

Levelling-up and Regeneration Bill

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

9 February 2023

[Sheets HL Bill (a) to (q)]

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Clause 1

BARONESS HAYMAN OF ULLOCK

Clause 1, page 1, line 6, after “missions” insert “within 10 days of this Act being passed.”

Member's explanatory statement

This amendment means that the Levelling-Up missions must be published within 10 days of Royal Assent.

LORD FOSTER OF BATH

Clause 1, page 1, line 9, after “disparities” insert “including between predominantly urban and predominantly rural areas”

Member's explanatory statement

This amendment ensures that the objectives the Government intends to pursue to reduce geographical disparities will include the reduction of disparities between predominantly urban and predominantly rural areas.

BARONESS LISTER OF BURTERSETT
THE LORD BISHOP OF DURHAM
BARONESS D'SOUZA
BARONESS STROUD

Clause 1, page 1, line 14, at end insert –

“(2A) The levelling-up missions must include a mission to reduce the numbers and proportion of children in absolute poverty, relative poverty and deep poverty in each local authority and across the United Kingdom.”

Member's explanatory statement

This would ensure that the levelling-up missions included a mission to reduce child poverty.

BARONESS MCINTOSH OF PICKERING

Clause 1, page 1, line 14, at end insert –

“(2A) The levelling up missions must include a mission to reduce the disparities between rural and urban areas in the provision of public services.”

Member's explanatory statement

This amendment would ensure a parity in the provision of services between urban and rural areas with a specific reference in the Levelling-up missions.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 1, line 14, at end insert –

“(2A) A statement may apply to one or more region or nation of the United Kingdom.”

Member's explanatory statement

This probing amendment means that a statement can be directed at a specific region or nation.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 1, line 14, at end insert –

“(2A) The levelling-up missions must include missions which relate to –

- (a) pay, employment and productivity;
- (b) research and development;
- (c) public transport connectivity;
- (d) broadband and 4G and 5G coverage;

- (e) primary school attainment;
- (f) skills and training;
- (g) life expectancy;
- (h) wellbeing;
- (i) pride in place;
- (j) home ownership;
- (k) violent crime;
- (l) devolution.”

Member's explanatory statement

This inserts the Government's levelling-up missions into the Bill.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 1, line 14, at end insert –

“(2A) The levelling-up missions must include a mission which relates to the climate crisis and natural environment.”

Member's explanatory statement

This means that a Mission must relate to the climate crisis and natural environment.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 1, line 14, at end insert –

“(2A) The levelling-up missions must include a mission which relates to child poverty.”

Member's explanatory statement

This means that a Mission must relate to child poverty.

LORD SHIPLEY
LORD FOSTER OF BATH

Clause 1, page 1, line 14, at end insert –

“(2A) A statement of levelling-up missions must include an assessment of geographical disparities in the United Kingdom, broken down by local authority and, wherever possible, by postcode area.

(2B) An assessment of geographical disparities must consider –

- (a) levels of public spending, both capital and revenue,
- (b) levels of private sector inward investment,
- (c) levels of disposable household income,
- (d) levels of employment, unemployment, and economic inactivity,
- (e) levels of home ownership,
- (f) levels of educational attainment,
- (g) numbers of young people not in education, employment or training,

- (h) levels of child poverty,
- (i) success in reducing health inequalities,
- (j) the availability and cost of public transport, and
- (k) levels of fuel poverty.”

Member's explanatory statement

This amendment would define criteria that could be used to evaluate the success or otherwise of levelling up policies that aim to address geographical disparities

LORD FOSTER OF BATH

Clause 1, page 1, line 14, at end insert –

- “(2A) In preparing a statement of levelling-up missions, a Minister of the Crown must take account of the need to reduce geographical disparities both within regions and areas of the United Kingdom, and between them, including as regards rural areas.”

Member's explanatory statement

This ensures that data for the smallest areas available is used to enable levelling-up missions to take account of disparities within regions, including between urban and rural areas.

LORD FOSTER OF BATH

Clause 1, page 1, line 14, at end insert –

- “(2A) In preparing a statement of levelling-up missions, a Minister of the Crown must ensure that the mission progress methodology and metrics are as granular as reasonably practicable in relation to the size of geographical areas.”

Member's explanatory statement

This amendment ensures that disparities within regions, including in respect of disparities between urban and rural areas, as well as between regions, will form part of levelling-up missions.

LORD HOLMES OF RICHMOND

Clause 1, page 1, line 14, at end insert –

- “(2A) The levelling-up missions must include a mission which relates to the educational attainment of primary school children, which must include a statement of standards which at least 90% of primary school children should achieve in the areas of –
- (a) digital literacy,
 - (b) data literacy, and
 - (c) financial literacy.”

LORD HOLMES OF RICHMOND

Clause 1, page 1, line 14, at end insert –

“(2A) In preparing a statement of levelling-up missions, the Secretary of State must ensure that the objective of achieving beneficial outcomes for disabled people is included across all policy areas.”

THE LORD BISHOP OF LONDON

Clause 1, page 1, line 14, at end insert –

“(2A) The levelling-up missions must include a mission to reduce health disparities across the United Kingdom.”

Member's explanatory statement

This amendment would require that at least one levelling-up mission introduced by the Government focuses on addressing health disparities.

BARONESS HAYMAN OF ULLOCK
LORD HOPE OF CRAIGHEAD

Clause 1, page 2, line 13, at end insert –

“(za) a Minister of the Crown has consulted representatives of each devolved administration,”

Member's explanatory statement

This means that a statement only comes into effect once a Minister of the Crown has consulted representatives from each devolved administration.

BARONESS HAYMAN OF ULLOCK
LORD HOPE OF CRAIGHEAD

Clause 1, page 2, line 15, after “Crown” insert “and agreed by a resolution of each House following consultation with representatives from each devolved administration”

Member's explanatory statement

This means that the statement must be approved by Parliament, in consultation with devolved administrations.

LORD STUNELL
BARONESS PINNOCK

Clause 1, page 2, line 15, after “Crown” insert “and approved by a resolution of each House of Parliament”

Member's explanatory statement

This amendment would require mission statements to be approved by Parliament.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 2, line 20, at end insert “and also publish a statement of whether they will be renewing each mission.”

Member's explanatory statement

This means that the Government must publish a statement confirming whether they will be renewing each Mission before it ends.

After Clause 1

BARONESS WILLIS OF SUMMERTOWN
BARONESS PARMINTER
BARONESS JONES OF WHITCHURCH

After Clause 1, insert the following new Clause –

“Access to a healthy environment mission

- (1) When preparing a statement of levelling-up missions under section 1, a Minister of the Crown must include a mission on access to a healthy environment.
- (2) The access to a healthy environment mission must include the objective of maximising the number of people who live within 15 minutes’ walk of a high quality natural green or blue space.”

Member's explanatory statement

This new Clause would require the Government to include a mission on access to a healthy environment within the levelling up programme, aiming to increase the number of people able to enjoy the benefits of nearby natural space. This was a target agreed by the UK and others at the UN Biodiversity Conference in December 2022.

LORD STUNELL
BARONESS HUMPHREYS

After Clause 1, insert the following new Clause –

“Consultation on mission statements

- (1) Where the statement under section 1 includes a mission that relates to a devolved function, before preparing the statement the relevant Minister of the Crown must consult –
 - (a) the relevant Scottish Minister;
 - (b) the relevant Welsh Minister;
 - (c) the relevant Northern Ireland department;
 with respect to the applicability of that matter to that part of the United Kingdom.
- (2) If a Minister of the Crown receives a request from a representative of a devolved administration under subsection (1) to amend the mission insofar as it relates to a devolved function the Minister must do so before publishing the statement.

- (3) Where the statement under section 1 includes a mission that relates to a devolved function in England, before preparing the statement the relevant Minister of the Crown must consult any relevant Principal Council.
- (4) If a Minister of the Crown receives a request from a relevant Principal Council under subsection (3) to amend the mission insofar as it relates to a devolved function the Minister must, where it is reasonably practicable, do so before publishing the statement.”

Member's explanatory statement

This amendment would require a Minister preparing a mission statement to consult the relevant devolved administration or local authority where the mission relates to a devolved function, and to amend the mission at the request of the devolved authority.

LORD HOLMES OF RICHMOND

After Clause 1, insert the following new Clause –

“Health and well-being mission

- (1) When preparing a statement of levelling-up missions under section 1, a Minister of the Crown must include a mission or missions which relate to increasing healthy life expectancy, improving well-being, and reducing the gaps between areas where healthy life expectancy and well-being are highest and the areas where healthy life expectancy and well-being are lowest.
- (2) In its work to pursue the objectives set out in such a mission or missions, His Majesty’s Government must hold a consultation on the role that social prescribing should have in pursuing those objectives, and how to ensure that the successful use of social prescribing is maximised in pursuing those objectives.”

Clause 2

LORD STUNELL
BARONESS PINNOCK

Clause 2, page 2, line 37, at end insert –

- “(aa) include an independent evaluation of the effectiveness of the progress that has been made, in the period to which the report relates, in delivering each of the levelling-up missions in the current statement of levelling-up missions as it has effect at the end of that period,”

Member's explanatory statement

This amendment would require the Government to include an independent evaluation of the effectiveness of missions as part of the reporting requirement under this section.

LORD CARRINGTON

Clause 2, page 2, line 39, at end insert –

“(ba) include an assessment of how each levelling-up mission has met the principles of rural proofing policy, and”

Member's explanatory statement

This amendment would ensure that all Government levelling-up policies take into account rural proofing principles.

BARONESS TAYLOR OF STEVENAGE

Clause 2, page 3, line 2, at end insert –

“(d) include an estimate of the impact of the plans under paragraph (c) on emissions.”

Member's explanatory statement

This means that the reports must include an estimate of the impact on emissions.

BARONESS TAYLOR OF STEVENAGE

Clause 2, page 3, line 2, at end insert –

“(d) include separate chapters which consider the variances in delivery between different nations and regions.”

Member's explanatory statement

This means that the reports must include separate chapters which consider the variances in delivery between different nations and regions.

LORD FOSTER OF BATH

Clause 2, page 3, line 2, at end insert –

“(2A) Each report must include the Minister’s assessment in relation to rural areas.”

LORD LUCAS

Clause 2, page 3, line 25, at end insert –

“(8) A Minister of the Crown must appoint a body that is independent of government and Parliament to review the reports referred to in subsection (1), to interview ministers, officials and other parties they consider relevant, and to report to Parliament on the delivery of the missions as a whole and in particular on the cross-departmental collaboration that has taken place, or might have taken place, in respect of them.”

BARONESS TAYLOR OF STEVENAGE

Clause 2, page 3, line 25, at end insert –

“(8) A Minister of the Crown must appoint an independent advisory council with representatives from each nation and region of the United Kingdom to monitor progress and report to both Houses of Parliament.”

Member's explanatory statement

This means that a Minister must appoint an independent advisory council with representatives from each nation and region of the UK to monitor progress and report to both Houses of Parliament.

BARONESS TAYLOR OF STEVENAGE

Clause 2, page 3, line 31, at end insert “or 10 days before the next general election, whichever is sooner.”

Member's explanatory statement

This means that a report must be published before every General Election.

After Clause 2

BARONESS TAYLOR OF STEVENAGE

After Clause 2, insert the following new Clause –

“Reports: local authorities

A Minister of the Crown must publish guidance for county councils, unitary authorities and combined county authorities to publish annual reports on the delivery of levelling up missions.”

Member's explanatory statement

This means that a Minister of the Crown must publish guidance for county councils, unitary authorities and combined county authorities to publish annual reports on the delivery of levelling up missions.

Clause 3

BARONESS TAYLOR OF STEVENAGE

Clause 3, page 3, line 29, at end insert –

“(1A) Each report must also be given to the devolved legislatures of Scotland, Wales and Northern Ireland within the period of 120 days beginning with the first day after the period to which the report relates.”

Member's explanatory statement

This means that the report must be given to the devolved legislatures of Scotland, Wales and Northern Ireland.

After Clause 3

LORD KENNEDY OF SOUTHWARK
LORD YOUNG OF COOKHAM
BARONESS FOX OF BUCKLEY

After Clause 3, insert the following new Clause—

“Levelling-up missions: leasehold reform

- (1) Within 90 days of the Minister of the Crown laying a statement of levelling-up missions for the first time which contains missions that relate to housing, a Minister of the Crown must publish a report in accordance with this section.
- (2) The report must consider whether new legislation on leasehold reform would have any effect on the delivery of the mission which relates to housing.
- (3) The report must recommend whether the government should introduce legislation relating to leasehold reform for the purposes of delivering the missions, including to—
 - (a) amend the Landlord and Tenant Act 1985 and the Commonhold and Leasehold Reform Act 2002 to limit the right of landlords to recover legal costs in excess of a prescribed scale;
 - (b) make tribunal judgments binding on all leaseholders and to require landlords to account to all leaseholders;
 - (c) amend the Landlord and Tenant Act 1985 to prevent landlords recovering service charges where they have failed to comply with their disclosure obligations under that Act;
 - (d) commence section 21A of the Landlord and Tenant Act 1985 insofar as it is not already in force;
 - (e) require landlords to disclose commissions earned on insurance policies;
 - (f) make provision requiring landlords exercising a right of forfeiture or re-entry in relation to a property subject to a long lease to account to the tenant for the tenant’s equity in that property and to hold the tenant’s equity on trust;
 - (g) restrict the landlord’s right to legal and administrative costs;
 - (h) amend the Landlord and Tenant Act 1985 to provide for service charges to be reduced where they do not reflect the landlord’s actual costs in providing goods and services;
 - (i) make fixed service charges subject to reasonableness requirements.
- (4) If the report recommends the introduction of new legislation, a Minister of the Crown must publish draft legislation to implement the recommendations within 90 days of the publication of the report.”

LORD KENNEDY OF SOUTHWARK

After Clause 3, insert the following new Clause—

“Levelling-up missions: abolition of leasehold as a form of tenure

- (1) Within 90 days of a Minister of the Crown laying a statement of levelling-up missions for the first time which contains missions that relate to housing, a Minister of the Crown must publish a report to consider whether the abolition of leasehold as a form of tenure would support the delivery of the mission which relates to housing.
- (2) If the report finds that abolishing leasehold as a form of tenure would support the delivery of the mission, the Minister must publish draft legislation to achieve this within 30 days of the publication of the report.”

Clause 4

BARONESS TAYLOR OF STEVENAGE

Clause 4, page 4, line 14, after “changed” insert “accompanied by any relevant academic advice”

Member's explanatory statement

This means that the Minister must publish relevant academic advice when revising the statement.

BARONESS TAYLOR OF STEVENAGE

Clause 4, page 4, line 19, at end insert—

- “(4) The Minister may not revise the target date under subsection (2) to a date beyond the latest possible date on which the next general election can be held in accordance with the Dissolution and Calling of Parliament Act 2022.”

Member's explanatory statement

This means that target dates cannot be changed to beyond the next General Election.

Clause 5

BARONESS HAYMAN OF ULLOCK

Clause 5, page 4, line 30, at end insert—

- “(3A) An additional review must be published if a Minister deems there has been a significant change in the economic situation.”

Member's explanatory statement

This means that a review must be published if a Minister deems there has been a significant change in the economic situation.

BARONESS HAYMAN OF ULLOCK

Clause 5, page 4, line 33, at end insert –

- “(4A) Before any review, the Minister must publish a report which includes the results of a national consultation and any relevant evidence or guidance to support the review.”

Member's explanatory statement

This means that before any review, the Minister must publish a report which includes the results of a national consultation and any relevant evidence or guidance to support the review.

BARONESS HAYMAN OF ULLOCK

Clause 5, page 5, line 18, at end insert –

- “(ca) state whether the independent evaluating body considers that pursuing the levelling-up missions in that statement is effectively contributing to the reduction of geographical disparities in the United Kingdom,”

Member's explanatory statement

This amendment would require the report on a review of statements of levelling-up missions to include the assessment of the independent evaluating body.

LORD STUNELL
BARONESS PINNOCK

Clause 5, page 5, line 34, at end insert –

- “(9A) Any revisions of a statement under this section must –
- (a) be approved by a resolution of each House of Parliament, and
 - (b) follow the same consultation and engagement process as set out in section (Consultation on mission statements).”

Member's explanatory statement

This amendment would require revisions to statements to be approved by Parliament and follow consultation processes with relevant devolved authorities.

After Clause 5

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“Levelling Up Fund

If an allocation is made from the Levelling Up Fund, a Minister of the Crown must publish a statement explaining how the allocation supports the levelling-up missions.”

Member's explanatory statement

This means that the Government must explain how allocations from the levelling up fund support the levelling up missions.

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“Levelling-up consultants

Within 120 days of this Act being passed, a Minister of the Crown must publish an estimate of how much local authorities have spent on consultants in relation to this Part.”

Member's explanatory statement

This means that a Minister must publish an estimate of how much local authorities have spent on consultants in relation to Clauses 1 to 6 of the Bill.

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“Levelling-up directors

Within 120 days of this Act being passed, a Minister of the Crown must publish a statement of any levelling up directors who have been appointed and their role in relation to the implementation of the levelling-up missions.”

Member's explanatory statement

This means that a Minister must publish a statement of any levelling up directors who have been appointed and their role in relation to the implementation of the levelling-up missions.

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“Rural and coastal metrics

Within 5 years of this Act being passed, a Minister of the Crown must publish an assessment as to whether further legislation should be introduced for the purposes of establishing new metrics for rural and coastal communities.”

Member's explanatory statement

This is to probe whether the metrics are suitable for rural and coastal communities, and whether alternative metrics should be considered.

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“National Planning Policy Framework: levelling-up missions

Within 30 days of this Act being passed, a Minister of the Crown must publish draft legislation for ensuring that the National Planning Policy Framework has regard to the levelling-up missions.”

Member's explanatory statement

This means that a Minister of the Crown must publish draft legislation for ensuring that the National Planning Policy Framework has regard to the Levelling-Up Missions.

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“Impact on local government legislation

- (1) Within 30 days of this Act being passed, a Minister of the Crown must publish a report.
- (2) The report must include –
 - (a) an assessment of the impact of this Part on the implementation of legislation relating to local government, and
 - (b) a strategy to consider the impact of this Part when preparing future legislation relating to local authorities.”

Member's explanatory statement

This means that the Government must publish a report on the impact of the levelling-up missions on local government legislation.

LORD BERKELEY

After Clause 5, insert the following new Clause –

“Levelling Up Fund: transport projects

A grant may not be awarded under the Levelling Up Fund for funding for capital costs of transport projects where the match funding is over 10% of the total direct capital costs associated with the delivery of the projects unless the project complies with the guidance issued by the Secretary of State under section 79 of the Subsidy Control Act 2022.”

Clause 6

BARONESS HAYMAN OF ULLOCK
LORD SHIPLEY

Clause 6, page 6, leave out lines 13 and 14 and insert –

““geographical disparities” means disparities in economic, social or other opportunities or outcomes between different geographical areas, including regions, counties, councils and council wards;”

Member's explanatory statement

This amendment means that the geographical disparities must consider differences between geographical areas, including regions, counties, councils and council wards.

BARONESS HAYMAN OF ULLOCK

Clause 6, page 6, line 13, after “economic,” insert “health,”

Member's explanatory statement

This amendment means that geographical disparities include health outcomes.

Clause 7

BARONESS TAYLOR OF STEVENAGE

Clause 7, page 6, line 33, after “whole” insert “or part”

Member's explanatory statement

This probing amendment means that a CCA can include part of a two-tier council area, rather than the whole area.

BARONESS TAYLOR OF STEVENAGE

Clause 7, page 7, line 5, at end insert –

“(3A) The Secretary of State may not lay regulations under this section until he or she has deemed that establishment is supported by no less than 60% of residents in the area.”

Member's explanatory statement

This means that a CCA is established only if the Secretary of State deems there is no less than 60% of support from the local residents.

BARONESS TAYLOR OF STEVENAGE

Clause 7, page 7, line 5, at end insert –

“(3A) The Secretary of State may not lay regulations under this section until he or she has laid a statement before both Houses of Parliament detailing which travel to work areas are included in the area.”

Member's explanatory statement

This amendment is to probe whether CCAs will be focused on single economic hubs.

BARONESS TAYLOR OF STEVENAGE

Clause 7, page 7, line 5, at end insert –

“(3A) The Secretary of State may not lay regulations under this section until he or she has laid a statement before both Houses of Parliament which includes plans for a duty of cooperation between the area and other neighbouring areas.”

Member's explanatory statement

This is to probe how the Government can ensure there is a duty of cooperation between CCAs.

BARONESS TAYLOR OF STEVENAGE

Clause 7, page 7, line 5, at end insert –

“(3A) The Secretary of State may not lay regulations under this section until he or she has laid a statement before both Houses of Parliament detailing which police forces and NHS trusts are included in the area.”

Member's explanatory statement

This amendment is to probe how the CCA boundaries will intersect with other boundaries, such as those of police forces and NHS trusts.

After Clause 7

BARONESS HAYMAN OF ULLOCK

After Clause 7, insert the following new Clause –

“Environmental Impact Assessment

- (1) The Secretary of State must publish an environmental impact assessment 120 days after laying regulations under section 7.
- (2) Each year thereafter, the CCA must publish an environmental impact assessment in relation to their ongoing operation.”

Member's explanatory statement

This means that an environmental impact assessment must be published following the establishment of a CCA.

Clause 8

BARONESS HAYMAN OF ULLOCK

Clause 8, page 7, line 24, after second “the” add “initial”

Member's explanatory statement

The means that regulations can only relate to the initial constitutional arrangements.

BARONESS HAYMAN OF ULLOCK

Clause 8, page 7, line 25, at end insert –

“(1A) The Secretary of State may only lay regulations under subsection (1) if he or she has published a report of a consultation with the CCA in relation to the regulations.”

Member's explanatory statement

This means that regulations relating to constitutional arrangements of CCAs can only be made after consultation with the CCA.

LORD SHIPLEY

Clause 8, page 8, line 4, leave out paragraph (f)

Member's explanatory statement

The deletion of this paragraph would reduce the risk of single party control of the executive of a CCA or its committees.

LORD FOSTER OF BATH

Clause 8, page 8, line 18, at end insert “but no more than any other constituent council”

Member's explanatory statement

This amendment ensures that any constituent council has, as part of a CCA, the same number of appointed elected members as any other constituent council.

LORD FOSTER OF BATH

Clause 8, page 9, line 16 at end insert –

“(c) a district council in a two-tier county council for an area within the CCA’s area or proposed area.”

Clause 9

LORD SHIPLEY

Clause 9, page 9, line 25, leave out “unless the voting members resolve otherwise”

Member's explanatory statement

This would reduce the risk of one-party dominance of a CCA by ensuring only full members of a CCA have a vote.

BARONESS TAYLOR OF STEVENAGE

Clause 9, page 9, line 30, at end insert –

“(7) A non-constituent member of a CCA ceases to be a member if they form part of a different CCA.”

Member's explanatory statement

This means that a non-constituent member ceases to be a member when they form part of a different CCA.

BARONESS TAYLOR OF STEVENAGE

Clause 9, page 9, line 30, at end insert –

“(7) Within 30 days of this Act receiving Royal Assent, a Minister of the Crown must publish a statement including a definition of “non-constituent member” and a description of their purpose.”

Member's explanatory statement

This means that the Government must define and clarify the purpose of non-constituent members.

LORD SHIPLEY

Clause 9, page 9, leave out line 35

Member's explanatory statement

This would reduce the risk of one-party dominance of a CCA by ensuring only full members of a CCA have a vote.

Clause 11

BARONESS HAYMAN OF ULLOCK

Clause 11, page 10, line 37, at end insert –

“(2A) A CCA may request regulations are introduced under this section insofar as they relate to their CCA.”

Member's explanatory statement

This means that a CCA can request regulations are introduced in relation to them.

Schedule 1

LORD SHIPLEY

Schedule 1, page 253, line 18, at end insert –

- “(d) to make its reports public whenever the overview and scrutiny committee believes publication to be in the public interest.”

Member's explanatory statement

This would ensure that the CCA cannot refuse to publish a report of an overview and scrutiny committee.

LORD SHIPLEY

Schedule 1, page 254, line 3, at end insert “which should not be unreasonably withheld”

Member's explanatory statement

This would prevent a CCA restricting the work of an overview and scrutiny committee without good reason.

LORD CARRINGTON

Schedule 1, page 254, line 11, after “sub-committees” insert “including rural sub-committees”

Member's explanatory statement

This amendment provides Overview and Scrutiny Committees of Combined County Authorities the power to appoint rural sub-committees.

BARONESS SCOTT OF NEEDHAM MARKET

Schedule 1, page 255, line 25, at end insert –

- “(j) for the appointment of a representative from parish councils within the CCA area to the membership of an overview and scrutiny committee.”

Member's explanatory statement

This amendment would require the Secretary of State to make provision in regulations for the appointment of a representative from parish councils in the CCA area to the membership of an overview and scrutiny committee.

