



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Monday 7 December 2015

REPORT STAGE PROCEEDINGS

CITIES AND LOCAL GOVERNMENT
DEVOLUTION BILL [*LORDS*], AS AMENDED

NEW CLAUSES

Secretary Greg Clark

Added on division NC7

To move the following Clause—

“English National Park authorities: general powers

After section 65 of the Environment Act 1995 insert—

“65A English National Park authorities: general powers

- (1) An English National Park authority may do—
 - (a) anything it considers appropriate for the purposes of the carrying out of any of its functions (its “functional purposes”),
 - (b) anything it considers appropriate for purposes incidental (whether directly or indirectly) to its functional purposes,
 - (c) anything it considers to be connected with—
 - (i) any of its functions, or
 - (ii) anything it may do under paragraph (a) or (b), and
 - (d) for a commercial purpose, anything which it may do under any of paragraphs (a) to (c) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on an English National Park authority to do something, it confers power (subject to section 65B) to do it anywhere in the United Kingdom or elsewhere.
- (3) Power conferred on an English National Park authority by subsection (1) is in addition to, and is not limited by, the other powers of the authority.
- (4) In this section, and in sections 65B and 65C, “English National Park authority” means a National Park authority for a National Park in England.

Cities and Local Government Devolution Bill [Lords], continued
65B Boundaries of powers under section 65A

- (1) Section 65A(1) does not enable an English National Park authority to do anything which it is unable to do by virtue of a pre-commencement limitation.
- (2) Section 65A(1) does not enable an English National Park authority to do anything which it is unable to do by virtue of a post-commencement limitation which is expressed to apply—
 - (a) to its power under section 65A(1),
 - (b) to all of its powers, or
 - (c) to all of its powers but with exceptions that do not include its power under section 65A(1).
- (3) If exercise of a pre-commencement power of an English National Park authority is subject to restrictions, those restrictions apply also to exercise of the power conferred on it by section 65A(1) so far as that power is overlapped by the pre-commencement power.
- (4) Section 65A(1) does not authorise an English National Park authority to borrow money.
- (5) Section 65A(1)(a) to (c) do not authorise an English National Park authority to charge a person for anything it does otherwise than for a commercial purpose.
- (6) Section 65A(1)(d) does not authorise an English National Park authority to do things for a commercial purpose in relation to a person if a statutory provision requires the authority to do those things in relation to the person.
- (7) Where under section 65A(1)(d) an English National Park authority does things for a commercial purpose, it must do them through—
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014.
- (8) In this section—

“post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

 - (a) is contained in an Act passed after the end of the Session in which the Cities and Local Government Devolution Act 2015 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section (*English National Park authorities: general powers*) of that Act;

“pre-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

 - (a) is contained in an Act passed no later than the end of the Session in which the Cities and Local Government Devolution Act 2015 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force before the commencement of section (*English National Park authorities: general powers*) of that Act;

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

“pre-commencement power” means power conferred by a statutory provision that—

- (a) is contained in an Act passed no later than the end of the Session in which the Cities and Local Government Devolution Act 2015 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section (*English National Park authorities: general powers*) of that Act;

“statutory provision” means a provision of an Act or of an instrument made under an Act.

65C Power to make provision supplemental to section 65A

- (1) The Secretary of State may by regulations make provision preventing an English National Park authority from doing under section 65A(1) anything which is specified, or is of a description specified, in the regulations.
- (2) The Secretary of State may by regulations provide for the exercise by English National Park authorities of the power conferred by section 65A(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the regulations.
- (3) Before making regulations under subsection (1) or (2) the Secretary of State must consult—
 - (a) such representatives of English National Park authorities, and
 - (b) such other persons (if any),
 as the Secretary of State considers appropriate.
- (4) Subsection (3) does not apply to regulations under subsection (1) or (2) which are made only for the purpose of amending earlier such regulations—
 - (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to English National Park authorities, or
 - (b) so that the earlier regulations, or any provision of the earlier regulations, cease to apply English National Park authorities.

