

Cities and Local Government Devolution Bill [HL]

COMMONS AMENDMENTS

[The page and line references are to Bill 64, the bill as first printed for the Commons.]

Clause 1

- 1 Page 1, line 10, at end insert –
“(ba) functions exercisable by a Minister of the Crown that have been devolved as a result of agreements so as to become exercisable by a mayor for the area of a combined authority (including information as to any such functions that remain exercisable by a Minister of the Crown as a result of an agreement providing for functions to be exercisable jointly or concurrently);”
- 2 Page 1, line 11, after “functions” insert “(so far as not falling within paragraph (ba))”
- 3 Page 1, line 14, leave out “under section 2”
- 4 Page 1, line 19, at end insert –
“() In this section –
“combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.”

Clause 2

- 5 Page 2, line 1, leave out Clause 2

Clause 3

- 6 Page 2, line 18, leave out subsection (2)
- 7 Page 3, line 8, leave out from “authority,” to end of line 10 and insert “there are one or more non-consenting constituent councils but the combined authority and at

least two constituent councils consent.”

8 Page 3, line 13, leave out second “the” and insert “each”

9 Page 3, line 15, leave out subsection (5)

Clause 5

10 Page 4, line 26, at end insert “, or

- (c) so far as authorised by an order made by the Secretary of State –
 - (i) for a person appointed as the deputy mayor for policing and crime by virtue of an order under paragraph 3(1) of Schedule 2, or
 - (ii) for a committee of the combined authority, consisting of members appointed by the mayor (whether or not members of the authority),
to exercise any such function.

() An order under subsection (3)(c)(ii) may include provision –

- (a) about the membership of the committee;
- (b) about the member of the committee who is to be its chair;
- (c) about the appointment of members;
- (d) about the voting powers of members (including provision for different weight to be given to the vote of different descriptions of member);
- (e) about information held by the combined authority that must, or must not, be disclosed to the committee for purposes connected to the exercise of the committee’s functions;
- (f) applying (with or without modifications) sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).”

11 Page 4, line 39, leave out paragraph (b) and insert –

- “(b) in accordance with arrangements made by virtue of this section or section 107DA.”

12 Page 4, line 41, at end insert –

- “() include provision for general functions to be exercisable by the mayor subject to conditions or limitations specified in the order (including, for example, a condition for general functions to be exercisable only with the consent of the appropriate authorities (as defined by section 107B(6)));”

13 Page 5, line 3, at end insert –

- “() provide that functions that the mayoral combined authority discharges in accordance with arrangements under section 101(1)(b) of the Local Government Act 1972 (discharge of local authority functions by another authority) are to be treated as general functions exercisable by the mayor (so far as authorised by the arrangements).”

14 Page 5, line 12, at end insert “, and

- () in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.”

15 Page 5, line 14, leave out “the” and insert “a”

16 Page 5, line 16, at end insert –

“107DA Joint exercise of general functions

- (1) The Secretary of State may by order make provision for, or in connection with, permitting arrangements under section 101(5) of the Local Government Act 1972 to be entered into in relation to general functions of a mayor for the area of a combined authority.
- (2) Provision under subsection (1) may include provision –
 - (a) for the mayor for the area of a combined authority to be a party to the arrangements in place of, or jointly with, the authority;
 - (b) about the membership of any joint committee;
 - (c) about the member of the joint committee who is to be its chair;
 - (d) about the appointment of members to a joint committee;
 - (e) about the voting powers of members of a joint committee (including provision for different weight to be given to the vote of different descriptions of member).
- (3) Provision under subsection (2)(b) to (d) may include provision for the mayor or other persons –
 - (a) to determine the number of members;
 - (b) to have the power to appoint members (whether or not members of the combined authority or a local authority that is a party to the arrangements).
- (4) Provision under subsection (2)(c) may include provision as to the circumstances in which appointments to a joint committee need not be made in accordance with sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (political balance on local authority committees etc).
- (5) In this section references to a joint committee are to a joint committee falling within section 101(5)(a) of the Local Government Act 1972 that is authorised to discharge, by virtue of an order under this section, general functions of a mayor for the area of a combined authority.”

17 Page 5, line 32, at end insert “, and

- () in the case of an order made in relation to an existing mayoral combined authority, the mayor of the authority.”

18 Page 6, line 14, leave out “the” and insert “a”

Clause 8

19 Page 9, line 6, after “liabilities” insert “(including criminal liabilities)”

20 Page 9, line 15, at end insert –

- “(5A) Subsection (5B) applies where an order under subsection (1) contains a reference to a document specified or described in the order (for example, in imposing a condition by virtue of subsection (2)(a) for an authority to have regard to, or to comply with, a statement of policy or standards set out in the document).

- (5B) If it appears to the Secretary of State necessary or expedient for the reference to the document to be construed –
- (a) as a reference to that document as amended from time to time, or
 - (b) as including a reference to a subsequent document that replaces that document,
- the order may make express provision to that effect.
- (5C) See also section 19 of the Cities and Local Government Devolution Act 2015 (devolving health service functions) which contains further limitations.”

21 Page 9, line 35, leave out from beginning to “and” in line 36 and insert “the appropriate consent is given”

22 Page 9, line 38, at end insert –

- “(1A) For the purposes of subsection (1)(b), the appropriate consent is given to the making of an order under section 105A only if –
- (a) in the case of an order in relation to an existing combined authority, each appropriate authority consents;
 - (b) in any other case, each constituent council consents.
- Paragraph (a) is subject to subsections (1B) and (1C).
- (1B) Subsection (1C) applies where –
- (a) an order under section 105A in relation to an existing combined authority is the first such order to be made in relation to that authority,
 - (b) the authority is not a mayoral combined authority, and
 - (c) there are one or more constituent councils who do not consent to the making of the order.
- (1C) For the purposes of subsection (1)(b), the appropriate consent is given to the making of the order if the combined authority and at least two constituent councils consent to the making of the order.
- (1D) Where an order under section 105A is made by virtue of subsection (1C) of this section, the Secretary of State must make an order under section 106 to remove the area of each non-consenting constituent council from the existing area of the combined authority.
- (1E) The requirement in subsection (1)(b) for the appropriate consent to be given to the making of an order under section 105A does not apply where –
- (a) the order revokes (in whole or in part), or otherwise amends, a previous order under that section, and
 - (b) the only purpose of the order is to provide for a health service function of a combined authority to cease to be exercisable by the authority.
- (1F) In subsection (1E)(b), “health service function of a combined authority” means a function which –
- (a) relates to the health service, as defined by section 275(1) of the National Health Service Act 2006, and
 - (b) is exercisable by the combined authority by virtue of an order under section 105A.

(1G) The requirement in subsection (1)(b) for the appropriate consent to be given is subject to section 106A.”

23 Page 10, line 12, at end insert –

“and a “constituent council” is a council within paragraph (a) or (b).”

Clause 10

24 Page 10, line 30, leave out “so far as the constituent councils consent,” and insert “subject to subsection (10A),”

25 Page 10, line 32, at end insert –

“(10A) Regulations under this section by virtue of subsection (8) that include provision within subsection (10)(b) may be made only with the consent of –

- (a) the constituent councils, and
- (b) in the case of regulations in relation to an existing combined authority, the combined authority.

(10B) Subsection (10A) is subject to section 106A of the Local Democracy, Economic Development and Construction Act 2009 (which enables regulations to be made without the consent of all the constituent councils in certain circumstances).”

26 Page 10, line 36, leave out “(10) and” and insert “(8) to”

27 Page 11, line 14, at end insert “, and

- () in the case of regulations in relation to an existing combined authority, the combined authority.”

28 Page 11, line 14, at end insert –

“(6A) Subsection (6) is subject to section 106A of the Local Democracy, Economic Development and Construction Act 2009 (which enables regulations to be made without the consent of every authority within paragraph (a) and (b) of that subsection in certain circumstances).”

29 Page 11, line 26, at end insert –

- “() In section 105 of the Local Democracy, Economic Development and Construction Act 2009 (constitution and functions of combined authorities: economic development and regeneration), omit subsection (4).”

