



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Thursday 3 December 2015

New Amendments handed in are marked thus ★

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

CONSIDERATION OF BILL (REPORT STAGE)

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

NOTE

This document includes all amendments tabled to date, and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

NEW CLAUSES

Secretary Greg Clark

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

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- (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.

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—

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- (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;
- “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;

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- (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—
 - (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.””

Member’s explanatory statement

This New Clause confers new general powers on National Park authorities for National Parks in England, along similar lines to those conferred on other authorities by Chapter 1 of Part 1 of the Localism Act 2011.

Mr Graham Allen

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

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- (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.”

Member’s explanatory statement

This new clause creates the means by which every UK citizen can engage in a national public discussion of devolution local government, governance and electoral systems and make recommendations and receive a response from government and parliament to that national debate.

Mr Graham Allen

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;
- (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.”

Member’s explanatory statement

This new clause creates the means by which every UK citizen can engage in a national public discussion of devolution local government, governance and electoral systems and make recommendations and receive a response from government and parliament to that national debate.

Mr Graham Allen

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.”

Member’s explanatory statement

This new clause creates the means by which every UK citizen can engage in a national public

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discussion of devolution local government, governance and electoral systems and make recommendations and receive a response from government and parliament to that national debate.

Mr Graham Allen

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.”

Member’s explanatory statement

This new clause creates the means by which every UK citizen can engage in a national public discussion of devolution local government, governance and electoral systems and make recommendations and receive a response from government and parliament to that national debate.

Mr Graham Allen

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;
 - (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.”

Member’s explanatory statement

This new Clause would establish a Commission to consider the possibility of England local authorities being granted the same fiscal and taxation powers already devolved to Scotland in the Scotland Act 2012.

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

Mr Graham Allen

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.”

Member’s explanatory statement

This new clause would establish a national public discussion on the renewal of the UK democracy.

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

Glyn Davies
Bill Wiggin

Mrs Cheryl Gillan

Mr Nigel Evans

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 with one year of the first local government election held in the constituent part of the combined authority since the original order was made.”

Member’s explanatory statement

The intention of this amendment is to create a cooling off period for the transfer of any power to the level of a combined authority. If a constituent part of a combined authority requests that a power is returned to it within one year of next elections held in the constituent part, then the Secretary of State must amend the relevant order to return power to the constituent part.

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

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

Glyn Davies
Bill Wiggin

Mrs Cheryl Gillan

Mr Nigel Evans

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”

Member’s explanatory statement

This amendment requires that constituent part of combined authority are consulted on any major healthcare reorganisation in their area in addition to the combined authority being consulted. It also allows constituent parts of a combined authority to refer any such reorganisation to the Secretary of State for Health without such a referral having to be made by the combined authority to which they are part.

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris

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”

Member’s explanatory statement

This Clause would re-instate the provision in the Bill, as brought from the Lords, allowing votes for 16- and 17-year olds in local government elections.

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

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris

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.
- (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.”

Member’s explanatory statement

This Clause would require a review, after 12 months of the Bill being passed, of the fire and rescue services to make sure the new system is working safely and efficiently for the protection of the public.

Jon Trickett
Liz McInnes
Mr Steve Reed
Paula Sherriff
Grahame Morris

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.”

Member’s explanatory statement

This Clause would require a review, after 12 months of the Bill being passed, of the impact of devolving health services in order to make sure that standards and the quality of services and outcomes have not declined.

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

Jon Trickett
Mr Steve Reed
Liz McInnes
Paula Sherriff
Grahame Morris

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.”

Member’s explanatory statement

This new clause allows the Secretary of State to ensure devolution continues beyond current devolution deals by setting out plans for further fiscal devolution and greater local freedom and stability in relation to budgets and tax rates. The clause also ensures a model is put in place to ensure authorities with lower business rate income do not lose out from the phasing out of central government grants.

Jon Trickett
Mr Steve Reed
Liz McInnes
Paula Sherriff
Grahame Morris

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.”

Member’s explanatory statement

This new clause asks the Secretary of State to publish guidance to ensure neighbouring authorities are considered when devolved functions are exercised, and encourage economic cooperation between authorities within a regional economy or travel-to-work area.

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

Secretary Greg Clark

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);”

Member’s explanatory statement

This amendment requires the Secretary of State to provide information on whether a Minister of the Crown has retained the ability to exercise a function of a Minister of the Crown which has been conferred on a mayoral combined authority which is exercisable by a mayor for the area of the authority.

Secretary Greg Clark

5

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

Member’s explanatory statement

This amendment is consequential on amendment 4 and removes any overlap between the requirements imposed by new subsection (2)(ba) and subsection (2)(c).

Secretary Greg Clark

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.”

