



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 15 October 2015

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication:

COMMITTEE OF THE WHOLE HOUSE

CITIES AND LOCAL GOVERNMENT DEVOLUTION BILL [LORDS]

NOTE

This document includes all remaining amendments and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the House [14 October 2015].

CLAUSES 1 AND 2; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF CLAUSES 1 AND 2; CLAUSE 3; SCHEDULE 1; CLAUSE 4; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF CLAUSES 3 AND 4;

Secretary Greg Clark

29

★ Clause 1, page 1, line 14, leave out “under section 2”

Member’s explanatory statement

This amendment would be consequential on leaving out clause 2.

Cities and Local Government Devolution Bill [*Lords*], *continued*

Secretary Greg Clark

3

- ★ Page 2, line 1, leave out Clause 2

Member's explanatory statement

This removes the obligation for a Minister introducing a Bill in either House of Parliament to make and publish a written devolution statement before that Bill's Second Reading.

Mr Graham Allen

NC1

- ☆ To move the following Clause—

“Competences of local government

- (1) The Secretary of State must, after consultation with representatives from local government, publish a list of competences of local government.
 - (2) After the list has been published, the Secretary of State may not publish any amended list of competences of local government without first obtaining approval of the revised list consent from—
 - (a) the House of Commons, with two-thirds of its membership voting in favour of the amended list, and
 - (b) the Local Government Association.”
-

Mr Graham Allen

NC2

- ☆ To move the following Clause—

“Subsidiarity

That Subsidiarity as defined by the Maastricht Treaty 1992 Article 5(3) shall apply to the functions of national and local government.”

Secretary Greg Clark

4

- ★ Clause 3, page 2, line 18, leave out subsection (2)

Member's explanatory statement

This amendment removes the prohibition against an order providing for there to be a mayor for the area of a combined authority as a condition for agreeing to transfer the functions of local authorities or other public bodies to that combined authority.

Cities and Local Government Devolution Bill [*Lords*], continued

Secretary Greg Clark

18

- ★ Schedule 1, page 21, line 29, after “State” insert “or the Chancellor of the Duchy of Lancaster”

Member’s explanatory statement

This provides for the order making power in paragraph 3 of new Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 to be exercised concurrently with the Chancellor of the Duchy of Lancaster.

Secretary Greg Clark

19

- ★ Schedule 1, page 25, line 28, after “State” insert “or the Chancellor of the Duchy of Lancaster”

Member’s explanatory statement

This amendment provides for the order making power in paragraph 12 of new Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 to be exercised concurrently with the Chancellor of the Duchy of Lancaster.

Secretary Greg Clark

20

- ★ Schedule 1, page 26, line 12, after “State” insert “or the Chancellor of the Duchy of Lancaster”

Member’s explanatory statement

This amendment provides that before making an order under paragraph 12 of new Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 the Chancellor of the Duchy of Lancaster must consult the Electoral Commission.

Secretary Greg Clark

21

- ★ Schedule 1, page 26, line 13, after “State” insert “or the Chancellor of the Duchy of Lancaster”

Member’s explanatory statement

This amendment provides that the Chancellor of the Duchy of Lancaster can only make an order limiting the expenses that can be incurred during an election for the return of a mayor, on the recommendation of the Electoral Commission.

Secretary Greg Clark

22

- ★ Schedule 1, page 26, line 17, after “State” insert “or the Chancellor of the Duchy of Lancaster”

Member’s explanatory statement

This amendment is consequential on amendment 20.

CLAUSE 5; SCHEDULE 2; CLAUSES 6 TO 8; CLAUSES 17 TO 19; CLAUSE 9; SCHEDULE 3; CLAUSES 10 TO 16; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF CLAUSES 5 TO 19;

Secretary Greg Clark

5

- ★ Clause 5, page 4, line 26, at end insert “, or
(c) so far as authorised by an order made by the Secretary of State—

Cities and Local Government Devolution Bill [*Lords*], *continued*

- (i) for a person appointed as the deputy PCC mayor by virtue of an order under paragraph 3(1) of Schedule 2, or
 - (ii) for a committee of the combined authority, consisting of members appointed by the mayor (whether or not members of the authority),
- to exercise any such function.
- () An order under subsection (3)(c)(ii) may include provision—
 - (a) about the membership of the committee;
 - (b) about the member of the committee who is to be its chair;
 - (c) about the appointment of members;
 - (d) about the voting powers of members (including provision for different weight to be given to the vote of different descriptions of member);
 - (e) about information held by the combined authority that must, or must not, be disclosed to the committee for purposes connected to the exercise of the committee’s functions;
 - (f) applying (with or without modifications) sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).”

Member’s explanatory statement

This amendment makes provision for a mayor to arrange for the person appointed as the deputy PCC mayor or a committee of the combined authority to exercise a general function which is exercisable by the mayor, if authorised to do so by an order made by the Secretary of State.