Clause 11

30 Page 11, line 38, leave out “the” and insert “a”

Clause 15

31 Page 14, line 33, at end insert –

- “() In section 104 (constitution and functions of combined authorities: transport), after subsection (9) (inserted by section 9(1) above) insert –

“(10) An order under this section may be made in relation to a combined authority only with the consent of –

- (a) the constituent councils, and
 - (b) in the case of an order in relation to an existing combined authority, the combined authority.
- (11) In subsection (10) “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.
- (12) Subsection (10) is subject to section 106A.”
- () In section 105 (constitution and functions of combined authorities: economic development and regeneration), after subsection (3) insert –
 - “(3A) An order under this section may be made in relation to a combined authority only with the consent of –
 - (a) the constituent councils (as defined by section 104(11)), and
 - (b) in the case of an order in relation to an existing combined authority, the combined authority.
 - (3B) Subsection (3A) is subject to section 106A.”
- () In section 106 (changes to boundaries of a combined authority’s area) –
 - (a) in subsection (2), omit paragraph (b);
 - (b) omit subsection (3);
 - (c) after subsection (3) insert –
 - “(3A) An order under this section adding or removing a local government area to or from an existing area of a combined authority may be made only if –
 - (a) the relevant council in relation to the local government area consents,
 - (b) the combined authority consents, and
 - (c) the mayor for the area of the combined authority (if it is a mayoral combined authority) also consents.
 - (3B) For the purposes of subsection (3A)(a), the “relevant council” in relation to a local government area is –
 - (a) if the local government area is the area of a county council, the county council;
 - (b) if the local government area is the area of a district council whose area does not form part of the area of a county council, the district council;
 - (c) if the local government area is the area of a district council whose area forms part of the area of a county council, the district council or the county council.
 - (3C) If there are two relevant councils in relation to a local government area by virtue of subsection (3B)(c), the condition in subsection (3A)(a) for the relevant council to consent is met if –
 - (a) in the case of an order under subsection (1)(a), either or both of the relevant councils consent;

- (b) in the case of an order under subsection (1)(b), both of the relevant councils consent.
- (3D) Subsections (2) and (3A) do not apply to an order under subsection (1)(b) that is made as a result of the duty in section 105B(1D) or 107B(4).”
- () After section 106 insert –
- “106A Section 106(1)(a) orders: consent requirements under other powers**
- (1) Subsection (2) applies where –
- (a) the area of a district council is added to the area of a combined authority by an order under section 106(1)(a),
 - (b) the area of the district council forms part of the area of a county council,
 - (c) the Secretary of State proposes to exercise a relevant power as a result of, or otherwise in connection with, the making of the order, and
 - (d) (apart from subsection (2)) the relevant power is exercisable only with the consent of (among other authorities) the county council mentioned in paragraph (b).
- (2) The relevant power is exercisable whether or not the county council consents.
- (3) Subsection (4) applies where –
- (a) the area of a county council is added to the area of a combined authority by an order under section 106(1)(a),
 - (b) the area of the county council includes the areas of district councils,
 - (c) the Secretary of State proposes to exercise a relevant power as a result of, or otherwise in connection with, the making of the order, and
 - (d) (apart from subsection (4)) the relevant power is exercisable only with the consent of (among other authorities) a district council within paragraph (b).
- (4) The relevant power is exercisable whether or not the district council consents.
- (5) In this section, “relevant power” means a power –
- (a) to make an order under section 104, 105 or 105A, or
 - (b) to make regulations under –
 - (i) section 74 of the Local Government Finance Act 1988 (by virtue of subsection (8) of that section), or
 - (ii) section 23(5) of the Local Government Act 2003.””

32 Page 15, leave out line 25

33 Page 15, leave out lines 38 to 42

Clause 16

34 Page 16, line 4, leave out from “arrangements” to end of line 6 and insert “, or

electoral arrangements, in relation to local authorities under Part 1 of the Local Government and Public Involvement in Health Act 2007 or under Part 3 of the Local Democracy, Economic Development and Construction Act 2009.”

35 Page 16, line 9, at end insert –

- “() Regulations under this section may in particular make provision –
- (a) about how the enactments mentioned in subsection (1) or (2) are to apply in relation to particular cases (including by disapplying the application of any such enactment to a particular case or applying it subject to any variations that are specified in the regulations);
 - (b) about any of the matters listed in section 11(3) or (4) of the Local Government and Public Involvement in Health Act 2007 (including provision in relation to such matters of a kind mentioned in section 12 of that Act).

Nothing in paragraph (a) limits the power to make provision under subsection (4)(c).”

36 Page 16, line 11, at end insert –

“(3A) Regulations under this section, so far as including structural or boundary provision in relation to a non-unitary district council area, may be made if at least one relevant local authority consents.

(3B) Local authority in this case is defined as –

- (a) a non-unitary district council whose area is, or forms part of, the non-unitary district council area;
- (b) a county council whose area includes the whole or part of the non-unitary district council area.

(3C) Relating to subsections (3A) and (3B) –

“non-unitary district council area” means the area or areas of one or more non-unitary district councils;

“non-unitary district council” means a district council for an area for which there is also a county council;

“structural or boundary provision” means provision about the structural or boundary arrangements of local authorities in regulations made by virtue of subsection (1)(c).

(3D) Subsections (3A) to (3C) expire at the end of 31st March 2019 (but without affecting any regulations already made under this section by virtue of subsection (3A)).”

37 Page 16, line 13, at end insert –

“() includes power to make different provision for different purposes;”

38 Page 16, line 14, after “make” insert “incidental, supplementary, consequential,”

39 Page 16, line 17, at end insert –

“() Section 15 of the Local Government and Public Involvement in Health Act 2007 (power to transfer of functions, property etc as part of incidental etc provision) applies in relation to subsection (4)(b) above as it applies in relation to sections 13 and 14 of that Act.”

Clause 17

- 40 Page 17, line 23, after “liabilities” insert “(including criminal liabilities)”
- 41 Page 17, line 32, at end insert –
- “(5A) Subsection (5B) applies where regulations under subsection (1) contain a reference to a document specified or described in the regulations (for example, in imposing a condition by virtue of subsection (2)(a) for an authority to have regard to, or to comply with, a statement of policy or standards set out in the document).
- (5B) If it appears to the Secretary of State necessary or expedient for the reference to the document to be construed –
- (a) as a reference to that document as amended from time to time, or
 - (b) as including a reference to a subsequent document that replaces that document,
- the regulations may make express provision to that effect.
- (5C) See also section 19 (devolving health service functions) which contains further limitations.”

Clause 18

- 42 Page 17, line 48, after “authority” insert “by whom a function becomes exercisable by virtue of the regulations”
- 43 Page 18, line 2, after second “the” insert “relevant”
- 44 Page 18, line 6, after “make” insert “incidental, supplementary, consequential,”
- 45 Page 18, line 9, at end insert –
- “(2A) The requirement in subsection (1)(a) for the relevant local authority to consent to the making of regulations under section 17 does not apply where –
- (a) the regulations revoke (in whole or in part), or otherwise amend, previous regulations under that section, and
 - (b) the only purpose of the regulations is to provide for a health service function of the relevant local authority to cease to be exercisable by the authority (which may include provision under subsection (2)(b) in relation to that purpose).
- (2B) In subsection (2A)(b), “health service function of a relevant local authority” means a function which –
- (a) relates to the health service, as defined by section 275(1) of the National Health Service Act 2006, and
 - (b) is exercisable by the authority by virtue of regulations under section 17.”

Clause 19

- 46 Page 18, leave out lines 29 to 33 and insert –
- “(1) Regulations under section 17 of this Act or an order under section 105A of the Local Democracy, Economic Development and Construction Act 2009

(transfer of public authority functions to combined authorities) (“the 2009 Act”) –

- (a) must not transfer any of the Secretary of State’s core duties in relation to the health service;”

47 Page 18, line 34, leave out “or supervisory”

48 Page 18, line 36, leave out from “must” to first “the” in line 37 and insert “, if transferring functions relating to the health service to a local authority or a combined authority, make provision about the standards and duties to be placed on that authority having regard to”

49 Page 18, line 38, leave out from “on” to “being” in line 39 and insert “the authority responsible for the functions”

50 Page 18, line 40, at end insert –

“(2) For the purposes of subsection (1)(a), “the Secretary of State’s core duties in relation to the health service” means the duties of the Secretary of State under –

- (a) sections 1 to 1G of the National Health Service Act 2006 (“the NHSA 2006”) (duty to promote comprehensive health service etc.),
- (b) sections 6A to 6BB of that Act (duties regarding the reimbursement of costs of services provided in another EEA state),
- (c) section 12E of that Act (duty as respects variation in provision of health services),
- (d) sections 13A, 13B, 13U and 223B of that Act (duties regarding mandate to, and annual report and funding of, the NHS Commissioning Board),
- (e) section 247C of that Act (duty to keep health service functions under review),
- (f) section 247D of that Act (duty to publish annual report on performance of the health service in England),
- (g) section 258 of that Act (duty regarding the availability of facilities for university clinical teaching and research), and
- (h) sections 3 to 6 of the Health Act 2009 (duties in relation to the NHS Constitution and the Handbook to it),

in so far as those duties would (apart from subsection (1)(a)) be transferable by regulations under section 17 or an order under section 105A of the 2009 Act.