Member’s explanatory statement

This amendment defines the phrases “combined authority” and “Minister of the Crown” in clause 1.

Jon Trickett
Mr Steve Reed
Liz McInnes
Paula Sherriff
Grahame Morris

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).”

Member’s explanatory statement

This amendment makes clear that devolution deals must not be dependent on a combined authority having a mayor.

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

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

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.”

Member’s explanatory statement

The intention of this amendment is that elected mayors will be introduced only if that proposal has been approved by a referendum of the residents of the combined authority. The rule for the conduct for such a referendum shall be made by the Secretary of State, in consultation with the Electoral Commission.

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

Glyn Davies
Bill Wiggin

Mrs Cheryl Gillan

Mr Nigel Evans

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

Member’s explanatory statement

The intention of this amendment is allow for a constituent part of a combined authority to leave a combined authority without the combined authority being dissolved, with provision for “fair

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

terms” for the leaving party (i.e. their resource is calculated on a per capita basis, or similar.) and the impact this may have on contractual arrangement with third parties.

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.”

Member’s explanatory statement

This amendment enables an order to be made providing for there to be a mayor for the area of a combined authority if, in the case of an existing combined authority where there are one or more non-consenting constituent councils, at least two constituent councils consent.

Secretary Greg Clark

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

Member’s explanatory statement

This amendment is consequential on amendment 7 and enables more than one non-consenting constituent council to be removed from the existing area of the combined authority.

Secretary Greg Clark

Clause 2, page 3, line 8, leave out subsection (5)

Member’s explanatory statement

This amendment is consequential on amendment 27 (see in particular the new section 106(3D) that is inserted by that amendment).

Secretary Greg Clark

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

Member’s explanatory statement

This amendment is consequential on amendment 37.

Secretary Greg Clark

Clause 4, page 5, line 7, at end insert—

“() 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)));”

Member’s explanatory statement

This amendment provides that an order making provision for a function of a mayoral combined authority to be a general function exercisable only by the mayor may include conditions or limitations, such as the consent of members of the combined authority.

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Secretary Greg Clark

12

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

Member’s explanatory statement

This amendment provides that an order under section 107D of the Local Democracy, Economic Development and Construction Act 2009 (inserted by clause 4 of the Bill), making provision for a function of an existing mayoral combined authority to be a function exercisable only by the mayor, requires the consent of the mayor of the authority.

Secretary Greg Clark

13

- Clause 4, page 5, line 31, leave out “the” and insert “a”

Member’s explanatory statement

This amendment is consequential on amendment 7 and enables more than one non-consenting constituent council to be removed from the existing area of the combined authority.

Secretary Greg Clark

14

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

Member’s explanatory statement

This amendment provides that an order providing for the mayor for the area of an existing mayoral combined authority to exercise functions of a police and crime commissioner in relation to that area must have the consent of the mayor of the authority.

Secretary Greg Clark

15

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

Member’s explanatory statement

This amendment is consequential on amendment 7 and enables more than one non-consenting constituent council to be removed from the existing area of the combined authority.

Secretary Greg Clark

16

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

Member’s explanatory statement

This amendment clarifies that criminal liabilities of a public authority can be transferred to a combined authority on the same basis as other liabilities when functions of a public authority are conferred on a combined authority.

Secretary Greg Clark

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).

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- (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.”

Member’s explanatory statement

This amendment allows a transfer order conferring public authority functions on a combined authority to include provision referring to a document as amended from time to time, or replaced. This may be necessary when imposing conditions referring to standards or policies which may be updated in light of technological or scientific developments (for example).

Secretary Greg Clark

18

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

Member’s explanatory statement

This amendment provides that the consent requirement for an order under new section 105A is subject to the definition of “the appropriate consent” in new section 105B(1A) inserted by amendment 19.

Secretary Greg Clark

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.
- (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—

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

- (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.”

Member’s explanatory statement

This amendment requires each constituent council and the combined authority to consent to orders under new section 105A which do not revoke the transfer of a health service function, and, for non-mayoral combined authorities, enables the removal of constituent councils which do not consent to powers being conferred under section 105A.

Secretary Greg Clark

20

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

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

Member’s explanatory statement

This amendment is consequential on amendment 19 and provides for a definition of “constituent council” for the purposes of new section 105B.

Secretary Greg Clark

21

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

Member’s explanatory statement

This amendment removes the consent requirements in section 74(10) of the Local Government Finance Act 1988 (as inserted by clause 9(1) of the Bill), as they are remodelled by the provisions in amendment 22.

Secretary Greg Clark

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).”

Member’s explanatory statement

This amendment provides that regulations made by virtue of section 74(8) of the Local Government Finance Act 1988, enabling a combined authority to levy in respect of functions other than transport functions, can only be made with the consent of the constituent councils and the authority, where there is an existing combined authority.