LORD SHIPLEY

Schedule 1, page 255, line 36, after “member” insert “and has not been so for a period of five years”

Member's explanatory statement

This would prevent recent members of a political party qualifying as an appropriate person.

LORD SHIPLEY

Schedule 1, page 255, line 41, after “parties)” insert “and has not been so for a period of five years”

Member's explanatory statement

This would prevent recent members of a political party qualifying as an appropriate person.

LORD SHIPLEY

Schedule 1, page 256, line 34, leave out “one member of an audit committee is” and insert “three members of an audit committee are”

Member's explanatory statement

This aims to enhance public confidence in the audit process by increasing the number of independent people on the audit committees.

Clause 14

BARONESS TAYLOR OF STEVENAGE

Clause 14, page 12, line 5, at end insert –

- “(4) The Secretary of State must publish an annual statement on the funding of each CCA.
- (5) Each statement made under subsection (4) must include a cost-benefit analysis of the funding.”

Member's explanatory statement

This means that an annual statement must be published showing how much funding is given to each CCA, and a cost-benefit analysis of this.

BARONESS TAYLOR OF STEVENAGE

Clause 14, page 12, line 5, at end insert –

- “(4) A CCA may request that the Secretary of State publishes an assessment of their funding, including in relation to any new functions.”

Member's explanatory statement

This means that a CCA may request that the Secretary of State publishes an assessment of their funding, including in relation to any new functions.

Clause 16

BARONESS HAYMAN OF ULLOCK

Clause 16, page 13, line 13, after “CCA,” insert “a majority of members of”

Member's explanatory statement

This means that regulations can only be made with a majority of members of the constituent councils.

After Clause 16

LORD HUNT OF KINGS HEATH

After Clause 16, insert the following new Clause –

“Reports on transfer of NHS responsibilities to local government

- (1) A Minister of the Crown must prepare reports on proposals for the transfer of NHS functions to local authorities, combined metropolitan authorities, combined county authorities, and mayors as established under sections 15 to 20 of the Cities and Local Government Devolution Act 2016 (combined and local authorities).
- (2) The first report in relation to subsection (1) must be made within 12 months of the passing of this Act.
- (3) Subsequent reports in relation to subsection (1) must be made at 24-month intervals following publication of the first report.”

Member's explanatory statement

This amendment and another in this location in the name of Lord Hunt of Kings Heath are probing amendments designed to explore the Government’s commitment to transferring NHS responsibilities to local government as envisaged in the Cities and Local Government Devolution Act 2016.

LORD HUNT OF KINGS HEATH

After Clause 16, insert the following new Clause –

“Parliamentary scrutiny and publication

- (1) A report under section (*Reports on transfer of NHS responsibilities to local government*) must be laid before each House of Parliament before the end of the period of 120 days beginning immediately after the last day of the period to which the report relates.

- (2) After a report has been laid before each House of Parliament under subsection (1), a Minister of the Crown must publish it as soon as is reasonably practicable.
- (3) In calculating the period of 120 days mentioned in subsection (1), no account is to be taken of any time during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House of Parliament is adjourned for more than 4 days.”

Member's explanatory statement

This amendment and another in this location in the name of Lord Hunt of Kings Heath are probing amendments designed to explore the Government's commitment to transferring NHS responsibilities to local government as envisaged in the Cities and Local Government Devolution Act 2016.

Clause 19

BARONESS HAYMAN OF ULLOCK

Clause 19, page 16, line 11, at end insert—

- “(6) The Secretary of State has a duty to cooperate with trade unions representing employees of CCAs who have responsibilities relating to transport.”

Member's explanatory statement

This is to probe whether the Government will cooperate with trade unions representing employees of CCAs.

BARONESS HAYMAN OF ULLOCK

Clause 19, page 16, line 11, at end insert—

- “(6) The Secretary of State must prepare and publish an annual report setting out—
- (a) any differences in integrated transport authority functions conferred on CCAs,
 - (b) the reasons for those differences, and
 - (c) the extent to which economic, social and environmental well-being factors were considered in coming to decisions to confer different powers.”

Member's explanatory statement

This amendment would require the Secretary of State to publish an annual report explaining any differences in integrated transport authority functions conferred on CCAs.

After Clause 19

BARONESS HAYMAN OF ULLOCK

After Clause 19, insert the following new Clause—

“Petitioning of CCA with transport functions

- (1) Residents of a CCA with transport functions may petition their CCA and the Government for new transport infrastructure.
- (2) Transport infrastructure includes but is not limited to mass rapid transit, bus routes, or trams.”

Member's explanatory statement

This is to probe whether residents of CCAs with transport functions will have a means of requesting new transport infrastructure from their CCA and the Government.

BARONESS HAYMAN OF ULLOCK

After Clause 19, insert the following new Clause—

“Sustainability report

If a CCA is transferred functions under section 19, they must publish a report within 90 days providing an assessment of whether transport infrastructure in their area is sustainable.”

Member's explanatory statement

This means that a CCA given transport functions must publish an assessment of whether transport infrastructure in their area is sustainable.

BARONESS HAYMAN OF ULLOCK

After Clause 19, insert the following new Clause—

“Transfer of functions: assessment of franchised railway operator

- (1) This section applies to a CCA whose area includes any part of the course of a railway run on a franchise basis.
- (2) Within 30 days of being transferred powers under section 19, a CCA must publish an assessment of the performance of the train operating company or companies operating the franchise.”

Member's explanatory statement

This amendment means that a CCA which is transferred powers under section 19 must publish an assessment of any companies which operate a train franchise in their area.

BARONESS HAYMAN OF ULLOCK

After Clause 19, insert the following new Clause –

“Transfer of functions: local travel surveys

Within 30 days of being transferred powers under section 19, a CCA must notify the Secretary of State of any plans to begin a local travel survey.”

Member's explanatory statement

This is to probe the role of travel surveys for CCAs with transport functions.

After Clause 22

BARONESS TAYLOR OF STEVENAGE

After Clause 22, insert the following new Clause –

“Designation of key routes: railways, bus routes and cycle paths

The Secretary of State may by regulations confer on a CCA a power to designate railways, bus routes and cycle paths as key routes.”

Member's explanatory statement

This is to probe whether provisions may be introduced to designate railways, bus routes and cycle paths as key routes, in a similar way to Clause 22.

BARONESS TAYLOR OF STEVENAGE

After Clause 22, insert the following new Clause –

“Transport infrastructure in need of government regeneration

- (1) The Secretary of State may by regulations confer on a CCA a power to designate transport infrastructure within their area as in need of regeneration.
- (2) If infrastructure is designated as in need of regeneration, the Secretary of State must publish a statement within 120 days.
- (3) The statement must include a strategy on how the Government will support regeneration of the infrastructure.
- (4) For the purposes of this section, infrastructure includes but is not limited to pavements, roads, railways, bus routes and cycle paths.”

Member's explanatory statement

This is to probe whether CCAs will be able to ask the government for support in regenerating transport infrastructure.

Clause 23

BARONESS TAYLOR OF STEVENAGE

Clause 23, page 19, line 31, at end insert –

“(c) the public have been consulted.”

Member's explanatory statement

This amendment would require public consultation to take place before the amendment of a CCA area.

BARONESS TAYLOR OF STEVENAGE

Clause 23, page 20, line 21, at end insert –

“(14) Where the Secretary of State makes provision under subsection (1)(b) to remove a local government area from a CCA, they must publish a statement setting out how that local government area will have access to the powers they have lost in the future.”

Member's explanatory statement

This amendment would require the Secretary of State to explain how a local government area will in future have access to the powers they have lost as a result of removal from a CCA.

Clause 24

BARONESS TAYLOR OF STEVENAGE

Clause 24, page 21, line 3, at end insert –

“(c) the public have been consulted.”

Member's explanatory statement

This amendment would require public consultation to take place before the dissolution of a CCA.

BARONESS TAYLOR OF STEVENAGE

Clause 24, page 21, line 3, at end insert –

“(5) Where the Secretary of State makes provision under subsection (1) to dissolve a CCA's area, they must publish a statement setting out how the relevant local government area or areas will have access to the powers they have lost in the future.”

Member's explanatory statement

This amendment would require the Secretary of State to explain how a local government area will in future have access to the powers they have lost as a result of the dissolution or abolition of a CCA.

Schedule 2

BARONESS SCOTT OF BYBROOK

Schedule 2, page 259, line 16, at end insert –

- “(4) Until the coming into force of paragraph 5 of Schedule 8 to the Elections Act 2022 (amendment of paragraph 8(3) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 relating to candidacy rights of EU citizens), sub-paragraph (3) has effect as if for the definition of “qualifying citizen” there were substituted –

““qualifying citizen” means a person who is a qualifying Commonwealth citizen or a citizen of the Republic of Ireland or a relevant citizen of the Union, within the meaning given in section 79 of the Local Government Act 1972;”.”

Member's explanatory statement

This amendment reflects the fact that the definition of “qualifying citizen” in paragraph 7(3) of Schedule 2 follows the definition of that term in paragraph 8(3) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 as amended by paragraph 5 of Schedule 8 to the Elections Act 2022, which is not yet in force. It therefore ensures that the definition in the Bill tracks that in the 2009 Act while the amendment to the latter by the 2022 Act is not force.

BARONESS SCOTT OF BYBROOK

Schedule 2, page 259, line 24, leave out “regulations” and insert “order”

Member's explanatory statement

This amendment and the amendments in the name of Baroness Scott of Bybrook at page 259, line 25, page 259, line 27 and page 259, line 28 correct drafting errors, in that references to various kinds of regulations should be references to various kinds of order.

BARONESS SCOTT OF BYBROOK

Schedule 2, page 259, line 25, leave out “regulations” and insert “order”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Baroness Scott of Bybrook at page 259, line 24.

BARONESS SCOTT OF BYBROOK

Schedule 2, page 259, line 27, leave out “regulations” and insert “order”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Baroness Scott of Bybrook at page 259, line 24.

BARONESS SCOTT OF BYBROOK

Schedule 2, page 259, line 28, leave out “regulations” and insert “order”

Member's explanatory statement

See the explanatory statement for the amendment in the name of Baroness Scott of Bybrook at page 259, line 24.

BARONESS SCOTT OF BYBROOK

Schedule 2, page 259, line 40, leave out “115” and insert “114A”

Member's explanatory statement

This amendment corrects a cross-reference, which should be to section 114A of the Representation of the People Act 1983 rather than to section 115 of that Act.

BARONESS SCOTT OF BYBROOK

Schedule 2, page 260, line 10, at end insert—

- “(3) Until the coming into force of paragraph 6 of Schedule 5 to the Elections Act 2022 (amendment of paragraph 9(1) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 relating to undue influence), sub-paragraph (1) has effect as if paragraph (e) were omitted.”

Member's explanatory statement

This amendment reflects the fact that paragraph (e) of paragraph 8(1) of Schedule 2 matches paragraph (e) of paragraph 9(1) of Schedule 5B to the Local Democracy, Economic Development and Construction Act 2009 as inserted by paragraph 6 of Schedule 5 to the Elections Act 2022, which is not yet in force. It therefore ensures that paragraph 8(1) of Schedule 2 to the Bill tracks paragraph 9(1) of Schedule 5B to the 2009 Act while the amendment to the latter by the 2022 Act is not force.

BARONESS SCOTT OF BYBROOK

Schedule 2, page 260, line 10, at end insert—

- “8A (1) A person is disqualified for being elected or holding office as the mayor for the area of a CCA if the person is subject to—
- (a) any relevant notification requirements, or
 - (b) a relevant order.
- (2) In this paragraph “relevant notification requirements” mean—
- (a) the notification requirements of Part 2 of the Sexual Offences Act 2003;
 - (b) the notification requirements of Part 2 of the Sex Offenders (Jersey) Law 2010;

- (c) the notification requirements of Part 2 of the Criminal Justice (Sex Offenders and Miscellaneous Provisions) (Bailiwick of Guernsey) Law 2013;
 - (d) the notification requirements of Schedule 1 to the Criminal Justice Act 2001 (an Act of Tynwald: c 4).
- (3) In this paragraph “relevant order” means –
- (a) a sexual harm prevention order under section 345 of the Sentencing Code;
 - (b) a sexual harm prevention order under section 103A of the Sexual Offences Act 2003;
 - (c) a sexual offences prevention order under section 104 of that Act;
 - (d) a sexual risk order under section 122A of that Act;
 - (e) a risk of sexual harm order under section 123 of that Act;
 - (f) a risk of sexual harm order under section 2 of the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005;
 - (g) a sexual risk order under section 27 of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016;
 - (h) a restraining order under Article 10 of the Sex Offenders (Jersey) Law 2010;
 - (i) a child protection order under Article 11 of that Law;
 - (j) a sexual offences prevention order under section 18 of that Law;
 - (k) a risk of sexual harm order under section 22 of that Law;
 - (l) a sexual offences prevention order under section 1 of the Sex Offenders Act 2006 (an Act of Tynwald: c 20);
 - (m) a risk of sexual harm order under section 5 of that Act.
- (4) For the purposes of sub-paragraph (1)(a), a person who is subject to any relevant notification requirements is not to be regarded as disqualified until –
- (a) the expiry of the ordinary period allowed for making an appeal or application against the conviction, finding, caution, order or certification in respect of which the person is subject to the relevant notification requirements, or
 - (b) if such an appeal or application is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- (5) For the purposes of sub-paragraph (1)(b), a person who is subject to a relevant order is not to be regarded as disqualified until –
- (a) the expiry of the ordinary period allowed for making an appeal against the relevant order, or
 - (b) if such an appeal is made, the date on which it is finally disposed of or abandoned or fails because it is not prosecuted.
- (6) This paragraph does not have the effect of disqualifying a person for being elected or holding office as the mayor for the area of a CCA by reason of the person becoming subject to –
- (a) any relevant notification requirements, or
 - (b) a relevant order,

before the day on which this paragraph comes into force.”

Member's explanatory statement

This amendment makes provision for a person to be disqualified from being the mayor of a CCA in certain circumstances. The provisions correspond to the provision made about the mayors of combined authorities by the Local Government (Disqualification) Act 2022.

BARONESS SCOTT OF BYBROOK

Schedule 2, page 261, line 10, leave out “(2)(a)” and insert “(2)(c)”

Member's explanatory statement

This amendment corrects a cross-reference, which should be to paragraph 11(2)(c) of Schedule 2 to the Bill rather than to paragraph 11(2)(a) of that Schedule.

Clause 27

LORD SHIPLEY

Clause 27, page 22, line 8, at end insert “, subject to the agreement of the CCA”

Member's explanatory statement

This amendment would ensure that the appointment could not be imposed on the CCA without scrutiny and without its agreement.

Clause 28

BARONESS HAYMAN OF ULLOCK

Clause 28, page 24, line 34, at end insert –

“(14) If the Secretary of State makes regulations under this section, he or she must publish a statement within 90 days setting out if any additional funds will be made available to the mayor.”

Member's explanatory statement

This means that the Secretary of State must publish a statement confirming what additional funds will be made available to a Mayor when making regulations under this section.

After Clause 30

BARONESS HAYMAN OF ULLOCK

After Clause 30, insert the following new Clause –

“Annual summit of CCA mayors

The Secretary of State must make arrangements for an annual summit of each mayor for the area of a CCA.”

Member's explanatory statement

This probes whether there should be an annual summit of CCA mayors.

Schedule 3

LORD SHIPLEY

Schedule 3, page 263, line 5, at end insert “, subject to the agreement of the CCA”

Member's explanatory statement

This amendment would ensure that the CCA is confident that powers being delegated by the deputy mayor are appropriate.

BARONESS SCOTT OF BYBROOK

Schedule 3, page 264, line 27, leave out “and 8” and insert “, 8 and 8A”

Member's explanatory statement

This amendment is consequential on the second amendment in the name of Baroness Scott of Bybrook at page 260, line 10.

Clause 33

LORD SHIPLEY

Clause 33, page 28, line 24, leave out “at least two thirds” and insert “a majority”

Member's explanatory statement

This amendment would ensure that the views of a majority of the CCA are fully considered in accordance with this Clause.

Clause 39

BARONESS HAYMAN OF ULLOCK

Clause 39, page 34, line 32, at end insert –

- (c) about the laying of draft budgets before Parliament”

Member's explanatory statement

This probes whether Parliament will be able to scrutinise CCA budgets.

Clause 40

LORD SHIPLEY

Clause 40, page 35, line 19, leave out from “title” to end of line 27 and insert “that the CCA considers more appropriate”

Member's explanatory statement

The list of possible alternative titles is unnecessary since the CCA already has powers under this Clause to choose any alternative title.

Clause 41

BARONESS HAYMAN OF ULLOCK

Clause 41, page 37, line 11, at end insert –

(aa) the resolution must be communicated to all residents in the area,”

Member's explanatory statement

This means that a change in Mayoral title must be communicated to residents.

Clause 43

BARONESS HAYMAN OF ULLOCK

Clause 43, page 39, line 14, at end insert –

“(c) prepare and publish a report setting out the results of the consultation.”

Member's explanatory statement

This amendment would require the authority or authorities submitting a proposal for a new Combined County Authority to make the results of the public consultation publicly available before submission.

Clause 53

BARONESS TAYLOR OF STEVENAGE

Clause 53, page 46, line 16, leave out “may” and insert “must within 6 months of the day on which this Act is passed”

Member's explanatory statement

This amendment would require the Secretary of State to produce guidance on the establishment and operation of CCAs within 6 months of this Act receiving Royal Assent.

BARONESS TAYLOR OF STEVENAGE

Clause 53, page 46, line 31, at end insert –

- “(6) The Secretary of State must publish guidance to the residents of CCAs explaining the functions of their CCA.”

Member's explanatory statement

This is to probe whether the public will informed of their CCA's functions.

Schedule 4

BARONESS SCOTT OF BYBROOK

Schedule 4, page 266, line 6, at end insert –

“Landlord and Tenant Act 1954 (c. 56)

- A1 In section 69(1) of the Landlord and Tenant Act 1954 (interpretation), in the definition of “local authority”, after “section 103 of that Act” insert “, a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Trustee Investments Act 1961 (c. 62)

- A2 In section 11(4)(a) of the Trustee Investments Act 1961 (local authority investment schemes), after “section 103 of that Act” insert “, a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Local Government (Records) Act 1962 (c. 56)

- A3 The Local Government (Records) Act 1962 is amended as follows.
- A4 In section 2(6) (acquisition and deposit of records), after “section 103 of that Act” insert “, to a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.
- A5 In section 8(1) (interpretation), in the definition of “local authority”, after “section 103 of that Act” insert “, or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Leasehold Reform Act 1967 (c. 88)

- A6 In section 28(5)(a) of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), after “section 103 of that Act,” insert “any combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Transport Act 1968 (c. 73)

- A7 The Transport Act 1968 is amended as follows.

- A8 (1) Section 9 (Areas, Authorities and Executives) is amended as follows.
- (2) In subsection (1) –
- (a) in paragraph (a)(i), after “a combined authority area” insert “or a combined county authority area”;
- (b) after paragraph (ab) insert –
- “(ac) any reference to a “combined county authority” is to an authority established under section 7(1) of the Levelling-up and Regeneration Act 2023 for an area which is or includes a metropolitan county;
- (ad) any reference to a “combined county authority area” is to an area for which a combined county authority is established;”;
- (c) in paragraph (b), after sub-paragraph (ia) insert –
- “(iaa) in relation to a combined county authority area, the combined county authority;”.
- (3) In subsection (2), after “a combined authority area” insert “, a combined county authority area”.
- (4) In subsection (3), after “a combined authority area” insert “, a combined county authority area”.
- (5) In subsection (5) for “or a combined authority area” substitute “a combined authority area or a combined county authority area”.
- A9 In section 9A (general functions of Authorities and Executives), in each of subsections (3), (5), (6)(a) and (b), (7) and (8), after “combined authority area” insert “, combined county authority area”.
- A10(1) Section 10 (general powers of Executives) is amended as follows.
- (2) In subsection (1), after “a combined authority area” insert “, a combined county authority area”.
- (3) In subsection (3), after “a combined authority area” insert “, a combined county authority area”.
- (4) In subsection (5), after “a combined authority area” insert “, a combined county authority area”.
- A11 In section 10A(1) (further powers of Executives), for “or combined authority area” substitute “, combined authority area or combined county authority area”.
- A12 In section 12(1) (borrowing powers of Executive), after “a combined authority area” insert “, a combined county authority area”.
- A13 In section 14(1) (accounts of Executive), after “a combined authority area” insert “, a combined county authority area”.
- A14(1) Section 15 (further functions of Authority) is amended as follows.
- (2) In subsection (1), after “a combined authority area” insert “, a combined county authority area”.

- (3) In subsection (6), after “a combined authority area” insert “, a combined county authority area”.
- A15 In section 16(1) (annual report by Authority and Executive), after “combined authority area” insert “, combined county authority area”.
- A16(1) Section 20 (special duty with respect to railway passengers) is amended as follows.
- (2) In subsection (1), after “a combined authority area” insert “, a combined county authority area”.
- (3) In subsection (2A), after “a combined authority area” insert “, a combined county authority area”.
- A17(1) Section 23 (consents of, or directions, by Minister) is amended as follows.
- (2) In subsection (1), after “a combined authority area” insert “, a combined county authority area”.
- (3) In subsection (2), after “a combined authority area” insert “, a combined county authority area”.
- (4) In subsection (3), after “a combined authority area” insert “, a combined county authority area”.
- A18 In section 56(6) (assistance by Minister or local authority towards expenditure on public transport), after paragraph (bc) insert—
- “(bd) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- A19(1) Schedule 5 (Passenger Transport Executives) is amended as follows.
- (2) In Part 2, in paragraph 2, after “the combined authority area”, in both places it occurs, insert “, the combined county authority area”.
- (3) In Part 3, in paragraph 11, after “a combined authority area”, insert “, a combined county authority area”.

Local Government Grants (Social Need) Act 1969 (c. 2)

- A20 In section 1(3) of the Local Government Grants (Social Need) Act 1969 (provision for grants), for “and a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act and a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)

- A21 In section 3(2)(b) of the Employers’ Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), after “section 103 of that Act,” insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Local Authorities (Goods and Services) Act 1970 (c. 39)

- A22 In section 1(4) of the Local Authorities (Goods and Services) Act 1970 (provision for grants), in the definition of “local authority”, after “section 103 of that Act,” insert “any combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,.”

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 266, line 8, at end insert—

- “1A (1) Section 70 (restriction on promotion of Bills for changing local government areas, etc) is amended as follows.
- (2) In subsection (1), for “or combined authority” substitute “, combined authority or combined county authority”.
- (3) In subsection (3), for “or combined authority” substitute “, combined authority or combined county authority”.
- 1B In section 80(2)(b) (disqualification for election and holding office as member of local authority), after “combined authority” insert “, combined county authority”.
- 1C In section 85(4) (vacation of office by failure to attend meetings), for “and a combined authority” substitute “, a combined authority and a combined county authority”.
- 1D In section 86(2) (declaration of vacancy by local authority), for “and a combined authority” substitute “, a combined authority and a combined county authority”.
- 1E In section 92(7) (proceedings for disqualification)—
- (a) for “and a combined authority” substitute “, a combined authority and a combined county authority”, and
- (b) for “or a combined authority” substitute “, a combined authority or a combined county authority”.
- 1F In section 99 (meetings and proceedings of local authorities), after “combined authorities,” insert “combined county authorities,.”

Member's explanatory statement

This amendment inserts various consequential amendments to the Local Government Act 1972 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 267, line 10, at end insert –

- “3A In section 138C(1) (application of sections 138A and 138B to other authorities), after paragraph (n) insert –
- “(na) a combined county authority;”.
- 3B In section 142(1B) (provision of information relating to matters affecting local government), after “a combined authority” insert “, a combined county authority”.
- 3C (1) Section 146A (joint authorities etc) is amended as follows.
- (2) In subsection (1) –
- (a) in the opening words, after “(1ZE)” insert “, (1ZEA)”, and
- (b) after “a combined authority,” insert “a combined county authority”.
- (3) In subsection (1ZB), after “a combined authority” insert “or a combined county authority”.
- (4) After subsection (1ZE) insert –
- “(1ZEA) A combined county authority is not to be treated as a local authority for the purposes of section 111 (but see section 47 of the Levelling-up and Regeneration Act 2023).”
- 3D In section 175(3B) (allowances for attending conferences and meetings), after “a combined authority” insert “, a combined county authority”.
- 3E In section 176(3) (payment of expenses), for “and a combined authority” substitute “a combined authority and a combined county authority”.
- 3F In section 223(2) (appearance of local authorities in legal proceedings), after “a combined authority,” insert “a combined county authority,”.
- 3G In section 224(2) (arrangements by principal councils for custody of documents), for “or combined authority” substitute “, combined authority or combined county authority”.
- 3H In section 225(3) (deposit of documents with proper officer), for “and a combined authority” substitute “, a combined authority and a combined county authority”.
- 3I In section 228(7A) (inspection of documents), for “or a combined authority” substitute “, a combined authority or a combined county authority”.
- 3J In section 229(8) (photographic copies of documents) after “a combined authority,” insert “a combined county authority,”.
- 3K In section 230(2) (reports and returns), for “and a combined authority” substitute “, a combined authority and a combined county authority”.
- 3L In section 231(4) (service of notice on local authorities), after “a combined authority,” insert “a combined county authority,”.
- 3M In section 232(1A) (public notices), after “a combined authority,” insert “a combined county authority,”.