Secretary Greg Clark

6

- ★ Clause 5, page 4, line 39, leave out paragraph (b) and insert—

“(b) in accordance with arrangements made by virtue of this section or section 107DA.”

Member’s explanatory statement

This amendment provides for a general function exercisable by the mayor for the area of a combined authority to be taken to be a function exercisable by a committee or by the deputy PCC mayor, where arrangements have been made under provision inserted by amendment 5 or new section 107DA, inserted by amendment 8.

Secretary Greg Clark

7

- ★ Clause 5, page 5, line 3, at end insert—

“() provide that functions that the mayoral combined authority discharges in accordance with arrangements under section 101(1)(b) of the Local Government Act 1972 (discharge of local authority functions by another authority) are to be treated as general functions exercisable by the mayor (so far as authorised by the arrangements).”

Member’s explanatory statement

This amendment enables the Secretary of State to provide by order that functions of a mayoral combined authority discharged in accordance with arrangements under section 101(1)(b) of the Local Government Act 1972 are to be treated as general functions exercisable by the mayor of the authority.

Secretary Greg Clark

8

- ★ Clause 5, page 5, line 16, at end insert—

Cities and Local Government Devolution Bill [Lords], continued
“107DA Joint exercise of general functions

- (1) The Secretary of State may by order make provision for, or in connection with, permitting arrangements under section 101(5) of the Local Government Act 1972 to be entered into in relation to general functions of a mayor for the area of a combined authority.
- (2) Provision under subsection (1) may include provision—
 - (a) for the mayor for the area of a combined authority to be a party to the arrangements in place of, or jointly with, the authority;
 - (b) about the membership of any joint committee;
 - (c) about the member of the joint committee who is to be its chair;
 - (d) about the appointment of members to a joint committee;
 - (e) about the voting powers of members of a joint committee (including provision for different weight to be given to the vote of different descriptions of member).
- (3) Provision under subsection (2)(b) to (d) may include provision for the mayor or other persons—
 - (a) to determine the number of members;
 - (b) to have the power to appoint members (whether or not members of the combined authority or a local authority that is a party to the arrangements).
- (4) Provision under subsection (2)(c) may include provision as to the circumstances in which appointments to a joint committee need not be made in accordance with sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).
- (5) In this section references to a joint committee are to a joint committee falling within section 101(5)(a) of the Local Government Act 1972 that is authorised to discharge, by virtue of an order under this section, general functions of a mayor for the area of a combined authority.”

Member’s explanatory statement

This amendment enables the Secretary of State to make provision by order enabling the combined authority to enter into arrangements to discharge general functions of the mayoral combined authority jointly with one or more other local authorities or combined authorities.

Secretary Greg Clark

23

- ★ Schedule 2, page 26, line 33, leave out “police and crime commissioner functions” and insert “functions of a police and crime commissioner”

Member’s explanatory statement

This amendment makes a minor drafting change to paragraph 1(1) of new Schedule 5C to achieve consistency with the language used in new section 107E(1) as inserted by clause 5 of the Bill (to which sub-paragraph (1) cross-refers).

Secretary Greg Clark

24

- ★ Schedule 2, page 26, line 34, at end insert—

“() A duty under this Schedule to make provision by order is a duty to make such provision in an order made at any time before the first election of a mayor who,

Cities and Local Government Devolution Bill [*Lords*], *continued*

by virtue of an order under section 107E(1), is to exercise functions of a police and crime commissioner.”

Member’s explanatory statement

This amendment clarifies that an order made under new Schedule 5C can be made at any time before the relevant mayor is first elected and makes it plain that a Schedule 5C order can be made subsequently to an order under new section 107E.

Secretary Greg Clark

25

★ Schedule 2, page 30, line 12, at end insert—

“() Subsections (5) and (6) of section 107C, so far as relating to the exercise of PCC functions, are subject to any provision contained in an order under this Schedule.”

Member’s explanatory statement

This amendment ensures that an order under new Schedule 5C can make provision to prevent a person who is acting in place of a mayor with police and crime commissioner functions from carrying out particular PCC functions such as issuing or varying a police and crime plan, consistent with the current position in respect of actin PCCs.

Secretary Greg Clark

32

★ Clause 8, page 9, line 15, at end insert—

“() See also section 19 of the Cities and Local Government Devolution Act 2015 (devolving health service functions) which contains further limitations.”

Member’s explanatory statement

This amendment inserts a new subsection into section 105A of the Local Democracy, Economic Development and Construction Act 2009 which alerts the reader to clause 19 of the Bill which contains limitations on the power to make an order under that section.

Secretary Greg Clark

33

★ Clause 17, page 17, line 32, at end insert—

“() See also section 19(devolving health service functions) which contains further limitations.”

Member’s explanatory statement

This amendment inserts a new subsection into clause 17 which alerts the reader to clause 19 which contains limitations on the power to make regulations under that clause.

