

# Cities and Local Government Devolution Bill [HL]

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SECOND  
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 –*

|                 |                  |
|-----------------|------------------|
| Clauses 2 and 3 | Clauses 8 to 11  |
| Schedule 2      | Schedule 4       |
| Clauses 4 to 7  | Clauses 12 to 14 |
| Schedule 3      | 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 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.

**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 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”

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”

THE EARL OF LYTTON

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

- 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

**Amendment  
No.**

**Schedule 3 – continued**

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”

**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.”

Amendment  
No.

**Clause 8 – continued**

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.”

**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.”

Amendment  
No.

**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).”

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

Amendment  
No.

**After Clause 10—continued**

- (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.”

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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*22nd June 2015*

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PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS  
LONDON - THE STATIONERY OFFICE LIMITED  
£3.00

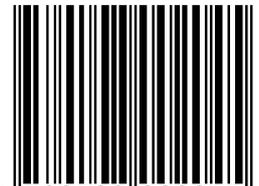
HL Bill 1 – II

(50182)

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ISBN 978-0-10-800204-5



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