- 3N In section 233(11) (service of notices by local authorities), after “a combined authority,” insert “a combined county authority.”
- 3P In section 234(4) (authentication of documents), after “a combined authority,” insert “a combined county authority.”
- 3Q In section 236(1) (procedure for byelaws), for “or a combined authority” substitute “, a combined authority or a combined county authority”.
- 3R In section 236B(1) (revocation of byelaws), after paragraph (e) insert—
“(f) a combined county authority.”
- 3S In section 238 (evidence of byelaws), for “or a combined authority” substitute “, a combined authority or a combined county authority”.
- 3T In section 239(4A) (power to promote or oppose bills), for “and a combined authority” substitute “, a combined authority and a combined county authority.”

Member's explanatory statement

This amendment inserts various consequential amendments to the Local Government Act 1972 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 267, line 14, at end insert—

“Employment Agencies Act 1973 (c. 35)

- 4B In section 13(7) of the Employment Agencies Act 1973 (interpretation), after paragraph (fzc) insert—
“(fzd) the exercise by a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023 of any of its functions;”.

Local Government Act 1974 (c. 7)

4C The Local Government Act 1974 is amended as follows.

- 4D In section 25(1) (authorities subject to investigation), after paragraph (cf) insert—
“(cg) any combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

4E (1) Section 26C (referral of complaints by authorities) is amended as follows.

- (2) In subsection (6), after paragraph (f) insert—

“(g) in relation to a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023, a member of a constituent council of the authority;”.

- (3) After subsection (8) insert—

“(9) For the purposes of subsection (6)(g)—

- (a) a county council is a constituent council of a combined county authority if the area of the county council, or part of that area, is within the area of the combined county authority;
- (b) a district council is a constituent council of a combined county authority if the area of the district council is within the area of the combined county authority.”

Health and Safety at Work etc Act 1974 (c. 37)

- 4F In section 28(6) of the Health and Safety at Work etc Act 1974 (restrictions on disclosure of information), after “section 103 of that Act,” insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

- 4G In section 44 of the Local Government Act 1976 (interpretation of Part 1), in the definition of “local authority” –
- (a) in paragraph (a), after “section 103 of that Act,” insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”;
 - (b) in paragraph (c), after “section 103 of that Act,” insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Rent (Agriculture) Act 1976 (c. 80)

- 4H In section 5(3) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord’s interest belongs to local authority), after paragraph (bbzb) insert –
- “(bbzc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Rent Act 1977 (c. 42)

- 4I In section 14(1) of the Rent Act 1977 (landlord’s interest belonging to local authority etc), after paragraph (cbc) insert –
- “(cbd) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Protection from Eviction Act 1977 (c. 43)

- 4J In section 3A(8) of the Protection from Eviction Act 1977 (excluded tenancies and licences), after paragraph (ab) insert –
- “(ac) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Local Government, Planning and Land Act 1980 (c. 65)

- 4K The Local Government, Planning and Land Act 1980 is amended as follows.

- 4L In section 2(1) (duty of authorities to publish information), after paragraph (kac) insert –
- “(kad) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 4M In section 98(8A) (disposal of land at direction of Secretary of State), after paragraph (ezb) insert –
- “(ezc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 4N In section 99(4) (directions to dispose of land), after paragraph (dbzb) insert –
- “(dbzc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 4P In section 100(1)(a) (interpretation and extent of Part 10), for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.
- 4Q In Schedule 16 (bodies to whom Part 10 applies), after paragraph 5BZB insert –
- “5BZBA A combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Public Passenger Vehicles Act 1981 (c. 14)

- 4R In section 4C(4) of the Public Passenger Vehicles Act 1981 (power of senior traffic commissioner to give guidance and directions), in paragraph (e), after “of combined authorities” insert “established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, of combined county authorities established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Acquisition of Land Act 1981 (c. 67)

- 4S In section 17(4)(a) of the Acquisition of Land Act 1981 (local authority land), in the definition of “local authority”, for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Local Government (Miscellaneous Provisions) Act 1982 (c. 30)

- 4T The Local Government (Miscellaneous Provisions) Act 1982 is amended as follows.
- 4U In section 33(9) (enforceability by local authorities of covenants relating to land) –
- (a) in paragraph (a), for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under

section 103 of that Act or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”;

- (b) in paragraph (b), for “or combined authority” substitute “, combined authority or combined county authority”.

4V In section 41(13) (lost and uncollected property), in the definition of “local authority”, after paragraph (ezb) insert—

“(ezba) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Stock Transfer Act 1982 (c. 41)

4W In Schedule 1 to the Stock Transfer Act 1982 (specified securities), in paragraph 7(2)(a), after “section 103 of that Act” insert “, a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

County Courts Act 1984 (c. 28)

4X In section 60(3) of the County Courts Act 1984 (rights of audience), in the definition of “local authority”, after “section 103 of that Act” insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Local Government Act 1985 (c. 51)

4Y The Local Government Act 1985 is amended as follows.

4YA In section 72(5) (accounts and audit), after paragraph (c) insert—

“(d) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

4YB In section 73(2) (financial administration), after paragraph (b) insert—

“(c) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Transport Act 1985 (c. 67)

4YC The Transport Act 1985 is amended as follows.

4YD In section 27A(7)(b) (additional powers where service not operated as registered), for “or combined authority” substitute “, combined authority or combined county authority”.

4YE In section 64(1)(a) (consultation with respect to policies), after “combined authority,” insert “combined county authority,”.

4YF In section 93(8)(b) (travel concession schemes), for “and a combined authority” substitute “, a combined authority and a combined county authority”.

4YG In section 106(4) (grants for transport facilities and services), after paragraph (aa) insert—

“(ab) any combined county authority;”.

- 4YH In section 137 (general interpretation), after subsection (5A) insert –
- “(5B) References in this Act to a combined county authority are references to a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Housing Act 1985 (c. 68)

- 4YI (1) Section 4 of the Housing Act 1985 (other descriptions of authority) is amended as follows.
- (2) In subsection (1)(e), after “combined authority,” insert “a combined county authority,”.
- (3) In subsection (2), at the appropriate place insert –
- ““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Housing Associations Act 1985 (c. 69)

- 4YJ In section 106(1) (minor definitions) of the Housing Associations Act 1985, in the definition of “local authority” –
- (a) for “and a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act and a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”;
- (b) after “such a combined authority,” insert “such a combined county authority,”.

Landlord and Tenant Act 1985 (c. 70)

- 4YK In section 38 of the Landlord and Tenant Act 1985 (minor definitions), in the definition of “local authority”, after “section 103 of that Act,” insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Local Government Act 1986 (c. 10)

- 4YL The Local Government Act 1986 is amended as follows.
- 4YM In section 6(2)(a) (interpretation and application of Part 2), after “a combined authority established under section 103 of that Act,”, and on a new line, insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.
- 4YN In section 9(1)(a) (interpretation and application of Part 3), after “a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,”, and on a new line, insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Landlord and Tenant Act 1987 (c. 31)

- 4YP In section 58(1)(a) of the Landlord and Tenant Act 1987 (exempt landlords and resident landlords), for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Local Government Act 1988 (c. 9)

- 4YQ In Schedule 2 to the Local Government Act 1988 (public supply or works contracts: the public authorities), after the entry for a combined authority established under the Local Democracy, Economic Development and Construction Act 2009, and on a new line, insert “A combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 267, line 14, at end insert –

- “4A In Part 1A of Schedule 12 (meetings and proceedings of joint authorities etc), in paragraph 6A, for “or a combined authority” substitute “, a combined authority or a combined county authority”.”

Member's explanatory statement

This amendment inserts a consequential amendment to Schedule 12 to the Local Government Act 1972 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 268, line 15, at end insert –

“Housing Act 1988 (c. 50)

- 9A The Housing Act 1988 is amended as follows.
- 9B In section 74(8) (transfer of land and other property to housing action trusts), after paragraph (fc) insert –
- “(fd) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 9C In Schedule 1 (tenancies which cannot be assured tenancies), in paragraph 12(2), after paragraph (fb) (and before the “and” at the end of that paragraph) insert –
- “(fc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Road Traffic Act 1988 (c. 52)

- 9D In section 144(2)(a)(i) of the Road Traffic Act 1988 (exceptions from requirement of third-party insurance or security), for “or a combined authority established under section 103 of that Act” substitute “, a combined authority established under section 103 of that Act or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Member's explanatory statement

This amendment inserts consequential amendments to the Housing Act 1988 and the Road Traffic Act 1988 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 268, line 16, at end insert –

- “9E The Local Government and Housing Act 1989 is amended as follows.”

Member's explanatory statement

This amendment introduces the consequential amendments to the Local Government and Housing Act 1989 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 268, line 17, leave out “of the Local Government and Housing Act 1989”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Baroness Scott of Bybrook at page 268, line 16.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 268, line 20, at end insert –

- “10A In section 152(2) (interpretation), after paragraph (izb) insert –
- “(izc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 10B In section 157(6) (periodic payments of grants) –
- (a) omit the “and” at the end of paragraph (j), and
- (b) after paragraph (k) insert –
- “(l) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 10C (1) Schedule 1 (political balance on local authority committees etc) is amended as follows.

- (2) In paragraph 2(1), for “(jb)” substitute “(jba)”.
- (3) In paragraph 4(1), in paragraph (a) of the definition of “relevant authority”, for “(jb)” substitute “(jba)”.

Member's explanatory statement

This amendment inserts consequential amendments to the Local Government and Housing Act 1989 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 268, line 20, at end insert –

“Town and Country Planning Act 1990 (c. 8)

- 10D The Town and Country Planning Act 1990 is amended as follows.
- 10E In section 252(12) (procedure for making orders), in the definition of “local authority”, after “section 103 of that Act,” insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 10F In Schedule 14 (procedure for footpaths and bridleways orders), in paragraph 1(3), in the definition of “council”, after “section 103 of that Act” insert “, a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Further and Higher Education Act 1992 (c. 13)

- 10G In section 54(1)(e)(ii) of the Further and Higher Education Act 1992 (duty to give information), for “or a combined authority” substitute “, a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 or a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Member's explanatory statement

This amendment inserts consequential amendments to the Town and Country Planning Act 1990 and the Further and Higher Education Act 1992 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 268, line 37, at end insert –

“Local Government (Overseas Assistance) Act 1993 (c. 25)

- 13A In section 1(10) of the Local Government (Overseas Assistance) Act 1993 (power to provide advice and assistance), after paragraph (dzb) insert –
 - “(dzc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Railways Act 1993 (c. 43)

- 13B The Railways Act 1993 is amended as follows.
- 13C In section 25(1) (public sector operators not to be franchisees) –
- (a) after paragraph (ca) insert –
 - “(cb) any combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”;
 - (b) in paragraph (d), for “or a combined authority” substitute “, a combined authority or a combined county authority”.
- 13D In section 149(5) (service of documents), in the definition of “local authority”, for “and a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009” substitute “, a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 and a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023”.

Deregulation and Contracting Out Act 1994 (c. 40)

- 13E In section 79A of the Deregulation and Contracting Out Act 1994 (meaning of “local authority”: England), after paragraph (mb) insert –
- “(mc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Environment Act 1995 (c. 25)

- 13F After section 86B of the Environment Act 1995 insert –

“86C Role of combined county authorities in relation to action plans

- (1) Where a local authority in the area of a combined county authority intends to prepare an action plan it must notify the combined county authority.
- (2) Where a combined county authority has been given a notification under subsection (1) by a local authority, the combined county authority must, before the end of the relevant period, provide the local authority with proposals for particular measures the combined county authority will take to contribute to the achievement, and maintenance, of air quality standards and objectives in the area to which the plan relates.
- (3) Where a combined county authority provides proposals under subsection (2), the combined county authority must –
 - (a) in those proposals, specify a date for each particular measure by which it will be carried out, and
 - (b) as far as is reasonably practicable, carry out those measures by those dates.

- (4) An action plan prepared by a local authority in the area of a combined county authority must set out any proposals provided to it under subsection (2) (including the dates specified by virtue of subsection (3)(a)).
- (5) In this section “combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Housing Grants, Construction and Regeneration Act 1996 (c. 53)

- 13G In section 3(2) of the Housing Grants, Construction and Regeneration Act 1996 (ineligible applicants), after paragraph (jc) insert –
- “(jd) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Crime and Disorder Act 1998 (c. 37)

- 13H In section 17(2) of the Crime and Disorder Act 1998 (duty to consider crime and disorder implications), after “a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;”, and on a new line, insert “a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 269, line 5, at end insert –

“Greater London Authority Act 1999 (c. 29)

- 14A In section 211(1) of the Greater London Authority Act 1999 (public sector operators) –
- (a) after paragraph (ca) insert –
 - “(cb) any combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”,
 - and
 - (b) in paragraph (d), for “or combined authority” substitute “, combined authority or combined county authority”.

Freedom of Information Act 2000 (c. 36)

- 14B In Schedule 1 to the Freedom of Information Act 2000 (public authorities), after paragraph 19B insert –
- “19C A combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Transport Act 2000 (c. 38)

- 14C The Transport Act 2000 is amended as follows.
- 14D In section 108(4) (local transport plans), after paragraph (ca) (but before the “or” at the end of that paragraph) insert –
- “(cb) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.
- 14E(1) Section 109 (further provision about local transport plans in England) is amended as follows.
- (2) In subsection (2A), in the opening words, for “or a combined authority” substitute “, a combined authority or a combined county authority”.
- (3) In subsection (2B) –
- (a) in the opening words, for “or a combined authority” substitute “, a combined authority or a combined county authority”;
- (b) in paragraph (a), after “combined authority” insert “or combined county authority”;
- (c) in paragraph (c), after “combined authority” insert “or combined county authority”.
- 14F(1) Section 113 (role of metropolitan district councils) is amended as follows.
- (2) In subsection (2), after “a combined authority” insert “or a combined county authority”.
- (3) in subsection (2A), in each of paragraphs (a), (b) and (c), after “combined authority” insert “or combined county authority”.
- 14G In section 123A(4) (franchising schemes) –
- (a) after paragraph (a) insert –
- “(aa) a mayoral CCA;”;
- (b) omit the “or” at the end of paragraph (e);
- (c) at the end of paragraph (f) insert “, or
- (g) a combined county authority which is not a mayoral CCA.”;
- (d) in the words after paragraph (g), for “(f)” substitute “(g)”.
- 14H In section 123C(2) (consent of the Secretary of State and notice) –
- (a) omit the “or” at the end of paragraph (a);
- (b) at the end of paragraph (b) insert “,
- (c) the area of a mayoral CCA, or
- (d) the combined area of two or more mayoral CCAs.”
- 14I In section 123G (response to consultation), after subsection (4) insert –
- “(5) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed franchising scheme is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the

decision is to make a scheme jointly with one or more other franchising authorities).”

- 14J In section 123M (variation of scheme), after subsection (6) insert—
- “(6A) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed variation is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the decision is to act jointly to vary a scheme).”
- 14K In section 123N (revocation of scheme), after subsection (7) insert—
- “(7A) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed revocation is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the decision is to act jointly to revoke a scheme).”
- 14L(1) Section 157 (grants to Integrated Transport Authorities and combined authorities) is amended as follows.
- (2) In the heading, for “and combined authorities” substitute “, combined authorities and combined county authorities”.
- (3) After subsection (1A) insert—
- “(1B) The Secretary of State may, with the approval of the Treasury, make grants to a combined county authority for the purpose of enabling the authority to carry out any of their functions.”
- 14M (1) Section 162 (interpretation of Part 2) is amended as follows.
- (2) In subsection (1), at the appropriate place insert—
- ““mayoral CCA” has the meaning given by section 25(8) of the Levelling-up and Regeneration Act 2023;”.
- (3) After subsection (5A) insert—
- “(5B) In this Part “combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”
- 14N(1) Section 163 (road user charging schemes: preliminary) is amended as follows.
- (2) In each of subsections (3)(bb), (3)(cc) and (4A), for “or combined authority” substitute “, combined authority or combined county authority”.
- (3) After subsection (5A) insert—
- “(5B) In this Part “combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”
- 14P(1) Section 164 (local charging schemes) is amended as follows.
- (2) In subsection (2), for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”.

- (3) In subsection (3) –
 - (a) in the opening words, for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”;
 - (b) in paragraph (b), after “combined authority” insert “or combined county authority”.
- 14Q(1) Section 165 (joint local charging schemes) is amended as follows.
 - (2) In subsection (2), for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”.
 - (3) In subsection (3) –
 - (a) in the opening words, for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”;
 - (b) in paragraph (b), after “combined authority” insert “or combined county authority”.
- 14R In section 165A(1)(b) (joint local-ITA charging schemes), after “combined authority” insert “or combined county authority”.
- 14S (1) Section 166 (joint local-London charging schemes) is amended as follows.
 - (2) In subsection (2), for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”.
 - (3) In subsection (3) –
 - (a) in the opening words, for “or the area of a combined authority” substitute “, the area of a combined authority or the area of a combined county authority”;
 - (b) in paragraph (b), after “combined authority” insert “or combined county authority”.
- 14T (1) Section 166A (joint ITA-London charging schemes) is amended as follows.
 - (2) In subsection (1)(b), after “combined authority” insert “or combined county authority”.
 - (3) In subsection (3)(b), for “or combined authority” substitute “, combined authority or combined county authority”.
- 14U In section 167(2)(b) (trunk road charging schemes), after “a combined authority” insert “, a combined county authority”.
- 14V In section 168(2) (charging schemes to be made by order) –
 - (a) after “a combined authority” insert “, a combined county authority”;
 - (b) for “or the combined authority” substitute “, the combined authority or the combined county authority”.
- 14W (1) Section 170 (charging schemes: consultation and inquiries) is amended as follows.
 - (2) In subsection (1A)(b), for “or a combined authority” substitute “, a combined authority or a combined county authority”.

- (3) In subsection (7)(a), for “or combined authority” substitute “, combined authority or combined county authority”.
- 14X In section 177A(1) (power to require information), for “or combined authority” substitute “, combined authority or combined county authority”.
- 14Y In section 193(1) (guidance), after “combined authorities” insert “, combined county authorities”.
- 14YA In section 194 (information), in each of subsections (1), (2) and (6), for “or combined authority” substitute “, combined authority or combined county authority”.
- 14YB In section 198(1) (interpretation of Part 3), at the appropriate place insert—
““combined county authority” has the meaning given by section 163 (5B);”.
- 14YC (1) Schedule 12 (road user charging and workplace parking levy: financial provisions) is amended as follows.
- (2) In each of paragraphs 2(4), 3(2) and 7(5)(c), for “or combined authority” substitute “, combined authority or combined county authority”.
- (3) In paragraph 8(3)(aa), for “and combined authorities” substitute “, combined authorities and combined county authorities”.
- (4) In paragraph 8(4)(aa), for “or combined authority” substitute “, combined authority or combined county authority”.
- (5) In paragraph 11A—
(a) in sub-paragraph (1), for “or combined authority’s” substitute “, combined authority’s or combined county authority’s”;
(b) in sub-paragraph (4), after “combined authority” insert “or combined county authority”.
- (6) In each of paragraphs 11B(1) and 11C(1) and (3), for “or a combined authority” substitute “, a combined authority or a combined county authority”.

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 270, line 8, at end insert—

“*Courts Act 2003 (c. 39)*

- 18A In section 41(6) of the Courts Act 2003 (disqualification of lay justices who are members of local authorities), after paragraph (eb) insert—
“(ec) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023,”.

Planning and Compulsory Purchase Act 2004 (c. 5)

18B The Planning and Compulsory Purchase Act 2004 is amended as follows.

18C In section 27A (default powers), in the heading and in the section, after “combined authority” insert “, combined county authority”.

18D(1) Schedule A1 (default powers exercisable by Mayor of London, combined authority or county council) is amended as follows.

(2) In the heading, after “combined authority” insert “, combined county authority”.

(3) After paragraph 7 insert—

“Default powers exercisable by combined county authority

7ZA In this Schedule—

“combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;

“constituent planning authority” in relation to a combined county authority, means—

- (a) a county council, metropolitan district council or non-metropolitan district council which is the local planning authority for an area within the area of the combined county authority, or
- (b) a joint committee established under section 29 whose area is within, or the same as, the area of the combined county authority.

7ZB If the Secretary of State—

- (a) thinks that a constituent planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document, and
- (b) invites the combined county authority to prepare or revise the document,

the combined county authority may prepare or revise (as the case may be) the development plan document.

7ZC(1) This paragraph applies where a development plan document is prepared or revised by a combined county authority under paragraph 7ZB.

(2) The combined county authority must hold an independent examination.

(3) The combined county authority—

- (a) must publish the recommendations and reasons of the person appointed to hold the examination, and
- (b) may also give directions to the constituent planning authority in relation to publication of those recommendations and reasons.

- (4) The combined county authority may –
 - (a) approve the document, or approve it subject to specified modifications, as a local development document, or
 - (b) direct the constituent planning authority to consider adopting the document by resolution of the authority as a local development document.
- 7ZD(1) Subsections (4) to (7C) of section 20 apply to an examination held under paragraph 7ZC(2) –
 - (a) with the reference to the local planning authority in subsection (7C) of that section being read as a reference to the combined county authority, and
 - (b) with the omission of subsections (5)(c), (7)(b)(ii) and (7B)(b).
- (2) The combined county authority must give reasons for anything they do in pursuance of paragraph 7ZB or 7ZC(4).
- (3) The constituent planning authority must reimburse the combined county authority –
 - (a) for any expenditure that the combined county authority incur in connection with anything which is done by them under paragraph 5 and which the constituent planning authority failed or omitted to do as mentioned in that paragraph;
 - (b) for any expenditure that the combined county authority incur in connection with anything which is done by them under paragraph 7ZC(2).
- (4) In the case of a joint local development document or a joint development plan document, the combined county authority may apportion liability for the expenditure on such basis as the authority considers just between the authorities for whom the document has been prepared.”
- (4) In paragraph 8 –
 - (a) in sub-paragraph (1), after paragraph (b) (but before the “or” at the end of that paragraph) insert –
 - “(ba) under paragraph 7ZB by a combined county authority.”;
 - (b) in sub-paragraph (2)(a) –
 - (i) after “6(4)(a)” insert “, 7ZC(4)(a)”;
 - (ii) after “the combined authority” insert “, the combined county authority”;
 - (c) in sub-paragraph (3)(a), after “the combined authority” insert “, the combined county authority”;
 - (d) in sub-paragraph (5), after “6(4)(a)” insert “, 7ZC(4)(a)”;
 - (e) in sub-paragraph (7) –
 - (i) in paragraph (b), after “6(4)(a)” insert “, 7ZC(4)(a)”;
 - (ii) in the words after paragraph (b), after “the combined authority” insert “, the combined county authority”.

- (5) In paragraph 9(3), after “the combined authority” insert “, the combined county authority”.
- (6) In paragraph 12, after “the combined authority” insert “, the combined county authority”.
- (7) In paragraph 13(1), after “a combined authority” insert “, a combined county authority”.

Fire and Rescue Services Act 2004 (c. 21)

18E In section 1 of the Fire and Rescue Services Act 2004 (fire and rescue authorities), for subsection (5) substitute –

“(5) This section is also subject to –

- (a) an order under Part 6 of the Local Democracy, Economic Development and Construction Act 2009 which transfers the functions of a fire and rescue authority to a combined authority established under section 103 of that Act;
- (b) an order under Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023 which transfers the functions of a fire and rescue authority to a combined county authority established under section 7(1) of that Act.”

Children Act 2004 (c. 31)

18F In section 50(7) of the Children Act 2004 (intervention - England), after “combined authority”, in each place where it occurs, insert “or combined county authority”.

Railways Act 2005 (c. 14)

18G In section 33(2) of the Railways Act 2005 (closure requirements), after paragraph (da) insert –

“(db) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Childcare Act 2006 (c. 21)

18H In section 15 of the Childcare Act 2006 (powers of Secretary of State to secure proper performance), after subsection (6A) insert –

“(6B) If any functions of an English local authority under this Part are exercisable by a combined county authority by virtue of section 16 of the Levelling-up and Regeneration Act 2023 –

- (a) a reference in any of subsections (3) to (6) to an English local authority includes a reference to the combined county authority, and
- (b) a reference in those subsections to functions under this Part is, in relation to the combined county authority, to be read as a

reference to those functions so far as exercisable by the combined county authority.”

