



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Wednesday 21 October 2015

COMMITTEE OF THE WHOLE HOUSE
PROCEEDINGS

CITIES AND LOCAL GOVERNMENT DEVOLUTION BILL
[LORDS]
[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;

Secretary Greg Clark

Agreed to 29

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

Clause, as amended, agreed to.

Secretary Greg Clark

Not selected 3

Page 2, line 1, leave out Clause 2

Clause disagreed to.

Mr Graham Allen

Not called 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—

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

- (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

Not called 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 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.”
-

Mr Graham Allen

Not called 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

Not called NC22

To move the following Clause—

Cities and Local Government Devolution Bill [*Lords*], *continued***“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
 - (c) devolve responsibility on fiscal powers, including but not limited to, setting and revaluating local tax rates, banding and discounts.”

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris

Negated on division 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.”

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris

Not called 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.”

Secretary Greg Clark

Agreed to on division 4

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

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

William Wragg
 Philip Davies
 Mr David Nuttall
 Adam Holloway
 Jeremy Lefroy
 Dr Julian Lewis

Mr Graham Brady
 Chris Green
 Mr Charles Walker
 Mr Philip Hollobone

Chris Davies
 Mr Christopher Chope
 Mr Peter Bone

Sir Edward Leigh
 Craig Mackinlay
 Mr Steve Baker

Not called **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.”

Mr Graham Brady
 William Wragg
 Mr David Nuttall
 Sir Edward Leigh
 Mr Philip Hollobone
 Mr Christopher Chope

Andrew Percy

Not called **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.”

Mr Jacob Rees-Mogg

Not called **46**

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

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

Nigel Mills

Not called **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.”

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

Mr Graham Brady
 William Wragg
 Mr David Nuttall
 Sir Edward Leigh
 Mr Christopher Chope
 Mr Philip Hollobone

Not called 44

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

- “(4A) 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”.

Mr Graham Allen

Not called 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.”

Clause, as amended, agreed to.

Secretary Greg Clark

Agreed to 18

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

Secretary Greg Clark

Agreed to 19

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

Secretary Greg Clark

Agreed to 20

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

Secretary Greg Clark

Agreed to 21

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

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

Secretary Greg Clark

Schedule 1, page 26, line 17, after “State” insert “or the Chancellor of the Duchy of Lancaster” *Agreed to 22*

Schedule, as amended, agreed to.

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

Clause 4, page 3, line 33, at end insert— *Not called 57*
“(1A) Where the mayor for the area of a combined authority appoints a deputy, regard to gender balance must be given”

Clause agreed to.

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris

To move the following Clause—

Not called NC21

“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.”

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

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
Sir Edward Leigh
Mr Christopher Chope
Andrew Percy

Mr Philip Hollobone

Withdrawn 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.”

Mr Graham Brady
William Wragg
Mr David Nuttall
Sir Edward Leigh
Mr Christopher Chope
Mr Philip Hollobone

Not called 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”.

Secretary Greg Clark

Agreed to 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
- (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).”

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

Secretary Greg Clark

Agreed to 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.”

Secretary Greg Clark

Agreed to 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).”

Mr Clive Betts

Not called 60

- ☆ Clause 5, page 5, leave out lines 9 and 10

Secretary Greg Clark

Agreed to 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 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.”

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

Clause, as amended, agreed to.

Secretary Greg Clark

Agreed to 23

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

Secretary Greg Clark

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

Secretary Greg Clark

Agreed to 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.”

Schedule, as amended, agreed to.

Mr Graham Allen

Not called 56

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

Clause agreed to.

Clause 7 agreed to.

Mr Graham Brady
William Wragg
Mr David Nuttall
Sir Edward Leigh
Mr Christopher Chope
Mr Philip Hollobone

Not called 41

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

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

Mr Graham Allen

Not called 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 on enveloped dwellings, capital gains property disposal tax, and multi-year finance settlements.”

Mr Graham Allen

Not called 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

Agreed to 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.”

Mr Graham Brady

William Wragg

Mr David Nuttall

Sir Edward Leigh

Mr Philip Hollobone

Not called 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.”

Clause, as amended, agreed to.

Secretary Greg Clark

Agreed to 33

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

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

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

Clause, as amended, agreed to.

Mr Jacob Rees-Mogg

Not called 48

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

Secretary Greg Clark

Agreed to 15

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

Clause, as amended, agreed to.

Secretary Greg Clark

Agreed to 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;”

Secretary Greg Clark

Agreed to 35

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

Secretary Greg Clark

Agreed to 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”

Secretary Greg Clark

Agreed to 37

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

Secretary Greg Clark

Agreed to 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.),

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

- (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 NHTSA 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 NHTSA 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 NHTSA 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 NHTSA 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 NHTSA 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 NHTSA 2006 (guidance on commissioning by the NHS Commissioning Board);

Cities and Local Government Devolution Bill [Lords], continued

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.”

Clause, as amended, agreed to.

Clause 9 agreed to.

Mr Graham Allen

Not called 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”

Schedule agreed to.

Mr Graham Allen

Not selected 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;

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

- (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.”

Secretary Greg Clark

Agreed to 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).”

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris

Negated on division 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.”

Clause, as amended, agreed to.

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris

Not called 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.”

Clause agreed to.

Cities and Local Government Devolution Bill [Lords], continued

Clauses 12 to 14 agreed to.

Mr Jacob Rees-Mogg

Not called 49

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

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

Clause agreed to.

Secretary Greg Clark

Agreed to 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.”

Mr Graham Allen

Not called 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

Agreed to 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 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).”

Mr Jacob Rees-Mogg

Not called 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

Not called 50

Clause 16, page 16, line 11, at end insert—

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

“() 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

Agreed to 12

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

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

Secretary Greg Clark

Agreed to 14

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

Secretary Greg Clark

Agreed to 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) applies in relation to subsection (4)(b) above as it applies in relation to sections 13 and 14 of that Act.”

Clause, as amended, agreed to.

Secretary Greg Clark

Agreed to 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.”

Mr Graham Allen

Not called 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.”

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

Mr Graham Allen

Not called 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*Not called* 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*Not called* 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*).

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

- (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

Not called 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.”
-

Gareth Thomas

Not called NC10

To move the following Clause—

“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.”

Gareth Thomas

Not called 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

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

London area for the next financial year in respect of each of the taxes mentioned in subsection (1).”

Mr Graham Allen

Not called 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 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.”
-

Mr Graham Allen

Not called NC14

To move the following Clause—

Cities and Local Government Devolution Bill [*Lords*], *continued***“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).”
-

Mr Graham Allen

Not called **NC15**

To move the following Clause—

“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.”
-

Mr Graham Allen

Not called **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.”
-

Mr Graham Allen

Not called **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 dependent on the size of the population of the local authority.”
-

Cities and Local Government Devolution Bill [Lords], continued

Gareth Thomas

Not selected 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.”

Secretary Greg Clark

Agreed to 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—

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

- (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.
- (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.

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

- (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.
- (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.

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

- (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).”
- 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

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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—
- (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)”