

Cities and Local Government Devolution Bill [HL]

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 8th July 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

1 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 pursuant to the provisions of this Act.
- (2) The report shall include information on –
 - (a) the areas of the country where agreements have been reached;
 - (b) the areas of the country where proposals have been received by the Secretary of State and negotiations have taken place but agreement has not yet been reached;
 - (c) additional financial resources and public functions which have been devolved as a result of agreements; and
 - (d) the extent to which consideration has been given by a Minister of the Crown to the principle under section (*Devolution statements*) that powers should be devolved to combined authorities or the most appropriate local level except where those powers can more effectively be exercised by central government.

Amendment
No.

Before Clause 1 – continued

- (3) The annual report shall be laid before each House of Parliament as soon as practicable after 31 March each year.”

2 Insert the following new Clause –

“Devolution statements

- (1) A Minister of the Crown who has introduced a Bill in either House of Parliament must, before the second reading of the Bill, make a devolution statement to the effect that in his view the provisions of the Bill are compatible with the principle that powers should be devolved to combined authorities or the most appropriate local level except where those powers can more effectively be exercised by central government.
- (2) The statement must be in writing and be published in such a manner as the Minister making it considers appropriate.”

Clause 1

LORD MCKENZIE OF LUTON
LORD BEECHAM
LORD SHIPLEY

3 Page 1, line 8, at end insert –

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

LORD SHIPLEY
BARONESS JANKE

4 Page 2, line 15, at end insert –

- “() The Secretary of State may refuse to make an order under subsection (1) if he believes that a 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 relevant area, or
 - (c) would risk the proper functioning of local government within the relevant area or parts of the relevant area.”

Schedule 1

BARONESS WILLIAMS OF TRAFFORD

5 Page 13, line 12, at end insert –

- “(1) The term of office of a mayor is to be four years.

**Amendment
No.**

Schedule 1 – continued

- (2) The first election for the return of a mayor is to take place on the first day of ordinary elections of councillors of a constituent council to take place after the end of the period of 6 months beginning with the day on which the order under section 107A comes into force.
- (3) Subsequent elections for the return of a mayor are to take place in every fourth year thereafter on the same day as the ordinary election of councillors of that constituent council.
- (4) But this paragraph has effect subject to any provision made under paragraph 2.
- (5) In this paragraph “constituent council” means—
 - (a) a county council the whole or any part of whose area is within the area of the combined authority, or
 - (b) a district council whose area is within the area of the combined authority.”

LORD GROCOTT

- 6 Page 13, line 17, at end insert “providing that no interval between such elections is longer than four years”
- 7 Page 13, line 18, after “mayor” insert “providing that no individual may serve more than two terms in the same office”

BARONESS WILLIAMS OF TRAFFORD

- 8 Page 17, line 4, leave out “the” and insert “a”

Clause 2

LORD McKENZIE OF LUTON
LORD BEECHAM

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

LORD SHIPLEY
BARONESS PINNOCK

- 10 Page 3, line 4, at end insert—
 - “() An appointment made under subsection (1) is subject to approval by the overview and scrutiny committee of the relevant combined authority.
 - () Where an overview and scrutiny committee fails to approve the mayor’s appointment of deputy mayor, that appointment is rendered void.”

Amendment
No.

Clause 3

LORD McKENZIE OF LUTON
LORD BEECHAM

11 Page 3, line 32, at end insert “provided this has the consent of the combined authority”

12 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.”

LORD SHIPLEY
BARONESS PINNOCK

13 Page 3, line 40, at end insert—

“() An arrangement made by the mayor under subsection (3) is subject to approval by the overview and scrutiny committee of the relevant combined authority.

() Where an overview and scrutiny committee fails to approve the arrangement, that arrangement is rendered void.”

LORD McKENZIE OF LUTON
LORD BEECHAM

14 Page 4, line 6, at end insert—

“() may only be made in consultation with the combined authority.”