Education and Inspections Act 2006 (c. 40)

- 18I (1) Section 123 of the Education and Inspections Act 2006 (education and training to which Chapter 3 of Part 8 applies) is amended as follows.
- (2) In subsection (1), after paragraph (ea) insert –
- “(eb) further education for persons aged 19 or over which is wholly or partly funded by a combined county authority;”.
- (3) For subsection (5), substitute –
- “(5) In this section –
- “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- “combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.””

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 270, line 11, leave out paragraph 20 and insert –

- “20 In section 7A(2) (exercise of Secretary of State's public health functions), after paragraph (d) (but before the “or” at the end of that paragraph) insert –
- “(da) a combined county authority;”.”

Member's explanatory statement

This amendment replaces the consequential amendment to section 7A of the National Health Service Act 2006 as a result of the substitution of that section by the Health and Care Act 2022.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 270, line 16, at end insert –

- “20A In section 12ZB(7) (procurement regulations), in the definition of “relevant authority”, after paragraph (a) insert –
- “(aa) a combined county authority;”.
- 20B In section 13UA(2) (guidance about joint appointments) –
- (a) omit the “or” at the end of paragraph (b), and

- (b) at the end of paragraph (c) insert “, or
- (d) one or more relevant NHS body and one or more combined county authority.””

Member's explanatory statement

This amendment inserts a further consequential amendment to the National Health Service Act 2006 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 270, line 17, leave out paragraphs 21 and 22

Member's explanatory statement

This amendment removes the consequential amendments to sections 13ZA and 14Z3A of the National Health Service Act 2006 as a result of the repeals of those sections by the Health and Care Act 2022.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 270, line 31, at end insert—

- “22A In section 65Z5(1) (joint working and delegation arrangements), after paragraph (c) insert—
 - “(d) a combined county authority.”
- 22B In section 65Z6(1) (joint committees and pooled funds), after paragraph (c) insert—
 - “(d) a combined county authority.””

Member's explanatory statement

This amendment inserts further consequential amendments to the National Health Service Act 2006 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 271, line 33, at end insert—

- “Concessionary Bus Travel Act 2007 (c. 13)
- 25A In section 9(6)(b) of the Concessionary Bus Travel Act 2007 (variation of reimbursement etc), for “or combined authority” substitute “, combined authority or combined county authority”.

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 25B The Local Government and Public Involvement in Health Act 2007 is amended as follows.
- 25C In section 23(1) (definitions for the purposes of Chapter 1 of Part 1), in the definition of “public body”, after paragraph (g) insert—
- “(h) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”
- 25D In section 104(2) (application of Chapter 1 of Part 5: partner authorities), after paragraph (ib) insert—
- “(ic) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Member's explanatory statement

This amendment inserts consequential amendments to the Concessionary Bus Travel Act 2007 and the Local Government and Public Involvement in Health Act 2007 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 273, line 25, at end insert—

- “30A(1) Section 102E (power to establish STBs) is amended as follows.
- (2) In subsection (5), after paragraph (a) insert—
- “(aa) a combined county authority;”.
- (3) In subsection (6), after paragraph (a) (but before the “or” at the end of that paragraph) insert—
- “(aa) the area of a combined county authority;”.
- 30B In section 102F(7) (requirements in connection with regulations under section 102E), after paragraph (a) insert—
- “(aa) a combined county authority;”.
- 30C In section 102G(10) (constitution of STBs), after paragraph (a) insert—
- “(aa) in the case of a combined county authority, are the mayor for the area of the combined county 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 8(4)(b) of the Levelling-up and Regeneration Act 2023);”.
- 30D In section 102I(7) (transport strategy of an STB), after paragraph (b) insert—
- “(ba) a combined county authority;”.
- 30E In section 102J(7) (exercise of local transport functions), after paragraph (a) insert—
- “(aa) a combined county authority;”.

30F In section 102U, at the appropriate place insert—

““combined county authority” means a body established as a combined county authority under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Member's explanatory statement

This amendment inserts further consequential amendments to the Local Transport Act 2008 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 273, line 28, at end insert—

“31A In section 35(2) (mutual insurance: supplementary), after paragraph (r) insert—

“(s) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Member's explanatory statement

This amendment inserts a further consequential amendment to the Local Democracy, Economic Development and Construction Act 2009 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 274, line 24, at end insert—

“Apprenticeships, Skills, Children and Learning Act 2009 (c. 22)

37A The Apprenticeships, Skills, Children and Learning Act 2009 is amended as follows.

37B (1) Section 100 (provision of financial resources) is amended as follows.

(2) After subsection (1AA) insert—

“(1AB) The Secretary of State may secure the provision of financial resources under this subsection (whether or not the resources could be secured under subsection (1)) to any of the persons mentioned in subsection (1) in respect of functions under this Part that are exercisable by a combined county authority by virtue of regulations made under section 17(1) of the Levelling-up and Regeneration Act 2023.”

(3) In subsection (5), at the appropriate place insert—

““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

37C (1) Section 122 (sharing of information for education and training purposes) is amended as follows.

- (2) In subsection (3), after paragraph (fb) insert –
- “(fc) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;
 - (fd) a person providing services to a combined county authority;”.
- (3) In subsection (5) –
- (a) omit the “or” at the end of paragraph (c), and
 - (b) at the end of paragraph (d) insert “, or
 - (e) any function of a combined authority under Part 4 that is exercisable by it by virtue of regulations made under section 17(1) of the Levelling-up and Regeneration Act 2023.”

Local Audit and Accountability Act 2014 (c. 2)

- 37D The Local Audit and Accountability Act 2014 is amended as follows.
- 37E In section 40(6) (access to local government meetings and documents), after paragraph (ja) insert –
- “(jb) a combined county authority;”.
- 37F In section 44(1) (interpretation of Act), at the appropriate place insert –
- ““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.
- 37G In Schedule 2, after paragraph 28 insert –
- “28ZA A combined county authority.”

Member's explanatory statement

This amendment makes consequential amendments to the Apprenticeships, Skills, Children and Learning Act 2009 and the Local Audit and Accountability Act 2014 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 274, line 25, at end insert –

- “37H The Cities and Local Government Devolution Act 2016 is amended as follows.
- 37I (1) Section 1 (devolution: annual report) is amended as follows.
- (2) In subsection (1), after “this Act” insert “or Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023”.
- (3) In subsection (2) –
- (a) in paragraph (c), after “a combined authority” insert “or a combined county authority”;
 - (b) in paragraph (e), after “combined authorities” insert “, combined county authorities”.

(4) In subsection (4), after the definition of “combined authority” insert –

““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Member's explanatory statement

This amendment inserts further consequential amendments to the Cities and Local Government Devolution Act 2016 relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 274, line 26, leave out “of the Cities and Local Government Devolution Act 2016”

Member's explanatory statement

This amendment is consequential on the amendment in the name of Baroness Scott of Bybrook at page 274, line 25.

BARONESS SCOTT OF BYBROOK

Schedule 4, page 275, line 13, at end insert –

Policing and Crime Act 2017 (c. 3)

39 The Policing and Crime Act 2017 is amended as follows.

40 In section 3 (collaboration agreements: specific restrictions), after subsection (7) insert –

“(7A) A combined county authority that exercises the functions of a fire and rescue authority by virtue of section 16 or 17 of the Levelling-up and Regeneration Act 2023 may only enter into a collaboration agreement where the functions of the authority to which the agreement relates are functions of a fire and rescue authority that the combined county authority is entitled to exercise.”

41 In section 5(5) (collaboration agreements: definitions) –

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

(b) after paragraph (c) insert –

“(d) a combined county authority that exercises the functions of a fire and rescue authority by virtue of section 16 or 17 of the Levelling-up and Regeneration Act 2023, or

(e) an elected mayor who exercises the functions of a fire and rescue authority by virtue of section 28 of that Act.”

Technical and Further Education Act 2017 (c. 19)

42 The Technical and Further Education Act 2017 is amended as follows.

- 43 In Schedule 3 (conduct of education administration: statutory corporations) –
- (a) in paragraph 13(b), in the inserted paragraph (ab), for “or combined authority” substitute “, combined authority or combined county authority”;
 - (b) in paragraph 38(c) –
 - (i) after the definition of “combined authority”, insert –

““combined county authority” means an authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”;
 - (ii) in the definition of “director of children’s services”, in paragraph (b), after “a combined authority” insert “or a combined county authority”.
- 44 In Schedule 4 (conduct of education administration: companies) –
- (a) in paragraph 12(b), in the inserted paragraph (ab), for “or combined authority” substitute “, combined authority or combined county authority”;
 - (b) in paragraph 36(c) –
 - (i) after the definition of “combined authority”, insert –

““combined county authority” means an authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”;
 - (ii) in the definition of “director of children’s services”, in paragraph (b), after “a combined authority” insert “or a combined county authority”.

Bus Services Act 2017 (c. 21)

- 45 In section 22(3) of the Bus Services Act 2017 (bus companies: limitation of powers of authorities in England), in the definition of “relevant authority”, after paragraph (c) insert –
- “(ca) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Digital Economy Act 2017 (c. 30)

- 46 The Digital Economy Act 2017 is amended as follows.
- 47 In Schedule 4 (public service delivery: specified persons for the purposes of section 35), after paragraph 14 insert –
- “14A A combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”
- 48 In Schedule 5 (public service delivery: specified persons for the purposes of sections 36 and 37), after paragraph 8 insert –
- “8A A combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

49 In Schedule 6 (public service delivery: specified persons for the purposes of sections 36 and 37), after paragraph 7 insert –

“7A A combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”

Data Protection Act 2018 (c.12)

50 In Schedule 1 to the Data Protection Act 2018 (special categories of personal data and criminal convictions etc data), in paragraph 23(3), after paragraph (h) insert –

“(ha) a mayor for the area of a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Automated and Electric Vehicles Act 2018 (c. 18)

51 (1) Section 12 of the Automated and Electric Vehicles Act 2018 (duty to consider making regulations under section 11(1)(a) on request from mayor) is amended as follows.

(2) In subsection (7) –

(a) in paragraph (a), after “a combined authority” insert “, a combined county authority”;

(b) in paragraph (b), after sub-paragraph (i) insert –

“(ia) in the case of the area of a combined county authority, the mayor for the area elected in accordance with section 25(2) of the Levelling-up and Regeneration Act 2023;”.

(3) In subsection (8), in the appropriate place insert –

““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Skills and Post-16 Education Act 2022 (c. 21)

52 The Skills and Post-16 Education Act 2022 is amended as follows.

53 In section 1(7) (views of relevant authority in relation to local skills improvement plan), after paragraph (a) (but before the “or” at the end of that paragraph) insert –

“(aa) a mayoral CCA within the meaning of Chapter 1 of Part 2 of the Levelling-up and Regeneration Act 2023 (combined county authorities) (see section 25(8) of that Act),”.

54 (1) Section 4 (interpretation of sections 1 to 4) is amended as follows.

(2) In subsection (1), at the appropriate place insert –

““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

(3) In subsection (2), after paragraph (b) insert –

“(ba) a combined county authority”.

55 In section 19(2) (meaning of “relevant provider”), after paragraph (g) insert –

“(ga) a combined county authority;”.

56 In section 20(7) (meaning of “funding authority”), after paragraph (c) insert –

“(ca) a combined county authority;”.

57 In section 21(2) (interpretation of sections 19 to 21), at the appropriate place insert –

““combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Health and Care Act 2022 (c. 31)

58 In section 180(2) of the Health and Care Act 2022 (licensing of cosmetic procedures), in the definition of “local authority”, after paragraph (d) insert –

“(da) a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Elections Act 2022 (c. 37)

59 The Elections Act 2022 is amended as follows.

60 In section 37(1) (interpretation of Part 5), in the definition of “relevant elective office”, after paragraph (f) insert –

“(fa) mayor for the area of a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

61 In section 45(9) (meaning of “relevant election”), after paragraph (g) insert –

“(ga) an election for the return of a mayor for the area of a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

62 (1) Paragraph 1 of Schedule 11 (illegal practices) is amended as follows.

(2) In sub-paragraph (1)(b) –

(a) omit the “or” at the end of sub-paragraph (iv), and

- (b) after sub-paragraph (v) (but before the “and” at the end of that sub-paragraph) insert “or
 - (vi) an election for the return of a mayor for the area of a combined county authority;”.
- (3) In sub-paragraph (4)–
 - (a) omit the “and” at the end of paragraph (b), and
 - (b) at the end of paragraph (c) insert “, and
 - “(d) as it applies in relation to an election for the return of a mayor for the area of a combined county authority by virtue of regulations under paragraph 11(1) of Schedule 2 to the Levelling-up and Regeneration Act 2023.”
- (4) After sub-paragraph (5) insert –
 - “(6) In this paragraph “combined county authority” means a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023.”
- 63 In paragraph 12(4) of Schedule 8 (voting and candidacy rights of EU citizens: transitional provision), after paragraph (d) insert –
 - “(da) mayor for the area of a combined county authority established under section 7(1) of the Levelling-up and Regeneration Act 2023;”.

Member's explanatory statement

This amendment inserts various consequential amendments relating to the provisions about combined county authorities in Chapter 1 of Part 2 of the Bill.

Clause 58

LORD HUNT OF KINGS HEATH
LORD SHIPLEY
LORD BACH
BARONESS HAYMAN OF ULLOCK

The above-named Lords give notice of their intention to oppose the Question that Clause 58 stand part of the Bill.

Clause 59

LORD BACH
LORD HUNT OF KINGS HEATH

The above-named Lords give notice of their intention to oppose the Question that Clause 59 stand part of the Bill.

Member's explanatory statement

This would remove Clause 59 with its provisions allowing the functions of a Police and Crime Commissioner to be conferred on a mayor without the consent of all the local authorities within a combined authority area.

Clause 61

LORD SHIPLEY

Clause 61, page 54, line 17, leave out “unless the voting members resolve otherwise”

Member's explanatory statement

This amendment provides that non-constituent members of a combined authority are not able to vote given their status.

LORD SHIPLEY

Clause 61, page 54, line 35, leave out “unless the voting members resolve otherwise”

Member's explanatory statement

This amendment provides that associate members of a combined authority are not able to vote given their status.

After Clause 70

BARONESS PINNOCK
BARONESS HARRIS OF RICHMOND

After Clause 70, insert the following new Clause –

“Local authorities to be allowed to choose their own voting system

- (1) The Secretary of State must by regulations provide that local authorities may choose the voting system used for local elections in their areas.
- (2) When determining whether to seek to introduce a new voting system a local authority must have regard to the benefits of reinvigorating local democracy in its area.
- (3) Regulations under this section must provide that local authorities may choose to elect councillors –
 - (a) by thirds, or
 - (b) on an all-out basis.
- (4) Regulations under this section must provide that local authorities may choose to elect councillors using –
 - (a) first-past-the-post;
 - (b) alternative vote;

- (c) supplementary vote;
 - (d) single transferable vote;
 - (e) the additional member system;
 - (f) any other system that may be prescribed in the regulations.
- (5) Regulations under this section may make provision about –
- (a) how a local authority may go about seeking to change its voting system,
 - (b) the decision-making process for such a change,
 - (c) consultation, and
 - (d) requirements relating to approval by the local electorate.”

Member's explanatory statement

This new Clause would enable local authorities to choose what voting system they use for local elections.

BARONESS MCINTOSH OF PICKERING
BARONESS SCOTT OF NEEDHAM MARKET

After Clause 70, insert the following new Clause –

“Local authorities to be allowed to meet virtually

- (1) A reference in any enactment to a meeting of a local authority is not limited to a meeting of persons all of whom, or any of whom, are present in the same place and any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers.
- (2) For the purposes of any such enactment, a member of a local authority (a “member in remote attendance”) attends the meeting at any time if all of the conditions in subsection (3) are satisfied.
- (3) Those conditions are that the member in remote attendance is able at that time –
 - (a) to hear, and where practicable see, and be heard and, where practicable, seen by the other members in attendance,
 - (b) to hear, and where practicable see, and be heard and, where practicable, seen by any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting, and
 - (c) to be heard and, where practicable, seen by any other members of the public attending the meeting.
- (4) In this section any reference to a member, or a member of the public, attending a meeting includes that person attending by remote access.
- (5) The provision made in this section applies notwithstanding any prohibition or other restriction contained in the standing orders or any other rules of the authority governing the meeting and any such prohibition or restriction has no effect.

- (6) A local authority may make other standing orders and any other rules of the authority governing the meeting about remote attendance at meetings of that authority, which may include provision for –
- (a) voting,
 - (b) member and public access to documents, and
 - (c) remote access of public and press to a local authority meeting to enable them to attend or participate in that meeting by electronic means, including by telephone conference, video conference, live webcasts, and live interactive streaming.”

Member's explanatory statement

This new clause would enable local authorities to meet virtually. It is based on regulation 5 of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, made under section 78 of the Coronavirus Act 2020.

BARONESS SCOTT OF NEEDHAM MARKET

After Clause 70, insert the following new Clause –

“Councillor conduct: suspension of a parish councillor

- (1) The monitoring officer of a local authority in England may suspend a parish councillor where that monitoring officer has determined through an investigation that the parish councillor has breached the parish council’s code of conduct.
- (2) In section (1) a “local authority” is defined as being a –
 - (a) district council;
 - (b) unitary council;
 - (c) London borough council;
 - (d) metropolitan borough council.”

Member's explanatory statement

This new Clause would introduce a new sanction of suspension to the ethical standards regime which applies to parish councils in England.

BARONESS SCOTT OF NEEDHAM MARKET

After Clause 70, insert the following new Clause –

“Dependants’ carers’ allowance for parish councillors

- (1) The Local Authorities (Members’ Allowances) (England) Regulations 2003 are amended as follows.
- (2) In regulation 3 (application of these Regulations), after paragraph (1)(j), insert –

“(k) a parish council””

Member's explanatory statement

This new Clause would add parish councils to the list of local authorities in England which may have a scheme to provide for the payment to members of that authority. The allowance would be in respect of such expenses of arranging for the care of their children or dependants as are necessarily incurred in the performance of their duties such as attending meetings.

BARONESS SCOTT OF NEEDHAM MARKET

After Clause 70, insert the following new Clause—

“Review of neighbourhood governance in England

- (1) The Secretary of State must undertake a review of neighbourhood governance in England.
- (2) The review must include—
 - (a) how to make it easier for local people and community groups to come together, set local priorities and shape the future of their neighbourhoods;
 - (b) the role and functions of parish councils in England;
 - (c) how to make parish councils in England quicker and easier to establish.
- (3) The review must commence within one month of the day on which this Act is passed and be completed within six months.
- (4) The Secretary of State must provide a report to Parliament on the review within one month of the completion of the review.”

Member's explanatory statement

This amendment would require the Secretary of State to undertake a review of neighbourhood governance in England and sets out a timescale for its commencement, completion and reporting to Parliament.

BARONESS SCOTT OF NEEDHAM MARKET

After Clause 70, insert the following new Clause—

“Power to pay grant to parish councils

- (1) The Local Government Act 2003 is amended as follows.
- (2) In section 33 (expenditure grant: interpretation), in subsection (1) after paragraph (m) insert—

“(n) a parish council.””

Member's explanatory statement

This new Clause would add parish councils to the list of local authorities in England to whom a Minister of the Crown may pay a grant towards expenditure incurred or to be incurred by the authority.

BARONESS SCOTT OF NEEDHAM MARKET

After Clause 70, insert the following new Clause –

“Financial assistance to church or other religious bodies

In the Local Government Act 1894, omit sections 6 (transfer of certain powers of vestry and other authorities to parish council) and 8 (additional powers of parish council).”

Member's explanatory statement

This new Clause would clarify the powers of parish councils to provide financial assistance to church or other religious bodies' buildings.

After Clause 75

BARONESS HAYMAN OF ULLOCK

After Clause 75, insert the following new Clause –

“Long-term empty dwellings: England - estimates

The Secretary of State must publish an annual estimate of the number of long-term empty dwellings in England.”

Member's explanatory statement

This means that the Secretary of State must publish an annual estimate of how many long-term empty dwellings exist.

Clause 76

BARONESS HAYMAN OF ULLOCK

Clause 76, page 85, line 28, at end insert –

- “(3A) The Secretary of State must by regulations make provision –
- (a) to ensure that, where a dwelling is occupied periodically as the result of dilapidation, the higher rate of council tax is not charged for at least one year from the change in ownership of the property, and
 - (b) about appeals against determinations under this section.”

Member's explanatory statement

This amendment would give owners of dilapidated properties up to a year after acquiring the property to refurbish before additional council tax rates are incurred.

BARONESS HAYMAN OF ULLOCK

Clause 76, page 85, line 31, at end insert –

“(4A) The Secretary of State must by regulations make provision to ensure that, where a dwelling is occupied periodically as the result of a bereavement, higher council tax is not charged for at least two years.”

Member's explanatory statement

This amendment would extend the period of time people would have to make arrangements for their property following a bereavement.

After Clause 76

BARONESS HAYMAN OF ULLOCK

After Clause 76, insert the following new Clause –

“Restrictions on short-term lettings

The Secretary of State may by regulations confer on a CCA a power to restrict the letting of dwellings for a period of under 30 days.”

Member's explanatory statement

This would allow the Secretary of State to give CCAs the power to restrict short-term holiday lets.

BARONESS TAYLOR OF STEVENAGE

After Clause 76, insert the following new Clause –

“Fair funding review

The Secretary of State must publish the fair funding review within a year of this Act receiving Royal Assent.”

Member's explanatory statement

The Secretary of State must publish the fair funding review within a year of this Act receiving Royal Assent.

Clause 77

BARONESS TAYLOR OF STEVENAGE

Clause 77, page 86, line 23, at end insert “and it has considered the historical, cultural or archaeological significance of a name change”

Member's explanatory statement

This amendment requires cultural, historical and archaeological factors to be considered before making a name change.

After Clause 77

BARONESS PINNOCK
THE LORD BISHOP OF CHELMSFORD

After Clause 77, insert the following new Clause –

“Disposal of land held by public bodies

- (1) The Local Government Act 1972 is amended in accordance with subsections (2) and (3).
- (2) In section 123 (disposal of land by principal councils), after subsection (2) insert –
“(2ZA) But the Secretary of State must give consent if the disposal is in accordance with section (*Disposal of land held by public bodies*) of the Levelling-up and Regeneration Act 2023.”
- (3) In section 127(3) (disposal of land held by parishes and communities), after “subsections” insert “(2ZA),”.
- (4) The National Health Service Act 2006 is amended in accordance with subsection (5).
- (5) After section 211 (acquisition, use and maintenance of property) insert –

“211A Disposal of land held by NHS bodies

Any power granted by this Act to an NHS body to dispose of land is exercisable in accordance with section (*Disposal of land held by public bodies*) of the Levelling-up and Regeneration Act 2023 as if the NHS body were a local authority.”

- (6) Subject to subsection (8), a disposal of land is in accordance with this section if it is in accordance with the Local Government Act 1972: General Disposal Consent (England) 2003 published in Department for Communities and Local Government Circular 06/03, as amended by subsection (7).
- (7) The amendments to the Local Government Act 1972: General Disposal Consent (England) 2003 are –
 - (a) after paragraph 1 insert –
“1A This consent also applies to any NHS body in England as if it were a local authority in accordance with section 211A of the National Health Service Act 2006.”;
 - (b) in paragraph 2(b), for “£2,000,000 (two million pounds)” substitute “£3,000,000 (three million pounds) or 40% of the unrestricted market value, whichever is greater”;
 - (c) for paragraph 3(1)(viii) substitute –
“(viii) a Police and Crime Commissioner established under the Police Reform and Social Responsibility Act 2011;”;

- (d) for paragraph 3(1)(ix) substitute –
 - “(ix) the Mayor’s Office for Policing and Crime;”;
 - (e) after paragraph 3(1)(xii) insert –
 - “(xiii) the Greater London Authority;
 - (xiv) any successor body established by or under an Act of Parliament to any body listed in this sub-paragraph.”.
- (8) The Secretary of State may, to reflect inflation, further amend the cash value that the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal must not exceed.”

Member’s explanatory statement

This new Clause would bring an amended and updated version of the Local Government Act 1972: General Disposal Consent (England) 2003 into primary legislation and extend its application to NHS bodies.

BARONESS TAYLOR OF STEVENAGE

After Clause 77, insert the following new Clause –

“Public support for alterations of street names

- (1) An alteration under section 77 can only be made if the local authority has published a report of a consultation in relation to the alteration and found significant public support for the alteration.
- (2) The consultation must include –
 - (a) community representatives;
 - (b) occupiers of residential premises in the street subject to the order;
 - (c) any businesses with premises in the affected street.”

Member’s explanatory statement

This amendment would ensure that alterations of street names can only be made if the local authority consults and finds significant public support.