65D Procedure etc. for regulations under section 65C

- (1) The power to make regulations under section 65C—
 - (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes;
 - (c) includes power to make incidental, supplementary, consequential, transitional, transitory or saving provision;
 - (d) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an Act passed before the Cities and Local Government Devolution Act 2015 or in the same Session as that Act.
- (2) A statutory instrument containing regulations under section 65C may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Subsection (2) does not apply to a statutory instrument that contains regulations only of the following kind—

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

- (a) regulations under section 65C(1) that make provision for the purpose mentioned in section 65C(4)(b);
 - (b) regulations under section 65C(2) that make provision for that purpose or for imposing conditions on the doing of things for a commercial purpose;
 - (c) regulations made by virtue of subsection (1)(c) that do not contain provision amending or repealing a provision of an Act.
- (4) A statutory instrument to which subsection (2) does not apply is subject to annulment by resolution of either House of Parliament.
 - (5) If a draft of regulations under section 65C would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.””
-

Mr Graham Allen

Withdrawn NC1

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 NC2

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;

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

- (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 NC3

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

Not called NC4

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.”
-

Mr Graham Allen

Not called NC5

To move the following Clause—

“Commission on devolution of fiscal powers and taxation

- (1) The Secretary of State shall appoint a commission on devolution of fiscal powers and taxation to local authorities.
- (2) The Commission shall consider the following issues—
 - (a) the desirability, impact and process necessary to implement an Income Tax rate of 10p in the pound on English tax payers;

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

- (b) the desirability, impact and process necessary to give English Councils the same fiscal and taxation powers as those devolved to the Scottish Parliament in the 2012 Scotland Act, and
 - (c) any other issues that the Commission considers relevant.
- (3) The Commission shall produce a report covering the issues listed in subsection (2) no later than 31 December 2017, and shall make such recommendations to the Secretary of State as it deems necessary.”

Mr Graham Allen

Not selected NC6

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.”

Mr Graham Brady
Mr David Nuttall
William Wragg
Damian Green
Dr Phillip Lee
Simon Hart

Mrs Cheryl Gillan

Mr Nigel Evans

Bill Wiggin

Not called NC8

To move the following Clause—

“Combined authority functions: cool off period

- “(1) The Secretary of State shall amend any order made under a provision of this Act which transfers a power to exercise of a function from a constituent part of a combined authority to a combined authority, to devolve responsibility for that function back to a constituent part of that authority, if the following conditions are met—
- (a) A constituent part of a combined authority requests that the Secretary of State amend an order to return responsibility for the exercise of a function to the constituent part of the combined authority from the combined authority, and
 - (b) Such a request is made within one year of the first local government election held in the constituent part of the combined authority since the original order was made.”
-

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

Mr Graham Brady
Mr David Nuttall
William Wragg
Damian Green
Dr Phillip Lee
Simon Hart

Mrs Cheryl Gillan

Mr Nigel Evans

Bill Wiggin

Withdrawn NC9

To move the following Clause—

“Consultation on changes to healthcare provision

- (1) Part 4 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 is amended as follows—
- (1) In section 20 (Interpretation) insert after “for which there is a country council (a);”—
- “(c) combined authorities and each constituent part of a combined authority””

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris

Negated on division NC10

To move the following Clause—

“Governance arrangements for local government: entitlement to vote

In section 2 of the Representation of the People Act 1983 (local government electors), in subsection (1)(d) for “18” substitute “16””

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris

Not called NC11

To move the following Clause—

“Review of fire and rescue services in combined authorities

- (1) The Secretary of State must, within 15 months of this Act being passed, publish a review of the fire and rescue services affected by the provisions of this Act.

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

- (2) The review must make an assessment of the extent to which the provisions of this Act affecting fire and rescue services have worked safely and efficiently for the protection of the public over the first 12 months from this Act being passed.”

