

Cities and Local Government Devolution Bill [HL]

REVISED
SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

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

Clauses 2 and 3
Schedule 2
Clauses 4 to 7
Schedule 3

Clauses 8 to 11
Schedule 4
Clauses 12 to 14
Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

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.

**Amendment
No.**

Clause 2 – continued

- (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”
- 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.”

**Amendment
No.**

Clause 3 – continued

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.”

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.”

Amendment
No.

Clause 4 – continued

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”

Clause 6

LORD MCKENZIE OF LUTON
LORD BEECHAM

- 36ZA Page 8, line 2, after “property” insert “and”

- 36ZB Page 8, line 3, leave out “and liabilities”

After Clause 6

THE EARL OF LISTOWEL

- 36A Insert the following new Clause –

“Homelessness and housing need: review

- (1) Within six months of the passing of this Act, the Secretary of State shall order a review of the advantages and disadvantages of placing a duty on combined authorities to reduce the numbers of homeless children and families in housing need in their area.
- (2) The Secretary of State shall lay the report of the review under subsection (1) before both Houses of Parliament.”

- 36B Insert the following new Clause –

“Affordable housing: review

- (1) Within six months of the passing of this Act, the Secretary of State shall order a review of the advantages and disadvantages of giving combined authorities –
 - (a) responsibility for affordable housing in their area, and
 - (b) associated borrowing powers.
- (2) The Secretary of State shall lay the report of the review under subsection (1) before both Houses of Parliament.”

Amendment
No.

After Clause 6 – *continued*

LORD MCKENZIE OF LUTON
LORD BEECHAM

36C Insert the following new Clause –

“Public authority functions

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

36D Insert the following new Clause –

“Transfer of functions: health and social care

A local or combined authority which is the recipient of any transfer of functions under this Act in relation to health and social care must abide by the following principles –

- (a) they must remain part of the National Health Service and social care system;
- (b) they must uphold the standards set out in national guidance;
- (c) they must continue to meet statutory requirements and duties including those contained in the NHS Constitution and Mandate; and
- (d) they must uphold the standards that underpin the delivery of social care and public health services.”

36E Insert the following new Clause –

“Transfer of health and social care functions: report

Within two years of the passing of this Act, the Secretary of State must publish a report on the quality and standards of the delivery of a comprehensive health service by a combined authority following the transfer of health and social care functions under the provisions of this Act.”

36F Insert the following new Clause –

“Further devolution of powers and funding (No. 1)

No later than three months after the passing of this Act, the Secretary of State must consult combined authorities with a view to devolving powers and funding in the following areas –

- (a) employment support,
- (b) transport,
- (c) housing,
- (d) skills, and
- (e) business rates.”

Amendment
No.

After Clause 6 – continued

36G★

Insert the following new Clause –

“Further devolution of powers and funding (No. 2)

- (1) No later than three months after the passing of this Act, the Secretary of State must consult combined authorities with a view to devolving powers and funding for strategic planning including in the areas of –
 - (a) mitigation of and adaptation to impacts of climate change;
 - (b) natural resource use including water management;
 - (c) delivery of low-carbon energy sources and infrastructure;
 - (d) landscape-scale conservation, including green infrastructure.
- (2) The Secretary of State may only make an order to devolve powers and funding in the areas outlined in subsection (1) with the consent of the combined authority.”

Schedule 3

LORD MCKENZIE OF LUTON
LORD BEECHAM

36H★

Page 22, line 15, after “taken,” insert “or under consideration,”

LORD SHIPLEY
BARONESS PINNOCK
LORD SCRIVEN

37

Page 22, line 22, at end insert –

“() to approve the appointment of the deputy mayor”

LORD MCKENZIE OF LUTON
LORD BEECHAM

37A

Page 22, line 22, at end insert –

- “(d) to appoint an independent chair of a committee to review and scrutinise the authority’s financial affairs;
- (e) to review and assess the authority’s risk management, internal control and corporate governance arrangements; and
- (f) to review and assess the economy, efficiency and effectiveness with which resources have been used in discharging the authority’s functions”

37B★

Page 22, line 28, after “taken,” insert “or under consideration,”

LORD SHIPLEY
BARONESS PINNOCK
BARONESS JANKE
LORD SCRIVEN

38

Page 22, line 37, after “power” insert –

“(a) “

**Amendment
No.**

Schedule 3 – *continued*

- 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”

THE EARL OF LYTTON

- 39A** Page 23, line 31, after “persons” insert “, including representatives of parish councils in the area of the combined authority,”

LORD MCKENZIE OF LUTON
LORD BEECHAM

- 39AA★** Page 23, line 44, at end insert –
“(10A) Guidance issued under sub-paragraph (9) must be subject to a public consultation and, following that consultation, must be made by regulations made by statutory instrument.
(10B) A statutory instrument containing regulations under sub-paragraph (10A) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

THE EARL OF LYTTON

- 39B** Page 24, line 10, after “committee” insert “, which includes representatives of parish councils in the area of the combined authority,”

LORD MCKENZIE OF LUTON
LORD BEECHAM

- 39C** Page 24, leave out lines 11 to 13

LORD SHIPLEY
BARONESS PINNOCK
BARONESS JANKE
LORD SCRIVEN

- 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”

LORD MCKENZIE OF LUTON
LORD BEECHAM

- 40A★** Page 24, leave out lines 19 to 23

- 40B★** Page 24, line 23, at end insert –
“() An order under sub-paragraph (1) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

**Amendment
No.**

Schedule 3 – continued

LORD SHIPLEY
BARONESS PINNOCK
BARONESS JANKE
LORD SCRIVEN

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.”