LORD MOYLAN

After Clause 77, insert the following new Clause –

“Traffic emission road charging schemes

- (1) This section relates to schemes under which drivers are charged for using roads within a specified zone (affected roads) according to the traffic emissions of the vehicle concerned.
- (2) A devolved authority may only introduce such a scheme if, before the scheme is introduced, consent to the introduction of the scheme is granted by all local authorities which have affected roads within their boundaries.

- (3) In considering whether to grant consent under subsection (2), the relevant local authorities must have regard to their duties in relation to air quality under section 83A of the Environment Act 1995 (duties of English local authorities in relation to designated areas).
- (4) Where consent is sought under subsection (2), the question of whether to grant consent must be considered by the relevant local authority in full Council.
- (5) Where such a scheme has been introduced by a devolved authority before the coming into force of this section, the devolved authority must request consent to the continuation of the scheme from all local authorities which have affected roads within their boundaries.
- (6) In considering whether to grant consent under subsection (5), the relevant local authorities must have regard to their duties in relation to air quality under section 83A of the Environment Act 1995 (duties of English local authorities in relation to designated areas).
- (7) Where consent is sought under subsection (5), the question of whether to grant consent must be considered by the relevant local authority in full Council.
- (8) Where consent is sought under subsection (5) and not granted, the devolved authority must cease to implement the scheme within three months of the decision not to grant consent.
- (9) In this section –
 - “devolved authority” means –
 - (a) Transport for London,
 - (b) the Mayor of London, or
 - (c) the Mayor of a Combined Authority;
 - “local authority” means –
 - (a) a district council,
 - (b) a county council, or
 - (c) a London borough council.”

Clause 78

LORD FOSTER OF BATH
LORD SHIPLEY

Clause 78, page 88, line 9, at end insert –

- “(1A) Regulations under this Chapter may require relevant planning authorities to process data in accordance with approved data standards relating to the number and nature of –
- (a) second homes, and
 - (b) holiday let properties
- in the planning authority area.”

Member's explanatory statement

This amendment would enable planning data regulations to provide for the collection of data to national standards about second homes and holiday lets.

Clause 79

BARONESS HAYMAN OF ULLOCK

Baroness Hayman of Ullock gives notice of her intention to oppose the Question that Clause 79 stand part of the Bill.

Clause 81

BARONESS TAYLOR OF STEVENAGE

Baroness Taylor of Stevenage gives notice of her intention to oppose the Question that Clause 81 stand part of the Bill.

After Clause 83

BARONESS TAYLOR OF STEVENAGE

After Clause 83, insert the following new Clause –

“Requirements to consult local authorities

The Secretary of State may only make planning data regulations which contain provision relating to local authorities after consulting with local authorities.”

Member's explanatory statement

This means that the Secretary of State may only make planning data regulations which contain provision relating to local authorities after consulting with local authorities.

Clause 85

BARONESS TAYLOR OF STEVENAGE

Clause 85, page 94, line 8, at end insert –

“(3A) After subsection (4) insert –

“(4A) A local planning authority must review and update the development plan at least once every five years.””

Member's explanatory statement

This amendment would require local authorities to review and update the development plan at least every five years.

After Clause 85

BARONESS PARMINTER
 BARONESS WILLIS OF SUMMERTOWN
 LORD LUCAS
 BARONESS YOUNG OF OLD SCONE

After Clause 85, insert the following new Clause—

“Local nature recovery strategies

A local nature recovery strategy under to section 104 of the Environment Act 2021 (local nature recovery strategies for England) must form part of a local planning authority’s development plan documents for the purposes of section 8 of the Neighbourhood Planning Act 2017 (content of development plan documents).”

Member's explanatory statement

This new Clause adds each Local Nature Recovery Strategy into the development plan of the local planning authority, giving greater planning weight to recommendations to recover nature. This is to help secure implementation of Environment Act requirements.

Clause 86

LORD LANSLEY
 LORD YOUNG OF COOKHAM

Clause 86, page 94, line 27, leave out “strongly”

Member's explanatory statement

This amendment would retain the approach in section 38(6) of PCPA 2004.

LORD LANSLEY
 LORD YOUNG OF COOKHAM

Clause 86, page 94, line 28, after “any” insert “significant”

Member's explanatory statement

This amendment would mean that insignificant conflicts in terms between the development plan and NDMPs need not be resolved in favour of the latter.

BARONESS HAYMAN OF ULLOCK

Clause 86, page 94, line 30, at end insert “, subject to subsection (5D).

- (5D) Any conflict must be resolved in favour of the development plan in an area if—
- (a) in relation to it, regulations under section 16 of the Levelling-up and Regeneration Act 2023 have been made to provide for the town and country planning function, the highways function, and any function

- exercisable under the Environment Act 2021, of a county council or a district council that is exercisable in relation to an area which is within a CCA's area to be exercisable by the CCA in relation to the CCA's area,
- (b) in relation to it, regulations under section 17 of the Levelling-up and Regeneration Act 2023 have been made to provide for at least one function of another public body that is exercisable in relation to a CCA's area to be exercisable by the CCA in relation to the CCA's area,
 - (c) it has a joint spatial development strategy, or
 - (d) it is in Greater London."

Member's explanatory statement

This amendment would place limits on the primacy of national development management policies over the development plan where a Combined County Authority had been handed planning, highways, environmental powers and at least one function of another public body under a devolution deal, in areas covered by a joint spatial development strategy and in Greater London.

After Clause 86

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

After Clause 86, insert the following new Clause—

“Duty to promote healthy homes and neighbourhoods

The Secretary of State must ensure that national planning policy and guidance are designed to secure positive improvements in the physical and mental health and well-being of the people of England.”

Clause 87

BARONESS HAYMAN OF ULLOCK

Clause 87, page 95, line 5, after “Secretary of State” insert “or a resolution agreed by both Houses of Parliament”

Member's explanatory statement

This is to probe whether Parliament can have a role in expressing NDMPs.

BARONESS HAYMAN OF ULLOCK

Clause 87, page 95, line 8, at end insert—

- “(1A) A “national development management policy” may include minimum standards and may not include absolute standards.”

Member's explanatory statement

This states that an NDMP should set minimum standards rather than absolute standards.

BARONESS HAYMAN OF ULLOCK

Clause 87, page 95, leave out lines 9 to 11

Member's explanatory statement

This is to probe the direction and modification powers of the Secretary of State.

After Clause 87

BARONESS HAYMAN OF ULLOCK

After Clause 87, insert the following new Clause—

“Conflict between the development plan and NDMP

The development plan has precedence over any national development management policy in the event of any conflict between the two.”

Member's explanatory statement

This probes what will take precedence if the development plan conflicts with the NDMP.

BARONESS HAYMAN OF ULLOCK

After Clause 87, insert the following new Clause—

“Conflict between the development plan and NDMP: reporting

The Secretary of State must lay a statement before both Houses of Parliament if he or she deems there to be a conflict between the national development management policy and the development plan.”

Member's explanatory statement

This probes whether Parliament will be notified of a conflict between the development plan and NDMP.

BARONESS HAYMAN OF ULLOCK

After Clause 87, insert the following new Clause—

“National development management policies: annual statement

The Secretary of State must publish an annual statement setting out the financial costs of any national development management policies and any related support given to local authorities.”

Member's explanatory statement

This probes the cost of NDMPs and whether additional support will be given to local authorities.

BARONESS HAYMAN OF ULLOCK

After Clause 87, insert the following new Clause –

“Conflict between the development plan and NDMP: CCAs

If the Secretary of State deems there to be a conflict between the national development management policy and the development plan, the Secretary of State must consult any relevant CCAs.”

Member's explanatory statement

This probes the role of CCAs during conflicts between the development plan and NDMP.

BARONESS HAYMAN OF ULLOCK

After Clause 87, insert the following new Clause –

“Public consultation and Parliamentary scrutiny

Within 120 days of this Act being passed, a Minister of the Crown must publish a strategy for public consultation on and Parliamentary scrutiny of national development management policies.”

Member's explanatory statement

This amendment probes the role of public consultation and Parliamentary scrutiny.

Clause 88

BARONESS TAYLOR OF STEVENAGE

Clause 88, page 95, leave out lines 26 and 27

Member's explanatory statement

This amendment would remove an additional legal test within London's Spatial Development Strategy that could preclude the insertion of policies which contribute to the effective strategic planning of Greater London but would also apply to other urban areas or are not specific to Greater London.

After Clause 90

BARONESS TAYLOR OF STEVENAGE

After Clause 90, insert the following new Clause—

“Deliberative democracy: local planning

- (1) Before preparing any development or outline plan, a local planning authority must undertake a process of deliberative democracy involving the community to set—
 - (a) the balance of economic, environmental, infrastructure and special plans,
 - (b) the type of housing to be delivered,
 - (c) the infrastructure that is required to be hosted,
 - (d) the type of economic space, and
 - (e) environmental considerations, including making sites sustainable.
- (2) A process of deliberative democracy under this section must—
 - (a) invite all residents of the local authority area to apply to be a representative in the deliberative democracy process,
 - (b) include measures to try to ensure that there will be a diverse representation of that community in the process, and
 - (c) provide for a forum of representatives that—
 - (i) will determine its terms of reference, number of meetings and agenda at its first meeting, and
 - (ii) will produce a report from the deliberative democracy process.
- (3) A report under subsection (2)(c)(ii) may determine the scope of development on a site.”

Member's explanatory statement

This new clause would introduce a deliberative democracy forum comprised of members of the public prior to the formation of a new development plan or outline plan.

Schedule 7LORD BEST
LORD YOUNG OF COOKHAM

Schedule 7, page 290, line 3, at end insert—

- “(ha) the assessments of need for older people’s housing carried out in respect of the authority’s area, and”

Member's explanatory statement

This amendment would ensure that local authorities consider the needs for housing for older people when preparing local development plans.

LORD LANSLEY
LORD YOUNG OF COOKHAM

Schedule 7, page 293, line 13, at end insert –

- “(2A) The local plan must identify the strategic priorities of the local planning authority for meeting housing needs and for addressing the economic, social and environmental issues affecting the authority’s area.”

Member's explanatory statement

This amendment would require plan-making to include the strategic priorities of the authority.

LORD LANSLEY
LORD YOUNG OF COOKHAM

Schedule 7, page 293, line 33, at end insert –

- “(d) strategic policies to address the local planning authority’s strategic priorities for the development and use of land in its area;
(e) policies which support and encourage sustainable economic growth, including the identification of suitable sites for the growth and expansion of businesses and to meet anticipated needs for local and inward investment.”

Member's explanatory statement

This amendment provides that the local plan may include strategic policies to meet the strategic priorities of the authority; and policies to promote economic growth.

LORD LANSLEY
LORD YOUNG OF COOKHAM

Schedule 7, page 293, line 38 at end insert –

- “(6A) The local plan must be designed to secure that the supply of housing through development in the local planning authority’s area meets or exceeds the requirement for housing during the plan period which would be derived from the housing targets and standard method prescribed in guidance by the Secretary of State as applicable at that time.”

Member's explanatory statement

This amendment would require a local plan to meet or exceed the housing need for the authority’s area.

LORD HOLMES OF RICHMOND

Schedule 7, page 294, line 22, at end insert –

- “(4A) A local plan must conform with the principle of inclusive design, and where a local planning authority receives any observations or advice from a person

appointed by the Secretary of State under subsection (3) to the effect that a proposed local plan does not conform with that principle, the local planning authority must modify the plan to ensure conformity in accordance with the observations or advice.”

LORD LANSLEY
LORD YOUNG OF COOKHAM

Schedule 7, page 294, line 30, at end insert –

- “(ca) any housing target for England, specifying the planned supply of housing for any given period, which is issued by the Secretary of State,
- (cb) any method of calculating the housing need for an authority’s area as specified in guidance issued by the Secretary of State;”

Member's explanatory statement

This amendment would specify that local planning authorities should have regard to the Government’s housing target and standard method for calculating housing need.

LORD BEST
LORD YOUNG OF COOKHAM

Schedule 7, page 295, line 12, at end insert “and which must include a housing needs assessment in respect of older people’s housing;”

Member's explanatory statement

This amendment would enable the Secretary of State to include older people’s housing needs assessments in documentation related to local plans.

Clause 91

BARONESS PINNOCK

Clause 91, page 97, line 28, at end insert –

- “(aa) policies (however expressed) limiting new housing development in a National Park or an Area of Outstanding Natural Beauty to affordable housing;”

Member's explanatory statement

This amendment would enable neighbourhood development plans to restrict new housing development in National Parks and AONBs to affordable housing.

LORD FOSTER OF BATH
LORD SHIPLEY

Clause 91, page 97, line 28, at end insert—

- “(aa) policies (however expressed) relating to the proportion of dwellings which may be in—
- (i) use class 3A (second homes), or
 - (ii) use class 3B (holiday rentals)
- under Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764).”

Member's explanatory statement

This amendment would enable neighbourhood plans to include policies relating to the proportion of dwellings which may be second homes and short-term holiday lets under use classes created by the proposed new Clauses tabled by Lord Foster of Bath.

BARONESS HAYMAN OF ULLOCK

Clause 91, page 98, line 6, at end insert—

- “(e) housebuilding targets.”

Member's explanatory statement

This is to probe whether neighbourhood development plans can include housebuilding targets.

BARONESS HAYMAN OF ULLOCK

Clause 91, page 98, line 6, at end insert—

- “(e) in areas of historical, cultural or environmental sensitivity, requirements intended to ensure that development is in keeping with the proximal environment.”

Member's explanatory statement

This amendment would enable neighbourhood plans to require that development in areas of historical, cultural or environmental sensitivity is in keeping with the surrounding environment.

After Clause 91

BARONESS TAYLOR OF STEVENAGE

After Clause 91, insert the following new Clause—

“Report about uptake of neighbourhood development plans

- (1) Section 38A of PCPA 2004 (meaning of “neighbourhood development plan”) is amended as follows.

(2) After subsection (11C) insert –

- “(11D) The Secretary of State must prepare and publish an annual report on the uptake of neighbourhood development plans, which must, in particular, set out –
- (a) the uptake of neighbourhood development plans in less affluent neighbourhoods,
 - (b) the uptake of neighbourhood development plans in urban neighbourhoods, and
 - (c) the steps that Government are taking to increase this uptake.”

Member's explanatory statement

This amendment means that the Secretary of State must prepare and publish an annual report on the uptake of neighbourhood development plans.

Clause 92

BARONESS TAYLOR OF STEVENAGE

Baroness Taylor of Stevenage gives notice of her intention to oppose the Question that Clause 92 stand part of the Bill.

Clause 93

BARONESS HAYMAN OF ULLOCK

Clause 93, page 99, line 19, leave out “public”

Member's explanatory statement

This is to probe whether plan making authorities can require a prescribed private body to assist the authority in relation to the preparation or revision of a relevant plan by the authority.

BARONESS TAYLOR OF STEVENAGE

Clause 93, page 99, line 22, leave out “public”

Member's explanatory statement

This is to probe whether plan making authorities can require a prescribed private body to assist the authority in relation to the preparation or revision of a relevant plan by the authority.

BARONESS TAYLOR OF STEVENAGE

Clause 93, page 99, line 34, at end insert –

- “(3A) Where regulations under this section impose requirements on a local authority that is failing to deliver a local plan in a timely way, the plan-making authority must consult the local community on the contents of the relevant plan.”

Member's explanatory statement

This amendment would require, in the event of a local authority failing to deliver a local plan in a timely way, those taking over the process to consult with the community.

After Clause 93

LORD BERKELEY
LORD YOUNG OF COOKHAM
LORD HUNT OF KINGS HEATH
BARONESS RANDESON

After Clause 93, insert the following new Clause –

“Cycling, walking and rights of way plans: incorporation in development plans

- (1) A local planning authority must ensure that the development plan incorporates, so far as relevant to the use or development of land in the local planning authority’s area, the policies and proposals set out in –
 - (a) any local cycling and walking infrastructure plan or plans prepared by a local transport authority;
 - (b) any rights of way improvement plan.
- (2) In dealing with an application for planning permission or permission in principle the local planning authority shall also have regard to any policies or proposals contained within a local cycling and walking infrastructure plan or plans and any rights of way improvement plan which have not been included as part of the development plan, so far as is material to the application.
- (3) In this section –
 - (a) “local planning authority” has the same meaning as in section 15LF of PCPA 2004;
 - (b) “local transport authority” has the same meaning as in section 108 of the Transport Act 2000;
 - (c) a “rights of way improvement plan” is a plan published by a local highway authority under section 60 of the Countryside and Rights of Way Act 2000.”

Member's explanatory statement

This new Clause would require development plans to incorporate policies and proposals for cycling and walking infrastructure plans and rights of way improvement plans. Local planning authorities would be required to have regard to any such policies and proposals where they have not been incorporated in a development plan.

LORD YOUNG OF COOKHAM
LORD HUNT OF KINGS HEATH
LORD STEVENS OF BIRMINGHAM
LORD FOSTER OF BATH

After Clause 93, insert the following new Clause –

“Duty to reduce health inequalities and improve well-being

- (1) For the purposes of this section “the general health and well-being objective” is the reduction of health inequalities and the improvement of well-being through the exercise of planning functions in relation to England.
- (2) A local planning authority must ensure that the development plan for their area includes policies designed to secure that the development and use of land contribute to the general health and well-being objective.
- (3) In considering whether to grant planning permission or permission in principle and related approvals, a local planning authority or, as the case may be, the Secretary of State must ensure the decision is consistent with achieving the general health and well-being objective.
- (4) In complying with this section, a local planning authority or, as the case may be, the Secretary of State must have special regard to the desirability of –
 - (a) delivering mixed-use walkable neighbourhoods which accord with the 20 minute neighbourhood principle;
 - (b) creating opportunities to enable everyday physical activity, through improving existing and creating new cycling, walking and wheeling routes and networks and natural spaces; and
 - (c) increasing access to high quality natural green and blue spaces.
- (5) For the purposes of subsection (4)(a), neighbourhoods which accord with the 20 minute neighbourhood principle are places where people can meet most of their daily needs including food shops, schools, health services and natural space within a 20 minute return walk of their home and include affordable housing.
- (6) “Wheeling” means the use of a vehicle that may lawfully be used on a footway within the meaning of the Highways Act 1980.”

Member's explanatory statement

This new Clause would create a requirement for local planning authorities to include policies in their development plans which contribute to a new general health and well-being objective. It also requires LPAs and the Secretary of State to ensure consistency with this objective when deciding whether to grant planning permission or permission in principle and related approvals, such as reserved matters.

LORD TEVERSON

After Clause 93, insert the following new Clause –

“Planning: climate change

- (1) The Secretary of State must aim to ensure consistency with the mitigation of, and adaptation to, climate change in preparing –
 - (a) national policy or advice relating to the development or use of land,
 - (b) a development management policy pursuant to section 38ZA of the Planning and Compulsory Purchase Act 2004.
- (2) A relevant planning authority when making a planning decision must aim to ensure the decision is consistent with the mitigation of, and adaptation to, climate change.
- (3) For the purposes of subsection (2), a relevant planning authority is as set out in section 81.
- (4) For the purposes of subsection (2) a planning decision is a decision relating to –
 - (a) development arising from an application for planning permission;
 - (b) the making of a development order granting planning permission;
 - (c) an approval pursuant to a development order granting planning permission.
- (5) For the purposes of this section –
 - (a) the mitigation of climate change must include the achievement of –
 - (i) the target for 2050 set out in section 1 of the Climate Change Act 2008, and
 - (ii) applicable carbon budgets made pursuant to section 4 of the Climate Change Act 2008;
 - (b) adaptation to climate change must include the achievement of long-term resilience to all climate-related risks, such as risks to health, well-being, food supply and infrastructure, including but not limited to –
 - (i) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008, and
 - (ii) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010.
- (6) The meaning of the mitigation of, and adaptation to, climate change given by subsection (5) applies for the purposes of –
 - (a) Parts 2 and Part 3 of the Planning and Compulsory Purchase Act 2004,
 - (b) section 334 of the Greater London Authority Act 1999, and
 - (c) Part 10A of the Planning Act 2008.”

Member's explanatory statement

This amendment would require the planning process to have regard to the mitigation of and adaptation to climate change.

Clause 95

BARONESS TAYLOR OF STEVENAGE

Clause 95, page 102, line 35, at end insert –

- “(5) The Secretary of State must, within one year of the day on which this section comes into force, publish a report of a review of the efficacy of Local Heritage Lists and the resources local authorities have to produce them.
- (6) The Secretary of State must, on the day on which this section comes into force, publish the results of the 2018 review of the non-statutory guidance on Assets of Community Value.”

Member's explanatory statement

This means that the Secretary of State must publish a report of a review of Local Heritage Lists and the results of the 2018 review of the non-statutory guidance on Assets of Community Value.

Clause 96

BARONESS TAYLOR OF STEVENAGE

Clause 96, page 104, line 5, at end insert –

- “(12) When making a decision on the correct recipient of a temporary stop notice, the authority should have regard to the tenancy status of the occupier and their level of responsibility for any works on the property.”

Member's explanatory statement

This means that when making a decision on the correct recipient of a temporary stop notice, the authority should have regard to the tenancy status of the occupier and their level of responsibility for any works on the property.

After Clause 98

BARONESS TAYLOR OF STEVENAGE

After Clause 98, insert the following new Clause –

“Assets of Community Value

Within 90 days of this Act receiving Royal Assent, a Minister of the Crown must publish draft legislation to reform processes relating to Assets of Community Value.”

Member's explanatory statement

This means that a Minister must publish draft legislation to reform processes relating to Assets of Community Value.

Clause 99

LORD YOUNG OF COOKHAM
BARONESS THORNHILL

Clause 99, page 108, line 34, at end insert –

“(3) If there is conflict between street voting on development and the development plan, a determination must be made in favour of the development plan.”

Member's explanatory statement

The outcome of a street vote may conflict with the development plan. The amendment provides guidance on how to resolve this conflict.

BARONESS HAYMAN OF ULLOCK

Clause 99, page 112, line 18, after “orders” insert “when there is greater than 20% of support for a referendum”

Member's explanatory statement

This is to probe the minimum support which will be needed for a referendum to happen.

BARONESS HAYMAN OF ULLOCK

Clause 99, page 117, line 8, at end insert –

“61QLA Engagement with the Association of Electoral Administrators

The Secretary of State has a duty to engage with the Association of Electoral Administrators in relation to street votes.”

Member's explanatory statement

This is to probe whether the Government will engage with the Association of Electoral Administrators in relation to street votes.

BARONESS HAYMAN OF ULLOCK

Clause 99, page 117, line 8, at end insert –

“61QLA Conflict of interest

The Secretary of State must publish guidance for local authorities on managing conflicts of interest in relation to street votes.”

Member's explanatory statement

This is to probe the possibility of conflict of interests in relation to street votes.

Clause 101

BARONESS HAYMAN OF ULLOCK

Baroness Hayman of Ullock gives notice of her intention to oppose the Question that Clause 101 stand part of the Bill.

After Clause 101

LORD BERKELEY

After Clause 101, insert the following new Clause—

“Application of TCPA 1990 to the Duchy of Cornwall

- (1) Section 293 of TCPA 1990 (application of Act to Crown land: preliminary definitions) is amended as follows.
- (2) In subsection (1), in the definition of “Duchy interest” omit “or belonging to the Duchy of Cornwall”.
- (3) In subsection (2), omit paragraph (d).
- (4) In subsection (3B), omit paragraph (b).”

Member's explanatory statement

This amendment is intended to provide that for the purposes of planning law the Duchy of Cornwall is treated as any private sector entity.

Clause 102

BARONESS TAYLOR OF STEVENAGE

Clause 102, page 130, leave out from beginning of line 35 to end of line 3 on page 131

Member's explanatory statement

This is to probe inserted subsection (7) in Clause 102.

BARONESS TAYLOR OF STEVENAGE

Clause 102, page 131, line 35, at end insert—

- “(12A) In relation to an application for planning permission that is made to, or is to be determined by, the Mayor of London, a reference in this section to the local planning authority is to be read as a reference to the Mayor of London.”

Member's explanatory statement

This is to probe the involvement of the Mayor of London in this section.

Clause 104

BARONESS TAYLOR OF STEVENAGE

Clause 104, page 135, line 13, at end insert –

- “(3A) But notwithstanding subsection (3) the completion notice deadline may be less than 12 months after the completion notice was served if the local planning authority are of the opinion that –
- (a) development has not taken place on the site for a prolonged period,
 - (b) there is no reasonable prospect of development being completed within a reasonable period, and
 - (c) it is in the public interest to issue an urgent completion notice.
- (3B) A completion notice may include requirements concerning the removal of any buildings or works authorised by the permission, or the discontinuance of any use of land so authorised, at the end of the completion period, and the carrying out of any works required for the reinstatement of land at the end of that period.”

Member's explanatory statement

This amendment would enable the issuance of completion notices withdrawing planning permission with a deadline of less than 12 months when certain conditions are met, and enable completion notices to require that building works be removed from a site or a site be reinstated to its previous condition.