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

Secretary Greg Clark

23

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

Member’s explanatory statement

This amendment is consequential to the changes made by amendments 21 and 22 and provides for a definition of “constituent council”.

Secretary Greg Clark

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.”

Member’s explanatory statement

This amendment provides that regulations under section 23(5) of the Local Government Act 2003 require the consent of the combined authority, as well as the constituent authorities.

Secretary Greg Clark

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).”

Member’s explanatory statement

This amendment is consequential on amendment 27 (see in particular the new section 106A inserted by that amendment).

Jon Trickett
Mr Steve Reed
Liz McInnes
Paula Sherriff
Grahame Morris

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.”

Member’s explanatory statement

This amendment introduces a review of the use of the general power of competence by combined authorities.

Secretary Greg Clark

26

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

Member’s explanatory statement

This amendment is consequential on amendment 7 and enables more than one non-consenting constituent council to be removed from the existing area of the combined authority.

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

Secretary Greg Clark

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
- (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.

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

- (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).
- (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.””

Member’s explanatory statement

This amendment requires the consent of the constituent councils and the combined authority to orders made under sections 104 and 105 of the Local Democracy, Economic Development and Construction Act 2009. It also provides that section 106 orders require the consent of the “relevant

Cities and Local Government Devolution Bill [Lords], continued

council”, the combined authority and the mayor (in the case of a mayoral combined authority). The consent requirements are subject to the new section 106A inserted by the amendment.

Secretary Greg Clark

28

Clause 14, page 16, leave out line 25

Member’s explanatory statement

This amendment is consequential on amendment 27 and removes the consent requirement in relation to orders made under sections 104, 105, 106 and 107 of the Local Democracy, Economic Development and Construction Act 2009 in the proposed amendment to section 113(1)(b) of that Act (as inserted by clause 14(4) of the Bill). The consent requirements are instead dealt with within each section.

Secretary Greg Clark

29

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

Member’s explanatory statement

This amendment is consequential to amendment 28 and removes the definition of “constituent council” at section 113(2A) of the Local Democracy, Economic Development and Construction Act 2009 (as inserted by clause 14(4) of the Bill).

Mr Graham Allen

1

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

“() 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.”

Member’s explanatory statement

This amendment introduces further measures to support the creation of new local councils with mayoral and combined authorities required to conduct a community governance review within two years of the Act coming into force.

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

Mr Stewart Jackson
 Dr Poulter

Simon Danczuk

Nigel Mills

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.

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

(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).”

Member’s explanatory statement

The intention of this amendments is to allow the government to make changes to boundaries of local authorities if it has the consent of at least one relevant local authority.

Secretary Greg Clark

30

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

Member’s explanatory statement

This amendment clarifies that criminal liabilities of a public authority can be transferred to a local authority on the same basis as other liabilities when functions of a public authority are conferred on a local authority.

Secretary Greg Clark

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 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.”

Member’s explanatory statement

This amendment allows regulations conferring public authority functions on a local authority to include provision referring to a document as amended from time to time, or replaced. This may be necessary when imposing conditions referring to standards or policies which may be updated in light of technological or scientific developments (for example).

Secretary Greg Clark

32

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

Member’s explanatory statement

This amendment clarifies that the reference to “relevant local authority” in clause 17(1)(a) is to

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

the relevant local authority that would exercise a function as a result of regulations under clause 16(1).

Secretary Greg Clark

33

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

Member’s explanatory statement

This amendment clarifies that the local authority mentioned in clause 17(1)(b) is the relevant local authority.

Secretary Greg Clark

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.”

Member’s explanatory statement

This amendment removes the requirement for local authority consent to regulations revoking a transfer of functions to that local authority where the revocation relates only to health service functions. Incidental, supplementary, consequential, transitional, transitory or saving provision may be included in the revoking regulations.

Mr Graham Allen

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.”

Member’s explanatory statement

This amendment would safeguard the devolution of health functions by ensuring that any revocation of these functions is done under the advice of an independent panel, whose membership includes representatives from local government and the NHS.

Secretary Greg Clark

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 NHSA 2006 (clinical commissioning groups)”

Member’s explanatory statement

This amendment ensures that all the functions of the NHS Commissioning Board in relation to

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

clinical commissioning groups under Chapter A2 of Part 2 of the National Health Service Act 2006 (which includes Schedule 1A to that Act) cannot be transferred to local or combined authorities under clause 16 or section 105A of the Local Democracy, Economic Development and Construction Act 2009.

Secretary Greg Clark

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

36

Member’s explanatory statement

This amendment would allow regulations under section 102J of the Local Transport Act 2008 (as inserted by clause 21 of the Bill) to provide for local transport functions to be exercised by a sub-national transport body concurrently with a local authority instead of jointly.

