

# ENGLISH DEVOLUTION AND COMMUNITY EMPOWERMENT BILL

## Lords Supplementary Memorandum (No.3) from the Ministry of Housing, Communities and Local Government to the Delegated Powers and Regulatory Reform Committee

### A. INTRODUCTION

1. This memorandum has been prepared by the Ministry of Housing, Communities and Local Government with the support of the Department for Transport to assist with scrutiny of the English Devolution and Community Empowerment Bill (“the Bill”).
2. This memorandum describes the delegated powers which would be amended or added to the Bill by amendments tabled by the Government on 17 March 2026 during Report Stage in the House of Lords. It explains in each case why the power has been taken and explains the nature of, and the reason for the procedure selected.

### B. SUMMARY OF THE BILL

3. The Delegated Powers and Regulatory Reform Committee is referred to the memorandum published on 27 November 2025<sup>1</sup> (“the DPM”) for a summary of the Bill and for abbreviations used in this document. Additional abbreviations used in this document only are listed below.

LTAs	Local Transport Authorities
LGA 2003	Local Government Act 2003
TPHV(SRS)A 2022	Taxi and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022

4. This memorandum is also supplemented by the previous supplementary memorandum published on 29 January<sup>2</sup> in respect of government amendments

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<sup>1</sup> [DPM published on 27th November 2025](#) upon the Bill being brought from the House of Commons to the House of Lords.

<sup>2</sup> [The supplementary DPM published on 29th January in respect of Committee Stage amendments in the House of Lords.](#)

tabled during Committee Stage in the House of Lords (and re-tabled on 17 March 2026 ahead of Report Stage in the House of Lords).

5. In response to recommendations from the Delegated Powers Regulatory Reform Committee in their report published on the 16 January 2026 with regards to the delegated powers within the Bill, the Government has tabled amendments to i) remove the delegated power to amend primary legislation (other than the LGPIHA 2007) in relation to the conversion of Combined County Authorities to Combined Authorities after local government reorganisation and to ii) remove the delegated power to amend future primary legislation in relation to the setting of national standards for taxis and private hire vehicles. The Government has also tabled an amendment to change the regulation-making procedure for the setting of national standards for taxis to the affirmative procedure. Those changes are not discussed further within this document, and the Delegated Powers Regulatory Reform Committee is referred to the Government's response to its Report.

### C. DELEGATED POWERS

6. Relevant amendments are as follows:
  - a. Amendment introducing new clause and two new Schedules (**Mayoral CCAs: overview and scrutiny committees**) and (**Mayoral Combined Authorities: overview and scrutiny committees**)<sup>3</sup>:
    - i. Power to issue guidance in relation to how an overview and scrutiny committee assesses value for money (**inserting a new Schedule 1A, paragraph 2(6) into the LURA 2023**) and (**inserting a new Schedule 5AA, paragraph 2(6) into the LDEDCA 2009**).
    - ii. Power to issue guidance in relation to the exercise of overview and scrutiny committee functions (**inserting a new Schedule 1A, paragraph 3(14) into the LURA 2023**) and (**inserting a new Schedule 5AA, paragraph 3(14) into the LDEDCA 2009**).

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<sup>3</sup> Powers for mayoral CCAs will be replicated for mayoral CAs as explained in paragraph 7 below.

- iii. Power to make further provisions with regard to overview and scrutiny committees **(inserting a new Schedule 1A, paragraph 4(1) into the LURA 2023) and (inserting a new Schedule 5AA, paragraph 4(1) into the LDEDCA 2009).**
  
- iv. Expanding the scope of the power in section 252(1) of LURA 2023 (and section 117(1A) of LDEDCA 2009) to include provision to specify different styles of overview and scrutiny committees for different descriptions of CCAs and CAs **(inserting a new Schedule 1A, paragraph 5(3) and paragraph 3A to existing Schedule 1, of the LURA 2023) and (inserting a new Schedule 5AA, paragraph 5(3) and paragraph 3A to existing Schedule 5A, of the LDEDCA 2009).**
  
- v. Power to give overview and scrutiny committees the power to impose civil penalties **(inserting a new Schedule 1A, paragraph 7(1) into the LURA 2023) and (inserting a new Schedule 5AA, paragraph 7(1) into the LDEDCA 2009).**
  