Secretary Greg Clark

15

★ Clause 18, page 18, line 6, after “make” insert “incidental, supplementary,

Cities and Local Government Devolution Bill [Lords], continued

consequential.”

Member’s explanatory statement

This amendment provides that the power to make regulations under clause 17 of the Bill includes a power to make incidental, supplementary and consequential provision.

Secretary Greg Clark

34

- ★ Clause 19, page 18, leave out lines 29 to 33 and insert—

“(1) Regulations under section 17 of this Act or an order under section 105A of the Local Democracy, Economic Development and Construction Act 2009 (transfer of public authority functions to combined authorities) (“the 2009 Act”)—

- (a) must not transfer any of the Secretary of State’s core duties in relation to the health service;”

Member’s explanatory statement

This amendment confines the limitations contained in clause 19 to the exercise of the power to make regulations under clause 17 or an order under section 105A of Local Democracy, Economic Development and Construction Act 2009. Those powers concern the transfer of public authority functions to local or combined authorities. New clause 19(1)(a) prevents those powers being used to transfer any of the Secretary of State’s core duties in relation to the health service (as defined in clause 19(2) which is inserted by Amendment 38).

Secretary Greg Clark

35

- ★ Clause 19, page 18, line 34, leave out “or supervisory”

Member’s explanatory statement

This amendment removes the prohibition in clause 19(b) on the transfer of health service supervisory functions of national bodies by regulations under clause 17 or an order under section 105A of the Local Democracy, Economic Development and Construction Act 2009.

Secretary Greg Clark

36

- ★ Clause 19, page 18, line 36, leave out from “must” to first “the” in line 37 and insert “, if transferring functions relating to the health service to a local authority or a combined authority, make provision about the standards and duties to be placed on that authority having regard to”

Member’s explanatory statement

This amendment and Amendment 37 replace the limitation in clause 19(c) with a requirement that regulations under clause 17 or an order under section 105A of the Local Democracy, Economic Development and Construction Act 2009 which transfer functions relating to the health service to a local or combined authority must make provision about the standards and duties to be placed on that authority having regard to certain standards and obligations placed on the authority responsible for the functions being transferred.

Secretary Greg Clark

37

- ★ Clause 19, page 18, line 38, leave out from “on” to “being” in line 39 and insert “the authority responsible for the functions”

Member’s explanatory statement

See the statement for Amendment 36.

Cities and Local Government Devolution Bill [*Lords*], *continued*

Secretary Greg Clark

38

★ Clause 19, page 18, line 40, at end insert—

- “(2) For the purposes of subsection (1)(a), “the Secretary of State’s core duties in relation to the health service” means the duties of the Secretary of State under—
- (a) sections 1 to 1G of the National Health Service Act 2006 (“the NHS Act 2006”) (duty to promote comprehensive health service etc.),
 - (b) sections 6A to 6BB of that Act (duties regarding the reimbursement of costs of services provided in another EEA state),
 - (c) section 12E of that Act (duty as respects variation in provision of health services),
 - (d) sections 13A, 13B, 13U and 223B of that Act (duties regarding mandate to, and annual report and funding of, the NHS Commissioning Board),
 - (e) section 247C of that Act (duty to keep health service functions under review),
 - (f) section 247D of that Act (duty to publish annual report on performance of the health service in England),
 - (g) section 258 of that Act (duty regarding the availability of facilities for university clinical teaching and research), and
 - (h) sections 3 to 6 of the Health Act 2009 (duties in relation to the NHS Constitution and the Handbook to it),
- in so far as those duties would (apart from subsection (1)(a)) be transferable by regulations under section 17 or an order under section 105A of the 2009 Act.
- (3) For the purposes of subsection (1)(b)—
- (a) “health service regulatory function” means a function in relation to the health service which is a regulatory function within the meaning given by section 32 of the Legislative and Regulatory Reform Act 2006,
 - (b) the functions of the National Health Service Commissioning Board under sections 14Z16 to 14Z22 of the NHS Act 2006 (assessment of clinical commissioning groups and intervention powers) are to be treated as “health service regulatory functions” in so far as they do not fall within the definition in paragraph (a), and
 - (c) functions exercisable by a body by virtue of directions given under section 7 of the NHS Act 2006 (functions of Special Health Authorities) are not “vested in” that body.
- (4) But subsection (1)(b) does not prevent the transfer of functions of the National Health Service Commissioning Board which—
- (a) arise from arrangements under section 1H(3)(a) of the NHS Act 2006 (provision of services for the purpose of the health service), and
 - (b) relate to those providing services under those arrangements.
- (5) For the purposes of subsection (1)(c), “national service standards” means the standards contained in any of the following—
- (a) the NHS Constitution (within the meaning of Chapter 1 of Part 1 of the Health Act 2009);
 - (b) the standing rules under section 6E of the NHS Act 2006 (regulations as to the exercise of functions by the NHS Commissioning Board or clinical commissioning groups);
 - (c) the terms as to service delivery required by regulations or directions under the NHS Act 2006 for contracts or other arrangements for the provision of primary medical services, primary dental services, primary ophthalmic services or pharmaceutical services under Part 4, 5, 6 or 7 of that Act;

