



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 16 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: 39-59, NCs 9-26

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This document includes all remaining amendments and includes any withdrawn amendments at the end.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.

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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.

NEW CLAUSES

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.”

Mr Graham Allen

NC13

★ To move the following Clause—

“Double Devolution statements

- (1) A Minister of the Crown who has introduced a Bill in either House of Parliament having the effect of devolving functions or powers of the United Kingdom Parliament or the Secretary of State to a combined authority must, before the second reading of the Bill, make a double devolution statement on the arrangements for further devolving those functions or powers to the most

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

appropriate local level except where those powers can more effectively be exercised by central government or by a combined authority.

- (2) The statement must be in writing and be published in such a manner as the Minister making it considers appropriate.”

Member’s explanatory statement

The intention of this new Clause is to make clear what double devolution to smaller councils and neighbourhoods will occur in the wake of big city deals being agreed by combined authorities when giving powers to cities and/or combined authorities.

Mr Graham Allen

NC18

- ★ To move the following Clause—

“Independent Review, Support and Governance

- (1) It shall be the duty of the Secretary of State to lay before each House of Parliament each year a report about devolution within England and Wales pursuant to the provisions of this Act (an “annual report”).
- (2) An annual report shall be laid before each House of Parliament as soon as practicable after 31 March each year.
- (3) The Secretary of State may by order make provision for an Independent Commission or Advisory Board to undertake a review, challenge and advisory role in relation to:
 - (a) reviewing orders and procedure arising from the Secretary of State’s decisions; and
 - (b) requests for orders received from combined or single local authorities.”

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris
Kate Green

NC22

- ★ To move the following Clause—

“Devolution in London

- (1) Within six months of the passing of this Act, the Secretary of State must publish a report on a greater devolution of powers in London, including on whether to make provision for the Secretary of State to—
 - (a) transfer a public authority function to a joint committee of London councils, and
 - (b) establish a joint board between London boroughs and the Mayor of London to support further devolution in London, and

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

- (c) devolve responsibility on fiscal powers, including but not limited to, setting and revaluating local tax rates, banding and discounts.”

Member’s explanatory statement

This new Clause makes it a requirement for the Secretary of State to report on further devolution options for London, including fiscal devolution (e.g. council tax revaluation, etc) which has been called for by the Greater London Assembly and the Mayor of London.

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.

William Wragg
Philip Davies

51

- ★ Clause 3, page 2, line 19, at end insert—

“(2A) An order under subsection (1) may not be made unless the proposition that the combined authority have a mayor is approved by a referendum of the electorate in that combined authority.”

Member’s explanatory statement

The intention of this amendment is that elected mayors will be introduced only if that proposal has been endorsed, in a referendum, by 50% of the population.

Mr Graham Brady
William Wragg
Mr David Nuttall

43

- ★ Clause 3, page 2, line 31, leave out subsection (8) and insert—

“(8) An order under this section providing for there to be a mayor for the area of a combined authority may be revoked or amended by making a further order under this section; this does not prevent the making of an order under section 107 abolishing the authority (together with the office of mayor) or providing for a constituent part of the combined authority to leave the combined authority and to resume its existence as a separate local authority.

(8A) An order under this section providing for a constituent part of the combined authority to leave the combined authority and to resume its existence as a separate local authority must make fair provision for a reasonable and proportionate division of resources between the former combined authority and the seceding local authority.”

Member’s explanatory statement

The intention of this amendment is that a constituent part of a combined authority can leave a combined authority without the combined authority being dissolved, with provision for “fair terms” for the leaving part (i.e. their resource is calculated on a per capita basis, or similar.)

Mr Jacob Rees-Mogg

46

- ★ Clause 3, page 2, line 38, at end insert—

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

“(10) This section does not apply to the County of Somerset, as defined by the Lieutenancies Act 1997.”

Nigel Mills

39

★ Clause 3, page 3, line 2, at end insert—

“(1A) For an area of a Combined Authority where for any part of that area there exists both a County Council and District Council, no order may be made under section 107A unless either the Secretary of State or the existing combined authority has carried out a consultation with local government electors on replacing the existing County Council and District Councils with one or more unitary authorities.”

Mr Graham Brady
William Wragg
Mr David Nuttall

44

★ Clause 3, page 3, line 14, at end insert—

“(4) A constituent council may withdraw consent after the creation of a combined authority and a mayor for that authority.