LORD SHIPLEY
LORD STOREY

14A★ Page 5, line 29, at end insert—

“107F Discharge of functions: access to press and the public

(1) In transferring any functions of the mayoral combined authority to the mayor under section 107D or 107E, the Secretary of State shall make regulations to provide for press and public access to information and meetings of—

- (a) members or officers of the combined authority, or
 - (b) any combination of members and officers of the authority,
- concerning how the function is discharged.

(2) Subsection (1) does not apply to access to information and meetings concerning the discharge of these functions governed by Part V of the Local Government Act 1972, the Local Government (Access to Information) Act 1985 or the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

(3) For the purposes of subsection (1), “access” includes but is not limited to—

- (a) attending and viewing,
- (b) taking notes,

**Amendment
No.**

Clause 3 – continued

- (c) taking a visual or audio recording,
 - (d) prior provision, inspection and copying of agendas, reports, background papers and minutes, or
 - (e) pre-publicity of any significant decisions to be made or considered at the meeting.
- (4) For the purposes of subsection (3)(e), “significant” means significant with regard to the authority’s expenditure or the impact on local communities.”

Schedule 2

LORD MCKENZIE OF LUTON
LORD BEECHAM

- 15** Page 19, line 10, at end insert –
- “() An order under sub-paragraph (2) must include provision for an appointment process for any other person who may exercise any PCC functions of the mayor.”

BARONESS WILLIAMS OF TRAFFORD

- 16** Page 19, line 21, leave out “or (e)” and insert “, (e) or (f)”
- 17** Page 21, line 10, after “to” insert “the mayor acting on behalf of”
- 18** Page 21, line 10, at end insert “in relation to the calculation of the component of the council tax requirement relating to the mayor’s PCC functions (see section 107F(2A)(a) above)”
- 19** Page 21, line 16, leave out “to (5)” and insert “and (4)”
- 20** Page 21, leave out lines 28 to 30

Clause 4

BARONESS WILLIAMS OF TRAFFORD

- 21** Page 6, line 8, at end insert –
- “(1A) The function of issuing precepts under Chapter 4 of Part 1 of the Local Government Finance Act 1992 in respect of mayoral functions is to be a function exercisable only by the mayor acting on behalf of the combined authority.”
- 22** Page 6, line 9, leave out “Provision under subsection (1) may” and insert “The Secretary of State may by order”
- 23** Page 6, line 10, after “4” insert “or 4ZA”

**Amendment
No.**

Clause 4 – continued

- 24** Page 6, line 12, at end insert—
- “(2A) Where the mayoral functions of a mayor include PCC functions—
- (a) the provision made by virtue of subsection (2) must include provision to ensure that the council tax requirement calculated under section 42A of the Local Government Finance Act 1992 consists of separate components in respect of the mayor’s PCC functions and the mayor’s general functions, and
 - (b) the function of calculating the component in respect of the mayor’s PCC functions is itself to be treated as a PCC function for the purposes of this Part.”

- 25** Page 6, leave out line 38

Clause 5

BARONESS WILLIAMS OF TRAFFORD

- 26** Page 7, line 13, leave out subsection (5)
- 27** Page 7, line 20, leave out subsection (7)

Clause 6

BARONESS WILLIAMS OF TRAFFORD

- 28** Page 7, line 40, at end insert—
- “() An order under subsection (1) may include further provision about the exercise of the function including—
- (a) provision for the function to be exercisable by the public authority or combined authority subject to conditions or limitations specified in the order;
 - (b) provision as to joint working arrangements between the combined authority and public authority in connection with the function (for example, provision for the function to be exercised by a joint committee).”
- 29** Page 7, line 41, leave out “An order under subsection (1)(a) may make” and insert “The provision that may be included in an order under subsection (1)(a) includes, in particular,”
- 30** Page 7, line 45, at end insert—
- “(c) for the function to be exercisable by the combined authority and the public authority jointly, or
 - (d) for the function to be exercisable by the combined authority jointly with the public authority but also continue to be exercisable by the public authority alone.”

**Amendment
No.**

Clause 6 – continued

LORD MCKENZIE OF LUTON
LORD HUNT OF KINGS HEATH
LORD SHIPLEY

31 Page 8, line 17, at end insert –

“(5) An order under subsection (1) shall not extend to the transfer to the combined authority of any function of a public authority which is wholly or partly of a regulatory or supervisory nature.”