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris

Not called NC12

To move the following Clause—

“Review of devolution of health services

- (1) The Secretary of State must, within 15 months of this Act being passed, publish a review of health services devolved under the provisions of this Act.
- (2) The review must make an assessment of the extent to which the health services devolved under any of the provisions of this Act have maintained standards and, in particular, of the quality of services and outcomes achieved by those devolved health services over the first 12 months from this Act being passed.”

Jon Trickett
Mr Steve Reed
Liz McInnes
Paula Sherriff
Grahame Morris

Not called NC13

To move the following Clause—

“Fiscal and financial powers

Within six months of the passing of this Act, the Secretary of State must publish plans for further devolution of fiscal powers to local authorities in England, including—

- (a) an equalisation model related to the retention of business rates, to ensure local authorities with lower business rate income are not negatively impacted;
- (b) greater local authority control over local tax rates and discounts;
- (c) provision for combined authorities to set multi-year finance settlements.”
-

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

Jon Trickett
Mr Steve Reed
Liz McInnes
Paula Sherriff
Grahame Morris

Not called NC14

To move the following Clause—

“Cooperation with peripheral authorities

No later than three months after the passing of this Act, the Secretary of State shall publish guidance to be considered by combined authorities while exercising a devolved function, in order to—

- (a) have regard for any significant direct impact of decisions taken by the combined authority on neighbouring authority populations;
 - (b) encourage cooperation between combined authorities and their neighbouring authorities so as to encourage local growth;
 - (c) enable greater economic cooperation between combined authorities and their neighbours within a travel-to-work area.”
-

Secretary Greg Clark

Agreed to 4

Clause 1, page 1, line 10, at end insert—

- “(ba) functions exercisable by a Minister of the Crown that have been devolved as a result of agreements so as to become exercisable by a mayor for the area of a combined authority (including information as to any such functions that remain exercisable by a Minister of the Crown as a result of an agreement providing for functions to be exercisable jointly or concurrently);”

Secretary Greg Clark

Agreed to 5

Clause 1, page 1, line 11, after “functions” insert “(so far as not falling within paragraph (ba))”

Secretary Greg Clark

Agreed to 6

Clause 1, page 2, line 2, at end insert—

- “() In this section—
“combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.”
-

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

Jon Trickett
 Mr Steve Reed
 Liz McInnes
 Paula Sherriff
 Grahame Morris

Negated on division 58

Clause 2, page 2, line 10, at end insert—

“() The transfer of local or public authority functions to combined authorities shall not be dependent on an order being made under subsection (1).”

William Wragg
 Mr Graham Brady
 Mr Jacob Rees-Mogg
 Mr David Nuttall
 Mr Nigel Evans
 Mr Peter Bone

Mr Christopher Chope
 Mr Philip Hollobone
 Dr Julian Lewis

Andrew Rosindell
 Dr Sarah Wollaston

Philip Davies
 Mr David Jones

Negated 2

Clause 2, page 2, line 13, 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 of that combined authority.

(2B) The Secretary of State shall, by regulations, establish the procedures to be followed in conducting a referendum under subsection 2A.

(2C) Before making a regulation under subsection 2B, the Secretary of State must consult the Electoral Commission.”

Mr Graham Brady
 Mr David Nuttall
 William Wragg
 Damian Green
 Dr Phillip Lee
 Simon Hart

Mrs Cheryl Gillan

Mr Nigel Evans

Bill Wiggin

Not called 57

Clause 2, page 2, leave out lines 21 to 26 and insert—

“(7) 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.

(7A) 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.

(7B) Where a combined authority has entered into a contractual arrangement with a third party and an order under this section is made to enable a constituent part of a combined authority to resume its existence as a separate local authority, that

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

separate local authority shall be deemed to be a contracting party to that agreement unless an alternative agreement is reached with the third party.”