(4B) Where one or more constituent councils have withdrawn their consent under subsection (4A), the Secretary of State must make an order either:

- (a) abolishing the combined authority and the office of mayor, or
- (b) reconstituting the combined authority without the non-consenting council or councils concerned”.

Member’s explanatory statement

The intention of this amendment is that a constituent council may withdraw its consent to the creation of a combined authority, in which case the Secretary of State must either abolish the authority and mayor or re-constitute the authority without any non-consenting council.

Mr Graham Allen

53

★ Clause 3, page 3, line 27, at end insert—

“(2A) The Secretary of State may make an order under section 107A in relation to a combined authority’s area if a proposal for other appropriate governance and accountability structures for the authority’s area has been made to the Secretary of State by the constituent authorities.

(2B) The Secretary of State may set out accountability and governance tests in respect of other appropriate governance structures.

(2C) Orders may allow for a Mayor or other appropriate governance structure to enter into collaborative working arrangements with more than one Combined Authority, or local partnership board covering for example rural areas.”

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.

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

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 of 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.

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris
Kate Green

57

- ★ Clause 4, page 3, line 33, at end insert—

“(1A) Where the mayor for the area of a combined authority appoints a deputy, regard to gender balance must be given”

Member’s explanatory statement

This amendment is intended to make sure that gender balance is taken into account in mayor/ deputy teams

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

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris
Kate Green

NC21

★ To move the following Clause—

“Consultation with local community

The Secretary of State must make an order to determine the consultation processes which will be used with the local community.”

Member’s explanatory statement

This amendment is intended to ensure that mayors are provided only where the local resident population has been properly consulted.

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;

Mr Graham Brady
William Wragg
Mr David Nuttall

45

★ Clause 5, page 4, line 18, at end add “provided that in each exercise of that function the mayor has the consent of each constituent part of a combined authority.”

Member’s explanatory statement

The intention of this amendment is that any constituent part of a combined authority may veto any decision made by a major of a combined authority.

Mr Graham Brady
William Wragg
Mr David Nuttall

40

★ Clause 5, page 4, line 18, at end insert—

“(1A) An order under subsection (1) may only be made with the consent of the relevant combined authority; and that consent must be obtained prior to the creation of the office of mayor in the combined authority concerned”.

Member’s explanatory statement

The intention of this amendment is that a function of a mayoral authority may only be transferred to the mayor with the consent of the relevant combined authority, which must be obtained prior to the creation of the relevant office of mayor.

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—

(i) for a person appointed as the deputy PCC mayor by virtue of an order under paragraph 3(1) of Schedule 2, or

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

- (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—

“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

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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.

Mr Graham Allen

56

★ Clause 6, page 6, line 24, at end insert “which is not restricted to a specific governance structure”

Mr Graham Brady
William Wragg
Mr David Nuttall

41

★ Clause 8, page 8, line 20, leave out from beginning to end of line 12 on page 10 and insert—

“105A Functions of combined authorities

- (1) The Secretary of State may by order make provision for a function of the Secretary of State that is exercisable in relation to a combined authority’s area to be a function of a mayor of a combined authority;
- (2) An order under subsection (1) may not include provision about the exercise of functions currently exercised by local authorities.”

Member’s explanatory statement

The intention of this amendment is that the only powers that can be given to a mayor of a combined authority are powers currently exercised by central government.

Mr Graham Allen

54

★ Clause 8, page 8, line 27, at end insert—

“(c) make provision for conferring on a combined authority, upon the request of that authority in relation to its area the full retention of business rates, business rate supplements, council tax, stamp duty land tax, annual tax

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

on enveloped dwellings, capital gains property disposal tax, and multi-year finance settlements.”

Mr Graham Allen

55

★ Clause 8, page 8, line 27, at end insert—

“(c) make provision for conferring on a combined authority in relation to its area discretionary control of council tax discounts, business rate discounts and supplements, and other local fees, charges and subsidies in relation to other retained taxes.”

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.

Mr Graham Brady

William Wragg

Mr David Nuttall

42

★ Clause 8, page 10, line 12, at end insert—

“(2) The Secretary of State must lay before each House of Parliament at least once in each calendar year a report on the exercise by the Secretary of State of powers which have been devolved to the mayor of a combined authority.”

