

Levelling-up and Regeneration Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

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.

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.

After Clause 1

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.

After Clause 3

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 5

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.

Schedule 1

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.

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.

Schedule 3

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.

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 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.

Clause 86

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.

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 7

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.”

Clause 91

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.

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

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.

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

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 123

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.

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.

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 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 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 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.

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 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

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.

Schedule 18

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 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.

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

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

9 February 2023

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