After Clause 106

BARONESS PINNOCK

After Clause 106, insert the following new Clause –

“Local authorities to be permitted to require that new housing in National Parks and AONBs is affordable

- (1) Notwithstanding the National Planning Policy Framework, a local planning authority may mandate that any new housing in its area that is within –
- (a) a National Park, or
 - (b) an Area of Outstanding Natural Beauty
- is affordable.
- (2) A local planning authority may define “affordable” for the purposes of subsection (1).”

Member's explanatory statement

This new Clause would enable local authorities to mandate that new housing under their jurisdiction and within a National Park or an Area of Outstanding Natural Beauty is affordable, and to define “affordable” for that purpose.

LORD FOSTER OF BATH
LORD SHIPLEY

After Clause 106, insert the following new Clause –

“Planning permission required for use of dwelling as second home

- (1) The Town and Country Planning Act 1990 is amended as follows.
- (2) In section 55 (meaning of “development” and “new development”), after subsection (3)(a) insert –
 - “(aa) the use of a dwelling as a second home following a change in ownership involves a material change in the use of the building (whether or not it was previously used as a second home);”.

Member's explanatory statement

This new Clause would mean planning permission would be required for a dwelling to be used as a second home following a change of ownership.

LORD FOSTER OF BATH
LORD SHIPLEY

After Clause 106, insert the following new Clause –

“New use classes for second homes

- (1) Part A of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) is amended as follows.
- (2) In paragraph 3 (dwellinghouses) for “whether or not as a sole or” substitute “as a”.
- (3) After paragraph 3 insert –

“3A Class C3A. Second homes

Use, following a change of ownership, as a dwellinghouse as a secondary or supplementary residence by –

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

Interpretation of Class C3A

For the purposes of Class C3A “single household” is to be construed in accordance with section 258 of the Housing Act 2004.””

Member's explanatory statement

This amendment would create a new use class for second homes.

LORD FOSTER OF BATH
LORD SHIPLEY

After Clause 106, insert the following new Clause –

“New use classes for holiday rentals

- (1) Part A of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 (S.I. 1987/764) is amended as follows.
- (2) In paragraph 3 (dwellinghouses) after “residence” insert “other than a use within Class C3A)”.
- (3) After paragraph 3 insert –

“Class C3A Holiday rentals

Use, following a change of ownership, as a dwellinghouse as a holiday rental property.”

Member's explanatory statement

This amendment would create a new use class for holiday rentals.

BARONESS MCINTOSH OF PICKERING
BARONESS HENIG

This amendment replaces a previous amendment in the name of Baroness McIntosh of Pickering originally printed on sheet HL Bill 84(c)

After Clause 106, insert the following new Clause –

““Agent of Change”: integration of new development with existing businesses and facilities

- (1) In this section –
 - “agent of change principle” means the principle requiring planning policies and decisions to ensure that new development can be integrated effectively with existing businesses and community facilities so that those businesses and facilities do not have unreasonable restrictions placed on them as a result of developments permitted after they were established;
 - “development” has the same meaning as in section 55 of TCPA 1990 (meaning of “development” and “new development”);
 - “licensing functions” has the same meaning as in section 4(1) of the Licensing Act 2003 (general duties of licensing authorities);
 - “provision of regulated entertainment” has the same meaning as in Schedule 1 to the Licensing Act 2003 (provision of regulated entertainment);
 - “relevant authority” means a relevant planning authority within the meaning of section 84 of this Act, or a licensing authority within the meaning of section 3 of the Licensing Act 2003 (licensing authorities).

- (2) In exercising any functions under TCPA 1990 or any licensing functions concerning development which is or is likely to be affected by an existing business or facility, a relevant authority shall have special regard to the agent of change principle.
- (3) An application for development within the vicinity of any premises licensed for the provision of regulated entertainment shall contain, in addition to any relevant requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595), a noise impact assessment.
- (4) In determining whether noise emitted by or from an existing business or community facility constitutes a nuisance to a residential development, the decision-maker shall have regard to—
 - (a) the chronology of the introduction of the relevant noise source and the residential development, and
 - (b) what steps have been taken by the developer to mitigate the entry of noise from the existing business or facility to the residential development.”

LORD YOUNG OF COOKHAM
BARONESS THORNHILL

After Clause 106, insert the following new Clause—

“Local authorities and development management services

- (1) A local planning authority may set a charging regime in relation to its development management services.
- (2) In setting the amount of a charge under subsection (1) a local planning authority must secure that, taking one financial year with another, the authority’s income from charges does not exceed the cost to the authority of delivering the development management services for which the charges are imposed.”

Member’s explanatory statement

The amendment would allow local authorities to develop a planning fees schedule that would enable the full costs of delivering its development management services, including the processing of planning applications, to be recovered.

LORD CARRINGTON

After Clause 106, insert the following new Clause—

“Permission in principle for rural economic development

In article 5A of the Town and Country Planning (Permission in Principle) Order 2017 (S.I. 2017/402) (permission in principle), in paragraph (3) at the end insert “; and

- (c) in relation to rural economic development, specify the scale of any such development which is, in principle, permitted and the use to which it may be put.””

Member's explanatory statement

This amendment would extend the permission in principle planning route to developments which relate to rural economic development.

LORD BEST

After Clause 106, insert the following new Clause –

“Large sites for housing development

After section 70 of TCPA 1990 (determination of applications: general considerations) insert –

“70ZA Development of large housing sites

- (1) When considering whether to grant planning permission for development of a large housing site in accordance with section 70, the determining body must ensure doing so would comply with the requirements of a diversification strategy for the development of those sites.
- (2) A development order may make the following provisions in relation to the development of large housing sites –
 - (a) requiring all applications for outline planning permission to specify that housing diversity will be a reserved matter;
 - (b) specifying the following as reserved matters –
 - (i) the types of new housing to be built;
 - (ii) the internal floor space of the new housing to be built;
 - (iii) the amount of new housing to be built in specific tenures;
 - (c) requiring applicants for planning permission to prepare, and comply with, a diversification strategy.
- (3) A diversification strategy for the purposes of subsection (2) must be prepared for the purposes of contributing towards meeting the identified need for social housing within the area of the local planning authority, and in accordance with –
 - (a) the development plan for the area, so far as material, and
 - (b) any national development management policies, so far as material.
- (4) In this section “large housing site” means any site –
 - (a) where 500 or more dwellings are proposed,
 - (b) of more than 5 hectares where the predominant use will be housing, or
 - (c) designated as a large site for housing development within the development plan for the area, on the reasonable assumption that paragraph (a) or (b) will apply.”

Member's explanatory statement

This Clause seeks to ensure that development of large sites captures land value and achieves a mix of new housing that reflects local needs.

BARONESS HAYMAN OF ULLOCK

After Clause 106, insert the following new Clause –

“Community resilience to climate change

- (1) A local planning authority when exercising a relevant function under the planning Acts shall have special regard to the need to adapt to climate change.
- (2) For the purposes of this section, adaptation to climate change shall include the achievement of ongoing resilience to the climate-related risks anticipated currently and over the long-term, including –
 - (a) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008,
 - (b) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Water Management Act 2010, and
 - (c) the mitigation of heat stress and overheating in and around buildings.
- (3) In this section “resilience” means the capacity of people and places to plan for, better protect against, respond to, and recover from climate impacts including heat stress and flooding, including making the best land use and development choices, protecting the health, safety and well-being of people, and responding to and recovering from climate impact events whilst all the time adapting to the predicted impacts of climate change.”

Member's explanatory statement

This amendment would both define and prioritise adaptation and resilience in a way which enables greater action to deal with flood risk and overheating.

Clause 107

BARONESS HAYMAN OF ULLOCK

Clause 107, page 142, line 8, after “completed,” insert “or 4 years if there is a significant impact on the local environment,”

Member's explanatory statement

This means that the extended time limits for enforcement of planning controls does not apply when there is a significant impact on the local environment.

BARONESS HAYMAN OF ULLOCK

Clause 107, page 142, line 15 after “breach,” insert “or 4 years if there is a significant impact on the local environment,”

Member's explanatory statement

This means that the extended time limits for enforcement of planning controls does not apply when there is a significant impact on the local environment.

Clause 109

BARONESS TAYLOR OF STEVENAGE

Clause 109, page 142, line 32, leave out “an” and insert “a digital”

Member's explanatory statement

This is to probe how the Government can use new technology in the planning process.

BARONESS TAYLOR OF STEVENAGE

After Clause 109, insert the following new Clause –

“Duty to provide sufficient resources to local planning authorities for new burdens: enforcement of planning controls

The Secretary of State must provide commensurate additional financial resources to local planning authorities to enable them to implement the provisions in this Chapter.”

Member's explanatory statement

This would require the Secretary of State to provide sufficient additional resources to local planning authorities to enable them to implement the changes required by Chapter 5 of Part 3.

After Clause 118

BARONESS YOUNG OF OLD SCONE

After Clause 118, insert the following new Clause –

“Fees for certain services in relation to local planning authority functions

After section 303A of TCPA 1990 (responsibility of local planning authorities for costs of holding certain inquiries etc) insert –

“303B Fees for prescribed services in relation to local planning authority functions

- (1) The Secretary of State may by regulations make provision for or in connection with the charging of fees by prescribed public authorities in relation to the provision of relevant services.
- (2) A "relevant service" means any advice, information or other assistance (including a response to a consultation) provided in connection with –
 - (a) an application or proposed application –
 - (i) for planning permission,
 - (ii) for any other consent under the Planning Acts,
 - (iii) an order or other authorisation which has the effect of allowing development or reducing the control upon development in a specified location or identified circumstances, or

- (iv) to make a change to, or revoke, such a permission, consent, order or authorisation,
 - (b) any other prescribed matter relating to planning permission or a consent order or authorisation as identified in paragraph (a),
 - (c) any other prescribed matter relating to the performance by the local planning authority of any planning function they have, or
 - (d) anything done by a local planning authority which is calculated to facilitate or is conducive or incidental to the performance of any such function.
- (3) The regulations under subsection (1) may in particular contain provision –
 - (a) about when a fee (including a supplementary fee) may, and may not, be charged;
 - (b) about the amount which may be charged;
 - (c) about what may, and may not, be taken into account in calculating the amount charged;
 - (d) about who is liable to pay a fee charged;
 - (e) about when a fee charged is payable;
 - (f) about the recovery of fees charged;
 - (g) about waiver, reduction or repayment of fees;
 - (h) about the effect of paying or failing to pay fees charged (including provision permitting a public authority prescribed under subsection (1) to withhold a relevant service that they would otherwise be required to provide under an enactment until any outstanding fees for that service are paid);
 - (i) for the supply of information for any purpose of the regulations;
 - (j) conferring a function, including a function involving the exercise of a discretion, on any person.
- (4) The regulations may not permit a public authority to charge fees for the provision of a relevant service to an excluded person, unless the relevant service is provided –
 - (a) in connection with an application or proposed application by that person for planning permission,
 - (b) in connection with an application or proposed application by that person for any other consent under the Planning Acts,
 - (c) in connection with an order or other authorisation which has the effect of allowing development or reducing the control upon development in a specified location or identified circumstances granting planning permission, or
 - (d) to make a change to, or revoke, such an permission, consent, order, or authorisation.
- (5) A public authority prescribed under subsection (1) must have regard to any guidance published by the Secretary of State in relation to the exercise of its functions under the regulations.
- (6) In this section –

“excluded person” means –

- (a) the Secretary of State;
- (b) the Mayor of London;
- (c) a local planning authority;
- (d) a mayoral combined authority (within the meaning given in section 107A of the Local Democracy, Economic Development and Construction Act 2009);
- (e) a qualifying neighbourhood body;
- (f) such other person as may be prescribed;

“Planning Acts” means this Act, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990 and the Planning and Compulsory Purchase Act 2004;

“public authority” means any person certain of whose functions are of a public nature;

“qualifying neighbourhood body” means –

- (a) a qualifying body within the meaning given by section 61E(6) (and includes a community organisation which is to be regarded as such a qualifying body by virtue of paragraph 4(2) of Schedule 4C), or
- (b) a qualifying body within the meaning given by section 38A(12) of the Planning and Compulsory Purchase Act 2004.”

Member's explanatory statement

This new clause would enable statutory consultees, who are required to provide expert advice to Local Planning Authorities and other planning decision makers on the potential risks and impacts of development proposals on sensitive areas (eg SSSIs, flood risk zones) and on opportunities for environmental enhancement, to recover their costs from applicants seeking planning permissions.

After Clause 120

LORD MOYLAN

After Clause 120, insert the following new Clause –

“Directions under section 35: review

- (1) The Planning Act 2008 is amended as follows.
- (2) After section 35ZA (directions under section 35: procedural matters) insert –

“35ZB Directions under section 35: review

Within three years of making a direction under section 35(1) and annually thereafter, the Secretary of State must consider progress with implementation of the development contemplated in it and, if the Secretary of State considers that it is unlikely to proceed, the Secretary of State may withdraw the direction.”

Clause 123

LORD CARRINGTON

Lord Carrington gives notice of his intention to oppose the Question that Clause 123 stand part of the Bill.

After Clause 123

BARONESS PINNOCK

After Clause 123, insert the following new Clause –

“Strengthening local powers on new home standards and affordable housing

- (1) The Secretary of State must make Building Regulations under section 1 of the Building Act 1984 (Power to make building regulations) providing that new homes in England must meet the full requirements of the Future Homes Standard from 1 June 2023.
- (2) A local authority in England may choose to require and enforce minimum carbon compliance standards for new homes in its area which exceed the Future Homes Standard from that date.
- (3) Notwithstanding the National Planning Policy Framework, a local planning authority may mandate that any new housing in its area is affordable.
- (4) A local planning authority may define “affordable” for the purposes of subsection (3).”

Member's explanatory statement

This new Clause would bring forward the date for which the Future Homes Standard for carbon compliance of new homes would apply and give local authorities the option of imposing higher standards locally and would enable local authorities to mandate that new housing under their jurisdiction is affordable.

BARONESS PINNOCK

After Clause 123, insert the following new Clause –

“Planning Application Fees

- (1) Section 303 of the Town and Country Planning Act 1990 (Fees for planning applications etc.) is amended as follows.
 - (2) After subsection (4) insert –
- “(4A) A local planning authority may make provision as to how a fee or charge under this section is to be calculated (including who is to make the calculation).”

Member's explanatory statement

This new Clause would allow local authorities to set the fees for planning applications, in order that the cost of determining an application is reflected by the fee charged.

BARONESS PINNOCK

After Clause 123, insert the following new Clause –

“Public consultation on planning and women’s safety

- (1) The Secretary of State must, within 90 days of the day on which this Act is passed, open a public consultation to establish the impact of proposed changes to the planning system on women’s safety.
- (2) Section 70 of the Town and Country Planning Act 1990 (Determination of applications: general considerations) is amended in accordance with subsection (3).
- (3) After subsection (2A), insert –
 - “(2B) In dealing with an application for planning permission for public development, a local planning authority must establish a review of how the proposed development would impact women’s safety. The review must, in particular, consider the impact of proposed development on –
 - (a) open spaces,
 - (b) layout of buildings,
 - (c) unlit or hidden spaces,
 - (d) visibility of entranceways, and
 - (e) blind spots.
 - (2C) The local planning authority must prepare and publish a report setting out the results of the review.””

Member's explanatory statement

This amendment would require the Secretary of State to open a public consultation to establish the impact of proposed changes to the planning system on women’s safety and would require local planning authorities to review the impact of new developments on women’s safety.

LORD RANDALL OF UXBRIDGE
BARONESS JONES OF WHITCHURCH
BARONESS WILLIS OF SUMMERTOWN
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

After Clause 123, insert the following new Clause –

“Wildbelt

- (1) Local planning authorities must maintain a register of wildbelt land in their local areas (see section 106(3)(c) of the Environment Act 2021).

- (2) Wildbelt land must be recognised in local plans based on areas identified in the local nature recovery strategy.
- (3) Local planning authorities must act in accordance with local nature recovery strategy wildbelt designations in the exercise of relevant functions, including land use planning and planning decisions.
- (4) Wildbelt land may not be subject to land use change that hinders the recovery of nature in these areas.”

Member's explanatory statement

This new Clause would secure a land designation in England that provides protection for sites being managed for nature’s recovery, identified through the Local Nature Recovery Strategies created by the Environment Act. Sites designated as wildbelt in Local Plans would be subject to only moderate controls, precluding development but allowing farming and other land uses which do not hinder the recovery of nature.

LORD RUSSELL OF LIVERPOOL
LORD YOUNG OF COOKHAM
BARONESS ROYALL OF BLAISDON
BARONESS TYLER OF ENFIELD

After Clause 123, insert the following new Clause –

“Developer contributions: childcare

- (1) This section applies where a local authority is making a consideration under –
 - (a) section 106(1)(d) of TCPA 1990 in relation to a “major development”, or
 - (b) Part 4 of this Act.
- (2) When this section applies, the local authority in question may have regard to –
 - (a) the current availability and affordability of childcare services in the local area,
 - (b) the impact that any new development will have on the availability and affordability of childcare services in the local area, and
 - (c) the need to promote high-quality affordable childcare in line with sections 6 and 7 of the Childcare Act 2006.
- (3) When setting obligations to which this section applies, the local authority must publish a statement setting out the reasons underpinning their decision to allocate the level of funding or support they have to early years or childcare services and settings.
- (4) Nothing in this section prevents a local authority from having regard to any factor not mentioned in this section when making a relevant consideration.
- (5) “Major development” here has the same meaning as in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595).”

Member's explanatory statement

This amendment would make clear that local authorities are empowered, but not required, to use developer contributions to fund childcare services and settings. It would also require them to publish a statement explaining why – in relation to large developer contributions – they did or did not direct any funding towards childcare services and settings. This would only apply to major developments, as is currently the case for affordable housing considerations.

BARONESS MCINTOSH OF PICKERING

After Clause 123, insert the following new Clause –

“Sustainable drainage

The Secretary of State must make provision under section 49 of the Flood and Water Management Act 2010 so as to bring Schedule 3 to that Act (sustainable drainage) into force in relation to England before the end of 31 December 2023, insofar as it is not already in force.”

LORD CARRINGTON

After Clause 123 insert the following new Clause –

“Duty of care

- (1) It is the duty of any body using compulsory purchase to act fairly towards the owner of any property being acquired and any claimant of compensation.
- (2) The Secretary of State must issue a code of practice specifying how the duty in subsection (1) is to be discharged.”

Member's explanatory statement

This amendment will ensure that legislative provision for compulsory purchase, and the actions of the acquirer, always achieve a correct balance between the interest of the state and that of the property-owning individual.

BARONESS JONES OF MOULSECOOMB

After Clause 123, insert the following new Clause –

“Ecological surveys prior to planning application & mitigation

- (1) TCPA 1990 is amended as follows.
- (2) After section 57 (planning permission required for development) insert –

“57A Ecological surveys prior to planning permission

- (1) Before making an application for planning permission the applicant must undertake an ecological survey of the proposed site to establish whether the proposed development threatens the habitat of a vulnerable species.

- (2) The Secretary of State must by regulations make provision about—
 - (a) such ecological surveys and requirements to undertake them,
 - (b) the definition of “vulnerable species” for the purposes of this section,
 - (c) the mitigation hierarchy being duly followed with avoidance, then mitigation on-site being prioritised over compensation, and
 - (d) as a last resort, the relocation of species to suitable alternative habitats where clearance or destruction of the habitat cannot be avoided or mitigated onsite.
 - (3) A person who alters a potential development site—
 - (a) prior to the completion of an ecological survey under this section, and
 - (b) without due regard to potential habitats of vulnerable species on the site,
 commits an offence.
 - (4) A person who commits an offence under subsection (3) is liable on summary conviction to a fine.
 - (5) The Secretary of State may by regulations make provision about offences under subsection (3).”
- (3) After section 58A (permission in principle) insert—

“58B Duty of regard to wildlife habitats in granting permissions

In considering whether to grant planning permission or permission in principle for the development of land in England which threatens the habitat of a vulnerable species under section 57A, the local planning authority or (as the case may be) the Secretary of State must have special regard to the desirability of preserving or enhancing the habitat.””

Member's explanatory statement

This new Clause would make ecological surveys mandatory in all planning applications. This would ensure that data on vulnerable species is robust and accurate and prevent assumptions being made about the presence or absence of species.

LORD YOUNG OF COOKHAM

After Clause 123, insert the following new Clause—

“Short-term rental properties: planning control

- (1) The Secretary of State must make regulations under this section governing changes of use of dwellinghouses used as sole or main residences to short-term rental properties in England.
- (2) The regulations must make provision—
 - (a) for short-term rental properties to be a distinct use class from dwellinghouses used as sole or main residences;

- (b) for changes of use between dwellinghouses used as sole or main residences, and short-term rental properties, to be permitted development; and
 - (c) for a relevant planning permission for change of use to be a condition of registration of a short-term rental property under section 210(5) of this Act (registration of short-term rental properties).
- (3) In this section “short-term rental property” has the meaning given by section 210 of this Act.”

Member's explanatory statement

The amendment introduces a new use for dwellinghouses enabling local authorities to maintain the stock of long-term rental properties in their area.

BARONESS YOUNG OF OLD SCONE

After Clause 123, insert the following new Clause –

“Purposes of green belt land

An area may be identified as green belt land in a development plan for one or more of the following purposes –

- (a) to check the unrestricted sprawl of large built up areas;
- (b) to prevent neighbouring towns merging into one another;
- (c) to assist in safeguarding the countryside from encroachment;
- (d) to preserve the setting and special character of historic towns;
- (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land;
- (f) to support climate mitigation and adaptation;
- (g) to combat the decline of biodiversity and enhance its conservation;
- (h) to promote natural capital and ecosystem services;
- (i) to enable the public to access and benefit from green open spaces close to where they live.”

Member's explanatory statement

This clause transposes the existing purposes of green belt land from guidance in the National Planning Policy Framework into statute and adds new purposes in regard to climate change, biodiversity, natural capital and public access.

BARONESS YOUNG OF OLD SCONE

After Clause 123, insert the following new Clause –

“Tree preservation order: penalty for non-compliance

- (1) Section 210 of TCPA 1990 (penalties for non-compliance with tree preservation order regulations) is amended as follows.
- (2) In subsection (1)(b), omit “in such a manner as to be likely to destroy it”.

- (3) In subsection (3), at the end insert “and the likelihood that the action will destroy a tree”.
- (4) After subsection (3) insert –
 - “(3A) Subsections (1) to (3) do not apply in relation to Wales.”
- (5) Omit subsection (4).”

Member's explanatory statement

This amendment creates a single offence for the breach of a Tree Preservation Order to ensure all fines are commensurate with the potential profits of contravention.

BARONESS YOUNG OF OLD SCONE

After Clause 123, insert the following new Clause –

“Tree preservation orders: meaning “amenity”

In section 198 of TCPA 1990 (power to make tree preservation orders), after subsection (1) insert –

- “(1A) In subsection (1), “amenity” includes appearance, age, rarity, biodiversity, and historic, scientific, recreational or other social value.
- (1B) Subsection (1A) does not apply in relation to Wales.””

Member's explanatory statement

The amendment clarifies the meaning of amenity in the context of Tree Preservation Orders.

BARONESS YOUNG OF OLD SCONE

After Clause 123, insert the following new Clause –

“Power to make tree preservation orders in the public interest

In section 198 of TCPA 1990 (power to make tree preservation orders), after subsection (1) insert –

- “(1A) For the avoidance of doubt, the power in subsection (1) may be exercised proactively and before any person intimates that they may destroy or damage a tree.
- (1B) Subsection (1A) does not apply in Wales.””

Member's explanatory statement

The amendment empowers Local Planning Authorities to use Tree Preservation Orders to protect trees proactively before they are threatened by development.

BARONESS YOUNG OF OLD SCONE

After Clause 123, insert the following new Clause –

“Tree preservation orders: removing exemption for dead or dying trees

- (1) In section 198 of TCPA 1990 (power to make tree preservation orders), in subsection (6)(a) omit “are dying or dead or”.
- (2) In regulation 14 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (S.I. 2012/605) (exceptions), in paragraph (1) –
 - (a) in sub-paragraph (a) omit paragraph (i), and
 - (b) omit sub-paragraph (b).”

Member's explanatory statement

This amendment removes the exemption that prevents trees which are dead and dying from being eligible for protection by Tree Preservation Orders.

BARONESS YOUNG OF OLD SCONE

After Clause 123, insert the following new Clause –

“Developments affecting ancient woodland

Within three months of this Act being passed, the Secretary of State must vary The Town and Country Planning (Consultation) (England) Direction 2021 so that it applies in relation to applications for planning permission for development affecting ancient woodland.”

Member's explanatory statement

This amendment requires the introduction of a consultation direction for developments affecting ancient woodlands.