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

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.”

Member’s explanatory statement

This amendment would require the mayors of combined authorities to be elected using the simple majority system, also known as “first past the post”.

Secretary Greg Clark

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

37

Member’s explanatory statement

This amendment, together with amendments 10, 38 to 43 and 45 make minor drafting changes so that a deputy mayor appointed in respect of police and crime commissioner functions under paragraph 3 of new Schedule 5C is to be known as the “deputy mayor for policing and crime” (rather than “deputy PCC mayor”).

Secretary Greg Clark

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

38

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

Secretary Greg Clark

39

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

Secretary Greg Clark

40

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

Secretary Greg Clark

41

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

Secretary Greg Clark

42

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

Secretary Greg Clark

43

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

Secretary Greg Clark

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.”

Member’s explanatory statement

This amendment enables the Secretary of State by order to give a police and crime panel (established under paragraph 4 of new Schedule 5C) scrutiny functions over any general functions of the mayor where those functions are ones that the mayor has arranged for the deputy mayor for policing and crime to exercise under new section 107D(3)(c)(i) and also related functions.

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

Secretary Greg Clark

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

46

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

Member’s explanatory statement

This amendment makes a minor and technical revision to subsection (1) in section 13ZA to be inserted into the National Health Service Act 2006, to ensure it is clear that “devolved arrangements” as provided for in that section may relate to one or more functions.

Secretary Greg Clark

47

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

Member’s explanatory statement

This amendment makes a minor and technical revision to subsection (3) in section 13ZA to ensure consistent language in this subsection with subsection (1).

Secretary Greg Clark

48

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

Member’s explanatory statement

This amendment makes a further minor and technical revision to subsection (3) in section 13ZA to ensure consistent language in this subsection with subsection (1).

Secretary Greg Clark

49

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

Member’s explanatory statement

This amends the requirements for membership of a joint committee exercising functions under devolved arrangements as provided for in section 13ZA to be inserted into the National Health Service Act 2006, so that the requirement in subsection (7)(b) in section 13ZA is met if at least one clinical commissioning group is a member.

Secretary Greg Clark

50

Schedule 5, page 55, line 34, at end insert—

“8A The Local Government Finance Act 1988 is amended as follows.

8B In section 74 (levies), omit subsection (9).”

Member’s explanatory statement

This amendment is consequential on amendment 23.

Cities and Local Government Devolution Bill [Lords], continued

Secretary Greg Clark

51

Schedule 5, page 56, line 29, at end insert—

“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).”

Member’s explanatory statement

This amendment contains consequential amendments of section 65 of the Environment Act 1995 as a result of NC7.

Secretary Greg Clark

52

Schedule 5, page 57, line 16, leave out lines 16 to 18 and insert—

“(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.”

Member’s explanatory statement

This amendment identifies representative councils which are required to appoint elected members as a member of the combined authority for the purposes of section 85(1)(c) of the Local Transport Act 2008, as applied by section 104 of the Local Democracy, Economic Development and Construction Act 2009.

Secretary Greg Clark

53

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

Member’s explanatory statement

This amendment is consequential on amendment 27.

Secretary Greg Clark

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).”

Member’s explanatory statement

This amendment disapplies the requirements imposed by section 113 of the Local Democracy, Economic Development and Construction Act 2009 in relation to orders under section 106(1)(b) of that Act, removing a local government area from an existing area of a combined authority, if

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

made as a result of the duty to make such an order under section 105B(1D) or section 107B(4) of that Act.

Secretary Greg Clark

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)”.”

Member’s explanatory statement

This amendment clarifies that criminal liabilities can be transferred on the same basis as other liabilities in connection with an order made under section 115 of the Local Democracy, Economic Development and Construction Act 2009.

ORDER OF THE HOUSE [14 OCTOBER 2015]

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

Committal

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

Proceedings in Committee

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

TABLE

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
<i>First day</i>	
Clauses 1 and 2; new Clauses and new Schedules relating to the subject matter of Clauses 1 and 2; Clause 3; Schedule 1; Clause 4; new Clauses and new Schedules relating to the subject matter of Clauses 3 and 4;	Two and a half hours after commencement of proceedings on the Bill
Clause 5; Schedule 2; Clauses 6 to 8; Clauses 17 to 19; Clause 9; Schedule 3; Clauses 10 to 16; new Clauses and new Schedules relating to the subject matter of Clauses 5 to 19;	The moment of interruption on the first day

Cities and Local Government Devolution Bill [*Lords*], *continued*
*Proceedings**Time for conclusion of proceedings**Second day*

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

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

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

The moment of interruption on the second day

Consideration and Third Reading

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

Programming committee

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

Other proceedings

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