- vi. Power to change and substitute another sum for the civil penalty amount **(inserting a new Schedule 1A, paragraph 7(7) into the LURA 2023) and (inserting a new Schedule 5AA, paragraph 7(7) into the LDEDCA 2009).**
  
- vii. Power to make arrangements for audit committees **(inserting a new Schedule 1A, paragraph 9(3) into the LURA 2023) and (inserting a new Schedule 5AA, paragraph 9(3) into the LDEDCA 2009).** These powers are exact restatements of the power in Schedule 1, paragraph 4 of the LURA 2023 and Schedule 5A, paragraph 4 of the LDEDCA 2009 and therefore an entry for these powers has not been included within this memorandum.

- b. **Amendment to Schedule 7:** Power for the Secretary of State to grant approval to highway authorities to operate lane rental schemes within the area of a MSA, if an application for an approval order to operate lane rental schemes is made before the first mayor for that area takes office **(inserting new section 74B(5A) into the NRSWA 1991)**.
  
- c. **Amendment to Schedule 25: (Exercise of functions may begin at different times etc):** power to provide for functions on a class of strategic authorities or mayors to become exercisable at different times or in different circumstances **(inserting new paragraph 16A)**.
  
- d. **Amendment to Schedule 25: (Mayoral strategic authorities: period before first mayor takes office):** expansion of the power to enable regulations to make provisions which apply to MSAs or mayors for the areas of MSAs in the period after the authority has been established, but before the first mayor for the authority's area has taken office (the preparatory phase) **(inserting new paragraph 26)**.
  
- e. **Amendment introducing new clause: (Power to pay grants to joint committees of London councils):** power to set eligibility criteria for, and to make provision about the constitution, procedures, administration and oversight of eligible London joint committees and sub-committees to whom the Secretary of State may pay a grant **(inserting new section 32A(7) into the LGA 2003)**.
  
- f. **Amendment introducing new clause: (Power to pay grants to joint committees of London councils):** power to amend an Act passed before, or in the same session, as this Bill **(inserting new section 32A(9) into the LGA 2003)**.

- g. **Amendment introducing new clause and Schedule: (Pavement Parking: Prohibition of parking on footways and verges):** giving English Local Transport Authorities (LTAs) the power to impose prohibitions on the parking of motor vehicles on footways and grass verges.
- h. **Amendment introducing new clause and Schedule: (Pavement Parking: Prohibition of parking on footways and verges)** power to amend an Act passed before, or in the same session, as this Bill.
- i. **Amendment introducing new clause and Schedule: (Duty to report concerns about drivers licensed in other areas: Production and publication of collated data):** Power to (i). specify descriptions of relevant collated data and (ii). Require English licensing authorities to produce and publish that collated data (**inserting new section 6A into the (TPHV(SRS)A 2022)**).
- j. **Amendment introducing new clause: (Suspension under section (*Power to suspend licence temporarily*)):** power to make provisions about the form, content, and manner in which suspension notices are given.
- k. **Amendment introducing new clause: (Suspension under section: *Power to suspend licence temporarily*):** power to amend the time period that a licence suspension has effect for and to make consequential amendments to the time period within which a responsible licensing authority must be notified of a suspension.
- l. **Amendment introducing new clause: (Suspension notice given to person who is not licence holder):** power to make provisions about the form, content, and the manner and period in which notification of a suspension notice is given.

- m. **Amendment introducing new clause: (Responsible licensing authority to be notified of suspension):** power to make provisions about the form, content and manner in which notification of a suspension is given.
  - n. **Amendment introducing new clause: (Responsible licensing authority's response to suspension of licence):** power to make provisions for the making of decisions about suspension, the extension of suspension periods, and the form, contents, period and manner within which associated notifications are to be given.
  - o. **Amendment introducing new clause: (Appeals and compensation):** power to provide for licence holders to appeal to the Magistrates' Court and to provide for compensation to be payable by licensing authorities.
  - p. **Amendment introducing new clause: (enforcement officers):** power to provide for the issue and use of documents, clothing or badges, or other marks to identify persons as enforcement officers.
7. As per the approach taken previously<sup>4</sup>, to avoid duplication throughout the supplemental memorandum, any parallel powers (taken as a result of having to extend provisions to both CAs and CCAs which are established under separate acts of Parliament) have been grouped together into a single entry within section D, with a shared justification for taking the powers and the same Parliamentary procedure having been adopted.