BARONESS YOUNG OF OLD SCONE

After Clause 123, insert the following new Clause –

“Duty to consult on revocation of tree preservation orders

After regulation 11 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (S.I. 2012/605) (revocation of tree preservation orders) insert –

“Actions to be taken before revocation of an order

- 11A** – (1) Before revoking an order, an authority must –
- (a) serve on the persons interested in the land affected –
 - (i) a draft of the statement under regulation 11(a), and
 - (ii) a notice containing the particulars specified in paragraph (2), and
 - (b) comply with the requirement in paragraph (3).

- (2) The particulars specified in this paragraph are –
- (a) the reasons for revoking the order,
 - (b) a statement that objections or other representations with respect to any trees, groups of trees or woodlands specified in the order may be made to the authority in accordance with regulation 6,
 - (c) the date, being at least 28 days after the date of the notice, by which any objection or representation must be received by the authority, and
 - (d) a copy of regulation 6.
- (3) The documents mentioned in paragraph (1)(a) must be made available for inspection, free of charge, at all reasonable hours, at the offices of the authority; and where an order was made on behalf of an authority, those documents must also be made available for inspection at the offices of the authority on whose behalf it was made.
- (4) The authority may not revoke an order unless they have first considered objections and representations made in respect of it and not withdrawn.
- (5) Where necessary, such considerations may be the subject of a suitably appointed scrutiny committee.””

Member's explanatory statement

This amendment requires a public consultation process to be undertaken prior to the revocation of a Tree Preservation Order.

LORD HOLMES OF RICHMOND

After Clause 123, insert the following new Clause –

“Inclusive design

All planning and development must be predicated on the principle of inclusive design.”

BARONESS HAYMAN OF ULLOCK

After Clause 123, insert the following new Clause –

“Minimum requirements for flood mitigation and protection

- (1) The Secretary of State must, before the end of the period of six months beginning on the day this Act is passed, use the power under section 1 of the Building Act 1984 (power to make building regulations) to make building regulations for the purpose set out in subsection (2).
- (2) That purpose is to set minimum standards for new-build public and private properties in England for –
 - (a) property flood resilience,
 - (b) flood mitigation, and
 - (c) waste management in connection with flooding.”

Member's explanatory statement

This new Clause would require the Government to set minimum standards for flood resilience, flood mitigation and flood waste management in building regulations.

BARONESS HAYMAN OF ULLOCK

After Clause 123, insert the following new Clause –

“Duty to make flooding data available

- (1) The Secretary of State and local authorities in England must take all reasonable steps to make data about flood prevention and risk publicly available for purposes relating to planning and development.
- (2) The duty under subsection (1) extends to seeking to facilitate use of the data by –
 - (a) insurers for the purpose of accurately assessing risk, and
 - (b) individual property owners for the purpose of assessing the need for property flood resilience measures.”

Member's explanatory statement

This new Clause would place a duty on the Government and local authorities to make data about flood prevention and risk available for the purpose of assisting insurers and property owners.

BARONESS HAYMAN OF ULLOCK

After Clause 123, insert the following new Clause –

“Flood prevention and mitigation certification and accreditation schemes

- (1) The Secretary of State must by regulations establish –
 - (a) a certification scheme for improvements to domestic and commercial properties in England made in full or in part for flood prevention or flood mitigation purposes, and
 - (b) an accreditation scheme for installers of such improvements.
- (2) The scheme under subsection (1)(a) must –
 - (a) set minimum standards for the improvements, including that they are made by a person accredited under subsection (1)(b), and
 - (b) provide for the issuance of certificates stating that improvements to properties have met those standards.
- (3) The scheme under subsection (1)(a) may make provision for the certification of improvements that were made before the establishment of the scheme provided those improvements meet the minimum standards in subsection (2)(a).
- (4) Regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

- (5) A draft statutory instrument containing regulations under this section must be laid before Parliament before the end of the period of six months beginning with the day on which this Act comes into force.”

Member's explanatory statement

This new Clause would require the Government to establish a certification scheme for improvements to domestic and commercial properties in England made for flood prevention or flood mitigation purposes and an accreditation scheme for installers of such improvements.

BARONESS HAYMAN OF ULLOCK

After Clause 123, insert the following new Clause –

“Insurance premiums

- (1) The Financial Conduct Authority must, before the end of the period of six months beginning on the day this Act is passed, make rules under the Financial Services and Markets Act 2000 requiring insurance companies to take into account the matters in subsection (2) when calculating insurance premiums relating to residential and commercial properties.
- (2) Those matters are –
- (a) that certified improvements have been made to a property under section (*Flood prevention and mitigation certification and accreditation schemes*), or
 - (b) that measures that were in full or in part for the purposes of flood prevention or mitigation have been taken in relation to the property that were requirements of the local planning authority for planning permission purposes.”

Member's explanatory statement

This new Clause would require the Financial Conduct Authority to make rules requiring insurance companies to take into account flood prevention or mitigation improvements that are either certified or planning permission requirements in setting insurance premiums.

BARONESS HAYMAN OF ULLOCK

After Clause 123, insert the following new Clause –

“Flood Re Build Back Better Scheme participation

- (1) The Financial Conduct Authority must, before the end of the period of six months beginning on the day this Act is passed, make rules under the Financial Services and Markets Act 2000 requiring insurance companies to participate in the Flood Re Build Back Better Scheme to reimburse flood victims for costs of domestic flood resilience and prevention measures.
- (2) In making those rules the Financial Conduct Authority must have regard to its operational objectives to –
- (a) protect consumers, and
 - (b) promote competition.”

Member's explanatory statement

This new Clause would require the Financial Conduct Authority to make rules requiring insurance companies to participate in the currently voluntary Build Back Better scheme, which was launched by FloodRe in April 2022.

Clause 124

LORD LANSLEY
LORD YOUNG OF COOKHAM

Lord Lansley gives notice of his intention to oppose the Question that Clause 124 stand part of the Bill.

Schedule 11

BARONESS ARMSTRONG OF HILL TOP

Schedule 11, page 340, line 18, leave out from “2008,” to end of line 20 and insert “which is to be let as social rent housing;

“Social rent housing” has the meaning given in paragraph 7 of the Direction on the rent Standard 2019 together with paragraph 4 of the Direction on the Rent Standard 2023, as modified by paragraph 8 of the Direction on the Rent Standard 2023;”

Member's explanatory statement

The purpose of this amendment is to define the term “affordable housing” for the purposes of Infrastructure levy, as social rent, as defined in Direction on the Rent Standard 2023 and the Direction on the Rent Standard 2019.

LORD GREENHALGH

Schedule 11, page 340, line 20, at end insert –

““emergency and rescue services” means emergency and rescue services provided under any enactment, comprising –

- (a) police,
- (b) ambulance,
- (c) fire services,
- (d) coastguard, and
- (e) such other bodies as the Secretary of State may from time to time designate in regulations;”

BARONESS WARWICK OF UNDERCLIFFE

Schedule 11, page 342, line 32, at end insert –

- “(9) IL regulations must make provision for a right to require for local authorities to determine the portion of the levy they receive from developers in-kind as onsite affordable homes.”

Member's explanatory statement

This amendment would ensure IL regulations introduce a mechanism for the delivery of onsite affordable housing as an in-kind levy payment.

BARONESS WARWICK OF UNDERCLIFFE

Schedule 11, page 342, line 32, at end insert –

- “(9) IL regulations must provide for an exemption from liability to pay IL in respect of a development which exclusively contains affordable housing.”

Member's explanatory statement

This amendment would provide for an exemption from liability to pay IL in respect of a development which contains 100% affordable housing.

LORD GREENHALGH

Schedule 11, page 343, line 32, at end insert –

- “(9) The provision of facilities and equipment for the emergency and rescue services in connection with their duties and functions may not be taken to constitute development for the purposes of this section.”

Member's explanatory statement

This aims to reflect the principle that emergency and rescue services should not be liable for IL in relation to their own projects.

LORD CARRINGTON

Schedule 11, page 344, line 26, at end insert –

“204FA Agricultural development

IL regulations must provide for an exemption from liability to pay IL in respect of a development if, on completion of that development, the building or infrastructure is used for the purposes of agriculture on the holding.”

Member's explanatory statement

This amendment would exclude new farm buildings and associated agricultural infrastructure from the Infrastructure Levy to encourage farm development that improves food security.

BARONESS PINNOCK

Schedule 11, page 344, line 31, at end insert –

- “(1A) A charging schedule may –
- (a) require a developer to pay their full IL liability for a development before being permitted to commence work on that development,
 - (b) require infrastructure funded by IL associated with a development to be built before work on that development may commence,
 - (c) require a developer, at request of the local council, to pay additional money to be held in bond for remedial work.”

Member's explanatory statement

This amendment would enable Infrastructure Levy charging authorities to require a developer to pay their full IL liability, or for infrastructure funded by IL associated with a development to be built, before development may commence. And for developers to be required, at the request of the authority to provide money for remedial work.

LORD ETHERTON

Schedule 11, page 344, line 31, at end insert –

- “(1A) A charging authority must prepare and publish a Strategic Housing and Market Assessment specifying what affordable housing is needed within the area of the charging authority.
- (1B) The charging authority must publish a new Strategic Housing and Market Assessment every three years.”

Member's explanatory statement

Strategic Housing and Market Assessments are prepared by local planning authorities on a three year cycle and specify the affordable housing needed in their area. This amendment makes them compulsory. It is to be read in conjunction with an amendment to page 344, line 32 which would require the rates of IL to be set at a level which, over a period of 3 years, will, in conjunction with other powers of the planning authority deliver the necessary amount of affordable housing.

LORD ETHERTON

Schedule 11, page 344, leave out lines 32 to 34 and insert –

- “(2) A charging authority must set rates of IL at a level which, in conjunction with the exercise of such other powers as it

possesses, is likely to provide not less than the amount of affordable housing specified in its Strategic Housing and Market Assessment over a three year period, and which will also ensure that –”

Member's explanatory statement

This amendment would require the rates of IL to be set at a level which, over a period of three years, will, in conjunction with other powers of the planning authority (such as section 106 of the Town and Country Planning Act 1990) deliver the necessary amount of affordable housing.

BARONESS WARWICK OF UNDERCLIFFE

Schedule 11, page 344, leave out lines 32 to 40 and insert –

- “(2) A charging authority, in setting rates or other criteria, must ensure that the level of affordable housing which is funded by developers and provided in the authority’s area, is –
- (a) maintained at a level which is equal to or exceeds the level of such housing provided over an earlier specified period of the same length, and
 - (b) delivers the level of affordable housing identified in the local development plan to the extent set out in the infrastructure delivery strategy.”

Member's explanatory statement

This amendment would strengthen the requirement for local planning authorities to set IL rates at a level which would not result in a loss of affordable housing.

BARONESS WARWICK OF UNDERCLIFFE

Schedule 11, page 345, line 28, leave out from beginning to end of line 12 on page 346

Member's explanatory statement

This amendment would prevent IL receipts being spent on unspecified items “other than infrastructure”. It removes the risk of IL regulations which permit the diversion of funds away from affordable housing or infrastructure and towards unspecified items provided by a local authority.

LORD BEST

Schedule 11, page 347, line 25, at end insert “which must require the charging authority to take account of evidence of the viability of different types and different natures of development including, but not limited to, older people’s housing,”

Member's explanatory statement

This amendment would enable the Charging Authority to consider additional evidence, to allow them to determine the viability of different types of development including older people’s housing.

LORD BEST

Schedule 11, page 347, line 30, leave out from beginning to line 9 on page 350

Member's explanatory statement

This and other amendments in the name of Lord Best remove the examination of the charging schedules for infrastructure levy by an appointed examiner.

LORD BEST

Schedule 11, page 350, leave out lines 11 to 13

Member's explanatory statement

This and other amendments in the name of Lord Best remove the examination of the charging schedules for infrastructure levy by an appointed examiner.

LORD BEST

Schedule 11, page 350, line 14, leave out “subject to subsection (1),”

Member's explanatory statement

This and other amendments in the name of Lord Best remove the examination of the charging schedules for infrastructure levy by an appointed examiner.

LORD ETHERTON

Schedule 11, page 351, line 14, at end insert “provided always that priority is to be given to achieving the objectives in section 204G(2)”

Member's explanatory statement

This amendment ensures that, in the application of IL, priority is given to the provision of affordable housing. Without such priority, IL, which is intended to fund affordable housing – see section 204G(2) both in its present form and as amended by Lord Etherton – could be applied entirely for all or any of the other matters in section 204N(3).

LORD GREENHALGH

Schedule 11, page 351, line 14, at end insert “and the charging authority must accord significant weight to the representations of the emergency and rescue services in connection with the application of IL”

Member's explanatory statement

This aims to ensure proper funding of emergency and rescue services and developments necessary for delivery of their critical services.

LORD BEST
LORD YOUNG OF COOKHAM

Schedule 11, page 351, line 27, after “housing” insert “to meet the requirement identified in the local plan”

Member's explanatory statement

This and another amendment in the name of Lord Best tie the application of the Infrastructure Levy to the level of affordable housing requirement identified in the local development plan.

LORD GREENHALGH

Schedule 11, page 354, line 7, at end insert “and such provisions must ensure the timing of payments is appropriate to mitigate the impacts of the development at or prior to the point at which they arise”

Member's explanatory statement

This aims to ensure that lead times for delivery of emergency and rescue services infrastructure are taken into account such that mitigation is in place at the point at which it is required without the emergency and rescue services being required to bridge from existing resources.

LORD GREENHALGH

Schedule 11, page 354, line 26, at end insert—

- “(10) Where IL regulations make provision for the passing of IL received in respect of a particular development in an area to a person other than the charging authority that charged the IL, the charging authority must accord significant weight to the representations of the emergency and rescue services in connection with the passing of such IL receipts and the amount charged.”

Member's explanatory statement

This aims to ensure proper funding of emergency and rescue services.

LORD BEST
LORD YOUNG OF COOKHAM

Schedule 11, page 355, line 19, at end insert—

- “(c) allocate at least 75% of the IL to meet the requirement for affordable housing identified in the charging authority’s local development plan, and
(d) where the proceeds generated by the IL are likely to be insufficient to meet the requirement mentioned in paragraph (c), set out plans for securing additional funds to address the gap between the level of affordable housing required and the level that the IL can support.”

Member's explanatory statement

This and another amendment in the name of Lord Best tie the application of the Infrastructure Levy to the level of affordable housing requirement identified in the local development plan.

LORD GREENHALGH

Schedule 11, page 356, line 20, at end insert “to address all elements of infrastructure as defined in section 204N(3)”

Member's explanatory statement

This amendment requires infrastructure delivery strategies to show full accounting for all infrastructure types as defined.

LORD GREENHALGH

Schedule 11, page 356, line 26, at end insert –

- “(e) the approval of the form and content of particular sections of infrastructure delivery strategies (including any reviews and amendments thereto) by the relevant bodies responsible for the delivery of such infrastructure.”

Member's explanatory statement

This amendment is intended to provide the emergency service and rescue services and other bodies with the opportunity to approve the parts of infrastructure delivery strategies relevant to them in order to ensure that the infrastructure they are responsible for providing is appropriately and accurately covered in IDS (both initially and upon any review) and charging schedules.

LORD BEST

Schedule 11, page 362, line 16, leave out “(including an examiner appointed under this Part)”

Member's explanatory statement

This and other amendments in the name of Lord Best remove the examination of the charging schedules for infrastructure levy by an appointed examiner.

LORD TEVERSON

Schedule 11, page 365, line 34, leave out “or are not to be used”

Member's explanatory statement

This amendment seeks to retain section 106 of Town & Country Planning Act 1990 in the planning system, whilst allowing modification through regulations. This is for the purpose of maintaining site specific obligations for strategic biodiversity mitigation measures and nature’s recovery.

BARONESS ARMSTRONG OF HILL TOP

Schedule 11, page 366, line 2, at end insert –

- “(2A) IL regulations must contain provision for ensuring that when planning permission is granted under any of the powers specified in subsection (1) subject to requirements for the delivery of affordable housing schemes on the relevant site, such requirements are fully implemented.”

Member's explanatory statement

The purpose of this amendment is to ensure that when planning permission is granted, affordable housing needs of the local community are delivered at the relevant approved site. This amendment would require regulations to contain provision to ensure that, where an affordable housing scheme is a condition of planning permission, that scheme must be implemented on the site.

LORD GREENHALGH

Schedule 11, page 366, line 34, at end insert –

- “(7) The emergency and rescue services are entitled to receive the benefit of planning obligations made under section 106 of TCPA 1990 (planning obligations) and Community Infrastructure Levy proceeds under Part 11 of this Act (Community Infrastructure Levy) and IL regulations must make provisions to require that –
- (a) the local planning authority or charging authority, as the case may be, must accord significant weight to the representations of the emergency and rescue services in connection with the application and passing of such receipts to the emergency and rescue services,
 - (b) the timing of payments to the emergency services must ensure the mitigation of the impacts of the development at or prior to the point at which they arise, and
 - (c) the provision of facilities and equipment for the emergency and rescue services in connection with their duties and functions may not be taken as development requiring the provision of planning obligations or payment of the Community Infrastructure Levy.”

Member's explanatory statement

This amendment mirrors the IL requirements in CIL and s106 regimes in order to ensure that the emergency services are adequately funded and exempted from liability for their own schemes.

Clause 126

LORD LANSLEY
LORD YOUNG OF COOKHAM

The above-named Lords give notice of their intention to oppose the Question that Clause 126 stand part of the Bill.

Clause 127

LORD LANSLEY
LORD YOUNG OF COOKHAM

The above-named Lords give notice of their intention to oppose the Question that Clause 127 stand part of the Bill.

Member's explanatory statement

This is to probe the purposes and mechanisms of the CLA and to question its relationship to the plan-making process.

Clause 138

BARONESS HAYMAN OF ULLOCK

Clause 138, page 169, line 37, at end insert –

“(e) mitigation of the impact of climate change.”

Member's explanatory statement

This amendment means that “Environmental protection” also includes climate mitigation.

Clause 139

BARONESS HAYMAN OF ULLOCK

Clause 139, page 170, line 36, at end insert “relative to the current status of the environment as assessed in a prepared baseline study”

Member's explanatory statement

This amendment would ensure that the preparation of a baseline study which sets the context for assessing the environmental effects of a proposed project remains a core requirement of producing an EOR.

Clause 141

BARONESS TAYLOR OF STEVENAGE

Clause 141, page 173, line 13, at end insert “based on available data”

Member's explanatory statement

This means that assessment and monitoring must be based on data and available evidence.

BARONESS TAYLOR OF STEVENAGE

Clause 141, page 173, line 21, leave out paragraph (a)

Member's explanatory statement

This amendment and another at line 26 will bring environmental outcomes reports more into line with the mitigation hierarchy, clarifying that requirement under an EOR should first aim to avoid any impacts on environmental outcomes, then mitigating, remedying, compensating, and lastly, increasing the extent to which other environmental outcomes are delivered.

BARONESS TAYLOR OF STEVENAGE

Clause 141, page 173, line 26, at end insert –

“(d) increasing the extent to which a specified environmental outcome is delivered.”

Member's explanatory statement

See explanatory statement to amendment in the name of Baroness Taylor at line 21.

Clause 142

BARONESS HAYMAN OF ULLOCK

Clause 142, page 173, line 29, leave out from “if” to “by” in line 31 and insert “doing so will result in no diminution of environmental protection as provided for”

Member's explanatory statement

This amendment would ensure that the new system of environmental assessment would not reduce existing environmental protections in any way other than merely maintaining overall existing levels of environmental protection.

BARONESS HAYMAN OF ULLOCK

Clause 142, page 173, line 32, at end insert –

“(1A) The Secretary of State may make EOR regulations only if satisfied that making the regulations supports the delivery of the United Nations Sustainable Development Goals.”

Member's explanatory statement

This is to probe with the EORs will support the UN Sustainable Development Goals.

Clause 143

BARONESS TAYLOR OF STEVENAGE

Clause 143, page 174, line 13, leave out “after consulting” and insert “with the consent of”

Member's explanatory statement

This would ensure that EOR regulations which contain provision within devolved competence can only be made with the consent of the relevant devolved administration.

BARONESS TAYLOR OF STEVENAGE

Clause 143, page 174, line 26, leave out “after consulting” and insert “with the consent of”

Member's explanatory statement

This would ensure that EOR regulations which contain provision within devolved competence can only be made with the consent of the relevant devolved administration.

BARONESS TAYLOR OF STEVENAGE

Clause 143, page 175, line 2, leave out “after consulting” and insert “with the consent of”

Member's explanatory statement

This would ensure that EOR regulations which contain provision within devolved competence can only be made with the consent of the relevant devolved administration.

Clause 148

BARONESS TAYLOR OF STEVENAGE

Clause 148, page 177, line 37, at end insert –

“(3) The Secretary of State must issue guidance on making EORs accessible.”

Member's explanatory statement

This means that the Secretary of State must issue guidance on making EORs accessible.

Clause 149

LORD RANDALL OF UXBRIDGE
BARONESS JONES OF WHITCHURCH
BARONESS WILLIS OF SUMMERTOWN
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Clause 149, page 178, line 6, at beginning insert –

“(2) Where any requirements made by EOR regulations and environmental outcomes (specified or otherwise) deriving from those requirements are the same as those for existing environmental assessment legislation or the Habitats Regulations,”

Member's explanatory statement

This amendment will align requirements from EOR regulations with requirements from Habitats Regulations and other existing environmental assessment legislation, preventing environmental regression while allowing for any duplications to be resolved.

BARONESS HAYMAN OF ULLOCK

Clause 149, page 178, line 26, leave out subsection (3)

Member's explanatory statement

This amendment would ensure that EOR regulations cannot be used to amend, repeal or revoke existing environmental assessment legislation.

After Clause 149

BARONESS HAYMAN OF ULLOCK

After Clause 149, insert the following new Clause –

“Wild belt designations

Within 90 days of this Act being passed, the Secretary of State must publish draft legislation which would allow local authorities to propose wild belt designations for the purpose of improving the results of EORs.”

Member's explanatory statement

This means that the Secretary of State must publish draft legislation to allow local authorities to propose wild belt designations for the purpose of improving the results of EORs.

After Clause 151

LORD RANDALL OF UXBRIDGE
BARONESS JONES OF WHITCHURCH
BARONESS WILLIS OF SUMMERTOWN
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

After Clause 151, insert the following new Clause –

“Purposes and plans of protected landscapes

- (1) National Parks, the Broads and Areas of Outstanding Natural Beauty must be managed in order to contribute to –
 - (a) restoring, conserving and enhancing biodiversity and the natural environment;
 - (b) meeting environmental targets under Part 1 of the Environment Act 2021 and the Climate Change Act 2008;
 - (c) the implementation of any relevant local nature recovery strategies under section 104 of the Environment Act 2021;
 - (d) the delivery of an environmental improvement plan prepared under section 8 of the Environment Act 2021; and
 - (e) equitable opportunities for all parts of society to improve their connection to nature of those areas and the enjoyment of their special qualities.
- (2) The purposes included in subsection (1) must be prioritised in addition to the purposes listed in section 5 of the National Parks and Access to the Countryside Act 1949, section 2 of the Norfolk and Suffolk Broads Act 1988 and section 87 of the Countryside and Rights of Way Act 2000.
- (3) Relevant management plans must include targets and actions intended to further the purposes specified in subsection (2).
- (4) Relevant management plans include plans under section 89 of the Countryside and Rights of Way Act 2000, section 66 of the Environment Act 1995 and section 3 of the Norfolk and Suffolk Broads Act 1988.
- (5) In exercising or performing any functions in relation to, or so as to affect, land in a National Park, the Broads or an Area of Outstanding Natural Beauty, any relevant authority must further the purposes specified in subsection (2) and the targets and actions in the relevant management plan.
- (6) The Secretary of State must maintain a publicly available list of relevant authorities who are to comply with subsection (5), publish a statement setting out instructions for relevant authorities, and review this list and statement at least every five years.
- (7) A management plan may not be made operational until it is reviewed by Natural England and approved by the Secretary of State.”

Member's explanatory statement

This new clause supplements the statutory purposes of protected landscapes by giving them additional purposes. Key parts of existing legislation, such as the Sandford Principle, would still apply. The amendment also places stronger duties on relevant authorities and updates requirements

for protected landscape management plans, to ensure that all relevant authorities take more action to recover nature and tackle climate change within those landscapes. This implements key recommendations from the Glover Review of Protected Landscapes.

Clause 153

BARONESS WILLIS OF SUMMERTOWN
BARONESS PARMINTER
BARONESS JONES OF WHITCHURCH

Clause 153, page 182, line 9, at end insert –

- “(c) In upgrading each nitrogen significant plant and each phosphorus significant plant –
- (i) publish a compliance and investment plan for each plant before upgrades are commenced, setting out how upgrades will be delivered,
 - (ii) within each compliance and investment plan set out how upgrades will, wherever feasible and possible, use catchment-based approaches and nature-based solutions to secure a reduction in nutrient discharges equivalent to those required to meet that limit, and
 - (iii) report annually to the Water Services Regulation Authority, the Environment Agency and the local planning authority on progress against the agreed compliance and investment plan.”
- “(1A) The Water Services Regulation Authority and the Environment Agency must advise the local planning authority if compliance and investment plan monitoring suggests that the pollution standard will not be met; and a local planning authority may disapply its obligations under Schedule 12 to this Act on receipt of such advice.”