(3) For the purposes of subsection (1)(b)–

- (a) “health service regulatory function” means a function in relation to the health service which is a regulatory function within the meaning given by section 32 of the Legislative and Regulatory Reform Act 2006,
- (b) the functions of the National Health Service Commissioning Board under Chapter A2 of Part 2 of the NHSA 2006 (clinical commissioning groups) are to be treated as “health service regulatory functions” in so far as they do not fall within the definition in paragraph (a), and
- (c) functions exercisable by a body by virtue of directions given under section 7 of the NHSA 2006 (functions of Special Health Authorities) are not “vested in” that body.

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- (4) But subsection (1)(b) does not prevent the transfer of functions of the National Health Service Commissioning Board which—
- (a) arise from arrangements under section 1H(3)(a) of the NHTSA 2006 (provision of services for the purpose of the health service), and
 - (b) relate to those providing services under those arrangements.
- (5) For the purposes of subsection (1)(c), “national service standards” means the standards contained in any of the following—
- (a) the NHS Constitution (within the meaning of Chapter 1 of Part 1 of the Health Act 2009);
 - (b) the standing rules under section 6E of the NHTSA 2006 (regulations as to the exercise of functions by the NHS Commissioning Board or clinical commissioning groups);
 - (c) the terms as to service delivery required by regulations or directions under the NHTSA 2006 for contracts or other arrangements for the provision of primary medical services, primary dental services, primary ophthalmic services or pharmaceutical services under Part 4, 5, 6 or 7 of that Act;
 - (d) the recommendations or guidance of the National Institute for Health and Care Excellence made or given pursuant to regulations under section 237 of Health and Social Care Act 2012;
 - (e) the quality standards prepared by that Institute under section 234 of that Act;
 - (f) the guidance published under section 14Z8 of the NHTSA 2006 (guidance on commissioning by the NHS Commissioning Board);
- and such standards are “placed on” a body if the body is required to have regard to or comply with them.
- (6) For the purposes of subsection (1)(c)—
- (a) “national information obligations” means duties regarding the obtaining, retention, use or disclosure of information, and
 - (b) “national accountability obligations” means duties (for example, those to keep accounts or records, or to provide or publish reports, plans or other information) which enable the management of a body, or the way in which functions are discharged, to be examined, inspected, reviewed or studied.
- (7) For the purposes of this section, a function is transferred by regulations under section 17 or by an order under section 105A of the 2009 Act, if—
- (a) provision is made under subsection (1)(a) of the section in question for the function to be the function of a local authority or a combined authority, or
 - (b) provision is made under subsection (1)(b) of that section for a function corresponding to the function to be conferred on a local authority or a combined authority.
- (8) Nothing in this section prevents the conferral on a local authority or a combined authority of duties to have regard to, or to promote or secure, the matters mentioned in sections 1 to 1F of the NHTSA 2006 when exercising a function transferred to it by regulations under section 17, or by an order under section 105A of the 2009 Act.
- (9) In this section, “the health service” has the meaning given by section 275(1) of the NHTSA 2006.”

After Clause 19

51 Insert the following new Clause –

“Amendments of the National Health Service Act 2006

Schedule (*Amendments of the National Health Service Act 2006*) contains amendments of the National Health Service Act 2006 in connection with the exercise of health service functions of combined or local authorities and the control of information about local authority social care.”

Clause 20

52 Page 18, line 41, leave out Clause 20

After Clause 21

53 Insert the following new Clause –

“Sub-national transport bodies

After Part 5 of the Local Transport Act 2008 insert –

“PART 5A**SUB-NATIONAL TRANSPORT BODIES***Establishment and constitution of STBs***102E Power to establish STBs**

- (1) The Secretary of State may by regulations establish a sub-national transport body for any area in England outside Greater London.
- (2) In this Part –
 - (a) “STB” means a sub-national transport body established under this section, and
 - (b) references to the area of an STB are to the area in England for which the STB is established.
- (3) Regulations under this section must specify –
 - (a) the name by which the STB is to be known, and
 - (b) the area of the STB.
- (4) The area of an STB must consist of the whole of the area of two or more relevant authorities (whether or not of the same kind).
- (5) Each of the following is a “relevant authority” for the purposes of this Part –
 - (a) a combined authority;
 - (b) an ITA;
 - (c) a county council that comes within subsection (6);

- (d) a unitary district council that comes within that subsection;
 - (e) the Council of the Isles of Scilly.
- (6) A council comes within this subsection if no part of its area forms part of –
- (a) the area of a combined authority, or
 - (b) an integrated transport area.
- (7) An STB is to be established as a body corporate.

102F Requirements in connection with regulations under section 102E

- (1) Regulations under section 102E may be made establishing an STB for an area only if the Secretary of State considers that –
- (a) its establishment would facilitate the development and implementation of transport strategies for the area, and
 - (b) the objective of economic growth in the area would be furthered by the development and implementation of such strategies.
- (2) The reference in subsection (1)(a) to “transport strategies”, in relation to the area of an STB, is a reference to strategies for improving –
- (a) the exercise of transport functions in the area (whether or not exercisable by the STB), and
 - (b) the effectiveness and efficiency of transport to, from or within the area.
- (3) Regulations under section 102E establishing an STB for an area may be made only if –
- (a) the constituent authorities have together made a proposal to the Secretary of State for there to be an STB for the area, and
 - (b) those authorities consent to the making of the regulations.
- (4) For the purposes of this Part, the constituent authorities of an STB are every relevant authority whose area is within the area, or proposed area, of the STB.
- (5) Before making a proposal under this section the constituent authorities must consult –
- (a) each appropriate authority (if it is not a constituent authority), and
 - (b) any other persons whom the constituent authorities consider it is appropriate to consult.
- (6) The Secretary of State may require the constituent authorities to consult any other persons (not already consulted under subsection (5)(b)) whom the Secretary of State considers should be consulted in connection with a proposal under this section.
- (7) For the purposes of subsection (5), each of the following is an “appropriate authority” if any part of the authority’s area adjoins the area of the proposed STB –
- (a) a combined authority;
 - (b) an ITA;

- (c) Transport for London;
- (d) a county council;
- (e) a unitary district council;
- (f) a London borough council.

102G Constitution of STBs

- (1) The Secretary of State may by regulations make provision about the constitutional arrangements in relation to an STB.
- (2) “Constitutional arrangements”, in relation to an STB, include arrangements in respect of—
 - (a) the membership of the STB (including the number and appointment of members of the STB),
 - (b) the voting powers of members of the STB (including provision for different weight to be given to the vote of different descriptions of member),
 - (c) the executive arrangements of the STB, and
 - (d) the functions of any executive body of the STB.
- (3) Regulations made by virtue of subsection (2)(a) which include provision about the number and appointment of members of the STB must provide—
 - (a) for the members of the STB to be appointed by the STB’s constituent authorities, and
 - (b) for those members to be appointed from among the elected members of the constituent authorities.
- (4) Regulations made by virtue of subsection (2)(a) may provide for persons, who are not elected members of the constituent authorities, to be appointed as co-opted members of an STB; but such regulations must provide (by virtue of subsection (2)(b)) for those co-opted members to be non-voting members of the STB.
- (5) The voting members of an STB may resolve that provision made in accordance with subsection (4) is not to apply (generally or in relation to particular matters) in the case of the STB.
- (6) In subsection (2)(c) “executive arrangements” means—
 - (a) the appointment of an executive;
 - (b) the functions of the STB which are the responsibility of an executive;
 - (c) the functions of the STB which are the responsibility of an executive and which may be discharged by a committee of the STB, by an officer of the STB or by a body other than the STB;
 - (d) arrangements relating to the review and scrutiny of the discharge of functions;
 - (e) access to information on the proceedings of an executive of the STB;
 - (f) the keeping of a record of any arrangements relating to the STB and falling within any of paragraphs (a) to (e).