32 Page 8, line 26, at end insert “; and

once the proposal or consent has been received by the Secretary of State, the requirements in subsections (1A) to (1C) have been fulfilled.

“(1A) Before laying a draft order under section 105A before Parliament for approval, the Secretary of State must publish for consultation, in such manner as he considers appropriate, a proposal containing a draft of the instrument containing the order, and a statement explaining why the Secretary of State wishes to proceed with it.

(1B) The Secretary of State must have regard to any representations made about a proposal within a 60-day period, starting on the day on which the proposal is published under subsection (1A).

(1C) If after the expiry of the 60-day period the Secretary of State wishes to proceed, the Secretary of State shall lay before Parliament –

- (a) a draft order for approval under section 105A;
- (b) a statement giving details of any representations received; and
- (c) a statement as to whether the draft order has been revised, including whether the revisions have been made in response to representations or for any other reason.”

BARONESS WILLIAMS OF TRAFFORD

33 Page 8, line 26, at end insert –

“() At the same time as laying a draft of a statutory instrument containing an order under this section before Parliament, the Secretary of State must lay before Parliament a report explaining the effect of the order and why the Secretary of State considers it appropriate to make the order.

() The report must include –

- (a) a description of any consultation taken into account by the Secretary of State,
- (b) information about any representations considered by the Secretary of State in connection with the order, and
- (c) any other evidence or contextual information that the Secretary of State considers it appropriate to include.”

Amendment
No.

After Clause 6

LORD McKENZIE OF LUTON
LORD BEECHAM

34 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.”

Schedule 3

LORD McKENZIE OF LUTON
LORD BEECHAM

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

LORD McKENZIE OF LUTON
LORD BEECHAM
LORD SHIPLEY

36 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 McKENZIE OF LUTON
LORD BEECHAM

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

BARONESS WILLIAMS OF TRAFFORD

38 Page 22, line 37, after “includes” insert “ –

- (a) power to direct that a decision is not to be implemented while it is under review or scrutiny by the overview and scrutiny committee, and
- (b) ”

LORD SHIPLEY
BARONESS PINNOCK

39 Page 22, line 37, after “includes” insert –

“(a) the”

Amendment
No.

Schedule 3 – *continued*

- 40 Page 22, line 38, at end insert “, or
(b) the power to “call in” a decision, and require a delay of a decision in order for further public consultation to be carried out.”

BARONESS WILLIAMS OF TRAFFORD

- 41 Page 22, line 38, at end insert –
“(4A) An overview and scrutiny committee must publish details of how it proposes to exercise its powers in relation to the review and scrutiny of decisions made but not yet implemented and its arrangements in connection with the exercise of those powers.
(4B) Before complying with sub-paragraph (4A) an overview and scrutiny committee must obtain the consent of the combined authority to the proposals and arrangements.”

- 42 Page 23, line 18, leave out from “committees)” to end of line 21

LORD MCKENZIE OF LUTON
LORD BEECHAM

- 43 Page 23, line 44, at end insert –
“() Guidance may not be issued under sub-paragraph (9) unless it has been subject to a public consultation.
() Having been subject to a public consultation, guidance under sub-paragraph (9) must be contained in regulations made by statutory instrument, and the regulations may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

LORD SHIPLEY
BARONESS PINNOCK

- 44 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 SHIPLEY
BARONESS JANKE

- 45 Page 24, line 19, leave out “about” and insert “requiring”
46 Page 24, line 21, after “which” insert “the local authority”
47 Page 24, line 21, leave out “, or must not,”
48 Page 24, line 22, leave out from “committee” to end of line 23

Amendment
No.

Schedule 3 – *continued*

BARONESS WILLIAMS OF TRAFFORD

- 49 Page 24, line 23, at end insert –
“(h) as to the minimum or maximum period for which a direction under paragraph 1(4)(a) may have effect.”

LORD SHIPLEY
BARONESS JANKE

- 50 Page 24, line 23, at end insert –
“() about information which must, or must not, be disclosed to an overview and scrutiny committee by other persons.”