Secretary Greg Clark

Clause 2, page 3, line 1, leave out from “authority,” to end of line 3 and insert “there are one or more non-consenting constituent councils but the combined authority and at least two constituent councils consent.” *Agreed to 7*

Secretary Greg Clark

Clause 2, page 3, line 6, leave out second “the” and insert “each” *Agreed to 8*

Secretary Greg Clark

Clause 2, page 3, line 8, leave out subsection (5) *Agreed to 9*

Secretary Greg Clark

Clause 4, page 4, line 20, leave out “PCC mayor” and insert “mayor for policing and crime” *Agreed to 10*

Secretary Greg Clark

Clause 4, page 5, line 7, at end insert— *Agreed to 11*
 “() include provision for general functions to be exercisable by the mayor subject to conditions or limitations specified in the order (including, for example, a condition for general functions to be exercisable only with the consent of the appropriate authorities (as defined by section 107B(6)));”

Secretary Greg Clark

Clause 4, page 5, line 29, at end insert “, and *Agreed to 12*
 () in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.”

Secretary Greg Clark

Clause 4, page 5, line 31, leave out “the” and insert “a” *Agreed to 13*

Secretary Greg Clark

Clause 4, page 6, line 31, at end insert “, and *Agreed to 14*
 () in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.”

Cities and Local Government Devolution Bill [Lords], continued

Secretary Greg Clark

Agreed to 15

Clause 4, page 7, line 12, leave out “the” and insert “a”

Secretary Greg Clark

Agreed to 16

Clause 7, page 10, line 6, after “liabilities” insert “(including criminal liabilities)”

Secretary Greg Clark

Agreed to 17

Clause 7, page 10, line 15, at end insert—

“(5A) Subsection (5B) applies where an order under subsection (1) contains a reference to a document specified or described in the order (for example, in imposing a condition by virtue of subsection (2)(a) for an authority to have regard to, or to comply with, a statement of policy or standards set out in the document).

(5B) If it appears to the Secretary of State necessary or expedient for the reference to the document to be construed—

(a) as a reference to that document as amended from time to time, or

(b) as including a reference to a subsequent document that replaces that document,

the order may make express provision to that effect.”

Secretary Greg Clark

Agreed to 18

Clause 7, page 10, line 38, leave out from beginning to “and” in line 39 and insert “the appropriate consent is given”

Secretary Greg Clark

Agreed to 19

Clause 7, page 10, line 41, at end insert—

“(1A) For the purposes of subsection (1)(b), the appropriate consent is given to the making of an order under section 105A only if—

(a) in the case of an order in relation to an existing combined authority, each appropriate authority consents;

(b) in any other case, each constituent council consents.

Paragraph (a) is subject to subsections (1B) and (1C).

(1B) Subsection (1C) applies where—

(a) an order under section 105A in relation to an existing combined authority is the first such order to be made in relation to that authority,

(b) the authority is not a mayoral combined authority, and

(c) there are one or more constituent councils who do not consent to the making of the order.

(1C) For the purposes of subsection (1)(b), the appropriate consent is given to the making of the order if the combined authority and at least two constituent councils consent to the making of the order.

(1D) Where an order under section 105A is made by virtue of subsection (1C) of this section, the Secretary of State must make an order under section 106 to remove the area of each non-consenting constituent council from the existing area of the combined authority.

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

- (1E) The requirement in subsection (1)(b) for the appropriate consent to be given to the making of an order under section 105A does not apply where—
- (a) the order revokes (in whole or in part), or otherwise amends, a previous order under that section, and
 - (b) the only purpose of the order is to provide for a health service function of a combined authority to cease to be exercisable by the authority.
- (1F) In subsection (1E)(b), “health service function of a combined authority” means a function which—
- (a) relates to the health service, as defined by section 275(1) of the National Health Service Act 2006, and
 - (b) is exercisable by the combined authority by virtue of an order under section 105A.
- (1G) The requirement in subsection (1)(b) for the appropriate consent to be given is subject to section 106A.”