## **D. ANALYSIS OF DELEGATED POWERS BY CLAUSE**

### **Amendment introducing new clause and two new Schedules (Mayoral CCAs: overview and scrutiny committees) and (Mayoral Combined Authorities:**

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<sup>4</sup> Delegated Powers Memorandum published 10 July 2025 and 27 November 2025

**overview and scrutiny committees): Power to issue guidance in relation how an overview and scrutiny committee assesses value for money**

*Power conferred on: Public authority*

*Power exercised by: Guidance*

*Parliamentary Procedure: None*

**Context and purpose**

8. This amendment makes provision about how overview and scrutiny committees are to assess value for money when reviewing decisions or the discharge of functions involving expenditure by a CCA or CA. In particular, it requires overview and scrutiny committees, when assessing value for money, to have regard to any guidance issued by a public authority. The purpose of the guidance is to support consistent and informed assessments of value for money, drawing on relevant expertise and established frameworks, while preserving the discretion of overview and scrutiny committees in how they carry out their scrutiny functions.

**Justification for taking the power**

9. Value for money assessments can involve complex financial, commercial and operational considerations, and it is appropriate for overview and scrutiny committees to be able to take account of guidance issued by public authorities with relevant expertise. It will be possible to update guidance to reflect evolving best practice, standards and methodologies, without the need for further legislative change. The requirement to “have regard to” guidance ensures that overview and scrutiny committees consider relevant material, while retaining their independence and ability to depart from the guidance where appropriate.

**Justification for the procedure**

10. The power is to issue guidance rather than to make legislative provision, and the guidance does not have binding legal effect. It is therefore appropriate that no parliamentary procedure applies. This approach is consistent with other guidance-based provisions relating to scrutiny and value for money in local government legislation.

**Amendment introducing new clause and two new Schedules (Mayoral CCAs: overview and scrutiny committees) and (Mayoral Combined Authorities: overview and scrutiny committees): Power to issue guidance in relation to the exercise of overview and scrutiny committee functions**

*Power conferred on: Secretary of State*

*Power exercised by: Guidance*

*Parliamentary Procedure: None*

**Context and purpose**

11. This amendment enables the Secretary of State to issue guidance to overview and scrutiny committees of CCAs (and CAs) that are established MSAs in relation to the exercise of their functions. The guidance is intended to support the effective, consistent and proportionate operation of overview and scrutiny arrangements, including how committees discharge their scrutiny functions, engage with key persons, and make use of their powers to require attendance, information and documents. The guidance may make different provision for different descriptions of committee, reflecting differences in governance arrangements across CCAs (and CAs).

**Justification for taking the power**

12. Overview and scrutiny committees play a central role in ensuring transparency, accountability and effective governance within CCAs and (CAs). Given the complexity and novelty of the strengthened scrutiny regime for established MSAs, it is appropriate for the Secretary of State to be able to issue guidance setting out best practice and supporting consistent implementation. Guidance provides a flexible mechanism which can be updated in light of experience without the need for further primary legislation.

**Justification for the procedure**

13. The power is to issue guidance, rather than to make legislative provision, and does not create binding legal obligations. It is therefore appropriate that no parliamentary procedure applies. This approach is consistent with other guidance-making powers in local government legislation, including those already contained in the LURA 2023 and the LDEDCA 2009.

**Amendment introducing new clause and two new Schedules (Mayoral CCAs: overview and scrutiny committees) and (Mayoral Combined Authorities: overview and scrutiny committees): Power to make further provisions with regard to overview and scrutiny committees**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Affirmative*

**Context and purpose**

14. This power enables the Secretary of State to make further provision by regulations about overview and scrutiny committees of CCAs (and CAs) that are established MSAs. The power may be used to make detailed provision about the constitution and operation of those committees, including provision about:

- a. the involvement of independent experts in the activities of overview and scrutiny committees, how their work is to be taken into account and how they are to be remunerated;
- b. the membership of overview and scrutiny committees, including voting rights and requirements as to political balance;
- c. the payment of allowances to members of overview and scrutiny committees;
- d. the independence of the chair of an overview and scrutiny committee;
- e. the appointment and role of scrutiny officers, including a requirement that each committee has at least two scrutiny officers;
- f. arrangements for petitions to overview and scrutiny committees, including how petitions are made, considered and determined;
- g. the publication of reports, recommendations and responses;
- h. the circumstances in which information must or must not be disclosed to overview and scrutiny committees;

**Justification for taking the power**

15. The effective operation of overview and scrutiny committees depends on detailed procedural and governance arrangements which are not suitable for inclusion on

the face of primary legislation. The power allows the Secretary of State to set out a comprehensive and coherent framework in secondary legislation, while retaining flexibility to respond to experience, emerging best practice and changes in governance arrangements over time. Given the importance of scrutiny for local democratic accountability, it is appropriate for these matters to be capable of being addressed in regulations.

#### Justification for the procedure

16. Regulations made under this power will be subject to the affirmative procedure.

This is appropriate given the significance of the matters to be addressed, including committee composition, independence, petition arrangements and enforcement powers, and ensures that Parliament has the opportunity to scrutinise the detailed framework established under the power.

#### **Amendment introducing two new clauses and two new Schedules (Mayoral CCAs: overview and scrutiny committees) and (Mayoral Combined Authorities: overview and scrutiny committees): Expanding the scope of the power in section 252(1) of LURA 2023 (and s117(1A) of LDEDCA 2009) to include provision to specify different styles of overview and scrutiny committees for different descriptions of CCAs and CAs**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Affirmative*

#### Context and purpose

17. This provision expands the existing power in section 252(1) of the LURA 2023 (and s117(1A) of LDEDCA 2009) so that it expressly includes the ability to specify, by regulations, different styles by which overview and scrutiny committees are to be known for different descriptions of CCAs and CAs. This enables overview and scrutiny committees to be known, for example, as “local scrutiny committees” or by other appropriate styles.

#### Justification for taking the power

18. Allowing the Secretary of State to specify the style of overview and scrutiny committees by regulations provides flexibility to reflect differences in governance models and local preferences across CCAs and CAs, while maintaining a coherent statutory framework. It avoids the need for further primary legislation if it becomes appropriate to vary or update committee styles over time.

#### Justification for the procedure

19. The affirmative procedure is appropriate because the power enables regulations to determine how overview and scrutiny committees are to be known for statutory purposes, which affects how those bodies are formally identified and understood, and therefore merits parliamentary scrutiny.

#### **Amendment introducing new clause and two new Schedules (Mayoral CCAs: overview and scrutiny committees) and (Mayoral Combined Authorities: overview and scrutiny committees): Power to give overview and scrutiny committees the power to impose civil penalties**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Affirmative*

#### Context and purpose

20. This power enables the Secretary of State, by regulations, to confer on overview and scrutiny committees the power to impose civil penalties on specified persons who fail to comply with requirements to attend meetings, answer questions, provide information or documents, or who mislead an overview and scrutiny committee. Regulations must specify the amount or maximum amount of a civil penalty, which must not exceed £5,000, may limit the exercise of the power to persons of a description specified in the regulations, and must make provision for appeals against the imposition of civil penalties.

#### Justification for taking the power

21. The ability to impose civil penalties is intended to ensure that overview and scrutiny committees are able to exercise their functions effectively and that their powers to require attendance, information and documents are meaningful. Setting out the detailed operation of the civil penalty regime in regulations allows the regime to be proportionate, targeted and capable of adjustment in light of experience, without the need for further primary legislation.

Justification for the procedure

22. Given that the power enables the creation of a civil enforcement regime with potential financial consequences for individuals, it is appropriate that regulations made under this power are subject to the affirmative procedure to ensure full parliamentary scrutiny.

**Amendment introducing new clause and two new Schedules (Mayoral CCAs: overview and scrutiny committees) and (Mayoral Combined Authorities: overview and scrutiny committees): Power to change and substitute another sum for the civil penalty amount**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Affirmative*

Context and purpose

23. This power enables the Secretary of State to substitute, by regulations, a different sum for the maximum civil penalty amount of £5,000 specified in the legislation, in order to take account of changes in the value of money or other relevant factors.