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- (7) The provision which may be made by regulations by virtue of subsection (2)(d) includes –
 - (a) provision setting up or dissolving an executive body of an STB, or merging two or more executive bodies of an STB;
 - (b) provision conferring functions on, or removing functions from, an executive body of an STB;
 - (c) provision transferring functions of an STB to an executive body of the STB, and transferring functions of an executive body of an STB to the STB.
 - (8) Regulations under this section may authorise an STB to delegate any of its functions to one or more of its constituent authorities (and any such delegation may be made subject to conditions or limitations).
 - (9) Regulations under this section may not provide for the budget of an STB to be agreed otherwise than by the STB.
 - (10) For the purposes of subsections (3) and (4), the “elected members” of a constituent authority –
 - (a) in the case of a combined authority, are the mayor for the area of the combined authority (if there is one) and those members of the authority who are appointed from among the elected members of the authority’s constituent councils (see section 85(1)(b) above as applied by section 104(2) of the Local Democracy, Economic Development and Construction Act 2009);
 - (b) in the case of an ITA, are those members of the ITA who are appointed from among the elected members of the ITA’s constituent councils (see section 85(1)(b) above);
 - (c) in the case of a county council, a unitary district council or the Council of the Isles of Scilly, are the elected members of the council.

Functions

102H General functions

- (1) The Secretary of State may by regulations provide for an STB to have any of the following functions in relation to its area –
 - (a) to prepare a transport strategy for the area (see section 102I);
 - (b) to provide advice to the Secretary of State about the exercise of transport functions in relation to the area (whether exercisable by the Secretary of State or others);
 - (c) to co-ordinate the carrying out of transport functions in relation to the area that are exercisable by different constituent authorities, with a view to improving the effectiveness and efficiency in the carrying out of those functions;
 - (d) if the STB considers that a transport function in relation to the area would more effectively and efficiently be carried out by the STB, to make proposals to the Secretary of State for the transfer of that function to the STB;

- (e) to make other proposals to the Secretary of State about the role and functions of the STB.
- (2) The Secretary of State may by regulations provide for an STB to have other functions of a description set out in the regulations.
- (3) Regulations under subsection (2) may be made only for functions to be exercisable in relation to the area of the STB that—
 - (a) relate to transport,
 - (b) the Secretary of State considers can appropriately be exercised by the STB, and
 - (c) are not already exercisable in relation to that area by a local authority or a public authority (see instead sections 102J and 102K respectively for a power to transfer such functions to an STB).
- (4) The Secretary of State may by regulations make further provision about how an STB is to carry out functions that it has under or by virtue of this Part.
- (5) Regulations under this section in relation to an existing STB may be made only with the consent of the STB.
- (6) Nothing in this section limits the power of the Secretary of State to confer other functions on an STB under this Part.

102I Transport strategy of an STB

- (1) The transport strategy of an STB is a document containing the STB's proposals for the promotion and encouragement of sustainable, safe, integrated, efficient and economic transport facilities and services to, from and within the area of the STB.
- (2) The transport facilities and services mentioned in subsection (1) are—
 - (a) those required to meet the needs of persons (including pedestrians) living or working in, or visiting, the area of the STB, and
 - (b) those required for the transportation of freight.
- (3) An STB may include in its transport strategy any other proposals it considers appropriate that relate to transport to, from or within its area.
- (4) An STB must publish its transport strategy.
- (5) If an STB revises its transport strategy, the STB must publish the strategy as revised.
- (6) In preparing or revising its transport strategy an STB must carry out a public consultation.
- (7) In carrying out a public consultation under subsection (6), the STB must ensure that such of the following persons as the STB considers appropriate (taking into account the proposals to be contained in the strategy) have a reasonable opportunity to respond to the consultation—

- (a) the Secretary of State;
 - (b) a combined authority;
 - (c) another STB;
 - (d) an ITA;
 - (e) a Passenger Transport Executive;
 - (f) Transport for London;
 - (g) a person to whom a licence is granted under section 8 of the Railways Act 1993 (licences authorising persons to be operator of railway assets);
 - (h) Highways England Company Limited;
 - (i) a local highway authority (within the meaning of the Highways Act 1980);
 - (j) a county council in England;
 - (k) a unitary district council;
 - (l) a London borough council.
- (8) In preparing or revising its transport strategy an STB must (among other matters) have regard to—
- (a) the promotion of economic growth in its area,
 - (b) the social and environmental impacts in connection with the implementation of the proposals contained in the strategy,
 - (c) any current national policy relating to transport that has been published by or on behalf of Her Majesty's Government, and
 - (d) the results of the public consultation mentioned in subsection (6).
- (9) The Secretary of State must have regard to proposals contained in the transport strategy of an STB that appear to the Secretary of State to further the objective of economic growth in the area of the STB in determining—
- (a) national policies relating to transport (so far as relevant in relation to such proposals), and
 - (b) how such policies are to be implemented in relation to the area of the STB.
- (10) The constituent authorities of an STB must exercise transport functions with a view to securing the implementation of the proposals contained in the STB's transport strategy.
- (11) In this Part "transport strategy", in relation to an STB, means the transport strategy prepared or revised by an STB under this section by virtue of the function in section 102H(1)(a).

102J Exercise of local transport functions

- (1) The Secretary of State may by regulations provide for functions that are exercisable by a local authority in an area that is, or is to become, the area of an STB to be exercisable by the STB.
- (2) Regulations under this section may be made—
 - (a) only in relation to functions that relate to transport, and

- (b) only if the Secretary of State considers that the function can appropriately be exercised by the STB.
- (3) For the purposes of subsection (2)(a), regulations under this section may be made in respect of a function that relates both to transport and to other matters only so far as the function is exercisable in relation to transport.
- (4) Regulations under this section may make provision for a function to be exercisable by the STB either generally or subject to such conditions or limitations as may be specified in the regulations.
- (5) Regulations under this section may make provision –
 - (a) for a function to be exercisable by the STB instead of by the local authority, or
 - (b) for a function to be exercisable by the STB concurrently with the local authority.
- (6) Regulations under this section may be made only with the consent of –
 - (a) the local authority concerned, and
 - (b) in the case of regulations made in relation to an existing STB, the STB.
- (7) In this section “local authority” means –
 - (a) a combined authority;
 - (b) an ITA;
 - (c) a Passenger Transport Executive;
 - (d) a county council in England;
 - (e) a unitary district council;
 - (f) the Council of the Isles of Scilly.

102K Other public authority functions

- (1) The Secretary of State may by regulations provide for functions that are exercisable by a public authority in relation to an area that is, or is to become, the area of an STB to be exercisable by the STB.
- (2) Regulations under this section may be made –
 - (a) only in relation to functions that relate to transport, and
 - (b) only if the Secretary of State considers that the function can appropriately be exercised by the STB.
- (3) For the purposes of subsection (2)(a), regulations under this section may be made in respect of a function that relates both to transport and to other matters only so far as the function is exercisable in relation to transport.
- (4) Regulations under this section may make provision for a function to be exercisable by the STB either generally or subject to such conditions or limitations as may be specified in the regulations.
- (5) Regulations under this section may make provision –
 - (a) for a function to be exercisable by the STB instead of by the public authority, or

- (b) for a function to be exercisable by the STB jointly with the public authority.
- (6) Regulations under this section in relation to an existing STB may be made only with the consent of the STB.
- (7) In this section –
 - “function” does not include a power to make regulations or other instruments of a legislative character;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
 - “public authority” –
 - (a) includes a Minister of the Crown or a government department;
 - (b) does not include a local authority as defined by section 102J.

102L Funding

- (1) The Secretary of State may pay grants to STBs to cover expenditure incurred in the carrying out of their functions.
- (2) Grants may be paid under this section subject to any conditions the Secretary of State thinks appropriate (including conditions as to repayment).
- (3) The Secretary of State may by regulations make provision –
 - (a) for the constituent authorities of an STB to contribute to its costs, and
 - (b) about the basis on which the amount payable by each constituent authority is to be determined.