Cities and Local Government Devolution Bill [Lords], continued

- (d) the recommendations or guidance of the National Institute for Health and Care Excellence made or given pursuant to regulations under section 237 of Health and Social Care Act 2012;
 - (e) the quality standards prepared by that Institute under section 234 of that Act;
 - (f) the guidance published under section 14Z8 of the NHTSA 2006 (guidance on commissioning by the NHS Commissioning Board);
- and such standards are “placed on” a body if the body is required to have regard to or comply with them.
- (6) For the purposes of subsection (1)(c)—
 - (a) “national information obligations” means duties regarding the obtaining, retention, use or disclosure of information, and
 - (b) “national accountability obligations” means duties (for example, those to keep accounts or records, or to provide or publish reports, plans or other information) which enable the management of a body, or the way in which functions are discharged, to be examined, inspected, reviewed or studied.
 - (7) For the purposes of this section, a function is transferred by regulations under section 17 or by an order under section 105A of the 2009 Act, if—
 - (a) provision is made under subsection (1)(a) of the section in question for the function to be the function of a local authority or a combined authority, or
 - (b) provision is made under subsection (1)(b) of that section for a function corresponding to the function to be conferred on a local authority or a combined authority.
 - (8) Nothing in this section prevents the conferral on a local authority or a combined authority of duties to have regard to, or to promote or secure, the matters mentioned in sections 1 to 1F of the NHTSA 2006 when exercising a function transferred to it by regulations under section 17, or by an order under section 105A of the 2009 Act.
 - (9) In this section, “the health service” has the meaning given by section 275(1) of the NHTSA 2006.”

Member’s explanatory statement

This amendment adds provision to clause 19 which defines terms used in, and clarifies the scope of, the limitations contained in paragraphs (a) to (c) of the clause.

Mr Graham Allen

- ☆ Schedule 3, page 32, line 12, after “persons” insert “including representatives of parish, neighbourhood, community and other councils in the area of the combined authority”

Secretary Greg Clark

- ★ Clause 10, page 11, line 26, at end insert—

1

9

Cities and Local Government Devolution Bill [*Lords*], *continued*

“() In section 105 of the Local Democracy, Economic Development and Construction Act 2009 (constitution and functions of combined authorities: economic development and regeneration), omit subsection (4).”

Member’s explanatory statement

This amendment removes the restriction on orders under section 105 of the Local Democracy, Economic Development and Construction Act 2009 only being able to make provision in relation to the costs of a combined authority that are reasonably attributable to the exercise of its functions relating to economic development and regeneration.

Secretary Greg Clark

10

★ Clause 16, page 16, line 4, leave out from “arrangements” to end of line 6 and insert “, or electoral arrangements, in relation to local authorities under Part 1 of the Local Government and Public Involvement in Health Act 2007 or under Part 3 of the Local Democracy, Economic Development and Construction Act 2009.”

Member’s explanatory statement

This amendment clarifies that provision in regulations made under clause 16(1)(c) may include provision regarding any of the specified matters listed in Part 1 of the Local Government and Public Involvement in Health Act 2007 and Part 3 of the Local Democracy, Economic Development and Construction Act 2009.

Mr Graham Allen

2

☆ Clause 16, page 16, line 6, at end insert—

“(d) the creation of a Constitutional Convention to discuss further local authority governance, functions and related democratic issues.”

Secretary Greg Clark

11

★ Clause 16, page 16, line 9, at end insert—

“() Regulations under this section may in particular make provision—

- (a) about how the enactments mentioned in that subsection or in subsection (2) are to apply in relation to particular cases (including by disapplying the application of any such enactment to a particular case or applying it subject to any variations that are specified in the regulations);
- (b) about any of the matters listed in section 11(3) or (4) of the Local Government and Public Involvement in Health Act 2007 (including provision in relation to such matters of a kind mentioned in section 12 of that Act).

Nothing in paragraph (a) limits the power to make provision under subsection (4)(c).”

Member’s explanatory statement

This amendment provides that regulations made under clause 16(1) of the Bill may make provision about the application to particular cases of the Local Government Act 1972, Local Government Act 2000, Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Development and Construction Act 2009.

Secretary Greg Clark

12

★ Clause 16, page 16, line 13, at end insert—

Cities and Local Government Devolution Bill [*Lords*], continued

“() includes power to make different provision for different purposes;”

Member’s explanatory statement

This amendment provides that the power to make regulations under clause 16 of the Bill includes the power to make different provision for different purposes.

Secretary Greg Clark

14

- ★ Clause 16, page 16, line 14, after “make” insert “incidental, supplementary, consequential,”

Member’s explanatory statement

This amendment provides that the power to make regulations under clause 16 of the Bill includes a power to make incidental, supplementary and consequential provision.

