

# Cities and Local Government Devolution Bill [HL]

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

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*The amendments have been marshalled in accordance with the Instruction of 16th June 2015, as follows –*

|                 |                  |
|-----------------|------------------|
| Clause 1        | Schedule 3       |
| Schedule 1      | Clauses 8 to 11  |
| Clauses 2 and 3 | Schedule 4       |
| Schedule 2      | Clauses 12 to 14 |
| Clauses 4 to 7  | Title            |

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Before Clause 1**

LORD McKENZIE OF LUTON  
LORD BEECHAM  
LORD SHIPLEY  
LORD TEVERSON

- 1** Insert the following new Clause –
- “Devolution: report**
- Within three months of the passing of this Act, the Secretary of State must lay a report before both Houses of Parliament setting out a strategy to ensure that the devolution opportunities provided for in this Act are effectively available to all parts of England, including rural and coastal areas.”
- 2** Insert the following new Clause –
- “Devolution: annual report**
- (1) The Secretary of State must lay before each House of Parliament an annual report about devolution for all areas within England and Wales pursuant to the provisions of this Act.
- (2) The annual report shall be laid before each House of Parliament as soon as practicable after 31 March each year.”

Amendment  
No.

**Before Clause 1 – continued**

LORD SHIPLEY  
BARONESS PINNOCK  
LORD TEVERSON  
LORD TYLER

3★ Insert the following new Clause –

**“Devolution of powers**

- (1) The Secretary of State may by order confer the power to exercise any functions that may be required on a combined authority established under Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (economic prosperity boards and combined authorities).
- (2) An order under this section may only be made where a proposal for the combined authority to exercise these functions has been made to the Secretary of State by the appropriate authorities.
- (3) The Secretary of State may refuse to make an order under subsection (1) if he believes that the proposal made by the appropriate authorities –
  - (a) does not provide sufficient democratic accountability over the functions to be exercised;
  - (b) does not have the support of local authority electors within the appropriate area; or
  - (c) would risk the proper functioning of local government within the relevant area or parts of the relevant area.
- (4) The Secretary of State may not, in making an order to enable a combined authority to exercise functions under subsection (1), require the combined authority to elect a mayor under section 107A of the 2009 Act.”

**Clause 1**

LORD MCKENZIE OF LUTON  
LORD BEECHAM

4 Page 1, line 8, at end insert –

“( ) An order under subsection (1) shall not be used as a condition for the transfer of local authority or public authority functions.”

5 Page 2, line 2, at end insert “although this does not confer a right on the mayor to have a casting vote in the process of decision-making within the combined authority.”

6 Page 2, line 4, leave out “not”

7 Page 2, line 4, after “revoked” insert “following a request by the combined authority”

Amendment  
No.

**Clause 1 – continued**

LORD SMITH OF LEIGH

8★ Page 2, line 10, at end insert –

“(9) An order under subsection (1) shall provide that remuneration for the elected mayor shall be determined by an independent remuneration panel established by the combined authority for that purpose.”

LORD SHIPLEY  
LORD SCRIVEN

9★ Page 2, line 13, after “if” insert –

“(a) ”

10★ Page 2, line 15, at end insert –

“(b) the Secretary of State is satisfied that the local government electors in the appropriate authority have been properly consulted by the authorities making the proposal.”

LORD MCKENZIE OF LUTON  
LORD BEECHAM

11 Page 2, line 25, leave out “must” and insert “may”

12 Page 2, line 27, at end insert –

“( ) Where an order has been made under subsection (4), the Secretary of State shall also provide for a non-consenting constituent council which has been removed from the existing combined authority to make representations.”

LORD SHIPLEY  
BARONESS JANKE  
BARONESS PINNOCK  
LORD SCRIVEN

13★ Page 2, line 38, at end insert –

**“107BA Mayor of a combined authority: pay and compensation**

- (1) The Secretary of State shall, by regulations, provide for the pay and compensation of the mayor of a combined authority created by an order made under section 107A.
- (2) Regulations made under subsection (1) must provide that a mayor receives a total pay and compensation package no larger than that of the person who is a leader of a constituent council with the highest total pay and compensation package.
- (3) For the purposes of this section a pay and compensation package may include –
  - (a) basic salary;
  - (b) pension; or
  - (c) any other non-monetary items or reliefs received by virtue of the elected office held.”