General powers etc

102M General powers

- (1) An STB may do –
 - (a) anything it considers appropriate for the purposes of the carrying out of any of its functions (its “functional purposes”),
 - (b) anything it considers appropriate for purposes incidental (whether directly or indirectly) to its functional purposes,
 - (c) anything it considers to be connected with –
 - (i) any of its functions, or
 - (ii) anything it may do under paragraph (a) or (b), and
 - (d) for a commercial purpose, anything which it may do under any of paragraphs (a) to (c) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on an STB to do something, it confers power (subject to section 102N) to do it anywhere in the United Kingdom or elsewhere.
- (3) Power conferred on an STB by subsection (1) is in addition to, and is not limited by, the other powers of the STB.

- (4) Where an STB has an executive body established by virtue of section 102G, the STB may delegate to that body its function of taking action under subsection (1) (but not the function of determining what action to take).

102N Boundaries of power under section 102M

- (1) Section 102M(1) does not enable an STB to do anything which it is unable to do by virtue of a post-commencement limitation which is expressed to apply –
 - (a) to its power under section 102M(1),
 - (b) to all of its powers, or
 - (c) to all of its powers but with exceptions that do not include its power under section 102M(1).
- (2) Section 102M(1) does not authorise an STB to borrow money.
- (3) Section 102M(1)(a) to (c) do not authorise an STB to charge a person for anything it does otherwise than for a commercial purpose (but see section 93 of the Local Government Act 2003 (power of STBs and other best value authorities to charge for discretionary services)).
- (4) Section 102M(1)(d) does not authorise an STB to do things for a commercial purpose in relation to a person if a statutory provision requires the STB to do those things in relation to the person.
- (5) Where under section 102M(1)(d) an STB does things for a commercial purpose, it must do them through –
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014.
- (6) In this section –

“post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that –

 - (a) is contained in an Act passed after the end of the Session in which the Cities and Local Government Devolution Act 2015 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section (*Sub-national transport bodies*) of that Act;

“statutory provision” means a provision of an Act or of an instrument made under an Act.

102O Power to make provision supplemental to section 102M

- (1) The Secretary of State may by regulations make provision preventing an STB from doing under section 102M(1) anything which is specified, or is of a description specified, in the regulations.
- (2) The Secretary of State may by regulations provide for the exercise by STBs of the power conferred by section 102M(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the regulations.

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- (3) Before making regulations under subsection (1) or (2) the Secretary of State must consult –
 - (a) such representatives of STBs,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),as the Secretary of State considers appropriate.
 - (4) Subsection (3) does not apply to regulations under subsection (1) or (2) which are made only for the purpose of amending earlier such regulations –
 - (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to a particular STB or to STBs of a particular description, or
 - (b) so that the earlier regulations, or any provision of the earlier regulations, cease to apply to a particular STB or to STBs of a particular description.

102P Power of direction

- (1) The Secretary of State may by regulations confer on an STB a power to give directions to a constituent authority about the exercise of transport functions by the authority in the area of the STB.
- (2) The power to give a direction by virtue of subsection (1) about the exercise of a function extends only so far as the exercise of the function is relevant to the implementation of the STB's transport strategy.
- (3) Regulations under this section conferring a power to direct may include provision –
 - (a) for the power to be given generally or subject to conditions or limitations;
 - (b) for the power to apply to all transport functions or only to those functions specified or described in the regulations;
 - (c) about the manner in which directions are to be given;
 - (d) about the consequences arising if there is a contravention of a direction.
- (4) Provision under subsection (3)(d) may include provision enabling the STB –
 - (a) to take any steps it considers appropriate to reverse or modify the effect of a constituent authority exercising a transport function in contravention of the direction, and
 - (b) to recover any reasonable expenses incurred in taking those steps as a civil debt from the constituent authority.

Boundary and name changes

102Q Change to boundaries of an STB's area

- (1) The Secretary of State may by regulations change the boundaries of the area of an STB by –
 - (a) adding the area of a relevant authority to an existing area of an STB, or

- (b) removing the area of a constituent authority from an existing area of an STB.
- (2) Regulations under this section may be made—
 - (a) only if the constituent authorities have together made a proposal to the Secretary of State for the boundaries to be changed in the manner that would be provided for in the regulations;
 - (b) in the case of regulations under subsection (1)(a), only if the relevant authority whose area would be added to the area of the STB joins in the making of the proposal;
 - (c) in the case of regulations under subsection (1)(b), only if the resulting area of the STB meets the condition in section 102E(4).
- (3) Regulations under this section changing the boundaries of the area of an STB may be made only if the Secretary of State considers that paragraphs (a) and (b) of section 102F(1) would apply in relation to the area as varied by the regulations.
- (4) Regulations under this section may be made only with the consent of—
 - (a) the STB, and
 - (b) in the case of regulations under subsection (1)(a), the relevant authority whose area would be added to the area of the STB.

102R Change of name

- (1) An STB may change its name by a resolution in accordance with this section.
- (2) The resolution must be considered at a meeting of the STB that is specially convened for the purpose.
- (3) Particulars of the resolution must be included in the notice of the meeting.
- (4) The resolution must be passed at the meeting by not less than two-thirds of the members of the STB who vote on it.
- (5) An STB which changes its name under this section must—
 - (a) send notice of the change to the Secretary of State, and
 - (b) publish the notice in such manner as the Secretary of State may direct.
- (6) A change of name under this section does not affect the rights or obligations of the STB or any other person, or render defective any legal proceedings.
- (7) Any legal proceedings may be commenced or continued as if there had been no change of name.

*Supplementary***102S Incidental etc provision**

- (1) The Secretary of State may by regulations make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, regulations under this Part or for giving full effect to such regulations.
- (2) Regulations under this Part may make different provision for different STBs or otherwise for different purposes.
- (3) The provision which may be included by virtue of this section in regulations includes provision for the transfer under the regulations of property, rights and liabilities.
- (4) The provision which may be included by virtue of subsection (3) in regulations includes provision –
 - (a) for the creation or imposition by the Secretary of State of new rights or liabilities in respect of anything transferred under the regulations;
 - (b) for the management or custody of transferred property;
 - (c) for bodies to make agreements with respect to any property, income, rights, liabilities and expenses of, and any financial relations between, the parties to the agreement.
- (5) The provision which may be included by virtue of this section in regulations includes provision amending, modifying, repealing or revoking any enactment, whenever passed or made.
- (6) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

102T Procedure for regulations under this Part

- (1) Regulations under this Part must be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Part may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) At the same time as laying a draft of a statutory instrument containing regulations under this Part 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.
- (4) Subsections (2) and (3) do not apply to a statutory instrument that contains regulations only of the following kinds –
 - (a) regulations under section 102J that make provision under subsection (4) of that section for a function to be exercisable by an STB for a limited period of time;
 - (b) regulations under section 102J that make provision under subsection (5)(b) of that section;

- (c) regulations under section 102K that make provision under subsection (4) of that section for a function to be exercisable by an STB for a limited period of time;
 - (d) regulations under section 102K that make provision under subsection (5)(b) of that section;
 - (e) regulations under section 102O(1) that make provision for the purpose mentioned in section 102O(4)(b);
 - (f) regulations under section 102O(2) that make provision for that purpose or for imposing conditions on the doing of things for a commercial purpose.
- (5) A statutory instrument to which subsections (2) and (3) do not apply is subject to annulment by resolution of either House of Parliament.
- (6) If a draft of regulations under this Part 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.

102U Interpretation

In this Part –

“combined authority” means a body established as a combined authority under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

“constituent authority”, in relation to an STB, has the meaning given by section 102F(4);

“ITA” means an Integrated Transport Authority for an integrated transport area in England;

“Passenger Transport Executive” means a body which is such an Executive for the purposes of Part 2 of the Transport Act 1968;

“relevant authority” has the meaning given by section 102E(5);

“STB” has the meaning given by section 102E(2);

“transport functions” means any statutory functions relating to transport;

“transport strategy” has the meaning given by section 102I(11);

“unitary district council” means a district council whose area is not part of the area of a county council.””

54 Insert the following new Clause –

“English National Park authorities: general powers

After section 65 of the Environment Act 1995 insert –

“65A English National Park authorities: general powers

- (1) An English National Park authority may do –
- (a) anything it considers appropriate for the purposes of the carrying out of any of its functions (its “functional purposes”),

-
- (b) anything it considers appropriate for purposes incidental (whether directly or indirectly) to its functional purposes,
 - (c) anything it considers to be connected with –
 - (i) any of its functions, or
 - (ii) anything it may do under paragraph (a) or (b), and
 - (d) for a commercial purpose, anything which it may do under any of paragraphs (a) to (c) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on an English National Park authority to do something, it confers power (subject to section 65B) to do it anywhere in the United Kingdom or elsewhere.
 - (3) Power conferred on an English National Park authority by subsection (1) is in addition to, and is not limited by, the other powers of the authority.
 - (4) In this section, and in sections 65B and 65C, “English National Park authority” means a National Park authority for a National Park in England.