BARONESS WILLIAMS OF TRAFFORD

- 51 Page 24, leave out lines 24 to 31 and insert –
“(3) Provision must be made under sub-paragraph (2)(a) so as to ensure that the majority of members of an overview and scrutiny committee are members of the combined authority’s constituent councils.”

- 52 Page 24, line 31, at end insert –
“(3A) Provision must be made under sub-paragraph (2)(b) so as to ensure that the chair of an overview and scrutiny committee is –
(a) an independent person (as defined by the order), or
(b) an appropriate person who is a member of one of the combined authority’s constituent councils.
(3B) For the purposes of sub-paragraph (3A)(b) “appropriate person” –
(a) in relation to a mayoral combined authority, means a person who is not a member of a registered political party of which the mayor is a member, and
(b) in relation to any other combined authority, means a person who is not a member of the registered political party which has the most representatives among the members of the constituent councils (or, if there is no such party because two or more parties have the same number of representatives, is not a member of any of those parties).”

LORD SHIPLEY
BARONESS PINNOCK

- 53 Page 24, line 31, at end insert –
“() Provisions under sub-paragraph (2)(a) must include provisions to ensure that the membership of an overview and scrutiny committee reflects the proportion of seats held by each political party in each of the combined authority’s constituent councils.”

Amendment
No.

Schedule 3 – *continued*

LORD SHIPLEY
LORD SCRIVEN

54 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.”

LORD SHIPLEY
BARONESS JANKE

55 Page 24, leave out lines 40 to 42

BARONESS WILLIAMS OF TRAFFORD

56 Page 24, line 42, at end insert –

“() In this paragraph –
“constituent council”, in relation to a combined authority, means –
(a) a county council the whole or any part of whose area is within the area of the combined authority, or
(b) a district council whose area is within the area of the combined authority;
“registered political party” means a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.”

LORD SHIPLEY
LORD SCRIVEN

57 Page 24, line 45, at end insert –

“() In this paragraph “party” –
(a) has the same meaning as in Part II of the Political Parties, Elections and Referendums Act 2000 (registration of political parties), or
(b) means 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.

Clause 8

LORD McKENZIE OF LUTON
LORD BEECHAM
BARONESS JANKE

58 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 additional business rates raised through growing business in their region.”

BARONESS JANKE
LORD SHIPLEY

59 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.”

60 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.”

Clause 9

LORD McKENZIE OF LUTON
LORD BEECHAM

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

After Clause 9

BARONESS WILLIAMS OF TRAFFORD

62 Insert the following new Clause—

“Requirements in connection with establishment etc. of combined authority

(1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.

**Amendment
No.**

After Clause 9 – continued

- (2) In section 110 (requirements in connection with establishment of combined authority), for subsections (1) to (3) substitute –
- “(1) The Secretary of State may make an order establishing a combined authority for an area only if –
- (a) the Secretary of State considers that to do so is likely to improve the exercise of statutory functions in the area or areas to which the order relates, and
- (b) the constituent councils consent.
- (1A) If a scheme for the establishment of the combined authority has been prepared and published under section 109 the Secretary of State must have regard to that scheme in making the order.
- (2) In a case where no such scheme has been prepared and published, the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate before making the order.
- (3) In this section “constituent council” means –
- (a) a county council the whole or any part of whose area is within the area for which the combined authority is to be established, or
- (b) a district council whose area is within the area for which the combined authority is to be established.”
- (3) In section 113 (requirements in connection with changes to existing combined arrangements), for subsections (1) and (2) substitute –
- “(1) The Secretary of State may make an order under section 104, 105, 106 or 107 in relation to an existing combined authority only if –
- (a) the Secretary of State considers that to do so is likely to improve the exercise of statutory functions in the area or areas to which the order relates, and
- (b) the constituent councils consent.
- (1A) If a scheme has been prepared and published under section 112 the Secretary of State must have regard to that scheme in making the order.
- (2) In a case where no such scheme has been prepared and published, the Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate before making the order.
- (2A) In this section “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.”