Amendment  
No.

**Clause 1 – continued**

LORD TYLER  
LORD SHIPLEY

**14★** Page 2, line 38, at end insert –

**“107BB Requirement for an elected assembly to form part of mayoral combined authority**

- (1) An order under section 107A must make provision for an elected assembly (“the Assembly”) to form part of any mayoral combined authority.
- (2) An elected assembly provided for in an order under section 107A must, in particular, provide that –
  - (a) the Assembly shall consist of P members (“Assembly Members”), where P is equal to the number of constituent authorities within the area of the mayoral combined authority, multiplied by five;
  - (b) each constituent authority shall be an Assembly constituency;
  - (c) each Assembly constituency shall elect five Assembly Members;
  - (d) each Assembly Member shall be a member of the combined authority.
- (3) Schedule 5BA (which makes further provision about Assemblies) has effect.”

**Schedule 1**

LORD MCKENZIE OF LUTON  
LORD BEECHAM

**15** Page 14, line 37, leave out “and” and insert “or  
( ) are aged 16 or 17 years, and”

**16** Page 17, line 13, at end insert –

- “( ) An order under sub-paragraph (1) shall only apply to elections which take place more than six months after the order comes into force.”

Amendment  
No.

**After Schedule 1**

LORD TYLER  
LORD SHIPLEY

17★ Insert the following new Schedule –

“SCHEDULE

ASSEMBLIES FOR COMBINED AUTHORITY AREAS: FURTHER PROVISION

*This is the Schedule to be inserted after Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 –*

“SCHEDULE 5BA

ASSEMBLIES FOR COMBINED AUTHORITY AREAS: FURTHER PROVISION

*Interpretation*

- 1 In this Schedule references to an Assembly are references to an Assembly for the area of a combined authority.

*Timing of elections*

- 2 Elections to an Assembly must be held on the same day as those held for the return of a mayor by virtue of an order under Schedule 5B.

*Voting at elections to the Assembly*

- 3 The system of election for the return of elected members to the Assembly is to be a single transferable vote system under which –
  - (a) a vote is capable of being given so as to indicate the voter’s order of preference for the candidates for election as elected member for the Assembly constituency in question, and
  - (b) a vote is capable of being transferred to the next choice –
    - (i) when the vote is not required to give a prior choice the necessary quota of votes, or
    - (ii) when, owing to the deficiency in the number of votes given for a prior choice, that choice is eliminated from the list of candidates.

*Entitlement to vote*

- 4 The persons entitled to vote as electors at an election for the return of members of the Assembly are those who are entitled to vote at an election for the return of a mayor under Schedule 5B.

Amendment  
No.

**After Schedule 1 – continued**

*Election as Assembly Member and councillor*

- 5 A person who is returned at an election as a member of the Assembly for the area of a mayoral combined authority who is also returned (at the same, or any other, time) as a councillor of a constituent council may not receive any allowance under sections 4 and 5 of the Local Authorities (Members' Allowances) (England) Regulations 2003 in respect of their position in the constituent council.

*Qualification and disqualification*

- 6 In order to be qualified and to hold office as a member of the Assembly for the area of a combined authority, a person must, on the relevant day, meet the conditions set out in paragraphs 7 to 10 of Schedule 5B.
- 7 For the purposes of paragraph 6, references to “mayors” in paragraphs 7 to 10 of Schedule 5B shall be read as referring to “members of the Assembly”.

*General functions and procedure of the Assembly*

- 8 (1) Subject to sub-paragraph (2), an Assembly has the same functions and procedure in relation to the combined authority as the London Assembly has in relation to the Greater London Authority, as defined by sections 50 to 65 of the Greater London Authority Act 1999, where references to the London Assembly are to be read as references to an Assembly in a mayoral combined authority.
- (2) For the purposes of this paragraph—
- (a) the reference to “relevant bodies” in section 58 of the Greater London Authorities Act 1999 shall be read as a reference to bodies specified within an order under section 107A of the Local Democracy, Economic Development, and Construction Act 2009.
  - (b) Section 58(9) and section 61(11) to (13) of the Greater London Authorities Act do not apply.

