless” insert “the Mayor and”,

(iii) for subparagraph (3)—

“(3) Each member of the Combined Authority, or, where relevant, each substitute member acting in that member’s place, is to have one vote and no member of the Combined Authority is to have a casting vote, and

(iv) For sub-paragraph (6) substitute—

“(6) Questions relating to the following matters require the following in order to be carried—

(a) a unanimous vote in favour by all five members, or substitute members acting in place of those members, appointed by the constituent councils, and

(b) the Mayor to be present and voting in favour.”.

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

Name

Parliamentary Under Secretary of State

Department for Communities and Local Government

Date

(a) S.I. 2016/449

(b) The Tees Valley Combined Authority was established by the 2016 Order. Article 3(2) provides that “the combined authority is to be a body corporate and is to be known as the Tees Valley Combined Authority.

(c) Article 3 to S.I.2016/933 provides for there to be a mayor for the area of the Combined Authority.

(d) Section 107C(1) of the Local Democracy, Economic Development and Construction Act 2009 provides that the mayor for the area of a combined authority must appoint one of the members of the authority to be the mayor's deputy.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the amendment of the constitution the Tees Valley Combined Authority to reflect the appointed of a Mayor for the area of the Combined Authority following the making of the Tees Valley Combined Authority (Election of Mayor) Order 2016.

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.

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