63

Insert the following new Clause –

“Removal of geographical restrictions in relation to EPBs

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.

Amendment
No.

After Clause 9 – continued

- (2) Omit subsections (3) and (4) of section 88 (EPBs and their areas).
- (3) In section 95(2)(a) (changes to boundaries of an EPB’s area: conditions), for “conditions A to D” substitute “conditions A and D”.
- (4) In section 98(3)(c) (preparation and publication of scheme for new EPB: conditions) for “conditions A to C” substitute “condition A”.
- (5) In section 99 (requirements in connection with establishment of EPB), after subsection (3) insert –
 - “(3A) Subsection (3B) applies where the Secretary of State is considering whether to make an order establishing an EPB for an area and –
 - (a) part of the area is separated from the rest of it by one or more local government areas that are not within the area, or
 - (b) a local government area that is not within the area is surrounded by local government areas that are within the area.
 - (3B) In deciding whether to make the order, the Secretary of State must have regard to the likely effect of the creation of the proposed EPB on economic development or regeneration in each local government area that is next to any part of the proposed EPB area.”
- (6) In section 102 (requirements in connection with changes to existing EPB arrangements), after subsection (2), insert –
 - “(2A) Subsection (2B) applies where the Secretary of State is considering whether to make an order under section 95 and –
 - (a) part of the area to be created is separated from the rest of it by one or more local government areas that are not within the area, or
 - (b) a local government area that is not within the area to be created is surrounded by local government areas that are within the area.
 - (2B) In deciding whether to make the order under section 95, the Secretary of State must have regard to the likely effect of the proposed change to the EPB’s area on economic development or regeneration in each local government area that is next to any part of the area to be created by the order.””

64 Insert the following new Clause –

“Removal of geographical restrictions in relation to combined authorities

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- (2) Omit subsections (3) and (4) of section 103 (combined authorities and their areas).
- (3) In section 106(2)(a) (changes to boundaries of a combined authority’s area: conditions), for “conditions A to D” substitute “conditions A and D”.
- (4) In section 109(3)(c) (preparation and publication of scheme for new combined authority: conditions), for “conditions A to C” substitute “condition A”.

Amendment
No.

After Clause 9 – continued

- (5) In section 110 (requirements in connection with establishment of combined authority), before subsection (4) insert –
- “(3A) Subsection (3B) applies where the Secretary of State is considering whether to make an order establishing a combined authority for an area and –
- (a) part of the area is separated from the rest of it by one or more local government areas that are not within the area, or
 - (b) a local government area that is not within the area is surrounded by local government areas that are within the area.
- (3B) In deciding whether to make the order, the Secretary of State must have regard to the likely effect of the creation of the proposed combined authority on the exercise of functions equivalent to those of the proposed combined authority’s functions in each local government area that is next to any part of the proposed combined authority area.”
- (6) In section 113 (requirements in connection with changes to existing combined arrangements), after subsection (2A) (inserted by section *(Requirements in connection with establishment etc. of combined authority)* above) insert –
- “(2B) Subsection (2C) applies where the Secretary of State is considering whether to make an order under section 106 and –
- (a) part of the area to be created is separated from the rest of it by one or more local government areas that are not within the area, or
 - (b) a local government area that is not within the area to be created is surrounded by local government areas that are within the area.
- (2C) In deciding whether to make the order under section 106, the Secretary of State must have regard to the likely effect of the change to the combined authority’s area on the exercise of functions equivalent to those of the combined authority’s functions in each local government area that is next to any part of the area to be created by the order.””

65 Insert the following new Clause –

“Changes to existing EPB

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- (2) In section 100 (review by authorities: existing EPB) –
 - (a) in subsection (1), for “a review of one or more EPB matters.” substitute “a review of –
 - (a) a matter in relation to which an order may be made under section 95 or 96;
 - (b) a matter concerning the EPB that the EPB has power to determine.”;
 - (b) omit subsection (3).

Amendment
No.