Member’s explanatory statement

The intention of this amendment is that the Government should publish every year publish a report that shows that it has not exercised a power that has been devolved to a combined authority mayor.

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.

Mr Jacob Rees-Mogg

48

★ Clause 18, page 17, line 48, after “consents,” insert “and in the Country of Somerset, as defined by the Lieutenancies Act 1997, approved by a referendum in the local authority area”

Cities and Local Government Devolution Bill [Lords], continued

Secretary Greg Clark

15

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

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

“the authority responsible for the functions”

Member’s explanatory statement

See the statement for Amendment 36.

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);

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

- (c) the terms as to service delivery required by regulations or directions under the NHTA 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;
 - (d) the recommendations or guidance of the National Institute for Health and Care Excellence made or given pursuant to regulations under section 237 of the 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 NHTA 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 NHTA 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 NHTA 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

1

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”

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

Mr Graham Allen

52

★ Clause 10, page 11, line 3, at end insert—

“() In the Local Government Finance Act 1988, insert—

“78A(3) A local government finance report shall also specify, in respect of the financial year to which it relates:

- (a) The total financial assistance to be given to maintained schools in England under section 14 of the Education Act 2002;
- (b) The amount paid in respect of police grant to grant recipients under section 46 (2) (a) of the Police Act 1996;
- (c) The amount determined to be the “central share” of business rates under paragraph 4(a) of Schedule 7B to the Local Government Finance Act 1988

(4) A local government finance report shall:

- (a) compare the total amount of estimated income tax receipts attributable in England in respect of the financial year to which the report applies to the sum of the amounts in section 78 (3) and the amount of grant for the year specified under section 78 (3) (a).
- (b) explain whether and how the Government plans, during the five years following the financial year to which it relates, to equalise the two amounts compared.”

Member’s explanatory statement

This assigns income tax to English local government in the same way as it is now assigned to the Scottish Parliament but without the ability to vary the rate, making the line of account from taxpayer to local government more open and transparent.

Secretary Greg Clark

9

☆ Clause 10, page 11, line 26, at end insert—

“() 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.

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris
Kate Green

58

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

“(5) The Secretary of State may by order make provision for conferring powers on a combined authority to set multi-year finance settlements.”

Member’s explanatory statement

This amendment is intended to offer financial stability to city regions, allowing them long-term

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

planning which is something not currently offered by the finance settlement or the funding of local enterprise partnership (LEPs).

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris
Kate Green

59

★ Clause 11, page 11, line 27, at end insert—

“(1) Within 12 months of the passing of this Act, the Secretary of State must publish a report on the performance of the Localism Act 2011 and a review of the general power of competence provision.”

Member’s explanatory statement

This amendment requires a review of the Localism Act and local authority innovation.

Mr Jacob Rees-Mogg

49

★ Clause 15, page 14, line 43, at end insert—

“(d) In the Country of Somerset, as defined by the Lieutenancies Act 1997, approved by a referendum in the local authority area.”

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—

Cities and Local Government Devolution Bill [Lords], continued

- “() Regulations under this section may in particular make provision—
- (a) about how the enactments mentioned in subsection (1) 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.

Mr Jacob Rees-Mogg

47

- ★ Clause 16, page 16, line 11, after “apply” insert “and in the County of Somerset, as defined by the Lieutenancies Act 1997, approved by a referendum in the local authority area”

John Stevenson

50

- ★ Clause 16, page 16, line 11, at end insert—
- “() In the case of two tier authorities, consent under section 16(3) may also be given where a majority of local authorities in the local authority area have indicated their support.”

Secretary Greg Clark

12

- ☆ Clause 16, page 16, line 13, at end insert—
- “() 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 functions, property etc as part of incidental etc provision)

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

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).

NEW CLAUSES

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—
 - (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.”
-

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

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—

“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

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.

Gareth Thomas

NC10

★ To move the following Clause—

Cities and Local Government Devolution Bill [*Lords*], *continued*
“Housing devolution to London

In any enactment relating to housing, any power or duty of the Secretary of State applicable to any person or dwelling shall be exercisable in the Greater London area only by the Mayor of London, with the consent of the Greater London Assembly.”

Member’s explanatory statement

This new Clause provides for devolution to London of the Secretary of State’s housing powers.