Secretary Greg Clark

Agreed to 20

Clause 7, page 11, line 16, at end insert—

“and a “constituent council” is a council within paragraph (a) or (b).”

Secretary Greg Clark

Agreed to 21

Clause 9, page 11, line 34, leave out “so far as the constituent councils consent,” and insert “subject to subsection (10A),”

Secretary Greg Clark

Agreed to 22

Clause 9, page 11, line 36, at end insert—

“(10A) Regulations under this section by virtue of subsection (8) that include provision within subsection (10)(b) may be made only with the consent of—

- (a) the constituent councils, and
- (b) in the case of regulations in relation to an existing combined authority, the combined authority.

(10B) Subsection (10A) is subject to section 106A of the Local Democracy, Economic Development and Construction Act 2009 (which enables regulations to be made without the consent of all the constituent councils in certain circumstances).”

Secretary Greg Clark

Agreed to 23

Clause 9, page 11, line 40, leave out “(10) and” and insert “(8) to”

Secretary Greg Clark

Agreed to 24

Clause 9, page 12, line 16, at end insert “, and

- () in the case of regulations in relation to an existing combined authority, the combined authority.”

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

Secretary Greg Clark

Agreed to 25

Clause 9, page 12, line 16, at end insert—

- “(6A) Subsection (6) is subject to section 106A of the Local Democracy, Economic Development and Construction Act 2009 (which enables regulations to be made without the consent of every authority within paragraph (a) and (b) of that subsection in certain circumstances).”
-

Jon Trickett
 Mr Steve Reed
 Liz McInnes
 Paula Sherriff
 Grahame Morris

Not called 59

Clause 10, page 12, line 32, at end insert—

- “(1) Within 6 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 in relation to its use by combined authorities.”

Secretary Greg Clark

Agreed to 26

Clause 10, page 12, line 43, leave out “the” and insert “a”

Secretary Greg Clark

Agreed to 27

Clause 14, page 15, line 33, at end insert—

- “() In section 104 (constitution and functions of combined authorities: transport), after subsection (9) (inserted by section 8(1) above) insert—
- “(10) An order under this section may be made in relation to a combined authority only with the consent of—
- (a) the constituent councils, and
 - (b) in the case of an order in relation to an existing combined authority, the combined authority.
- (11) In subsection (10) “constituent council” means—
- (a) a county council the whole or any part of whose area is within the area or proposed area of the combined authority, or
 - (b) a district council whose area is within the area or proposed area of the combined authority.
- (12) Subsection (10) is subject to section 106A.”
- () In section 105 (constitution and functions of combined authorities: economic development and regeneration), after subsection (3) insert—
- “(3A) An order under this section may be made in relation to a combined authority only with the consent of—
- (a) the constituent councils (as defined by section 104(11)), and

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

- (b) in the case of an order in relation to an existing combined authority, the combined authority.
- (3B) Subsection (3A) is subject to section 106A.”
- () In section 106 (changes to boundaries of a combined authority’s area)—
 - (a) in subsection (2), omit paragraph (b);
 - (b) omit subsection (3);
 - (c) after subsection (3) insert—
 - “(3A) An order under this section adding or removing a local government area to or from an existing area of a combined authority may be made only if—
 - (a) the relevant council in relation to the local government area consents,
 - (b) the combined authority consents, and
 - (c) the mayor for the area of the combined authority (if it is a mayoral combined authority) also consents.
 - (3B) For the purposes of subsection (3A)(a), the “relevant council” in relation to a local government area is—
 - (a) if the local government area is the area of a county council, the county council;
 - (b) if the local government area is the area of a district council whose area does not form part of the area of a county council, the district council;
 - (c) if the local government area is the area of a district council whose area forms part of the area of a county council, the district council or the county council.
 - (3C) If there are two relevant councils in relation to a local government area by virtue of subsection (3B)(c), the condition in subsection (3A)(a) for the relevant council to consent is met if—
 - (a) in the case of an order under subsection (1)(a), either or both of the relevant councils consent;
 - (b) in the case of an order under subsection (1)(b), both of the relevant councils consent.
 - (3D) Subsections (2) and (3A) do not apply to an order under subsection (1)(b) that is made as a result of the duty in section 105B(1D) or 107B(4).”
- () After section 106 insert—
 - “106A Section 106(1)(a) orders: consent requirements under other powers**
 - (1) Subsection (2) applies where—
 - (a) the area of a district council is added to the area of a combined authority by an order under section 106(1)(a),
 - (b) the area of the district council forms part of the area of a county council,
 - (c) the Secretary of State proposes to exercise a relevant power as a result of, or otherwise in connection with, the making of the order, and
 - (d) (apart from subsection (2)) the relevant power is exercisable only with the consent of (among other authorities) the county council mentioned in paragraph (b).