After Clause 9 – continued

- (3) In section 101 (preparation and publication of scheme: existing EPB) –
- (a) in subsection (1), for “any one or more of sections 89, 91, 92, 95 and 96” substitute “section 95 or 96”;
 - (b) in subsection (2), omit “or powers”.
- (4) After section 101, insert –
- “101A Application in respect of change to constitution, functions or funding: existing EPB**
- (1) Any one or more of the authorities to whom this section applies may, in relation to an existing EPB, apply to the Secretary of State in respect of one or more EPB matters.
 - (2) This section applies to –
 - (a) the EPB;
 - (b) a county council whose area, or part of whose area, is within the area of the EPB;
 - (c) a district council whose area is within the area of the EPB.
 - (3) For the purposes of this section an “EPB matter” is a matter in relation to which an order may be made under any of sections 89, 91 and 92.
 - (4) An application to the Secretary of State under subsection (1) must –
 - (a) be made in writing;
 - (b) specify how the exercise of the power to make an order under any one or more of sections 89, 91 and 92 would be likely to improve –
 - (i) the exercise of statutory functions relating to economic development and regeneration in the area of the EPB, or
 - (ii) economic conditions in the area of the EPB.
 - (5) An application may be made under this section only if every authority to whom this section applies consents to the making of the application.”
- (5) In section 102 (requirements in connection with changes to existing EPB arrangements) –
- (a) in subsection (1), after “section 101” insert “or to an application made under section 101A”;
 - (b) in subsection (2)(a), after “section 100(2)” insert “or section 101A(2)”.

Amendment
No.

After Clause 9 – *continued*

LORD WARNER
LORD PATEL
BARONESS WALMSLEY

66 Insert the following new Clause –

“Devolving NHS responsibilities

- (1) The Secretary of State may only exercise the powers in section 105A of the Local Democracy, Economic Development and Construction Act 2009 to transfer to a combined authority, or other designated body working in association with a combined authority, responsibilities of any health service body, if he considers that –
 - (a) it is in the best interests of the population served by the authority in terms of their health outcomes;
 - (b) it will facilitate the discharge of his duties in sections 2 and 4 of the Health and Social Care Act 2012 (duties to improve the quality of health services and reduce inequalities); and
 - (c) it will improve the effectiveness and sustainability of local health and care services.
- (2) Under subsection (1) an “other designated body” must be a body corporate with a governing body and a chief accounting officer that are able to produce annual audited public accounts and be accountable annually to the combined authority for its performance.
- (3) Where there is no other designated authority, the combined authority must have a designated chief accounting officer for the NHS responsibilities transferred to it and must account separately in its accounts for the monies spent on those transferred responsibilities.
- (4) In making a transfer of responsibilities and resources in accordance with subsection (1) the Secretary of State shall require a memorandum of understanding on future service intentions, models of service delivery and use of resources to be agreed between NHS England and the combined authority or the other designated body working in association with the combined authority.
- (5) A memorandum of understanding under subsection (4) shall –
 - (a) be for a period of at least five years;
 - (b) be consistent with the Secretary of State’s responsibilities under the 2012 Act, including his Mandates to NHS England;
 - (c) ensure compliance with the regulatory and national service and information standards required of NHS commissioners and service providers; and
 - (d) specify the key health outcomes and improvements to be achieved for the period of the memorandum.
- (6) The provisions of an agreed memorandum of understanding under subsection (5) shall be incorporated in an order made by the Secretary of State.
- (7) An order may not be made under subsection (6) unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

Amendment
No.

After Clause 9 – continued

- (8) Once an order is approved, the Secretary of State may not use his powers of intervention in the actions of the combined authority or other designated body unless they have demonstrated, after due warning, a consistent inability to meet their population’s health needs or to do so within the agreed funding provisions made available to the authority or other designated body.
- (9) A combined authority or other designated body working in association with it under the provisions of this section shall publish an annual report on how responsibilities in the memorandum of understanding in subsection (4) have been discharged alongside the published annual accounts.
- (10) In this section, “health service body” has the same meaning as in the National Health Service Act 2006.”

LORD LOW OF DALSTON

67 Insert the following new Clause –

“Plan for provision of advice on social welfare

A combined authority assuming wider responsibilities under the provisions of this Act shall, in consultation with local not-for-profit agencies, publish a plan for the provision of advice on social welfare and support services and a strategy for the funding of these services.”