*Power to make further provision*

- 9 (1) The Secretary of State may by order make further provision as to—
- (a) the election of Assembly members;
  - (b) filling vacancies in an Assembly;
  - (c) the functions and procedures of an Assembly.
- (2) Before making an order under this paragraph, the Secretary of State must consult the Electoral Commission.
- (3) An order making provision under this paragraph—
- (a) must be common to all mayoral combined authorities;
  - (b) is to be made by statutory instrument.

**Amendment  
No.**

**After Schedule 1 – continued**

- (4) A statutory instrument containing an order under this paragraph may be made only if a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.””

**Clause 2**

LORD MCKENZIE OF LUTON  
LORD BEECHAM

**18** Page 3, line 4, at end insert “, with the consent of the combined authority”

LORD SHIPLEY  
BARONESS PINNOCK  
LORD SCRIVEN

**19★** Page 3, line 4, at end insert –

- (1A) An appointment made under subsection (1) is subject to approval by the overview and scrutiny committee of the relevant combined authority.
- (1B) Where an overview and scrutiny committee fails to approve the mayor’s appointment of deputy mayor, that appointment is rendered void.
- (1C) An approval under subsection (1A) means a vote by a simple majority of the members of the oversight and scrutiny committee that the appointment of the deputy mayor be agreed.
- (1D) An overview and scrutiny committee may, in pursuit of making a determination under subsection (1), hold a confirmation hearing for the deputy mayor.
- (1E) For the purposes of subsection (1D) a “confirmation hearing” means a public meeting at which members of the overview and scrutiny committee may question witnesses and where the committee can compel –
- (a) the mayor;
  - (b) the proposed deputy mayor; and
  - (c) any other persons that the committee considers relevant, to attend.”

**Clause 3**

LORD MCKENZIE OF LUTON  
LORD BEECHAM

**20** Page 3, line 32, at end insert “with the consent of the combined authority”

Amendment  
No.

**Clause 3** – *continued*

- 21** Page 3, line 40, at end insert –  
 “() The mayor must consult the combined authority when any general function of the mayor is delegated to the deputy mayor or any other member or officer.”
- 22** Page 4, line 6, at end insert –  
 “() may only be made in consultation with the combined authority.”
- 23** Page 4, leave out lines 14 and 15
- 24** Page 4, line 31, at end insert –  
 “() Where the geographical boundary of a combined authority does not correspond with the area of the police and crime commissioner in question, the Secretary of State shall bring forward proposals to make alternative arrangements.”

LORD SHIPLEY

- 25★** Page 4, line 31, at end insert –  
 “(1A) An order may only be made under subsection (1) if a resolution has been passed by a simple majority of the Assembly for the relevant combined authority to enable the mayor to take on the functions of a police and crime commissioner for that area.”

LORD SHIPLEY  
LORD TYLER

- 26★** Page 4, line 41, at end insert –  
 “() The reference in subsection (1A) to the Assembly for the relevant combined authority has the same meaning as in section 107BB (requirement for an elected assembly to form part of mayoral combined authority).”

LORD MCKENZIE OF LUTON  
LORD BEECHAM

- 27** Page 4, line 42, at end insert “all”
- THE EARL OF LISTOWEL

- 28** Page 5, line 29, at end insert –  
 “(10) Before making an order under this section, the Secretary of State must lay a report before both Houses of Parliament outlining his plans to develop the policing and crime functions of mayors who exercise the functions of a police and crime commissioner.”



**Amendment  
No.**

**Schedule 2**

LORD McKENZIE OF LUTON  
LORD BEECHAM

- 29** Page 19, line 10, at end insert—  
 “() An order under this paragraph must include provision for an appointment process for any other person who may exercise any PCC functions of the mayor.”
- 30** Page 20, line 13, at end insert—  
 “() about the protection of police budgets which have been transferred to a mayor under the provisions of this Act.”
- 31** Page 20, line 16, after “mayor,” insert “or any other relevant person,”
- 32** Page 20, line 29, after “mayor” insert “, or any other person exercising a PCC function of the mayor,”

**Clause 4**

BARONESS WHEATCROFT  
LORD MOYNIHAN

- 33** Page 6, line 18, at end insert—  
 “() enabling the mayor to raise funds for the carrying out of specified development projects by the issue of bonds to be made available only to those resident within the combined authority area.”

LORD SMITH OF LEIGH

- 34★** Page 6, line 18, at end insert—  
 “() to appoint a local authority member of a combined authority to have responsibility for finance and resource management.”