Gareth Thomas

NC11

★ To move the following Clause—

“Local property taxes devolution to London

- (1) There shall be London Consolidated Fund into which shall be paid each month a sum equivalent to the previous month’s tax receipts in relation to properties in the greater London area accruing from—
 - (a) the stamp duty land tax,
 - (b) capital transfer tax,
 - (c) the annual tax on enveloped dwellings, and
 - (d) capital gains property disposal tax.
- (2) The Treasury must consult the Mayor of London and the Greater London Assembly on what band and rates should be applied in respect of the Greater London area for the next financial year in respect of each of the taxes mentioned in subsection (1).”

Member’s explanatory statement

This new Clause provides for devolution to London of the receipts from taxes on property and for formal consultation with the Treasury on the rates of those taxes to be set for the greater London area.

Mr Graham Allen

NC12

★ To move the following Clause—

“Local Government Financial Integrity

- (1) Local authorities shall be financially independent of central government, save as otherwise provided for by this section.
- (2) Central government may not place any restriction on decisions by local authorities about the exercise of their financial powers.
- (3) The distribution of central government funds between local authorities shall continue on the basis of existing equalisation arrangements. Distribution will continue to be based on the principle of ensuring fairness and balance between local authorities. The basis on which this distribution is carried out must continue to be made public.
- (4) Each local authority shall receive from central government a guaranteed share of the annual yield of income tax, as follows. Central government must in each

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

financial year assign to the Secretary of State responsible for the distribution of central government funds between local authorities an amount of money equivalent to the yield from ten pence in the pound of income tax. The Secretary of State must make arrangements to inform each taxpayer in England of the amount of their income tax which makes up the central government funding distributed to English local authorities as a whole.

- (5) The amount of the income tax yield referred to in subsection (4) shall be renegotiated between central and local government whenever service provision responsibilities are transferred between central government and local authorities.
- (6) Local authorities may raise additional sources of income in their areas in any way they wish, and with the consent of their electorates as expressed through arrangements to be determined and put in place by the local authority concerned.
- (7) Local authorities shall be able to raise any loans, bonds or other financial instruments which their credit rating allows and as independent entities will be exclusively responsible for their repayment. All local authorities shall operate a balanced budget so that in any one financial year all outgoings, including interest repayments on borrowings, shall not exceed income.
- (8) Central government may not cap, or in any other way limit, local authorities' taxation powers.
- (9) The financial transparency standards that apply to central government shall apply to local authorities.
- (10) Central government and local authorities may contract with each other in order to pursue their own policy objectives."

Member's explanatory statement

The intention of this new clause is that receipts from income tax should be assigned to the Department for Communities and Local Government who will then pass it on to councils.

Mr Graham Allen

NC14

- ★ To move the following Clause—

“Power to create new council tax bands

- (1) Section 5 of the Local Government Finance Act 1992 is amended as follows.
- (2) In subsection (4) omit “The Secretary of State may by order, as regards financial years beginning on or after such date as is specified in the order” and insert “A local authority may for any future financial year”.
- (3) Omit subsection (5).”

Member's explanatory statement

The intention of this new Clause is to devolve to councils the power to create new council tax bands.

Mr Graham Allen

NC15

- ★ To move the following Clause—

Cities and Local Government Devolution Bill [*Lords*], *continued*
“Abolition of referendums relating to council tax increases

- (1) In Part 1 of the Local Government Finance Act 1992 (council tax: England and Wales) after Chapter 4 omit the Chapter set out in Schedule 5 to the Localism Act 2011.
- (2) Schedule 6 to the Localism Act 2011 (council tax referendums: further amendments) ceases to have effect.”

Member’s explanatory statement

The intention of this new Clause is to end the council tax referendum system.

Mr Graham Allen

NC16

- ★ To move the following Clause—

“Effective devolution committees

- (1) The functions of local authorities include the formation of committees to collect and analyse data on effective performance by local authorities of powers and functions devolved to them.
- (2) The Secretary of State must not give any directions to such committees.”

Member’s explanatory statement

The intention of this new Clause is to enable Local Government to set up its own “what works” organisation on devolution to examine what’s effective, either independently or in partnership with, but separate from, the Department for Communities and Local Government.