Justification for taking the power

24. Without this power, any adjustment to the maximum civil penalty amount would require further primary legislation. The power ensures that the civil penalty regime remains effective and proportionate over time.

Justification for the procedure

25. As the power allows for changes to the maximum financial penalty that may be imposed, the affirmative procedure is appropriate to ensure parliamentary oversight.

**Amendment to Schedule 7: Power for the Secretary of State to grant approval to highway authorities to operate lane rental schemes within the area of a MSA, if an application for an approval order is made before the first mayor for that area takes office**

*Power conferred on: Secretary of State*

*Power exercised by: Order (Statutory Instrument)*

*Parliamentary Procedure: No procedure*

Context and purpose

26. The Secretary of State is already empowered to approve highway authorities to operate charging as part of a lane rental scheme (section 74A(2) of the NRSWA 1991). Clause 25 and Schedule 7 will retain the Secretary of State's ability to do this in circumstances where the highway authority is not part of a MSA. It will also confer powers to mayors of MSAs to make an approval order authorising a local highway authority within their area to operate a lane rental scheme, as discussed at paragraphs 229 – 231 of the DPM published on the 27 November 2025.

27. The purpose of this amendment is to make provision for the Secretary of State to exercise the power to grant approval to highway authorities to operate lane rental schemes, in areas where a MSA is established but the first mayor for that area has not yet taken up office; ensuring continuity of decision-making and avoiding unnecessary delays to scheme approvals.

Justification for taking the power

28. Devolving the approval function to mayors of MSAs aligns with the Government's policy that mayors should have greater responsibility for managing and improving transport outcomes in their areas. Lane rental schemes are highly localised

interventions designed to reduce congestion, improve network performance, and accelerate the completion of utility and highway works.

29. Allowing the Secretary of State to continue approving highway authorities in the situation where the first mayor hasn't taken office in an MSA yet, ensures continuity in decision-making and prevents a powers gap.

#### Justification for the procedure

30. The power to approve authorities already exists in secondary legislation and is currently exercised by the Secretary of State using no procedure. Devolving this power to mayors of MSAs with the same procedure ensures consistency and fairness, and statutory guidance will be issued to provide practical advice on how to assess schemes.

#### **Amendment to Schedule 25: (Exercise of functions may begin at different times etc): power to provide for functions on a class of strategic authorities or mayors to become exercisable at different times or in different circumstances**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Affirmative*

#### Context and purpose

31. Schedule 25 enables the Secretary of State to confer eligible functions (public authority functions which relate to any aspect of any area of competence) on strategic authorities or mayors by regulations.<sup>5</sup> This amendment will insert new paragraph 16A into Schedule 25 to make clear that, where a function is conferred on a class of strategic authorities or mayors, regulations may provide for the function to become exercisable by different members of that class at different times

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<sup>5</sup> It is worth noting that an amendment has been tabled introducing clause 2(h) that will add "culture" as a new area of competence. Previously, the Government believed that public authority functions relating to "culture" could be accommodated under clause 2(d), which covers "economic development and regeneration". However, by explicitly adding "culture" in clause 2(h), there is clearer assurance and certainty that functions relating to "culture" are included within the areas of competence and so can be added to the devolution framework under Schedule 25 regulations.

or in different circumstances. The amendment also makes clear that this may be achieved by separate regulations, which may be made at different times in relation to different members of the class. This clarification supports a staged and discretionary approach to the exercise of certain functions, including fire and rescue functions, where readiness may vary between different strategic authorities.

Justification for taking the power

32. Functions such as fire and rescue functions are complex and operationally sensitive, and it may not be appropriate for all members of a class of strategic authorities to begin exercising those functions at the same time. The amendment ensures that Schedule 25 clearly enables a flexible approach, allowing the Secretary of State to provide for functions to become exercisable only when a particular authority is ready to do so, without requiring all such decisions to be made in a single set of regulations.

Justification for the procedure

33. The affirmative procedure is appropriate given that the power determines when significant statutory functions become exercisable by particular strategic authorities, with potential operational, financial and public safety implications.