Secretary Greg Clark

13

- ★ Clause 16, page 16, line 17, at end insert—

“() Section 15 of the Local Government and Public Involvement in Health Act 2007 (power to transfer of functions, property etc as part of incidental etc provision) applies in relation to subsection (4)(b) above as it applies in relation to sections 13 and 14 of that Act.”

Member’s explanatory statement

This amendment enables incidental etc. provision under clause 16(4)(b) to include provision of a kind provided for in section 15 of the Local Government and Public Involvement in Health Act 2007 (transfer of functions, property etc).

Secretary Greg Clark

NC8

- ★ To move the following Clause—

“Amendments of the National Health Service Act 2006

Schedule (*Amendments of the National Health Service Act 2006*) contains amendments of the National Health Service Act 2006 in connection with the exercise of health service functions of combined or local authorities and the control of information about local authority social care.”

Member’s explanatory statement

This amendment inserts a clause to introduce Schedule 3A. That Schedule sets out provisions amending the National Health Service Act 2006.

Mr Graham Allen

NC4

- ☆ To move the following Clause—

“Local Government Constitutional Convention

- (1) A convention is to be held to consider and make recommendations on the constitution of local government in the United Kingdom.
- (2) The Secretary of State must make regulations to—

Cities and Local Government Devolution Bill [*Lords*], *continued*

- (a) appoint a day on which the convention must commence its operations,
 - (b) make fair and transparent rules about how the convention is to operate and how evidence is to be adduced,
 - (c) make further provision about the terms of reference prescribed under section (Local Government Constitutional Convention: terms of reference), and
 - (d) specify how those who are to be part of the convention are to be chosen in accordance with section (Local Government Constitutional Convention: composition).
- (3) The date appointed under subsection (2)(a) must not be later than 31 December 2016.”
-

Mr Graham Allen

NC5

☆ To move the following Clause—

“Local Government Constitutional Convention: terms of reference

The convention must consider the following terms of reference—

- (a) the devolution of legislative and fiscal competence to local authorities within the United Kingdom,
 - (b) the reform of the electoral system for local government,
 - (c) constitutional matters relating to local government to be considered in further conventions, and
 - (d) procedures to govern the consideration and implementation of any future constitutional reforms in relation to local government.”
-

Mr Graham Allen

NC6

☆ To move the following Clause—

“Local Government Constitutional Convention: recommendations

- (1) The Local Government Constitutional Convention must publish recommendations within the period of one year beginning with the day appointed under section (*Local Government Constitutional Convention*).
 - (2) The Secretary of State must lay responses to each of the recommendations before each House of Parliament within six months beginning with the day on which the recommendations are published.”
-

Mr Graham Allen

NC7

☆ To move the following Clause—

Cities and Local Government Devolution Bill [*Lords*], *continued*
“Local Government Constitutional Convention: composition

- (1) The Local Government Constitutional Convention must be composed of representatives of the following—
 - (a) registered political parties within the United Kingdom,
 - (b) local authorities, and
 - (c) the nations and regions of the United Kingdom.
 - (2) At least 50% of the members of the convention must not be employed in a role which can reasonably be considered to be political.”
-

Secretary Greg Clark

NS1

- ★ To move the following Schedule—

“SCHEDULE 3A**AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006**

- 1 The National Health Service Act 2006 is amended as follows.
- 2 (1) Section 7A (exercise of Secretary of State’s public health functions) is amended as follows.
 - (2) In subsection (2), after paragraph (c) insert—
 - “(d) a combined authority.”
 - (3) In subsection (4), after “group” insert “or a combined authority”.
- 3 In section 13Z (exercise of functions), after subsection (6) insert—
 - “(7) This section is subject to sections 13ZA and 13ZB in the case of arrangements that are devolved arrangements (within the meaning of section 13ZA).”
- 4 After section 13Z insert—

“13ZA Section 13Z: further provision in relation to devolved arrangements

- (1) This section applies to arrangements under section 13Z(2) for a function of the Board to be exercised in relation to a particular area by or jointly with a relevant prescribed body (“devolved arrangements”).
- (2) “Relevant prescribed body” means a body prescribed under section 13Z(2)(c) that is either—
 - (a) a combined authority whose area includes the whole or part of the area to which the arrangements relate, or
 - (b) a local authority (within the meaning of section 2B) whose area includes the whole or part of that area.
- (3) The power of the Board under section 13Z(2) to enter into devolved arrangements includes power to arrange for the function to be exercised in relation to the area to which the arrangements relate—
 - (a) by the relevant prescribed body jointly with one or more other eligible bodies;