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

- (2) The relevant power is exercisable whether or not the county council consents.
- (3) Subsection (4) applies where—
 - (a) the area of a county council is added to the area of a combined authority by an order under section 106(1)(a),
 - (b) the area of the county council includes the areas of district councils,
 - (c) the Secretary of State proposes to exercise a relevant power as a result of, or otherwise in connection with, the making of the order, and
 - (d) (apart from subsection (4)) the relevant power is exercisable only with the consent of (among other authorities) a district council within paragraph (b).
- (4) The relevant power is exercisable whether or not the district council consents.
- (5) In this section, “relevant power” means a power—
 - (a) to make an order under section 104, 105 or 105A, or
 - (b) to make regulations under—
 - (i) section 74 of the Local Government Finance Act 1988 (by virtue of subsection (8) of that section), or
 - (ii) section 23(5) of the Local Government Act 2003.”

Secretary Greg Clark

Clause 14, page 16, leave out line 25

Agreed to 28

Secretary Greg Clark

Clause 14, page 16, leave out lines 38 to 42

Agreed to 29

Mr Graham Allen

Clause 15, page 17, line 7, at end insert—

Not called 1

- “() all local authorities in a mayoral combined authority commencing a community governance review of their whole local authority area within two years of this Act coming into force.”

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

John Stevenson
 Martin Vickers
 John Pugh
 Craig Mackinlay
 Mr Graham Allen
 David Mowat

Mr Stewart Jackson
 Dr Poulter

Simon Danczuk

Nigel Mills

Agreed to, as amended **56**

Clause **15**, page **17**, line **23**, at end insert—

- “(4A) Regulations under this section, so far as including structural or boundary provision in relation to a non-unitary district council area, may be made if at least one relevant local authority consents.
- (4B) Local authority in this case is defined as—
- (a) a non-unitary district council whose area is, or forms part of, the non-unitary district council area;
 - (b) a county council whose area includes the whole or part of the non-unitary district council area.
- (4C) Relating to 4a and 4b
- (a) “non-unitary district council area” means the area or areas of one or more non-unitary district councils;
 - (b) “non-unitary district council” means a district council for an area for which there is also a county council;
 - (c) “structural or boundary provision” means provision about the structural or boundary arrangements of local authorities in regulations made by virtue of subsection (1)(c).”

As an Amendment to John Stevenson’s proposed Amendment (No. 56):—

Secretary Greg Clark

Agreed to **(a)**

After subsection (4C), insert—

“(4D) Subsection (4A) to (4C) expire at the end of 31 March 2019 (but without affecting any regulations already made under this section by virtue of subsection (4A).”

Member’s explanatory statement

This amendment provides for the provisions in subsection (4A) to (4C) of clause 15, allowing structural and boundary provision in relation to a non-unitary district council area if at least one relevant local authority consents, to expire at the end of 31 March 2019.