**Amendment to Schedule 25: (Mayoral strategic authorities: period before first mayor takes office): expansion of the power to enable regulations to make provisions which apply to MSAs or mayors for the areas of MSAs in the period after the authority has been established, but before the first mayor for the authority's area has taken office (the preparatory phase)**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Affirmative*

Context and purpose

34. The power will enable regulations to be made in relation to MSAs or mayors for the areas of MSAs that apply only to a class of MSAs or those mayors for the areas of MSAs which are in the preparatory phase. A MSA is in the preparatory phase after the authority has been established but before the first mayor for the authority has

assumed office. The duration of the preparatory phase is required to be stated in the regulations that this power enables.

35. The Government's current Local Government Reorganisation would mean that a number of MSAs that would be established under the Bill two months after the Bill receives Royal Assent are not anticipated to hold elections into the offices of their mayor until May 2028. There are functions of MSAs under the Bill that are functions that can be exercised by the MSA's elected mayors only. This would have meant that mayoral functions in those MSAs with mayoral elections taking place in May 2028 would not be exercisable between the period when the MSAs are established and the day the first mayor takes office (the preparatory phase). This amendment enables regulations to be made under Schedule 25 in relation to the affected MSAs so that mayoral functions can be exercised in the preparatory phase by the MSAs themselves.

#### Justification for taking the power

36. Without taking the power, it would be impossible for mayoral functions to be exercised by the affected MSAs in the preparatory phase. It could in effect mean that mayoral functions would not be exercised at all in this period, with potential impact on the delivery of essential local services. Taking the power ensures that delivery of local services and effective governance of the affected MSAs are not imperilled because the first mayor of the respective MSAs have not yet taken office.

#### Justification for the procedure

37. Regulations made under this power will be subject to the affirmative procedure and this will ensure there is appropriate parliamentary scrutiny of any change made using this power.

### **Amendment introducing new clause: (Power to pay grants to joint committees of London councils): power to set eligibility criteria for, and to make provision about the constitution, procedures, administration and oversight of eligible London joint committees and sub-committees to whom the Secretary of State may pay a grant**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Affirmative*

Context and purpose

38. This power enables the Secretary of State to make further provision by regulations that determine the question of whether a joint committee established under Section 101(5) of the Local Government Act 1972 made up of all of the London Borough Councils and the Council of the City of London (a London joint committee) or a sub-committee of the London joint committee, is eligible to be paid a grant under new section 32A of the LGA 2003. Such regulations may include provisions about the conditions that a London joint committee or its sub-committee must meet in order to become or remain eligible. It is important that the Secretary of State is confident that they that can determine what conditions need to be met before public grant funding is paid and that the Secretary of State can set out what conditions need to be maintained for a London joint committee or its sub-committee to be eligible to receive the grant funding.

39. The Secretary of State may make provisions in regulations about certain aspects that must be in place for a London joint committee or its sub-committee to be eligible. These include regulations that provide for the constitution, procedures, administration, and oversight of a London joint committee or its sub-committee. These aspects are things that apply to local authorities and it is appropriate that the Secretary of State can set the minimum requirements that will apply to a London joint committee or its sub-committee and establish which of those obligations that apply to a local authority already apply to a London joint committee under the arrangements for their establishment under s101(5) of the Local Government Act 1972 and other legislation, and those which the Secretary of State will need regulations to ensure that they apply to a London joint committee or its sub-committee before grant money is paid.

40. The Secretary of State also requires the power to make regulations that set conditions that a London Committee or its sub-committee must meet in order to become or remain eligible. These regulations may relate to the power under which or the way in which a London joint committee or its sub-committee is established.

This is necessary as the Secretary of State is entitled to determine that if the intention is for grant funding to be spent across the whole of London, that all Boroughs and the council of the city of London are represented on a London joint committee or its sub-committee that receives the money. The regulations may set conditions about the functions or purpose of a London joint committee or its sub-committee. It is appropriate that the Secretary of State could for example determine that if grant funding were intended for a pan-London transport initiative that it is appropriate that the London joint committee or its sub-committee has the necessary transport functions and purpose before determining that the London joint committee or its sub-committee was eligible. The regulations may set conditions about the type of person that is a member of a London joint committee or its sub-committee. It is appropriate that the Secretary of State is satisfied that the members of a London joint committee or its sub-committee are all of equivalent standing and that they have a role to which the appropriate functions attach. The regulations may set conditions about the constitution, procedures, administration or oversight of a London joint committee or its sub-committee. It is appropriate that the Secretary of State is able to require that a London joint committee or its sub-committee have in place appropriate governance arrangements as a condition of receiving public grant funding.