68 [Withdrawn]

Clause 10

LORD MCKENZIE OF LUTON
LORD BEECHAM

69 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.”

BARONESS WILLIAMS OF TRAFFORD

70 Page 10, line 39, at end insert –

- “() At the same time as laying a draft of a statutory instrument containing regulations under this section before Parliament, the Secretary of State must lay before Parliament a report explaining the effect of the regulations and why the Secretary of State considers it appropriate to make the regulations.
- () The report must include –
- (a) a description of any consultation taken into account by the Secretary of State,
 - (b) information about any representations considered by the Secretary of State in connection with the regulations, and

Amendment
No.

Clause 10 – *continued*

- (c) any other evidence or contextual information that the Secretary of State considers it appropriate to include.”

After Clause 10

BARONESS WILLIAMS OF TRAFFORD

71 Insert the following new Clause –

“Power to transfer etc. public authority functions to certain local authorities

- (1) The Secretary of State may by regulations –
- (a) make provision for a function of a public authority that is exercisable in relation to a relevant local authority’s area to be a function of the local authority;
 - (b) make provision for conferring on a relevant local authority in relation to its area a function corresponding to a function that a public authority has in relation to another area.
- (2) Regulations under subsection (1) may include further provision about the exercise of the function including –
- (a) provision for the function to be exercisable by the public authority or relevant local authority subject to conditions or limitations specified in the regulations;
 - (b) provision as to joint working arrangements between the relevant local authority and public authority in connection with the function (for example, provision for the function to be exercised by a joint committee).
- (3) The provision that may be included in regulations under subsection (1)(a) includes, in particular, provision –
- (a) for the relevant local authority to have the function instead of the public authority,
 - (b) for the function to be exercisable by the relevant local authority concurrently with the public authority,
 - (c) for the function to be exercisable by the relevant local authority and the public authority jointly, or
 - (d) for the function to be exercisable by the relevant local authority jointly with the public authority but also continue to be exercisable by the public authority alone.
- (4) Regulations under subsection (1)(a) may, in particular, include –
- (a) provision for the making of a scheme to transfer property, rights and liabilities from the public authority to the relevant local authority (including provision corresponding to any provision made by section 17(4) to (7) of the Localism Act 2011);
 - (b) provision to abolish the public authority in a case where, as a result of the regulations, it will no longer have any functions.
- (5) In this section –
- “function” (except in subsection (4)(b)) does not include a power to make regulations or other instruments of a legislative character;

Amendment
No.

After Clause 10—*continued*

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
“public authority” includes a Minister of the Crown or a government department;
“relevant local authority” means a county council in England or a district council.”

72 Insert the following new Clause—

“Section (Power to transfer etc. public authority functions to certain local authorities): procedure etc.

- (1) The Secretary of State may make regulations under section (*Power to transfer etc. public authority functions to certain local authorities*) only if—
 - (a) the relevant local authority consents, and
 - (b) the Secretary of State considers that the making of the regulations is likely to improve the exercise of statutory functions in the local authority’s area.
- (2) The power to make regulations under section (*Power to transfer etc. public authority functions to certain local authorities*)—
 - (a) is exercisable by statutory instrument;
 - (b) includes power to make transitional, transitory or saving provision;
 - (c) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an Act whenever passed or made.
- (3) A statutory instrument containing regulations under section (*Power to transfer etc. public authority functions to certain local authorities*) may be made only if a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.
- (4) At the same time as laying a draft of a statutory instrument containing regulations under section (*Power to transfer etc. public authority functions to certain local authorities*) before Parliament, the Secretary of State must lay before Parliament a report explaining the effect of the regulations and why the Secretary of State considers it appropriate to make the regulations.
- (5) The report must include—
 - (a) a description of any consultation taken into account by the Secretary of State,
 - (b) information about any representations considered by the Secretary of State in connection with the regulations, and
 - (c) any other evidence or contextual information that the Secretary of State considers it appropriate to include.
- (6) If a draft of regulations under section (*Power to transfer etc. public authority functions to certain local authorities*) 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.”

