

Cities and Local Government Devolution Bill [HL]

SECOND
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 7 | Schedule 4 |
| Schedule 3 | Clauses 12 to 14 |
| Clauses 8 to 11 | Title |

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

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,”

Amendment
No.

Schedule 3 – *continued*

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”
- 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.”

LORD KERSLAKE

- 41A★ Page 22, line 45, at end insert –
- “Overview and scrutiny committees: governance framework*
- 1A Combined authorities must operate –
 - (a) within the terms set out in a governance framework;
 - (b) the combined authority’s overview and scrutiny committee must agree the governance framework for the combined authority.
 - 1B For the purposes of paragraph 1A –
 - (a) agreement must be by –
 - (i) a three-quarters vote in favour of such a framework taken at the overview and scrutiny committee of the constituent authorities, subject to paragraphs 1C and 1D, and

**Amendment
No.**

Schedule 3 – continued

- (ii) a unanimous vote in favour of such a framework taken at the first meeting of the overview and scrutiny committee of the combined authority, unless the first meeting of the combined authority’s overview and scrutiny has already been held, in which case the combined authority will be subject to sub-paragraph (b) below.
- (b) where a combined authority, and a combined authority overview and scrutiny committee, already exist –
 - (i) the overview and scrutiny committee will nominate a date for a meeting at which the governance framework will be tabled;
 - (ii) a vote on the governance framework will be made at that meeting; and
 - (iii) that vote must be unanimous for the governance framework to be valid.
- 1C For the purposes of paragraph 1B(a)(i), if an authority has more than one overview and scrutiny committee, it will be for that authority to nominate one of those committees to take the vote.
- 1D For the purposes of paragraph 1B(a)(i) if an authority is a committee system authority, and has no overview and scrutiny committee, the authority will take the vote.
- 1E A governance framework will cover the following matters –
 - (a) proposals on the methods and approach which the combined authority proposes to take to engage and inform the public of its activities and decisions (“the public involvement statement”);
 - (b) proposals on the way in which policy development by the combined authority will be subjected to the informal and formal input of the overview and scrutiny committee, and any other local individual or group (“the policy development statement”);
 - (c) proposals on the way in which performance will be subjected to periodic review and scrutiny by the overview and scrutiny committee, and any other local individual or group (“the performance statement”);
 - (d) a statement of the key strategic partners with whom the combined authority expects to work as part of the statements set out in sub-paragraphs (a) to (c), and how these statements will apply to its work with them (“the partnership statement”);
 - (e) a statement of the proposed structural arrangements, to include the overview and scrutiny committee, which will be put in place to give effect to the proposals set out in the statements in sub-paragraphs (a) to (d) (“the structural statement”);
 - (f) a statement setting out how the structural arrangements in sub-paragraph (e) will be sustainably supported in terms of resourcing and support (“the resourcing statement”); and

Amendment
No.

Schedule 3 – *continued*

(g) a statement setting out provisions for the amendment of the governance framework by the combined authority once it has been approved, subject to paragraph 1G (“the amendment statement”).

1F The governance framework will also contain provision for the combined authority to be held to account by its overview and scrutiny committee on its adherence to each of the statements set out in paragraph 1E, and the framework as a whole.

1G In addition to the requirements in paragraphs 1E and 1F, a governance framework may include any additional information which the constituent authorities consider necessary.

1H The governance framework as agreed may form part of a constitution for the combined authority.

1J Any amendments to the governance framework must be agreed by a unanimous vote of the overview and scrutiny committee of the combined authority.

BARONESS WILLIAMS OF TRAFFORD

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,”

Amendment
No.

Schedule 3 – *continued*

48 Page 24, line 22, leave out from “committee” to end of line 23

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).”

Amendment
No.

Schedule 3 – *continued*

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.”

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
LORD MCKENZIE OF LUTON

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.”