65B Boundaries of powers under section 65A

- (1) Section 65A(1) does not enable an English National Park authority to do anything which it is unable to do by virtue of a pre-commencement limitation.
- (2) Section 65A(1) does not enable an English National Park authority to do anything which it is unable to do by virtue of a post-commencement limitation which is expressed to apply –
 - (a) to its power under section 65A(1),
 - (b) to all of its powers, or
 - (c) to all of its powers but with exceptions that do not include its power under section 65A(1).
- (3) If exercise of a pre-commencement power of an English National Park authority is subject to restrictions, those restrictions apply also to exercise of the power conferred on it by section 65A(1) so far as that power is overlapped by the pre-commencement power.
- (4) Section 65A(1) does not authorise an English National Park authority to borrow money.
- (5) Section 65A(1)(a) to (c) do not authorise an English National Park authority to charge a person for anything it does otherwise than for a commercial purpose.
- (6) Section 65A(1)(d) does not authorise an English National Park authority to do things for a commercial purpose in relation to a person if a statutory provision requires the authority to do those things in relation to the person.
- (7) Where under section 65A(1)(d) an English National Park authority does things for a commercial purpose, it must do them through –
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or

(b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014.

(8) In this section—

“post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

(a) is contained in an Act passed after the end of the Session in which the Cities and Local Government Devolution Act 2015 is passed, or

(b) is contained in an instrument made under an Act and comes into force on or after the commencement of section (*English National Park authorities: general powers*) of that Act;

“pre-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

(a) is contained in an Act passed no later than the end of the Session in which the Cities and Local Government Devolution Act 2015 is passed, or

(b) is contained in an instrument made under an Act and comes into force before the commencement of section (*English National Park authorities: general powers*) of that Act;

“pre-commencement power” means power conferred by a statutory provision that—

(a) is contained in an Act passed no later than the end of the Session in which the Cities and Local Government Devolution Act 2015 is passed, or

(b) is contained in an instrument made under an Act and comes into force before the commencement of section (*English National Park authorities: general powers*) of that Act;

“statutory provision” means a provision of an Act or of an instrument made under an Act.

65C Power to make provision supplemental to section 65A

(1) The Secretary of State may by regulations make provision preventing an English National Park authority from doing under section 65A(1) anything which is specified, or is of a description specified, in the regulations.

(2) The Secretary of State may by regulations provide for the exercise by English National Park authorities of the power conferred by section 65A(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the regulations.

(3) Before making regulations under subsection (1) or (2) the Secretary of State must consult—

(a) such representatives of English National Park authorities, and

(b) such other persons (if any),

as the Secretary of State considers appropriate.

- (4) Subsection (3) does not apply to regulations under subsection (1) or (2) which are made only for the purpose of amending earlier such regulations –
- (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to English National Park authorities, or
 - (b) so that the earlier regulations, or any provision of the earlier regulations, cease to apply English National Park authorities.

65D Procedure etc. for regulations under section 65C

- (1) The power to make regulations under section 65C –
- (a) is exercisable by statutory instrument;
 - (b) includes power to make different provision for different purposes;
 - (c) includes power to make incidental, supplementary, consequential, transitional, transitory or saving provision;
 - (d) may, in particular, be exercised by amending, repealing, revoking or otherwise modifying any provision made by or under an Act passed before the Cities and Local Government Devolution Act 2015 or in the same Session as that Act.
- (2) A statutory instrument containing regulations under section 65C may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Subsection (2) does not apply to a statutory instrument that contains regulations only of the following kind –
- (a) regulations under section 65C(1) that make provision for the purpose mentioned in section 65C(4)(b);
 - (b) regulations under section 65C(2) that make provision for that purpose or for imposing conditions on the doing of things for a commercial purpose;
 - (c) regulations made by virtue of subsection (1)(c) that do not contain provision amending or repealing a provision of an Act.
- (4) A statutory instrument to which subsection (2) does not apply is subject to annulment by resolution of either House of Parliament.
- (5) If a draft of regulations under section 65C 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.”

Clause 22

Clause 25

56 Page 20, line 3, leave out subsection (2)

Schedule 1

57 Page 21, line 29, after “State” insert “or the Chancellor of the Duchy of Lancaster”

58 Page 25, line 28, after “State” insert “or the Chancellor of the Duchy of Lancaster”

59 Page 26, line 12, after “State” insert “or the Chancellor of the Duchy of Lancaster”

60 Page 26, line 13, after “State” insert “or the Chancellor of the Duchy of Lancaster”

61 Page 26, line 17, after “State” insert “or the Chancellor of the Duchy of Lancaster”

Schedule 2

62 Page 26, line 33, leave out “police and crime commissioner functions” and insert “functions of a police and crime commissioner”

63 Page 26, line 34, at end insert –

“() A duty under this Schedule to make provision by order is a duty to make such provision in an order made at any time before the first election of a mayor who, by virtue of an order under section 107E(1), is to exercise functions of a police and crime commissioner.”

64 Page 27, line 24, leave out “PCC mayor” and insert “mayor for policing and crime”

65 Page 27, line 25, leave out “PCC mayor” and insert “mayor for policing and crime”

66 Page 27, line 31, leave out “PCC mayor” and insert “mayor for policing and crime”

67 Page 27, line 38, leave out “PCC mayor” and insert “mayor for policing and crime”

68 Page 28, line 4, leave out “PCC mayor” and insert “mayor for policing and crime”

69 Page 28, line 6, leave out “PCC mayor” and insert “mayor for policing and crime”

70 Page 28, line 9, leave out “PCC mayor” and insert “mayor for policing and crime”

71 Page 28, line 23, at end insert –

“4A (1) The Secretary of State may by order provide for a police and crime panel to have oversight functions in relation to any general functions of the mayor that are the subject of arrangements under section 107D(3)(c)(i) (power to arrange for general functions to be exercisable by deputy mayor for policing and crime).

(2) If it appears to the Secretary of State expedient for the police and crime panel also to have oversight functions in relation to other general functions of the mayor that are related to general functions in respect of which an order is made under sub-paragraph (1), the Secretary of State may by order provide for the panel to have oversight functions in relation to those other general functions.

(3) An order under this paragraph may disapply, or otherwise modify, the application of paragraph 1(3) of Schedule 5A so far as relating to general

functions of the mayor in respect of which a police and crime panel has oversight functions.

(4) In this paragraph –

“oversight functions”, in relation to general functions of the mayor, are functions that are of a corresponding or similar kind to those that a police and crime panel has in relation to PCC functions of the mayor;

“police and crime panel” means a panel established by virtue of an order under paragraph 4.”

72 Page 28, line 41, leave out from “mayor” to end of line 42 and insert “and the deputy mayor for policing and crime”

73 Page 30, line 12, at end insert –

“() Subsections (5) and (6) of section 107C, so far as relating to the exercise of PCC functions, are subject to any provision contained in an order under this Schedule.”

After Schedule 3

74 Insert the following new Schedule –

“SCHEDULE 3A

AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

1 The National Health Service Act 2006 is amended as follows.

2 (1) Section 7A (exercise of Secretary of State’s public health functions) is amended as follows.

(2) In subsection (2), after paragraph (c) insert –

“(d) a combined authority.”

(3) In subsection (4), after “group” insert “or a combined authority”.

3 In section 13Z (exercise of functions), after subsection (6) insert –

“(7) This section is subject to sections 13ZA and 13ZB in the case of arrangements that are devolved arrangements (within the meaning of section 13ZA).”

4 After section 13Z insert –

“13ZA Section 13Z: further provision in relation to devolved arrangements

(1) This section applies to arrangements under section 13Z(2) for one or more functions of the Board to be exercised in relation to a particular area by or jointly with a relevant prescribed body (“devolved arrangements”).

