

Cities and Local Government Devolution Bill [HL]

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON THIRD READING

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 5

BARONESS WILLIAMS OF TRAFFORD

1★ Page 5, line 15, at end insert—

- “(8) An order under this section may be made only with the consent of the appropriate authorities (as defined by section 107B(6)).
- (9) Where an order under this section is contained in the same instrument as an order made by virtue of section 107B(3)(b), the non-consenting constituent council is not to be treated as an appropriate authority for the purposes of subsection (8) above.”

Clause 8

BARONESS HOLLIS OF HEIGHAM

2★ Page 8, line 36, at end insert—

- “() Notwithstanding the above, nothing in this Act or the Cities and Local Government Devolution Act 2015 shall preclude provision for some or all of the functions to be exercised in partnership or on a pooled basis with other combined authorities.”

BARONESS WILLIAMS OF TRAFFORD

3★ Page 9, line 10, at end insert—

- “() An order under this section may not provide for a regulatory function that is exercisable by a public authority in relation to the whole of England to be exercisable by a combined authority in relation to its area if the regulated function is itself exercisable by the combined authority by virtue of an order under this section.”

Amendment
No.

Clause 8 – continued

- 4★ Page 9, line 20, at end insert –
 ““regulated function” means the function of carrying out an activity to which a regulatory function relates;
 “regulatory function” has the meaning given by section 32 of the Legislative and Regulatory Reform Act 2006.”

Clause 9

BARONESS WILLIAMS OF TRAFFORD

- 5★ Page 10, line 11, after “committees” insert “and audit committees”

Clause 13

BARONESS HOLLIS OF HEIGHAM

- 6★ Page 13, line 20, at end insert –
 “(2C) The power of the Secretary of State to make an order under sections 88(1) and 103(1) above includes the power to establish an economic prosperity board or a combined authority disregarding any or all of the conditions in those sections –
 (a) where the Secretary of State considers it appropriate given all the circumstances;
 (b) where the Secretary of State is of the view that the terms of such an order would more effectively implement the conclusions of reviews carried out under sections 98 and 109 by combining the exercise of different functions in different areas; and
 (c) where the Secretary of State has obtained the consent of all appropriate authorities.”

After Clause 14

BARONESS WILLIAMS OF TRAFFORD

- 7★ 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.
 (2) In section 103, omit subsection (6) (combined authorities: area must have been included in a scheme under section 109).

**Amendment
No.**

After Clause 14 – continued

- (3) 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,
 - (b) the constituent councils consent, and
 - (c) any consultation required by subsection (2) has been carried out.
- (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) The Secretary of State must carry out a public consultation unless –
- (a) a scheme has been prepared and published under section 109,
 - (b) the constituent councils carried out a public consultation in connection with the proposals contained in the scheme and provided the Secretary of State with a summary of the consultation responses, and
 - (c) the Secretary of State considers that no further consultation is necessary.
- (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.”
- (4) 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,
 - (b) the constituent councils consent, and
 - (c) any consultation required by subsection (2) has been carried out.
- (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) The Secretary of State must carry out a public consultation unless –
- (a) a scheme has been prepared and published under section 112,

Amendment
No.

After Clause 14—*continued*

- (b) the authorities that prepared and published the scheme carried out a public consultation in connection with the proposals contained in the scheme and provided the Secretary of State with a summary of the consultation responses, and
 - (c) the Secretary of State considers that no further consultation is necessary.
- (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.””

Clause 16

BARONESS HOLLIS OF HEIGHAM

8★ Page 15, line 32, at end insert—

“() Notwithstanding subsection (2), nothing in this Act or the Local Democracy, Economic Development and Construction Act 2009 shall preclude provision for some or all of the functions to be exercised in partnership or on a pooled basis with other local authorities.”

BARONESS WILLIAMS OF TRAFFORD

9★ Page 16, line 4, at end insert—

“() Regulations under this section may not provide for a regulatory function that is exercisable by a public authority in relation to the whole of England to be exercisable by a relevant local authority in relation to its area if the regulated function is itself exercisable by the relevant local authority by virtue of regulations under this section.”

10★ Page 16, line 13, at end insert—

““regulated function” means the function of carrying out an activity to which a regulatory function relates;
“regulatory function” has the meaning given by section 32 of the Legislative and Regulatory Reform Act 2006.”

Amendment
No.

After Clause 17

LORD WARNER
BARONESS WALMSLEY
LORD PATEL

11 Insert the following new Clause –

“Devolving health service functions

Notwithstanding the provisions in sections 8, 16 and 17 enabling the Secretary of State to transfer health service functions to combined authorities or other public bodies, the Secretary of State responsible for the health service –

- (a) must remain able to fulfil all statutory duties placed on him under health service legislation in force at the time of transfer;
- (b) must not transfer health service regulatory or supervisory functions vested in national bodies responsible for such functions; and
- (c) must ensure that authorities or bodies to whom health service functions are transferred adhere to the national service standards and the national information and accountability obligations placed on all health service bodies responsible for functions of the kind being transferred.”

Schedule 3

BARONESS WILLIAMS OF TRAFFORD

12★ Page 28, line 22, after “COMMITTEES” insert “AND AUDIT COMMITTEES”

13★ Page 31, line 48, at end insert –

“Audit committees

- 4 (1) A combined authority must arrange for the appointment by the authority of an audit committee.
- (2) The functions of the audit committee are to include –
 - (a) reviewing and scrutinising the authority’s financial affairs,
 - (b) reviewing and assessing the authority’s risk management, internal control and corporate governance arrangements,
 - (c) reviewing and assessing the economy, efficiency and effectiveness with which resources have been used in discharging the authority’s functions, and
 - (d) making reports and recommendations to the combined authority in relation to reviews conducted under paragraphs (a), (b) and (c).
- (3) The Secretary of State may by order make provision about –
 - (a) the membership of a combined authority’s audit committee;
 - (b) the appointment of the members.

**Amendment
No.**

Schedule 3 – *continued*

- (4) Provision must be made under sub-paragraph (3) so as to ensure that at least one member of an audit committee is an independent person (as defined by the order).”

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