

Cities and Local Government Devolution Bill [HL]

AMENDMENTS TO BE MOVED ON CONSIDERATION OF COMMONS AMENDMENTS

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

COMMONS AMENDMENT 31

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.

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(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.

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(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).”

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- () 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.”

LORD BEECHAM

[As amendments to Commons Amendment 31]

Line 45, leave out “or” and insert “and”

Line 50, leave out from beginning to end of line 51

Line 56, at end insert –

“(d) after subsection (7) insert –

“(8) When, under the circumstances set out in subsections (3B) and (3C), one of the relevant councils does not consent, the other council may require the non-consenting council to enter into discussions to resolve any areas of disagreement and, in the event that such discussions do not successfully resolve the areas of disagreement, either council may refer those areas of disagreement to the Secretary of State who, following consideration of those areas of disagreement, may exercise his powers under subsection (1).”

COMMONS AMENDMENT 36

Clause 16

36 Page 16, line 11, at end insert –

- 4 “(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)).”

LORD BEECHAM

[As an amendment to Commons Amendment 36]

Line 4, at end insert “and the consenting local authority can demonstrate that it has made reasonable efforts to achieve local consensus for its proposed changes to structural or boundary provision”

COMMONS AMENDMENT 52

Clause 20

52 Page 18, line 41, leave out Clause 20

Lord Shipley to move, as an amendment to the motion that this House do agree with the Commons in their Amendment 52, leave out “agree” and insert “disagree”.

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