Cities and Local Government Devolution Bill [*Lords*], *continued*

- (b) jointly with the Board, the relevant prescribed body and one or more other eligible bodies.
- (4) A body is an “eligible body” if it—
 - (a) falls within paragraph (a), (b) or (c) of section 13Z(2), and
 - (b) exercises functions in relation to the area to which the arrangements relate.
- (5) Where, by virtue of subsection (3), the Board enters into devolved arrangements with a relevant prescribed body and one or more eligible bodies, at least one of those eligible bodies must be a clinical commissioning group.
- (6) Where, by virtue of subsection (3), one or more eligible bodies are a party to devolved arrangements, the power under section 13Z(4) to establish a joint committee includes a power to establish a joint committee of which one or more of the eligible bodies are members.
- (7) But the members of a joint committee established under section 13Z(4) by virtue of subsection (6) must include—
 - (a) the relevant prescribed body;
 - (b) each eligible body with whom a function is exercised jointly under the devolved arrangements;
 - (c) if under the devolved arrangements a function is exercisable jointly with the Board, the Board.
- (8) The terms and conditions on which devolved arrangements are made may include terms authorising a joint committee established by virtue of subsection (6) to establish and maintain a pooled fund.
- (9) A pooled fund is a fund—
 - (a) which is made up of payments received from the Board under the devolved arrangements in accordance with terms of payment agreed under section 13Z(5), and
 - (b) out of which payments may be made towards expenditure incurred in the discharge of any of the functions in relation to which the devolved arrangements are made.

13ZB Section 13Z: arrangements in relation to the function under section 3B(1)(d)

- (1) This section applies to arrangements under section 13Z(2) that are or include arrangements in relation to the exercise of a relevant commissioning function.
- (2) “Relevant commissioning function” means a function of the Board under section 3B(1)(d) of arranging for the provision of services or facilities in respect of a particular area (“the commissioning area”).
- (3) The power to enter into the arrangements under section 13Z is subject to the following provisions of this section.
- (4) The arrangements must provide for the relevant commissioning function to be exercisable by at least one relevant prescribed body jointly with—
 - (a) one or more eligible bodies, or
 - (b) the Board and one or more eligible bodies,

Cities and Local Government Devolution Bill [*Lords*], *continued*

(and the arrangements are, accordingly, devolved arrangements to which section 13ZA applies).

- (5) At least one of the eligible bodies mentioned in subsection (4) must be a clinical commissioning group.
- (6) The Board may enter into the arrangements in relation to the provision of a service or facility in the commissioning area only if it considers it appropriate to do so having regard to—
 - (a) the impact on the provision of the service or facility in the commissioning area;
 - (b) the impact on the provision of the service or facility in other areas;
 - (c) the number of persons in the commissioning area to whom the service or facility is provided;
 - (d) the number of persons who are able to provide the service or facility;
 - (e) the cost of providing the service or facility;
 - (f) the financial implications for the relevant prescribed body, and for other bodies, with whom the arrangements are made.
- (7) Regulations may provide for this section not to apply to arrangements so far as relating to a relevant commissioning function of a prescribed description.
- (8) In this section, “eligible body” and “relevant prescribed body” have the same meaning as in section 13ZA.”

5 After section 14Z3 insert—

“14Z3A Joint exercise of functions with combined authorities

- (1) A clinical commissioning group may arrange for—
 - (a) any commissioning function of the group to be exercised jointly with a combined authority;
 - (b) any commissioning function that the group exercises on behalf of another clinical commissioning group under section 14Z3(2)(a) to be exercised jointly with a combined authority.
- (2) Two or more clinical commissioning groups may arrange for any commissioning functions of those groups that are exercised jointly with each other under section 14Z3(2)(b) to be exercised jointly also with a combined authority.
- (3) Regulations may provide that the powers in subsections (1) and (2) do not apply in relation to a commissioning function of a prescribed description.
- (4) Where any commissioning functions of a clinical commissioning group (or groups) are exercised jointly with a combined authority under subsection (1) or (2), they may be exercised by a joint committee of the group (or groups) and the authority.
- (5) Arrangements under subsection (1) or (2) may be on such terms and conditions (including terms as to payment) as may be agreed between the clinical commissioning group (or groups) and the combined authority.