Member's explanatory statement

This amendment will require sewage undertakers to clearly set out plans for and provide annual reports on progress towards upgrading plants in sensitive catchment areas, including plans to prioritise use of catchment-based approaches and nature-based solutions to reduce nutrient pollution, thereby unlocking wider environmental benefits.

After Clause 155

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

After Clause 155, insert the following new Clause –

“PART 7A

HEALTHY HOMES

Duty to secure healthy homes

It is the duty of the Secretary of State to secure the health, safety, wellbeing and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings in England.”

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

After Clause 155, insert the following new Clause –

“Policy statement on healthy homes principles

- (1) The Secretary of State must prepare a statement in accordance with this Part (the “policy statement on healthy homes principles”).
- (2) The statement must explain how the healthy homes principles are to be interpreted and applied by Ministers of the Crown in making, developing and revising their policies.
- (3) The statement may explain how the principles will be implemented and adhered to in a way that takes account of a building development’s urban, suburban or rural location.”

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

After Clause 155, insert the following new Clause –

“Meaning of “healthy homes principles”

In this Part “healthy homes principles” are the principles that –

- (a) all new homes should be safe in relation to the risk of fire,

- (b) all new homes should have, as a minimum, the liveable space required to meet the needs of people over their whole lifetime, including adequate internal and external storage space,
- (c) all main living areas and bedrooms of a new dwelling should have access to natural light,
- (d) all new homes and their surroundings should be designed to be inclusive, accessible, and adaptable to suit the needs of all, with particular regard to protected characteristics under the Equality Act 2010,
- (e) all new homes should be built within places that prioritise and provide access to sustainable transport and walkable services, including green infrastructure and play space,
- (f) all new homes should secure radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008,
- (g) all new homes should demonstrate how they will be resilient to a changing climate over their full lifetime,
- (h) all new homes should be secure and built in such a way as to minimise the risk of crime,
- (i) all new homes should be free from unacceptable and intrusive noise and light pollution,
- (j) all new homes should not contribute to unsafe or illegal levels of indoor or ambient air pollution and must be built to minimise, and where possible eliminate, the harmful impacts of air pollution on human health and the environment, and
- (k) all new homes should be designed to provide year-round thermal comfort for inhabitants.”

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

After Clause 155, insert the following new Clause—

“Policy statement on healthy homes principles: process

- (1) The Secretary of State must prepare a draft of the policy statement on healthy homes principles.
- (2) The Secretary of State must consult such persons as the Secretary of State considers appropriate in relation to the draft statement.
- (3) The Secretary of State must lay the draft statement before Parliament.
- (4) If, before the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid—
 - (a) either House of Parliament passes a resolution in respect of the draft, or
 - (b) a committee of either House, or a joint committee of both Houses, makes recommendations in respect of the draft, the Secretary of State must produce a response and lay it before Parliament.

- (5) The Secretary of State must lay before Parliament, and publish, the final statement, but not before –
 - (a) if subsection (4) applies, the day on which the Secretary of State lays before Parliament the response required by that subsection, or
 - (b) otherwise, the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid before Parliament.
- (6) The Secretary of State may revise the policy statement on healthy homes principles at any time (and this section applies in relation to any revised statement).
- (7) “Sitting day” means a day on which both Houses of Parliament sit.”

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

After Clause 155, insert the following new Clause –

“Policy statement on healthy homes principles: effect

- (1) A Minister of the Crown must have regard to the healthy homes principles when making, developing or revising policies dealt with by the statement.
- (2) Relevant responsible authorities must have regard to the policy statement on healthy homes principles when discharging their duties under the planning, building, and public health acts.
- (3) “Relevant responsible authorities” include but are not limited to –
 - (a) local planning authorities;
 - (b) public health authorities;
 - (c) urban development corporations;
 - (d) new town development authorities;
 - (e) the planning inspectorate;
 - (f) Homes England.”

LORD CRISP
LORD YOUNG OF COOKHAM
LORD BLUNKETT
LORD STUNELL

After Clause 155, insert the following new Clause –

“Annual monitoring

- (1) The Secretary of State must prepare a progress report for each annual reporting period.
- (2) A progress report for an annual reporting period is a report on progress made in that period about the extent to which all new homes approved and completed

during that period have met the healthy homes principles under section (*Policy statement on healthy homes principles*).

- (3) A progress report must include specific consideration of how the approval and creation of new homes has met the needs of those with protected characteristics under section 4 of the Equality Act 2010.
- (4) A progress report must include consideration of how progress could be improved.
- (5) The Secretary of State must –
 - (a) arrange for the progress report to be laid before Parliament, and
 - (b) publish it.”

Clause 174

LORD CARRINGTON

Lord Carrington gives notice of his intention to oppose the Question that Clause 174 stand part of the Bill.

Member's explanatory statement

This would ensure that land acquired through compulsory purchase continues to be compensated for at the full open market value when acquired.

Clause 175

LORD CARRINGTON

Lord Carrington gives notice of his intention to oppose the Question that Clause 175 stand part of the Bill.

Member's explanatory statement

This would ensure that land acquired through compulsory purchase continues to be compensated for at the full open market value when acquired.

Clause 178

LORD ETHERTON

Clause 178, page 223, line 37, at end insert “unless proceedings have been commenced for possession, in which case the premises are to be treated as occupied prior to the termination of such proceedings”

Member's explanatory statement

This amendment makes clear that a property is not to be treated as vacant, even though occupied by a trespasser or by a person who is living in non-residential property if and so long as there are proceedings by the landlord to obtain possession.

Before Clause 199

BARONESS PINNOCK
LORD SHIPLEY

Before Clause 199, insert the following new Clause –

“Review into business rates system

- (1) The Chancellor of the Exchequer must undertake a review of the business rates system.
- (2) The review must consider the extent to which the business rates system –
 - (a) is achieving its objectives;
 - (b) is conducive to the achievement of the levelling-up and regeneration objectives of this Act.
- (3) The review must consider whether alternatives of local business taxation would be more likely to achieve the objectives in subsections (2)(a) and (b).
- (4) The review must in particular consider the effects of business rates and alternative local business taxation systems on –
 - (a) high streets, and
 - (b) rural areas.
- (5) The review must consider the merits of devolving more control over local business taxation to local authorities.
- (6) The Chancellor of the Exchequer must lay a report of the review before each House of Parliament before the end of the period of one year beginning with the day on which this Act is passed.”

Member's explanatory statement

This new Clause would require the Secretary of State to review the business rates system.

After Clause 203

LORD BEST

After Clause 203, insert the following new Clause –

“Vacant higher value local authority housing

In the Housing and Planning Act 2016, omit Chapter 2 of Part 4 (vacant higher value local authority housing).”

Member's explanatory statement

This amendment would remove all sections relating to the sale of vacant higher value local authority housing in the Housing and Planning Act 2016 (sections 69 to 79). This is intended to implement the Government's commitment to not take forward the powers to require councils to sell higher value council homes.

Clause 210

LORD MOYLAN

Clause 210, page 241, line 25, leave out “requiring or permitting” and insert “permitting a local planning authority at its discretion to undertake”

Member's explanatory statement

This and certain other amendments in the name of Lord Moylan probe the Government's intentions as to the detailed character and implementation of the proposed register of properties available for short-term letting.

LORD MOYLAN

Clause 210, page 241, line 33, at end insert –

“(iv) for a period of no less than 90 days in a calendar year, and”

Member's explanatory statement

This and certain other amendments in the name of Lord Moylan probe the Government's intentions as to the detailed character and implementation of the proposed register of properties available for short-term letting.

LORD MOYLAN

Clause 210, page 241, line 36, at end insert –

“(2A) Nothing in this section applies to accommodation consisting of a room or rooms in a dwelling occupied by the host as their sole or primary home.”

Member's explanatory statement

This and certain other amendments in the name of Lord Moylan probe the Government's intentions as to the detailed character and implementation of the proposed register of properties available for short-term letting.

LORD FOSTER OF BATH

Clause 210, page 242, line 2, at end insert –

- “(4A) Regulations under this section must, subject to subsection (4C), include a requirement for a host to ensure that electrical safety inspection and testing for the property is carried out at least every five years by a competent and qualified person, which must include –
- (a) an electrical installation condition report (EICR), and
 - (b) portable appliance testing (PAT) on portable appliances provided as part of the let.
- (4B) The regulations must include provisions for completing any remedial work identified by the electrical safety inspection and testing.

- (4C) The regulations must include an exemption that the host is not required to have an EICR if there is in relation to the property an electrical installation certificate (EIC) for which the date of next inspection and test indicated on the certificate has not elapsed and does not exceed five years from the EIC date of issue.”

Member's explanatory statement

This amendment ensures that the host of a property made available for short-term lets must ensure safety checks on electrical installations and appliances are carried out at least every five years.

LORD MOYLAN

Clause 210, page 243, line 1, at end insert “but any fees or other charges must be set so as to aim to achieve an overall income no greater than the cost to the local planning authority of administering the registration scheme”

Member's explanatory statement

This and certain other amendments in the name of Lord Moylan probe the Government's intentions as to the detailed character and implementation of the proposed register of properties available for short-term letting.

LORD FOSTER OF BATH

Clause 210, page 243, line 10, at end insert –

““electrical installation certificate” is a certificate issued by a qualified person stating that a new installation (rewire) or new circuits in an existing installation are in accordance with BS 7671, current at the time of the installation work;

“electrical installation condition report” is a report on the condition and age of the whole fixed electrical installation, carried out within the previous five years and completed and issued by a skilled person, competent in such work according to BS 7671 (IET Wiring Regulations);”

Member's explanatory statement

This amendment provides definitions for an “electrical installation certificate” and an “electrical installation condition report”.

Schedule 18

LORD HOLMES OF RICHMOND

Schedule 18, page 388, line 8, at end insert –

- “1A In section 1 of the 2020 Act (pavement licences), in subsection (5)(b), for “or maintained by Network Rail” substitute “and which is not publicly maintainable”.”

Member's explanatory statement

This amendment would ensure that pavement licences may not be granted over a privately-maintainable highway, where the highway is not vested in the highway authority but belongs to the owner of the subsoil.

LORD HOLMES OF RICHMOND

Schedule 18, page 388, line 8, at end insert –

“1A In section 1 of the 2020 Act (pavement licences), in subsection (5), at the end insert –

“or any part of a vehicular highway which is adjacent to such a highway.””

Member's explanatory statement

This amendment enables the pavement licence to include part of the carriageway, where the carriageway is adjacent to, for example, an eligible pavement. This would enable a licensing authority to grant licences which occupy part of the highway shared between space for pedestrians and vehicles.

LORD HOLMES OF RICHMOND

Schedule 18, page 388, line 23, at end insert “, together with any profit share, the maintenance fee and the cleansing fee.”

Member's explanatory statement

This amendment and the amendment in the name of Lord Holmes of Richmond at line 26 would enable the local authority to share in the additional profit accruing from a licence enabling the licensed business to trade on the highway, and to recharge to the licensee the cost of maintaining and cleansing the licensed part of the highway.

LORD HOLMES OF RICHMOND

Schedule 18, page 388, line 26, at end insert –

“(1C) In subsection (1A) –

- (a) “the profit share” is such sum as the person who applies for a pavement licence, as part of an entity employing more than 250 people, and the local authority may agree represents one half of the additional profits arising from the grant of the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement;
- (b) “the maintenance fee” is such sum as the person who applies for a pavement licence and the local authority may agree represents the cost of maintaining that part of the highway comprised in the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement;

- (c) “the cleansing fee” is such sum as the person who applies for a pavement licence and the local authority may agree represents the cost of sweeping and cleansing that part of the highway comprised in the licence during its term, or such sum as the local authority may reasonably determine to represent that amount in default of agreement.”

Member's explanatory statement

See explanatory statement to amendment in the name of Lord Holmes at line 23.

LORD HOLMES OF RICHMOND

Schedule 18, page 389, line 2, at end insert –

- “(2A) In subsection (7), for “it is sent to” substitute “a receipt for the application is sent to the person who applies for a pavement licence by”.”

Member's explanatory statement

This amendment would cause the public consultation period to begin from the date on which the local authority sends a receipt to the applicant.

LORD HOLMES OF RICHMOND
LORD MOYLAN

Schedule 18, page 389, leave out line 13 and insert ““28”.”

Member's explanatory statement

This amendment would extend the public consultation period for pavement licences to 28 days, in line with the Highways Act.

LORD HOLMES OF RICHMOND
LORD BLENCATHRA

Schedule 18, page 389, line 14, leave out paragraph 7 and insert –

- “7 (1) Section 3 of the 2020 Act (determination) is amended as follows.

- (2) After subsection (8) insert –

- “(8A) A local authority, in deciding whether to grant a pavement licence under subsection (3), must have regard to the desirability of maintaining the free flow of pedestrians and other road users along the highway, and the avoidance of inconvenience to such persons.”.”

Member's explanatory statement

This amendment would require a local authority to have regard to the needs of road users in deciding whether to grant a pavement licence.

LORD HOLMES OF RICHMOND
LORD MOYLAN
LORD BLENCATHRA

Schedule 18, page 389, line 15, leave out “14” and insert “28”

Member's explanatory statement

This amendment would extend the public consultation period for pavement licences to 28 days, in line with the Highways Act.

LORD HOLMES OF RICHMOND
LORD MOYLAN
LORD BLENCATHRA

Schedule 18, page 389, line 15, at end insert –

“7A In section 3 of the 2020 Act (determination) in subsection (9), for “granted” substitute “rejected”.”

Member's explanatory statement

This amendment would remove the automatic approval of licences after the determination period has concluded.

LORD HOLMES OF RICHMOND
LORD BLENCATHRA

Schedule 18, page 389, line 25, at end insert –

“8A (1) Section 5 of the 2020 Act (conditions) is amended as follows.

(2) After subsection (7) insert –

“(7A) The conditions to which a licence granted by a local authority may be subject include –

- (a) a condition that any furniture which may be placed on the highway under the licence must be removed from the highway at times when the premises are not open to the public;
- (b) a condition that, where the furniture to be put on the relevant highway consists of seating for use by persons for the purpose of consuming food or drink, the licence-holder must ensure that smoking or vaping does not affect others.”

(3) After subsection (8) insert –

“(9) But regulations under subsection (8) must not prevent a local authority imposing a condition, nor affect a condition imposed by a local authority for the purposes of subsection (7A)(b).”

Member's explanatory statement

This amendment would allow a local authority to require that furniture is removed from the highway when it is not in use, as well as imposing a condition to require the licensee to prevent smoke-drift affecting those in the vicinity.

LORD YOUNG OF COOKHAM
LORD FAULKNER OF WORCESTER
BARONESS NORTHOVER
LORD HUNT OF KINGS HEATH

Schedule 18, page 389, line 25, at end insert –

“8A In section 5 of the 2020 Act (conditions), after subsection (6) insert –

“(6A) Pavement licences may only be granted by a local authority subject to the condition that smoking is prohibited.””

Member's explanatory statement

The purpose of the amendment is to ensure that all pavement licences are smoke free.

LORD HOLMES OF RICHMOND

Schedule 18, page 389, line 25, at end insert –

“8A In section 5 of the 2020 Act (conditions), after subsection (6) insert –

“(6A) Pavement licences may only be granted by a local authority subject to the condition that licensed area must be clearly and safely demarked with either tactile marking or designated physical barriers, or both.””

After Clause 214

BARONESS PINNOCK

After Clause 214, insert the following new Clause –

“Disability accessibility standards for railway stations

- (1) The Secretary of State must take all reasonable steps to ensure that railway stations in England –
 - (a) provide step-free access from street to train, and
 - (b) meet in full and as soon as possible the disability access standards in the Design Standards for Accessible Railway Stations Code of Practice published by the Department for Transport and Transport Scotland in March 2015.
- (2) Any requirements made in conjunction with that duty may not make any exemptions or concessions for small or remote stations.
- (3) In undertaking the duty in subsection (1) the Secretary of State may –

- (a) make an application to the Office of Rail and Road under section 16A (provision, improvement and development of railway facilities) of the Railways Act 1993;
 - (b) revise the code of practice under section 71B (code of practice for protection of interests of rail users who are disabled) of the Railways Act 1993;
 - (c) amend the contractual conditions of any licenced railway operator;
 - (d) instruct Network Rail to take any action the Secretary of State considers necessary in connection to the duty.
- (4) The Secretary of State must report annually to Parliament on performance against the duty.”

Member's explanatory statement

This new Clause places a duty on the Secretary of State to ensure that railway stations meet disability access standards.

BARONESS HAYMAN OF ULLOCK

After Clause 214, insert the following new Clause –

“Interaction with the Retained EU Law (Revocation and Reform) Act 2023

Within 90 days of this Act being passed, the Secretary of State must publish an assessment of the interaction of this Act with any Act of Parliament resulting from the Retained EU Law (Revocation and Reform) Bill that was introduced into the House of Commons on 22 September 2022.”

Member's explanatory statement

This means that the Secretary of State must publish an assessment of the interaction of this Act with the Retained EU Law (Revocation and Reform) Bill.

BARONESS PINNOCK

After Clause 214, insert the following new Clause –

“Strengthening local powers on bus services

Notwithstanding section 66 of the Transport Act 1985, a local authority in England shall have power to provide a service for the carriage of passengers by road which requires a PSV operator’s licence.”

Member's explanatory statement

This new Clause would confer new powers on local authorities to run their own bus services.

LORD BERKELEY
BARONESS SCOTT OF NEEDHAM MARKET

After Clause 214, insert the following new Clause –

“Electric vehicle charging points

In section 3A(2)(a) of the Electricity Act 1989 (The principal objective and general duties of the Secretary of State and the Authority), after “met” insert “, and in particular the facilitation of accelerated roll-out of Electric Vehicle charging points for domestic and commercial customers”.

Member's explanatory statement

This amendment would add an additional duty to the Secretary of State of State and the Board of OFGEM to ensure that customers across the country have adequate access to EV charging points.

LORD HODGSON OF ASTLEY ABBOTTS
BARONESS SCOTT OF NEEDHAM MARKET
LORD BERKELEY

After Clause 214, insert the following new Clause –

“Extinguishment of unrecorded rights of way

In the Countryside and Rights of Way Act 2000, the following sections are repealed –

- (a) section 53 (Extinguishment of unrecorded rights of way);
- (b) section 54 (Excepted highways and rights of way);
- (c) section 55 (Bridleway rights over ways shown as bridleways);
- (d) section 56 (Cut-off date for extinguishment etc).”

Member's explanatory statement

This new Clause would enact a Government commitment to repeal the deadline for recording unrecorded rights of way.

LORD MOYLAN

After Clause 214, insert the following new Clause –

“Duty to consult on the licensing of hackney carriages and private hire vehicles

- (1) The Secretary of State must consult such persons as the Secretary of State considers appropriate about the merits of amending Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 (hackney carriages and private hire vehicles) such that only upper-tier authorities in England, outside of Greater London and the City of Plymouth, would become permitted to grant licences to –
 - (a) hackney carriages,
 - (b) drivers of hackney carriages,
 - (c) private hire vehicles,

- (d) drivers of private hire vehicles, or
 - (e) operators of private hire vehicles.
- (2) In this section –
- “upper-tier authority” means –
 - (a) a unitary authority, or
 - (b) a combined authority;
 - “unitary authority” has the meaning given in regulation 2(3) of the Local Government Changes for England Regulations 1994 (S.I. 1994/867);
 - “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.”

Member's explanatory statement

This new Clause would require the Secretary of State to consult within a reasonable timeframe on the proposal of the Government within its Levelling Up White Paper of February 2022 "...to explore transferring control of taxi and private hire vehicle licensing to both combined authorities and upper-tier authorities".

LORD HOLMES OF RICHMOND

After Clause 214, insert the following new Clause –

“Regional mutual banks

- (1) The Secretary of State must report to Parliament, within 3 months of the date of the passing of this Act, on existing barriers to the establishment of regional mutual banks in the United Kingdom.
- (2) The report must consider –
 - (a) current capital adequacy requirements,
 - (b) other limiting features of the current regime,
 - (c) regional mutual bank structures in jurisdictions outside the United Kingdom and the adoption and adaptation to the United Kingdom of best practice, and
 - (d) the use of dormant assets as seed capital for the establishment of such regional mutual banks.”

LORD ETHERTON
BARONESS TAYLOR OF STEVENAGE

After Clause 214, insert the following new Clause –

“Review of business rates

- (1) Within three months of this Act being passed, the Secretary of State must instigate a review of the arrangements and charges for non-domestic rates.
- (2) The Secretary of State must undertake a public consultation for that purpose.

- (3) The Secretary of State must, within six months of the conclusion of the consultation, take such steps as may be necessary or appropriate to reform non-domestic rates so as to make them fairer to businesses and to sustain economic activity and growth, especially in high streets and town centres.”

Member's explanatory statement

This amendment provides for the Secretary of State to undertake a general review of business rates, with public consultation as part of that review, with the objective of giving economic support to businesses, especially in high streets and town centres.

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

After Clause 214, insert the following new Clause –

“Access to nature: wild camping

- (1) In section 114(1) of the National Parks and Access to the Countryside Act 1949 (interpretation), in the definition of “open-air recreation” at the end insert “but does include wild camping”.
- (2) In section 2(1) of the Dartmoor Commons Act 1985 (interpretation), after the definition of “newspaper advertisement” insert –
- ““open-air recreation” includes wild camping.”
- (3) Within six months of the day on which this Act is passed the Secretary of State must undertake a review of access to wild camping in National Parks, and make a recommendation as to whether further measures should be taken, in addition to those in this section, to extend that access.”

Member's explanatory statement

This amendment would amend existing legislation to ensure the definition of “open-air recreation” includes wild camping. This would ensure wild camping can take place in Dartmoor National Park in particular, but would also require the Secretary of State to review whether wild camping rights should be extended.

BARONESS HAYMAN OF ULLOCK

After Clause 214, insert the following new Clause –

“Letterbox height: England

- (1) In this section “local authority” means –
- (a) a district council in England;
 - (b) a county council in England for an area for which there is no district council;
 - (c) a London borough council;
 - (d) the Common Council of the City of London.
- (2) A local authority within subsection (1)(a) or (b) may, by order, direct that dwellings may not include a letterbox which is less than 70cm from the ground.”

Member's explanatory statement

This would allow local authorities in England to direct that dwellings may not include a letterbox which is less than 70cm from the ground.

BARONESS TAYLOR OF STEVENAGE

After Clause 214, insert the following new Clause –

“Devolution Bill

- (1) Within 120 days of the passing of this Act, a Minister of the Crown must publish draft legislation titled the Devolution Bill.
- (2) The Bill must include provisions for CCAs to request further powers for the purposes of supporting local economic growth, rebalancing the economy and equalising living standards across the United Kingdom.
- (3) The powers may relate to, but are not limited to –
 - (a) housing;
 - (b) energy;
 - (c) childcare;
 - (d) buses;
 - (e) trains;
 - (f) skills, training and employment.
- (4) The Bill must also include provisions for a new framework of cooperation between CCAs and the Government based on mutual respect.”

Member's explanatory statement

This would ensure a Minister publishes draft legislation for a Devolution Bill.

BARONESS HAYMAN
 BARONESS SHEEHAN
 LORD BOURNE OF ABERYSTWYTH
 BARONESS BLACKSTONE

After Clause 214, insert the following new Clause –

“Solar panel requirements for new homes and buildings

The Secretary of State must, within the period of six months beginning on the day this Act is passed, exercise the power under section 1 of the Building Act 1984 (power to make building regulations) to make building regulations, including appropriate exemptions, for the purpose of requiring that all new homes and buildings built in England on or after 1 April 2025 must have solar panels installed.”

Member's explanatory statement

This new Clause would require new homes and buildings in England from 1 April 2025 to have solar panels.

Clause 222

BARONESS SCOTT OF BYBROOK

Clause 222, page 251, line 6, at end insert—

“(aa) in Schedule 4—

- (i) if a provision amended by any of paragraphs 51, 55, 56 and 57 has not come into force before the end of the period mentioned in paragraph (b), that paragraph comes into force when the provision that it amends comes into force (but otherwise it comes into force at the end of that period);
- (ii) paragraphs 59 to 63 come into force on such day as the Secretary of State may by regulations appoint;”.

Member's explanatory statement

This amendment makes provision for the commencement of certain amendments made by Schedule 4 in cases where the provisions amended are not yet in force.

Levelling-up and Regeneration Bill

RUNNING LIST OF ALL
AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

9 February 2023

[Sheets HL Bill (a) to (q)]

9 February 2023