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.”

LORD MCKENZIE OF LUTON
LORD BEECHAM

44A Page 10, line 2, at end insert –

“() The Secretary of State may by order make provision for conferring powers on a combined authority to set multi-year finance settlements and retain business rates revenue in relation to its area.”

Amendment
No.

After Clause 8

LORD McKENZIE OF LUTON
LORD BEECHAM

44B Insert the following new Clause –

“Fairness of funding: report

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

Clause 9

LORD McKENZIE OF LUTON
LORD BEECHAM

44C Page 10, line 7, leave out “may” and insert “shall”

After Clause 9

LORD WARNER

44D Insert the following new Clause –

“NHS responsibilities

- (1) A combined authority may assume NHS responsibilities and accountability for any associated resources and assets transferred to it by the Secretary of State for Health in accordance with a memorandum of understanding for a period of not less than 5 years.
- (2) A memorandum under subsection (1) shall form part of an order made by the Secretary of State for Health in accordance with his powers and duties in the Health and Social Care Act 2012.
- (3) A combined authority assuming NHS responsibilities under subsection (1) shall publish an annual report on how it has discharged those responsibilities on a basis set out in the memorandum of understanding.”

LORD BERKELEY

44DA★ Insert the following new Clause –

“Sustainable development

After section 117 of the Local Democracy, Economic Development and Construction Act 2009 (orders) insert –

“117A Sustainable development

- (1) In determining whether or how to exercise the power conferred by section 113D, a combined authority shall have regard to the effect which the proposed exercise of the power would have on –
 - (a) the health of persons in its area; and

Amendment
No.

After Clause 9 – continued

- (b) the achievement of sustainable development in the United Kingdom.
- (2) Where the authority exercises the power conferred by subsection (1), it shall do so in the way which it considers best calculated –
 - (a) to promote improvements in the health of persons in its area, and
 - (b) to contribute towards the achievement of sustainable development in the United Kingdom,
 except to the extent that the authority considers that any action that would need to be taken by virtue of paragraphs (a) or (b) above is not reasonably practicable in all the circumstances of the case.
- (3) In subsection (2)(a), the reference to promoting improvements in health includes a reference to mitigating any detriment to health which would otherwise be occasioned by the exercise of the power.
- (4) In deciding whether or how to exercise that power, the authority shall have regard to any guidance issued under section 118.””

44DB★ Insert the following new Clause –

“Consultation

After section (*Sustainable development*) of the Local Democracy, Economic Development and Construction Act 2009 insert –

“117B Consultation

- (1) The power conferred by section 113D is exercisable only after consultation with such bodies or persons as a combined authority may consider appropriate in the particular case.
- (2) In determining what consultation (if any) is appropriate under subsection (1), the bodies which, and persons whom, a combined authority considers consulting must include –
 - (a) any borough or district council within its area;
 - (b) any parish or town council within its area; and
 - (c) bodies of each of the descriptions specified in subsection (3).
- (3) Those descriptions are –
 - (a) voluntary bodies some or all of whose activities benefit the whole or part of its area;
 - (b) bodies which represent the interests of different racial, ethnic or religious groups in its area;
 - (c) bodies which represent the interests of persons carrying on business in its area.
- (4) A combined authority may make arrangements with –
 - (a) any council within its area,
 - (b) bodies of the descriptions specified in subsection (3), and
 - (c) such other bodies or persons as it may consider appropriate, for the purpose of facilitating the carrying out by a combined authority of consultation pursuant to this section.””

Amendment
No.

After Clause 9 – continued

44DC★ Insert the following new Clause –

“Transport strategies

After section (*Consultation*) of the Local Democracy, Economic Development and Construction Act 2009 insert –

“117C Transport strategies

- (1) In preparing or revising any transport strategy, a combined authority shall have regard to the effect which the proposed strategy or revision would have on –
 - (a) the health of persons in its area;
 - (b) the achievement of sustainable development in the United Kingdom; and
 - (c) the matters specified in subsection (2).
- (2) Those matters are –
 - (a) the need to ensure that the strategy is consistent with national policies and with such international obligations as the Secretary of State may notify to the mayor for the purposes of this section; and
 - (b) the resources available for implementation of the strategy.”

Clause 10

THE EARL OF LYTTON

44E Page 10, line 25, 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.”

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
LORD MCKENZIE OF LUTON
LORD KENNEDY OF SOUTHWARK

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.”

**Amendment
No.**

Schedule 4 – *continued*

THE EARL OF LYTTON

50

Page 25, line 14, at end insert –

“ In section 23 (duty of public authorities to secure involvement), after paragraph 2(n) insert –
“(o) a combined authority””

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