Cities and Local Government Devolution Bill [*Lords*], *continued*

- (6) Where two or more clinical commissioning groups enter into arrangements with the same combined authority under subsection (1) or (2), the terms as to payment mentioned in subsection (5) may include terms authorising a joint committee established under subsection (4) to establish and maintain a pooled fund.
- (7) A pooled fund is a fund—
- (a) which is made up of payments received under the arrangements from all the groups that are parties to the arrangements, and
 - (b) out of which payments may be made towards expenditure incurred in the exercise of any of the commissioning functions in respect of which the arrangements are made.
- (8) Arrangements under subsection (1) or (2) do not affect the liability of a clinical commissioning group for the exercise of any of its functions.
- (9) In this section “commissioning functions” means the functions of clinical commissioning groups in arranging for the provision of services as part of the health service (but does not include the function of making a request to the Board for the purposes of section 14Z9).”
- 6 In section 75 (arrangements between NHS bodies and local authorities), after subsection (7) insert—
- “(7A) For the purposes of this section, a combined authority that exercises a prescribed function within subsection (1)(a) of an NHS body under voluntary arrangements is to be treated as an NHS body.
- (7B) “Voluntary arrangements” means arrangements made with the combined authority under—
- (a) section 7A (exercise of Secretary of State’s public health functions),
 - (b) section 13Z (exercise of the Board’s functions), or
 - (c) section 14Z3A (joint exercise of functions with clinical commissioning groups).
- (7C) Regulations under this section, so far as made before or in the same Session as that in which the Cities and Local Government Devolution Act 2015 is passed, apply to a combined authority that is treated as an NHS body by virtue of subsection (7A) as if it were a prescribed NHS body for the purposes of those regulations.
- (7D) But a combined authority to which regulations under this section apply by virtue of subsection (7C) may enter into prescribed arrangements in relation to the exercise only of functions within subsection (1)(a) that are exercisable by the authority under voluntary arrangements.
- (7E) Regulations under this section may provide for the regulations to apply in relation to a combined authority subject to any prescribed limitations or conditions.
- (7F) Nothing in subsection (7D) prevents a combined authority from being a party to arrangements made by virtue of this section in relation to any prescribed functions of an NHS body that are exercisable by the authority as a result of an order under section 105A of the Local Democracy, Economic Development and Construction Act 2009 (public authority functions exercisable by combined authorities).”
- 7 (1) Section 251 (control of patient information) is amended as follows.

Cities and Local Government Devolution Bill [Lords], continued

- (2) In subsection (2)(a), after “health service bodies” insert “or relevant social care bodies”.
- (3) After subsection (12) insert—
- “(12A) In this section—
- “care” includes local authority social care,
- “local authority social care” means—
- (a) social care provided or arranged for by a local authority, and
- (b) any other social care all or part of the cost of which is paid for with funds provided by a local authority,
- “patient” includes an individual who needs or receives local authority social care or whose need for such care is being assessed by a local authority,
- “social care” includes all forms of personal care and other practical assistance provided for individuals who are in need of such care or assistance by reason of age, illness, disability, pregnancy, childbirth, dependence on alcohol or drugs or other similar circumstances.”
- (4) In subsection (13), at the end insert—
- ““relevant social care body” means—
- (a) a local authority, or
- (b) any other body or person engaged in the provision of local authority social care.”
- 8 In section 275(1) (interpretation), after the definition of “clinical commissioning group” insert—
- ““combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,”.
- 9 In section 276 (index of defined expressions), at the appropriate place insert—

“combined authority | section 275(1)”

Member’s explanatory statement

This amendment inserts Schedule 3A into the Bill, which provides for amendments to the National Health Service Act 2006. The amendments concern the making of arrangements with combined authorities or local authorities for the exercise of functions under the 2006 Act; and provision which may be made in regulations concerning local authority social care information.

CLAUSES 20 AND 21; NEW CLAUSES AND NEW SCHEDULES RELATING TO THE SUBJECT MATTER OF CLAUSES 20 AND 21;

Mr Graham Allen

NC3

- ☆ To move the following Clause—

“Governance arrangements of local authorities in England: election of councillors

- (1) Section 36 of the Representation of the People Act 1983 (local elections in England and Wales) is amended as follows.

Cities and Local Government Devolution Bill [*Lords*], *continued*

(2) After subsection (1) insert—

“(1A) Rules made by the Secretary of State under subsection (1) must ensure that each poll at an election shall be conducted in accordance with an electoral system to be decided by that local authority.””

REMAINING NEW CLAUSES; REMAINING NEW SCHEDULES; CLAUSE 22; SCHEDULES 4; CLAUSES 23 TO 25; REMAINING PROCEEDINGS ON THE BILL

Secretary Greg Clark

16

★ Clause 22, page 19, line 8, after “of” insert “, or made under,”

Member’s explanatory statement

This amendment provides that the power to make regulations under clause 22 of the Bill includes a power to make provision that is consequential on instruments made under the Bill.

Secretary Greg Clark

26

★ Schedule 4, page 34, line 22, at end insert—

“Local Government Act 1972

A1 The Local Government Act 1972 is amended as follows.

A2 In section 100E (application of Part 5A to committees and sub-committees), in subsection (3) after paragraph (b) insert—

“(bba) a committee in place by virtue of section 107D(3)(c)(ii) of the Local Democracy, Economic Development and Construction Act 2009;

(bbb) a joint committee in place by virtue of section 107DA of that Act;”.”

A3 In section 101 (arrangements for discharge of functions by local authorities)—
(a) after subsection (1C) insert—

“(1D) A combined authority may not arrange for the discharge of any functions under subsection (1) if, or to the extent that, the function is a mayoral function of a mayor for the area of the authority.