(2) “Relevant prescribed body” means a body prescribed under section 13Z(2)(c) that is either –

(a) a combined authority whose area includes the whole or part of the area to which the arrangements relate, or

- (b) a local authority (within the meaning of section 2B) whose area includes the whole or part of that area.
- (3) The power of the Board under section 13Z(2) to enter into devolved arrangements in relation to any functions includes power to arrange for such functions to be exercised in relation to the area to which the arrangements relate –
 - (a) by the relevant prescribed body jointly with one or more other eligible bodies;
 - (b) jointly with the Board, the relevant prescribed body and one or more other eligible bodies.
- (4) A body is an “eligible body” if it –
 - (a) falls within paragraph (a), (b) or (c) of section 13Z(2), and
 - (b) exercises functions in relation to the area to which the arrangements relate.
- (5) Where, by virtue of subsection (3), the Board enters into devolved arrangements with a relevant prescribed body and one or more eligible bodies, at least one of those eligible bodies must be a clinical commissioning group.
- (6) Where, by virtue of subsection (3), one or more eligible bodies are a party to devolved arrangements, the power under section 13Z(4) to establish a joint committee includes a power to establish a joint committee of which one or more of the eligible bodies are members.
- (7) But the members of a joint committee established under section 13Z(4) by virtue of subsection (6) must include –
 - (a) the relevant prescribed body;
 - (b) at least one clinical commissioning group with whom a function is exercised jointly under the devolved arrangements;
 - (c) if under the devolved arrangements a function is exercisable jointly with the Board, the Board.
- (8) The terms and conditions on which devolved arrangements are made may include terms authorising a joint committee established by virtue of subsection (6) to establish and maintain a pooled fund.
- (9) A pooled fund is a fund –
 - (a) which is made up of payments received from the Board under the devolved arrangements in accordance with terms of payment agreed under section 13Z(5), and
 - (b) out of which payments may be made towards expenditure incurred in the discharge of any of the functions in relation to which the devolved arrangements are made.

13ZB Section 13Z: arrangements in relation to the function under section 3B(1)(d)

- (1) This section applies to arrangements under section 13Z(2) that are or include arrangements in relation to the exercise of a relevant commissioning function.
- (2) “Relevant commissioning function” means a function of the Board under section 3B(1)(d) of arranging for the provision of services or facilities in respect of a particular area (“the commissioning area”).
- (3) The power to enter into the arrangements under section 13Z is subject to the following provisions of this section.
- (4) The arrangements must provide for the relevant commissioning function to be exercisable by at least one relevant prescribed body jointly with—
 - (a) one or more eligible bodies, or
 - (b) the Board and one or more eligible bodies,
 (and the arrangements are, accordingly, devolved arrangements to which section 13ZA applies).
- (5) At least one of the eligible bodies mentioned in subsection (4) must be a clinical commissioning group.
- (6) The Board may enter into the arrangements in relation to the provision of a service or facility in the commissioning area only if it considers it appropriate to do so having regard to—
 - (a) the impact on the provision of the service or facility in the commissioning area;
 - (b) the impact on the provision of the service or facility in other areas;
 - (c) the number of persons in the commissioning area to whom the service or facility is provided;
 - (d) the number of persons who are able to provide the service or facility;
 - (e) the cost of providing the service or facility;
 - (f) the financial implications for the relevant prescribed body, and for other bodies, with whom the arrangements are made.
- (7) Regulations may provide for this section not to apply to arrangements so far as relating to a relevant commissioning function of a prescribed description.
- (8) In this section, “eligible body” and “relevant prescribed body” have the same meaning as in section 13ZA.”

5 After section 14Z3 insert –

“14Z3A Joint exercise of functions with combined authorities

- (1) A clinical commissioning group may arrange for—
 - (a) any commissioning function of the group to be exercised jointly with a combined authority;

- (b) any commissioning function that the group exercises on behalf of another clinical commissioning group under section 14Z3(2)(a) to be exercised jointly with a combined authority.
 - (2) Two or more clinical commissioning groups may arrange for any commissioning functions of those groups that are exercised jointly with each other under section 14Z3(2)(b) to be exercised jointly also with a combined authority.
 - (3) Regulations may provide that the powers in subsections (1) and (2) do not apply in relation to a commissioning function of a prescribed description.
 - (4) Where any commissioning functions of a clinical commissioning group (or groups) are exercised jointly with a combined authority under subsection (1) or (2), they may be exercised by a joint committee of the group (or groups) and the authority.
 - (5) Arrangements under subsection (1) or (2) may be on such terms and conditions (including terms as to payment) as may be agreed between the clinical commissioning group (or groups) and the combined authority.
 - (6) Where two or more clinical commissioning groups enter into arrangements with the same combined authority under subsection (1) or (2), the terms as to payment mentioned in subsection (5) may include terms authorising a joint committee established under subsection (4) to establish and maintain a pooled fund.
 - (7) A pooled fund is a fund –
 - (a) which is made up of payments received under the arrangements from all the groups that are parties to the arrangements, and
 - (b) out of which payments may be made towards expenditure incurred in the exercise of any of the commissioning functions in respect of which the arrangements are made.
 - (8) Arrangements under subsection (1) or (2) do not affect the liability of a clinical commissioning group for the exercise of any of its functions.
 - (9) In this section “commissioning functions” means the functions of clinical commissioning groups in arranging for the provision of services as part of the health service (but does not include the function of making a request to the Board for the purposes of section 14Z9).”
- 6 In section 75 (arrangements between NHS bodies and local authorities), after subsection (7) insert –
- “(7A) For the purposes of this section, a combined authority that exercises a prescribed function within subsection (1)(a) of an NHS body under voluntary arrangements is to be treated as an NHS body.

- (7B) “Voluntary arrangements” means arrangements made with the combined authority under –
- (a) section 7A (exercise of Secretary of State’s public health functions),
 - (b) section 13Z (exercise of the Board’s functions), or
 - (c) section 14Z3A (joint exercise of functions with clinical commissioning groups).
- (7C) Regulations under this section, so far as made before or in the same Session as that in which the Cities and Local Government Devolution Act 2015 is passed, apply to a combined authority that is treated as an NHS body by virtue of subsection (7A) as if it were a prescribed NHS body for the purposes of those regulations.
- (7D) But a combined authority to which regulations under this section apply by virtue of subsection (7C) may enter into prescribed arrangements in relation to the exercise only of functions within subsection (1)(a) that are exercisable by the authority under voluntary arrangements.
- (7E) Regulations under this section may provide for the regulations to apply in relation to a combined authority subject to any prescribed limitations or conditions.
- (7F) Nothing in subsection (7D) prevents a combined authority from being a party to arrangements made by virtue of this section in relation to any prescribed functions of an NHS body that are exercisable by the authority as a result of an order under section 105A of the Local Democracy, Economic Development and Construction Act 2009 (public authority functions exercisable by combined authorities).”
- 7 (1) Section 251 (control of patient information) is amended as follows.
- (2) In subsection (2)(a), after “health service bodies” insert “or relevant social care bodies”.
- (3) After subsection (12) insert –
- “(12A) In this section –
- “care” includes local authority social care,
- “local authority social care” means –
- (a) social care provided or arranged for by a local authority, and
 - (b) any other social care all or part of the cost of which is paid for with funds provided by a local authority,
- “patient” includes an individual who needs or receives local authority social care or whose need for such care is being assessed by a local authority,
- “social care” includes all forms of personal care and other practical assistance provided for individuals who are in need of such care or assistance by reason of age, illness,

disability, pregnancy, childbirth, dependence on alcohol or drugs or other similar circumstances.”

- (4) In subsection (13), at the end insert –
 ““relevant social care body” means –
 (a) a local authority, or
 (b) any other body or person engaged in the provision of local authority social care.”
- 8 In section 275(1) (interpretation), after the definition of “clinical commissioning group” insert –
 ““combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,”.
- 9 In section 276 (index of defined expressions), at the appropriate place insert –

“combined authority | section 275(1)”

Schedule 4

75 Page 34, line 22, at end insert –

“*Local Government Act 1972*

- A1 The Local Government Act 1972 is amended as follows.
- A2 In section 100E (application of Part 5A to committees and sub-committees), in subsection (3) after paragraph (b) insert –
 “(bba) a committee in place by virtue of section 107D(3)(c)(ii) of the Local Democracy, Economic Development and Construction Act 2009;
 (bbb) a joint committee in place by virtue of section 107DA of that Act;”.
- A3 In section 100J (application of Part 5A to new authorities etc) –
 (a) in subsection (1) after paragraph (be) insert –
 “(bf) a sub-national transport body;”;
 (b) in subsection (3), after “(be),” insert “(bf),”;
 (c) in subsection (4), in paragraph (a) after “joint authority,” insert “a sub-national transport body,”.
- A4 In section 101 (arrangements for discharge of functions by local authorities) –
 (a) after subsection (1C) insert –
 “(1D) A combined authority may not arrange for the discharge of any functions under subsection (1) if, or to the extent that, the function is a mayoral function of a mayor for the area of the authority.