Amendment
No.

After Clause 10—*continued*

LORD TYLER
LORD KENNEDY OF SOUTHWARK
LORD SHIPLEY
LORD MCKENZIE OF LUTON

73 Insert the following new 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”.”

BARONESS JANKE
LORD SHIPLEY

74 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

75 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.””

Amendment
No.

After Clause 10—*continued*

BARONESS HOLLIS OF HEIGHAM

- 75A★** Insert the following new Clause—
“Combined authority and local authority functions: report on additional council tax bands

The Secretary of State shall, following consultation with local authorities, lay before each House of Parliament a report on the introduction of additional higher bands of council tax in England for the areas of combined or local authorities which may assume additional functions under the provisions of this Act, with the number of bands and the tax rate for each band to be specified in regulations which would be made by the Secretary of State.”

Schedule 4

BARONESS WILLIAMS OF TRAFFORD

- 76** Page 25, line 14, at end insert—
“2A In section 91 (exercise of local authority functions), in subsection (1), after “an area” insert “all or part of which is”.”
- 77** Page 25, line 14, at end insert—
“In section 103 (combined authorities and their areas), omit subsection (6).”
- 78** Page 25, line 19, at end insert—
“(2B) An order under subsection (1)(c) may include provision for a function exercisable by a local authority in relation to an area all or part of which is comprised in the combined authority’s area to be exercisable by the combined authority in relation to the combined authority’s area.”
- 79** Page 25, line 42, at end insert—
“5A In section 111 (review by authorities: existing combined authority), in subsection (3)(a), for “any of sections 104 to 107” substitute “section 104, 105, 106 or 107”.
5B In section 112 (preparation and publication of scheme: existing combined authority), in subsection (1), for “sections 104 to 107” substitute “sections 104, 105, 106 and 107”.”
- 80** Page 26, line 3, at end insert—
“6A (1) Section 114 (incidental etc. provision) is amended as follows.
(2) Omit subsection (2).
(3) In subsection (3), for “by virtue of subsection (2)” substitute “in an order under this section by virtue of section 117(5)”.”
- 81** Page 26, line 9, leave out sub-paragraph (3)

Amendment
No.

Schedule 4 – *continued*

82 Page 26, line 12, at end insert –

“() After subsection (4) insert –

“(5) An order under any provision of this Part, other than an order under section 116 or an order mentioned in subsection (2A)(a) or (b), may include provision amending, applying (with or without modifications), disapplying, repealing or revoking any enactment whenever passed or made.”

83 Page 26, line 26, at end insert –

“Localism Act 2011

9 The Localism Act 2011 is amended as follows.

10 (1) Section 15 (power to transfer local public functions to permitted authorities) is amended as follows.

(2) In subsection (1) –

- (a) in paragraph (a), for “a permitted authority” substitute “an EPB”;
- (b) in paragraph (b), for “permitted authorities” substitute “EPBs”.

(3) Omit subsection (4).

(4) In subsections (6) and (7), for “permitted authority” substitute “EPB”.

(5) In subsection (8), for “a permitted authority” substitute “an EPB”.

11 In section 17 (transfer schemes), in subsection (1), for “permitted authority” substitute “EPB”.

12 (1) Section 18 (duty to consider proposals for exercise of powers under sections 15 and 17) is amended as follows.

(2) In subsection (1) –

- (a) for “a permitted authority” substitute “an EPB”;
- (b) in paragraph (b), for “permitted authority” substitute “EPB”.

(3) In subsection (3), in paragraph (a), for “permitted authority” substitute “EPB”.

13 In section 20 (interpretation) at the appropriate place insert –

““EPB” means an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;”

In the Title

BARONESS WILLIAMS OF TRAFFORD

84★ Line 5, after “governance” insert “and functions”

Cities and Local Government Devolution Bill [HL]

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

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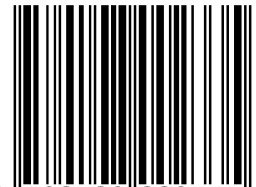
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