Secretary Greg Clark

Agreed to **30**

Clause **16**, page **18**, line **39**, after “liabilities”, insert “(including criminal liabilities)”

Secretary Greg Clark

Agreed to **31**

Clause **16**, page **19**, line **2**, at end insert—

“(5A) Subsection (5B) applies where regulations under subsection (1) contain a reference to a document specified or described in the regulations (for example, in

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

imposing a condition by virtue of subsection (2)(a) for an authority to have regard to, or to comply with, a statement of policy or standards set out in the document).

- (5B) If it appears to the Secretary of State necessary or expedient for the reference to the document to be construed—
- (a) as a reference to that document as amended from time to time, or
 - (b) as including a reference to a subsequent document that replaces that document,
- the regulations may make express provision to that effect.”

Secretary Greg Clark

Agreed to **32**

Clause 17, page 19, line 20, after “authority” insert “by whom a function becomes exercisable by virtue of the regulations”

Secretary Greg Clark

Agreed to **33**

Clause 17, page 19, line 22, after second “the” insert “relevant”

Secretary Greg Clark

Agreed to **34**

Clause 17, page 19, line 30, at end insert—

“(2A) The requirement in subsection (1)(a) for the relevant local authority to consent to the making of regulations under section 16 does not apply where—

- (a) the regulations revoke (in whole or in part), or otherwise amend, previous regulations under that section, and
- (b) the only purpose of the regulations is to provide for a health service function of the relevant local authority to cease to be exercisable by the authority (which may include provision under subsection (2)(b) in relation to that purpose).

(2B) In subsection (2A)(b), “health service function of a relevant local authority” means a function which—

- (a) relates to the health service, as defined by section 275(1) of the National Health Service Act 2006, and
- (b) is exercisable by the authority by virtue of regulations under section 16.”

Mr Graham Allen

Not called **60**

Clause 17, page 19, line 30, at end insert—

“(2C) The Secretary of State may revoke health functions from the relevant local authority under subsection (2A) only following advice from an independent panel, whose membership must include representation from local government and the NHS and which is to be convened as and when necessary.”

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Secretary Greg Clark

Agreed to 35

Clause 18, page 20, line 43, leave out from “under” to “are” in line 44 and insert “Chapter A2 of Part 2 of the NHTA 2006 (clinical commissioning groups)”

Secretary Greg Clark

Agreed to 36

Clause 21, page 27, line 42, leave out “jointly” and insert “concurrently”

William Wragg
Mr Jacob Rees-Mogg
Martin Vickers
Mr Nigel Evans
Mr David Nuttall
Mr Graham Brady

Mr Peter Bone
Mr Philip Hollobone
Mr David Jones

Mr Christopher Chope
Philip Davies
Dr Julian Lewis

Andrew Rosindell
Dr Sarah Wollaston

Not called 3

Schedule 1, page 37, line 3, leave out paragraphs 4 and 5 and insert—
“4 (1) The mayor is to be returned under the simple majority system.”

Secretary Greg Clark

Agreed to 37

Schedule 2, page 42, line 29, leave out “PCC mayor” and insert “mayor for policing and crime”

Secretary Greg Clark

Agreed to 38

Schedule 2, page 42, line 30, leave out “PCC mayor” and insert “mayor for policing and crime”

Secretary Greg Clark

Agreed to 39

Schedule 2, page 42, line 36, leave out “PCC mayor” and insert “mayor for policing and crime”

Secretary Greg Clark

Agreed to 40

Schedule 2, page 42, line 43, leave out “PCC mayor” and insert “mayor for policing and crime”

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Secretary Greg Clark

Agreed to **41**

Schedule 2, page 43, line 9, leave out “PCC mayor” and insert “mayor for policing and crime”

Secretary Greg Clark

Agreed to **42**

Schedule 2, page 43, line 11, leave out “PCC mayor” and insert “mayor for policing and crime”

Secretary Greg Clark

Agreed to **43**

Schedule 2, page 43, line 14, leave out “PCC mayor” and insert “mayor for policing and crime”

Secretary Greg Clark

Agreed to **44**

Schedule 2, page 43, line 28, at end insert—

“4A (1) The Secretary of State may by order provide for a police and crime panel to have oversight functions in relation to any general functions of the mayor that are the subject of arrangements under section 107D(3)(c)(i) (power to arrange for general functions to be exercisable by deputy mayor for policing and crime).