LORD MCKENZIE OF LUTON
LORD BEECHAM
LORD TOPE

75B★ Insert the following new Clause—

“Devolved governance arrangements for London

- (1) The Secretary of State may by order establish as a body corporate a joint board for the Greater London Area for the purposes of improving statutory functions relating to economic development and public functions generally within the Greater London Area.
- (2) An order may be made under subsection (1) only if the relevant authorities within the Greater London Area and the Mayor of London consent to the making of this order.
- (3) In this section relevant authorities means—
 - (a) London borough councils, and
 - (b) the Common Council of the City of London.
- (4) An order under this section must specify the name by which the joint board is to be known.
- (5) The joint board for the Greater London Area is to consist of members appointed by the Board’s constituent councils and the Mayor of London.
- (6) The Secretary of State may by regulation make provision in relation to the joint board about—
 - (a) the membership of the board,
 - (b) the voting powers of members of the joint board,
 - (c) the executive arrangements of the joint board, and
 - (d) arrangements for the transfer of property and other liabilities.
- (7) The Secretary of State may by order—
 - (a) make provision for a function of a public authority that is exercisable in relation to the Greater London Area to be a function of the joint board, and
 - (b) make provision for conferring on the joint board in relation to the Greater London Area a function corresponding to a function that a public authority has in relation to another area.

Amendment
No.

After Clause 10—*continued*

- (8) An order under subsection (7)(a) may make provision—
 - (a) for the joint board to have the function instead of the public authority, or
 - (b) for the function to be exercisable by the joint board concurrently with the public authority.
- (9) In this section a public authority—
 - (a) includes a Minister of the Crown or a government department;
 - (b) does not include—
 - (i) the Mayor of London,
 - (ii) the Common Council of the City of London Councils, or
 - (iii) a London borough council.
- (10) The Secretary of State may by order provide for Chapter 1 of Part 1 of the Localism Act 2011 to have effect in relation to the joint board as it has effect in relation to a local authority.
- (11) The Secretary of State may by order abolish the joint board for the Greater London Area only if the board’s constituent councils and the Mayor of London applies consent to the making of the order.”

75C★

Insert the following new Clause—

“Delegation of Ministers’ functions to a joint committee of London councils

- (1) Following a written request from a joint committee of London councils, the Secretary of State may by order make arrangements for a function of a Minister of the Crown or a Government Department to be delegated to that joint committee.
- (2) A request made under subsection (1) above must have the agreement of all constituent members of the joint committee.
- (3) In this section—
 - “London councils” means—
 - (a) London borough councils, and
 - (b) the Common Council of the City of London;
 - “joint committee” has the same meaning as in the Local Government Act 1972;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.
- (4) A function is eligible for the purposes of subsection (1) if—
 - (a) it does not consist of a power to make regulations or other instruments of a legislative character or a power to fix fees or charges, and
 - (b) the Secretary of State considers that it can be appropriately exercised by the joint committee.
- (5) No delegation under subsection (1) and no variation of a delegation under subsection (1), can be made without the agreement of all constituent members of the relevant joint committee.

**Amendment
No.**

After Clause 10—continued

- (6) Before making or varying a delegation under subsection (1), the Secretary of State must consult—
 - (a) London borough councils;
 - (b) the Common Council of the City of London;
 - (c) the Mayor of London.
- (7) The Secretary of State may make a scheme for the transfer from the Crown to the relevant joint committee of such property, rights or liabilities as the Secretary of State considers appropriate to the discharge of the function delegated under subsection (1).
- (8) If an order made under this section would 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.”

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]

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

13th July 2015

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS
LONDON - THE STATIONERY OFFICE LIMITED
£4.00

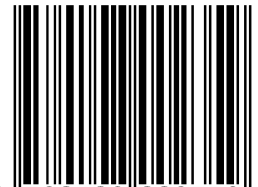
HL Bill 1 – R – II

(50643)

56/1



ISBN 978-0-10-800235-9



9 780108 002359