- (1E) “Mayoral function” has the meaning given by section 107F(7) of the Local Democracy, Economic Development and Construction Act 2009.”;
- (b) after subsection (5B) insert –
- “(5C) Arrangements under subsection (5) by two or more local authorities with respect to the discharge of any of their functions cease to have effect with respect to that function if, or to the extent that, the function becomes a general function of a mayor for the area of a combined authority.
- (5D) Subsection (5C) does not prevent arrangements under subsection (5) being entered into in respect of that function by virtue of section 107DA of the Local Democracy, Economic Development and Construction Act 2009 (joint exercise of general functions).
- (5E) In subsection (5C), “general functions” has the meaning given in section 107D(2) of that Act.”;
- (c) in subsection (13) after “combined authority,” insert “a sub-national transport body,”.
- A5 In section 270 (general provisions as to interpretation), in subsection (1) after the definition of “specified papers” insert –
- ““sub-national transport body” means a sub-national transport body established under section 102E of the Local Transport Act 2008;”.

Local Government Act 1985

- A6 The Local Government Act 1985 is amended as follows.
- A7 In section 72 (accounts and audit), for subsection (5) substitute –
- “(5) Any reference in this section to a new authority includes a reference to –
- (a) the London Fire and Emergency Planning Authority;
- (b) a sub-national transport body established under section 102E of the Local Transport Act 2008;
- (c) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.”
- A8 In section 73 (financial administration), in subsection (2) after “reference to” insert “–
- (a) a sub-national transport body established under section 102E of the Local Transport Act 2008;
- (b) ”.
- 76 Page 34, line 23, at end insert –
- “A9 The Local Government Finance Act 1988 is amended as follows.
- A10 In section 74 (levies), omit subsection (9).”
- 77 Page 34, line 31, at end insert –

“Local Government and Housing Act 1989

- 1A (1) The Local Government and Housing Act 1989 is amended as follows.
- (2) In section 4 (designation and reports of head of paid service), in subsection (6)(a) for “, (ja) and (jb)” substitute “and (ja) to (jc)”.
- (3) In section 13 (voting rights of members of certain committees: England and Wales), in the definition of “relevant authority” in subsection (9), for “(jb)” substitute “(jc)”.
- (4) In section 20 (duty to adopt certain procedural standing orders), in subsection (4)(a) for “(jb)” substitute “(jc)”.
- (5) In section 21 (interpretation of Part 1 of Act), in subsection (1) after paragraph (jb) insert—
- “(jc) a sub-national transport body established under section 102E of the Local Transport Act 2008;”.

Railways Act 1993

- 1B (1) Section 24A of the Railways Act 1993 (Secretary of State franchise exemptions: operator agreements) is amended as follows.
- (2) In subsection (4) —
- (a) in paragraph (a), after sub-paragraph (i) insert—
- “(ia) an STB;”;
- (b) in paragraph (b), after “Executive” insert “, an STB”;
- (c) in paragraph (c)(i), after “Executive” insert “, STB”;
- (d) in paragraph (c)(ii), after “Executive” insert “, STB”.
- (3) In subsection (5) —
- (a) in paragraph (a) of the definition of “relevant company”, after “Executive” insert “, an STB”;
- (b) in paragraph (b) of that definition, after “Executive” insert “, an STB”;
- (c) after that definition insert —
- ““STB” means a sub-national transport body established under section 102E of the Local Transport Act 2008.”

Environment Act 1995

- 1C (1) Section 65 of the Environment Act 1995 (National Park authorities: general purposes and powers) is amended as follows.
- (2) In subsection (5), after paragraph (b) insert—
- “Paragraph (b) is subject to subsection (6A).”
- (3) After subsection (6) insert—
- “(6A) Subsection (5)(b) does not apply in relation to a National Park authority for a National Park in England (see instead section 65A for general powers of such authorities).”

Local Government Act 1999

- 1D In section 1 of the Local Government Act 1999 (best value authorities), in subsection (1) after paragraph (hb) insert –
- “(hc) a sub-national transport body established under section 102E of the Local Transport Act 2008;”.

Freedom of Information Act 2000

- 1E In Schedule 1 to the Freedom of Information Act 2000 (public authorities), in Part 2 (local government: England and Wales), after paragraph 28 insert –
- “28A A sub-national transport body established under section 102E of the Local Transport Act 2008.”

78 Page 34, line 35, leave out “In section 91 (exercise of local authority functions),” and insert “(1) Section 91 (exercise of local authority functions) is amended as follows.

(2) ”

79 Page 34, line 36, at end insert –

“() In subsection (4) –

(a) omit “or” at the end of paragraph (a);

(b) after paragraph (b) insert –

“(c) for the function to be exercisable by the EPB and the local authority jointly, or

(d) for the function to be exercisable by the EPB jointly with the local authority but also continue to be exercisable by the local authority alone.”

80 Page 35, line 2, leave out lines 2 to 4 and insert –

“(2A) But section 85 of that Act, in its application to a combined authority by virtue of subsection (2), is subject to subsections (2AA) and (2AB).

(2AA) If the area of the combined authority includes the area of the whole of a county that comprises the areas of one or more district councils, the representative councils for the purposes of section 85(1)(c) of that Act (as applied to a combined authority) are either the county council or the council for each of the districts (as determined by or in accordance with the order).

(2AB) In relation to a mayoral combined authority, section 85(4) of that Act is not to be taken as preventing the mayor from being a voting member of the authority.”

81 Page 35, line 13, leave out paragraph (b)

82 Page 35, line 38, at end insert –

“8A In section 113 (requirements in connection with changes to existing combined arrangements), after subsection (3) insert –

“(4) This section does not apply to an order under section 106(1)(b) that is made as a result of the duty in section 105B(1D) or 107B(4).”

- 83 Page 35, line 43, at end insert –
“() After subsection (1) insert –
“(1A) In relation to an order under Schedule 5B, subsection (1) has effect as if the reference to the Secretary of State were a reference to the Secretary of State or the Chancellor of the Duchy of Lancaster.”
- 84 Page 36, line 2, at end insert –
“10A In section 115 (transfer of property, rights and liabilities), in subsection (1) after “liabilities” insert “(including criminal liabilities)”.
10B In section 116 (consequential amendments), after subsection (1) insert –
“(1A) In relation to an order under Schedule 5B, subsection (1) has effect as if the references to the Secretary of State were references to the Secretary of State or the Chancellor of the Duchy of Lancaster.”
- 85 Page 36, line 27, at end insert –
“*Equality Act 2010*
12A In Schedule 19 to the Equality Act 2010 (public authorities), in Part 1 (general), after the entry “A joint authority established under Part 4 of that Act for an area in England (including, by virtue of section 77(9) of the Local Transport Act 2008, an Integrated Transport Authority established under Part 5 of that Act of 2008)” insert –
“A sub-national transport body established under section 102E of the Local Transport Act 2008.””
- 86 Page 37, line 8, at end insert –
“*Local Audit and Accountability Act 2014*
18 (1) The Local Audit and Accountability Act 2014 is amended as follows.
(2) In section 40 (access to local government meetings and documents), in subsection (6) after paragraph (j) insert –
“(ja) a sub-national transport body,”.
(3) In section 44 (interpretation of Act), in subsection (1) after the definition of “special trustees for a hospital” insert –
““sub-national transport body” means a sub-national transport body established under section 102E of the Local Transport Act 2008.”.
(4) In Schedule 2 (relevant authorities), after paragraph 28 insert –
“28A A sub-national transport body.””

In the Title

- 87 Line 5, after “functions;” insert “to confer power to establish, and to make provision about, sub-national transport bodies;”

Cities and Local Government Devolution Bill [HL]

COMMONS AMENDMENTS

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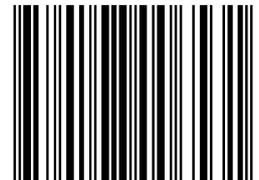
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