(2) If it appears to the Secretary of State expedient for the police and crime panel also to have oversight functions in relation to other general functions of the mayor that are related to general functions in respect of which an order is made under sub-paragraph (1), the Secretary of State may by order provide for the panel to have oversight functions in relation to those other general functions.

(3) An order under this paragraph may disapply, or otherwise modify, the application of paragraph 1(3) of Schedule 5A so far as relating to general functions of the mayor in respect of which a police and crime panel has oversight functions.

(4) In this paragraph—

“oversight functions”, in relation to general functions of the mayor, are functions that are of a corresponding or similar kind to those that a police and crime panel has in relation to PCC functions of the mayor;

“police and crime panel” means a panel established by virtue of an order under paragraph 4.”

Secretary Greg Clark

Agreed to **45**

Schedule 2, page 44, line 2, leave out from “mayor” to end of line 3 and insert “and the deputy mayor for policing and crime”

Secretary Greg Clark

Agreed to **46**

Schedule 4, page 50, line 3, leave out “a function” and insert “one or more functions”

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Secretary Greg Clark

Schedule 4, page 50, line 14, after “arrangements” insert “in relation to any functions” *Agreed to 47*

Secretary Greg Clark

Schedule 4, page 50, line 14, leave out “the function” and insert “such functions” *Agreed to 48*

Secretary Greg Clark

Schedule 4, page 50, line 35, leave out “each eligible body” and insert “at least one clinical commissioning group” *Agreed to 49*

Secretary Greg Clark

Schedule 5, page 55, line 34, at end insert— *Agreed to 50*
 “8A The Local Government Finance Act 1988 is amended as follows.
 8B In section 74 (levies), omit subsection (9).”

Secretary Greg Clark

Schedule 5, page 56, line 29, at end insert— *Agreed to 51*
 “*Environment Act 1995*
 11A (1) Section 65 of the Environment Act 1995 (National Park authorities: general purposes and powers) is amended as follows.
 (2) In subsection (5), after paragraph (b) insert—
 “Paragraph (b) is subject to subsection (6A).”
 (3) After subsection (6) insert—
 “(6A) Subsection (5)(b) does not apply in relation to a National Park authority for a National Park in England (see instead section 65A for general powers of such authorities).””

Secretary Greg Clark

Schedule 5, page 57, line 16, leave out lines 16 to 18 and insert— *Agreed to 52*
 “(2A) But section 85 of that Act, in its application to a combined authority by virtue of subsection (2), is subject to subsections (2AA) and (2AB).
 (2AA) If the area of the combined authority includes the area of the whole of a county that comprises the areas of one or more district councils, the representative councils for the purposes of section 85(1)(c) of that Act (as applied to a combined authority) are either the county council or the council for each of the districts (as determined by or in accordance with the order).
 (2AB) In relation to a mayoral combined authority, section 85(4) of that Act is not to be taken as preventing the mayor from being a voting member of the authority.”

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Secretary Greg Clark

Agreed to **53**

Schedule 5, page 57, line 27, leave out paragraph (b)

Secretary Greg Clark

Agreed to **54**

Schedule 5, page 58, line 9, at end insert—

“20A In section 113 (requirements in connection with changes to existing combined arrangements), after subsection (3) insert—

“(4) This section does not apply to an order under section 106(1)(b) that is made as a result of the duty in section 105B(1D) or 107B(4).”

Secretary Greg Clark

Agreed to **55**

Schedule 5, page 58, line 21, at end insert—

“22A In section 115 (transfer of property, rights and liabilities), in subsection (1) after “liabilities” insert “(including criminal liabilities).”

Bill read the third time and passed with Amendments.