(1E) “Mayoral function” has the meaning given by section 107F(7) of the Local Democracy, Economic Development and Construction Act 2009.”;

(b) after subsection (5B) insert—

“(5C) Arrangements under subsection (5) by two or more local authorities with respect to the discharge of any of their functions cease to have effect with respect to that function if, or to the extent that, the function becomes a general function of a mayor for the area of a combined authority.

Cities and Local Government Devolution Bill [*Lords*], *continued*

(5D) Subsection (5C) does not prevent arrangements under subsection (5) being entered into in respect of that function by virtue of section 107DA of the Local Democracy, Economic Development and Construction Act 2009 (joint exercise of general functions).

(5E) In subsection (5C), “general functions” has the meaning given in section 107D(2) of that Act.”

Member’s explanatory statement

This amendment provides for the cessation of existing joint committee arrangements where a combined authority function becomes a mayoral function in the combined authority, and for a committee established by section 107D(3)(c)(ii) or 107DA of the Local Democracy, Economic Development and Construction Act 2009 to be treated as a committee of a principal council for the purposes of Part 5A of the Local Government Act 1972.

Secretary Greg Clark

30

★ Schedule 4, page 34, line 35, leave out “In section 91 (exercise of local authority functions),” and insert “(1) Section 91 (exercise of local authority functions) is amended as follows.

(2) ”

Member’s explanatory statement

This makes a technical drafting amendment to the provision in paragraph 3 of Schedule 4 to the Bill which amends section 91 of the Local Democracy, Economic Development and Construction Act 2009.

Secretary Greg Clark

31

★ Schedule 4, page 34, line 36, at end insert—

“() In subsection (4)—

(a) omit “or” at the end of paragraph (a);

(b) after paragraph (b) insert—

“(c) for the function to be exercisable by the EPB and the local authority jointly, or

(d) for the function to be exercisable by the EPB jointly with the local authority but also continue to be exercisable by the local authority alone.”

Member’s explanatory statement

This amends paragraph 3 of Schedule 4 to the Bill to add new provision in subsection (4) of section 91 of the Local Democracy, Economic Development and Construction Act 2009. The amendments enable an order under Part 6 of the 2009 Act conferring local authority functions on a combined authority to require that both authorities exercise the functions concerned jointly.

Secretary Greg Clark

27

★ Schedule 4, page 35, line 43, at end insert—

“() After subsection (1) insert—

“(1A) In relation to an order under Schedule 5B, subsection (1) has effect as if the reference to the Secretary of State were a reference to the Secretary of State or the Chancellor of the Duchy of Lancaster.”

Member’s explanatory statement

This amendment provides for an order made by the Chancellor of the Duchy of Lancaster under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 to be

Cities and Local Government Devolution Bill [*Lords*], continued

able to make incidental, consequential, transitional or supplementary provision in support of such an order.

Secretary Greg Clark

28

★ Schedule 4, page 36, line 2, at end insert—

“10A In section 116 (consequential amendments), after subsection (1) insert—

“(1A) In relation to an order under Schedule 5B, subsection (1) has effect as if the references to the Secretary of State were references to the Secretary of State or the Chancellor of the Duchy of Lancaster.”

Member’s explanatory statement

This amendment provides that the Chancellor of the Duchy of Lancaster can, in consequence of an order made under Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009, make provision in consequence of any provision made.

Secretary Greg Clark

17

★ Clause 25, page 20, line 3, leave out subsection (2)

Member’s explanatory statement

This amendment removes the privilege amendment inserted by the Lords.

ORDER OF THE HOUSE [14 OCTOBER 2015]

That the following provisions shall apply to the Cities and Local Government Devolution Bill [*Lords*]:

Committal

1. The Bill shall be committed to a Committee of the Whole House.

Proceedings in Committee

2. Proceedings in Committee of the Whole House shall be completed in two days.
3. The proceedings shall be taken on the days shown in the first column of the Table and in the order so shown.
4. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

Cities and Local Government Devolution Bill [*Lords*], *continued*
TABLE

Proceedings *Time for conclusion of proceedings*

First day

Clauses 1 and 2; new Clauses and new Schedules relating to the subject matter of Clauses 1 and 2; Clause 3; Schedule 1; Clause 4; new Clauses and new Schedules relating to the subject matter of Clauses 3 and 4;

Two and a half hours after commencement of proceedings on the Bill

Clause 5; Schedule 2; Clauses 6 to 8; Clauses 17 to 19; Clause 9; Schedule 3; Clauses 10 to 16; new Clauses and new Schedules relating to the subject matter of Clauses 5 to 19;

The moment of interruption on the first day

Second day

Clauses 20 and 21; new Clauses and new Schedules relating to the subject matter of Clauses 20 and 21;

Two and a half hours after commencement of proceedings on the Bill.

Remaining new Clauses; remaining new Schedules; Clause 22; Schedule 4; Clauses 23 to 25; remaining proceedings on the Bill

The moment of interruption on the second day

Consideration and Third Reading

5. Any proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Programming committee

7. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to proceedings on Third Reading.

Other proceedings

8. Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.
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