Gareth Thomas

NC20

- ★ To move the following Clause—

“Attendance at London Assembly meetings

- (1) Section 61 of the Greater London Authority Act 1999 (Power to require attendance at Assembly meetings) is amended as follows.
- (2) In subsection (1), for “(4) or (5)” substitute “(4), (5) or (5A)”
- (3) After subsection (5) insert new subsection as follows:

“(5A) This subsection applies to any person or organisation, whether or not they form part of GLA group, who are appointed by the Mayor, are formally influenced by the Mayor, or who have a significant London-wide role to play in delivering the Mayor’s strategies, and who in the case of persons and organisations external to the GLA group, are listed in an order made by the Secretary of State under subsection (5B).

- (5B) The Secretary of State must make an order listing persons and organisation external to the GLA group for the purposes of subsection (5A) and may amend the order from time to time.”
-

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

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris
Kate Green

NC23

★ To move the following Clause—

“Fair funding settlement: report

Within six months of the passing of this Act, the Secretary of State must publish a report on the impact on the functions of combined authorities of the fairness of the distribution of funding from central government to local authorities, particularly with regard to levels of deprivation.”

Member’s explanatory statement

This new Clause would require a report linking the impact of devolution with the level of funding.

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris
Kate Green

NC25

★ To move the following Clause—

“Public authority functions

Within one month of the passing of this Act, the Secretary of State must publish a list of public authority functions which may be the subject of a transfer of functions under the provision of this Act.”

Member’s explanatory statement

This new Clause would require the Government to be more specific about the functions which it intends to develop to mayors, combined authorities and other local authorities.

NEW SCHEDULE

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.

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

- 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;
(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.

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

- (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,(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.

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

- (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.
- (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).”

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

- 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.
- (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—

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

- (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.
- (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.”

Mr Andrew Turner

NC9

★ To move the following Clause—

“Separation of local authorities: local referendums

- (1) The Secretary of State shall by regulations make provision about the circumstances in which a constituent part of a local authority can separate from the local authority of which it is currently a part and become established as a new local authority in its own right.

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

- (2) Such regulations must provide that a constituent part of a local authority can secede from an existing local authority only if a majority of local government electors in that constituent part who take part in a vote on the proposal are in favour of the proposal.
- (3) Such regulations must cover—
- (a) The information that the proposed new local authority shall provide ahead of such a referendum being conducted, such which may include but shall not be limited to—
 - (i) information on geographic extent of the new local authority, and
 - (ii) information on the governance arrangements for the new local authority.
 - (b) The basis on which a transfer of resources from an existing local authority to a new local authority shall be calculated.
- (4) Regulations made by the Secretary of State may make similar provision for a constituent part of a local authority to separate from the local authority of which it is currently a part in order to join a neighbouring local authority.”
-

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

Mr Graham Allen

NC17

- ★ To move the following Clause—

“Scale of devolution

- (1) The extent of the devolution of powers and functions to local authorities must not be dependant on the size of the population of the local authority.”

Member’s explanatory statement

The intention of this new Clause is to provide flexibility for devolution on varying scales and foot prints instead of linking the amount of devolution to the size of the recipient.

Mr Graham Allen

NC19

- ★ To move the following Clause—

“Constitutional Convention

A convention is to be held to consider and make recommendations on the constitution of the United Kingdom, commencing its operation no later than 31 December 2016.”

Member’s explanatory statement

That the Bill would allow for a Mayor to work with more than one Combined Authority, or local partnership covering, for example, rural areas.

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

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris
Kate Green

NC24

★ To move the following Clause—

“National framework for devolution of fiscal powers

Within twelve months of the passing of this Act, the Secretary of State must publish a framework for further devolution of fiscal powers, including but not limited to, setting and revaluating local tax rates, banding and discounts.”

Member’s explanatory statement

This new Clause would require the Secretary of State to set out a framework for further devolution of fiscal powers.

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris
Kate Green

NC26

★ To move the following Clause—

“Sunday trading: fair provision across England

- (1) It is recognised that the regulation of Sunday trading should take account of the impact of Sunday working on people’s quality of life, on competition between communities and on opportunities for enterprise.
- (2) Accordingly, no legislative provision may be made for devolving to any mayor, combined authority or any other local authority decisions on the content, application or enforcement of the law on Sunday trading in a local authority area which fall below national standards.”

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.

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

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.
- “(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

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

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 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.

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

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.

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
<i>First day</i>	
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
<i>Second day</i>	
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

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