LORD McKENZIE OF LUTON  
LORD BEECHAM

- 35** Page 6, line 30, after “veto” insert “or change”

LORD SMITH OF LEIGH

- 36★** Page 6, line 32, at end insert “, specifying the number of local authority members within a combined authority area who can veto the draft budget”

Amendment  
No.

**Schedule 3**

LORD SHIPLEY  
BARONESS PINNOCK  
LORD SCRIVEN

- 37★ Page 22, line 22, at end insert –  
“( ) to approve the appointment of the deputy mayor”

LORD SHIPLEY  
BARONESS PINNOCK  
BARONESS JANKE  
LORD SCRIVEN

- 38★ Page 22, line 37, after “power” insert –  
“(a) “

- 39★ Page 22, line 38, at end insert “, or  
(b) require delay of a decision in order for further public consultation to be carried out”

- 40★ Page 24, line 15, at end insert –  
“( ) about the powers of an overview and scrutiny committee to compel other bodies to provide information to the committee and what form this information may take”

- 41★ Page 24, line 31, at end insert –  
“( ) Provision under sub-paragraph (2)(a) must include provision to ensure that the membership of an overview and scrutiny committee reflects the proportion of votes cast for each political party at the most recent local government election for the combined authority’s constituent councils.”

LORD SHIPLEY  
BARONESS PINNOCK  
LORD SCRIVEN

- 42★ Page 24, line 31, at end insert –  
“( ) Provision under sub-paragraph (2)(b) must include provision that the chair of such a committee must be a representative of a party other than that of the political party of the mayor of the combined authority.”

Amendment  
No.

**Clause 8**

LORD SHIPLEY  
BARONESS JANKE

43★ Page 10, line 2, at end insert—

“( ) The Secretary of State may by order make provision for conferring on a combined authority, upon the request of that authority in relation to its area, the full retention of business rates, business rate supplements, council tax, stamp duty land tax, annual tax on enveloped dwellings, capital gains property disposal tax, and multi-year finance settlements.”

44★ Page 10, line 2, at end insert—

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

**Clause 10**

LORD SHIPLEY  
BARONESS JANKE

45★ Page 10, line 30, at end insert—

“( ) Before making regulations under subsection (1), the Secretary of State must be satisfied that the local government electors in the appropriate local authorities have been properly consulted by the local authorities who are consenting to the regulations under subsection (3).”

**After Clause 10**

BARONESS JANKE  
LORD SHIPLEY

46★ Insert the following new Clause—

**“Referendums to undo change to mayor and cabinet executive**

In the Local Government Act 2000, omit section 9NA (effect of section 9N order).”

Amendment  
No.

**After Clause 10**—*continued*

LORD SHIPLEY  
LORD TYLER  
BARONESS PINNOCK  
LORD SCRIVEN

47★ Insert the following new Clause—

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

- (1) Section 36 of the Representation of the People Act 1983 (local elections in England and Wales) is amended as follows.
- (2) After subsection (1) insert—
  - “(1A) Rules made by the Secretary of State under subsection (1) must ensure that each vote in the poll at an election shall be a single transferable vote.
  - (1B) A single transferable vote is a vote—
    - (a) capable of being given so as to indicate the voter’s order of preference for the candidates for election as members for the constituency; and
    - (b) capable of being transferred to the next choice when the vote is not needed to give a prior choice the necessary quota of votes or when a prior choice is eliminated from the list of candidates because of a deficiency in the number of votes given for him.”

LORD TYLER  
LORD SHIPLEY

48★ Insert the following new Clause—

**“Governance arrangements for local government: entitlement to vote**

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

**Schedule 4**

LORD SHIPLEY  
BARONESS PINNOCK  
BARONESS JANKE  
LORD SCRIVEN

49★ Page 24, line 45, at end insert—

- “( ) In this paragraph “party” has the same meaning as in Part II of the Political Parties, Elections and Referendums Act 2000, or a group of councillors not aligned with any political party but who act, for the purposes of the combined local authority, as a single group of councillors.”

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*18th June 2015*

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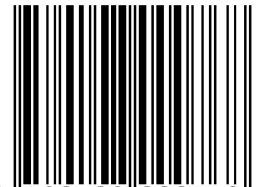
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