

# Cities and Local Government Devolution Bill [HL]

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THIRD  
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 8 to 11  
Schedule 4

Clauses 12 to 14  
Title

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

Amendment  
No.

**Before Clause 8**

LORD SHIPLEY  
LORD STOREY

**42A★**

Insert the following new Clause –

**“Access arrangements to combined authority meetings for the press and public**

- (1) The Secretary of State shall, by regulations, provide that, where a meeting is held –
  - (a) between a mayor established under the provisions of this Act and the relevant combined authority;
  - (b) by the leaders of a combined authority;
  - (c) by an overview and scrutiny committee of a combined authority, arrangements must be made, so far as is reasonably practicable, to allow reasonable access to the meeting for the public and the press.
- (2) For the purposes of this subsection (1) “so far as is reasonably practicable” means to the extent possible to allow transparency of proceedings and decisions, while taking into account –
  - (a) the need for unencumbered advice from officials, and
  - (b) the need to protect commercial confidentiality.
- (3) For the purposes of subsection (1), “reasonable access” may include but is not restricted to –
  - (a) attending and viewing the meeting,

Amendment  
No.

**Before Clause 8 – continued**

- (b) taking notes of the meeting, and
- (c) taking a visual or audio recording of the meeting.”

**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.”

**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”

Amendment  
No.

**After Clause 9**

**44D** [Withdrawn]

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
  - (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).

Amendment  
No.

**After Clause 9 – continued**

- (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.””

**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.””

LORD WARNER

[*In substitution for Amendment 44D*]

**44DD★** Insert the following new Clause –

**“NHS responsibilities**

- (1) The Secretary of State may transfer to a combined authority any NHS responsibilities provided for in the Health and Social Care Act 2012 if he considers –
  - (a) that it is in the best interests of the authority’s population in terms of health outcomes; and
  - (b) that it will help fulfil his duty in section 2 of the 2012 Act (the Secretary of State’s duty as to improvement in quality of services) to improve the quality of health services.

**Amendment  
No.**

**After Clause 9 – continued**

- (2) In making a transfer of responsibilities to a combined authority under subsection (1), the Secretary of State shall request that a memorandum of understanding between NHS England and the combined authority be agreed.
- (3) The memorandum of understanding shall –
  - (a) be consistent with the duties and powers of the combined authority under the 2012 Act, and
  - (b) last for a minimum of 5 years, unless the combined authority fails to discharge its responsibilities under the memorandum, including its mandate from the Secretary of State.
- (4) Any memorandum under subsection (2) shall have regard to the Secretary of State’s duty under section 5 of the 2012 Act (the Secretary of State’s duty as to promoting autonomy) by –
  - (a) promoting autonomy and avoiding placing unnecessary burdens on the combined authority, and
  - (b) specifying the key health outcomes to be achieved by the combined authority.
- (5) The requirements in the memorandum shall be set out in regulations by the Secretary of State.
- (6) A combined authority assuming NHS responsibilities under the provisions of this section shall publish an annual report on how it has discharged its responsibilities on the basis set out in the memorandum of understanding.”

**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

- 44F** Page 10, line 25, at end insert –
- “( ) Where regulations under subsection (1) apply to local authorities in areas not part of a combined authority, the Secretary of State may allow for the local authority to enter into collaborative working arrangements with a mayor or other appropriate governance structure operating in a city or metropolitan area.”

LORD McKENZIE OF LUTON  
LORD BEECHAM

- 44G★** Page 10, line 25, at end insert –
- “( ) In making regulations under subsection (1) the Secretary of State must have regard to the need to reflect the identities and interests of local communities and to secure effective and convenient local government.”

Amendment  
No.

**Clause 10** – *continued*

LORD LIDDLE

- 44H** Page 10, line 29, leave out subsection (3)
- 44J** Page 10, line 29, leave out from “may” to end of line 30 and insert “normally be made only with the consent of the local authorities to whom the regulations apply –
- ( ) Where a change to unitary governance arrangements is supported by the local authorities to whom the regulations are to apply, but there is no agreement by all the local authorities on issues under subsection (1), the Secretary of State may make provision about specified arrangements.”
- 44K** Page 10, line 29, leave out from “made” to end of line 30 and insert “either –
- (a) with the consent of all of the principal authorities to whom the regulations are to apply, or
- (b) by determination of the Secretary of State upon consideration of –
- (i) any demonstration of support from key organisations and citizens in the affected area; or
- (ii) where provided, the advice of the Local Government Boundary Commission for England.”
- 44L** Page 10, line 29, leave out from “made” to end of line 30 and insert “where a change to unitary governance arrangements is supported by the local authorities to whom the regulations are to apply –
- “( ) where there is no agreement by all the local authorities to whom the regulations are to apply on the arrangements under subsection (1), the Secretary of State may make provision for unitary governance arrangements based on recommendations of a body appointed by the Secretary of State.”

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).”

LORD MCKENZIE OF LUTON  
LORD BEECHAM

- 45A★** Page 10, line 40, leave out subsection (6)

Amendment  
No.

**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

46A Insert the following new Clause –

**“Independent review, support and governance**

- (1) It shall be the duty of the Secretary of State to lay before each House of Parliament each year a report about devolution within England and Wales pursuant to the provisions of this Act (an “annual report”).
- (2) An annual report shall be laid before each House of Parliament as soon as practicable after 31st March each year.
- (3) The Secretary of State may by regulations make provision for an Independent Commission or Advisory Board to undertake a review and perform an advisory role in relation to –
  - (a) reviewing orders and procedure arising from the Secretary of State’s decisions; and
  - (b) requests for orders received from combined or single local authorities.”

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”.”

LORD McKENZIE OF LUTON  
LORD BEECHAM

48A★ Insert the following new Clause—

**“Devolution in London**

- (1) Within six months of the passing of this Act, the Secretary of State must publish a report on a greater devolution of powers in London, including on whether to make provision for the Secretary of State to—
- (a) transfer a public authority function to a joint committee of London councils, and
  - (b) establish a joint board between London boroughs and the Mayor of London to support further devolution in London.”

BARONESS ROYALL OF BLAISDON

48B★ Insert the following new Clause—

**“Devolution to communities and citizens**

Within six months after the passing of this Act, the Secretary of State shall lay a report before both Houses of Parliament on the involvement of communities and local electors in the process of devolving of power from central government to local and combined authorities.”

**Amendment  
No.**

**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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*25th June 2015*

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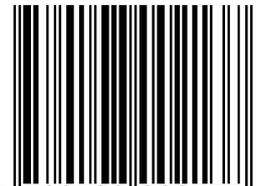
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