#### Justification for taking the power

41. It is appropriate that the details of the provisions that a London joint committee or its sub-committee must meet to become and remain eligible are set in regulations because legislative force is required to formalise many of the arrangements that London joint committees already have in place. It is appropriate that regulations are used because it is possible that over time the Government needs to adjust those requirements depending on the changes in the organisational arrangements between London boroughs and the council of the city of London and upon the type, level and purpose of the grant funding. In taking this power the Secretary of State is ensuring that public grant funding is only made when the conditions that they determine are essential are met by a London joint committee and its sub-committee. The power is way of providing assurance that all necessary protections are in place.

### Justification for the procedure

42. The affirmative procedure is appropriate as Parliament will want to be satisfied that sufficient oversight is in place before public grant funding is paid to a joint London committee or its sub-committee.

### **Amendment introducing new clause: (Power to pay grants to joint committees of London councils): power amend an Act passed before, or in the same session, as this Bill**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Affirmative*

### Context and purpose

43. The Secretary of State needs to ensure that when making payments of public grant money those payments are made to an organisation that has in place appropriate arrangements. Any joint committee of London Boroughs and the Council of the City of London that is eligible to receive grant payments will need to meet a series of obligations that will be set in regulations. The power is to make regulations that provide for the constitution, procedures, administration and oversight that a joint committee or eligible sub-committee must have in place. The regulations may also prescribe the conditions that a London joint committee or its sub-committee must meet in order to become or remain eligible to receive grant funding. These include conditions about the power under which a London joint committee or its sub-committee is established, the functions or purpose of a London joint committee or its sub-committee, the kind of people who are members of a London joint committee or its sub-committee, the constitution, procedures, administration or oversight of a London joint committee or its sub-committee. Many of these conditions already exist in statute and apply to local authorities. The most efficient way of the Secretary of State ensuring that the obligations and conditions that will apply to a London joint committee and its sub-committee is to be able to amend those obligations and conditions that already exist in legislation where they are set out.

### Justification for taking the power

44. The power to make regulations that provide for the constitution, procedures, administration and oversight that a London joint committee or eligible sub-committee must have in place, may well require certain obligations that currently apply to local authorities to be extended so that they also apply to a eligible London joint committee or any eligible sub-committee that is established. The purpose of extending these measures is to ensure that the Secretary of State can be confident that all appropriate protections are put in place before public grant money is paid out rather than relying upon the agreements between the Borough councils and the council of the city of London. It is likely that the primary legislation that sets out those obligations will need to be amended so that an eligible London joint committee or its eligible sub-committee are included. It is appropriate that the power to make regulations that amend primary legislation only applies to that legislation that is already in existence (or that is part of this parliamentary session) as should future legislation create new obligations on local authorities that it is considered are also appropriate for a London joint committee or its eligible sub-committee then it will be possible to include them in the provision that is being drafted.

#### Justification for the procedure

45. It is appropriate that the regulations that amend existing primary legislation are subject to the scrutiny of both Houses of Parliament so that Parliament retains meaningful oversight of existing legislation and can debate the appropriateness of extending existing measures to a London joint committee and any eligible sub-committee.

#### **Amendment introducing new clause and Schedule (Pavement Parking: Prohibition of parking on footways and verges): giving English Local Transport Authorities (LTAs) the power to impose prohibitions on the parking of motor vehicles on footways and grass verges**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (statutory Instrument)*

*Parliamentary Procedure: Affirmative*

### Context and purpose

46. This power enables the Secretary of State to make regulations giving English LTAs the power to prohibit parking on the footway and verge within those parts of their areas that fall within a civil enforcement area. The power may be used to make provision in regulations about the process by which, and manner in which, the power to prohibit parking is exercisable by English LTAs and the manner in which the imposition of parking prohibition may or must be publicised, including:

- a. the exclusion of roads and areas from the parking prohibition,
- b. the exclusion of vehicles of particular descriptions and vehicles when being used or parked for specific purposes or in specific circumstances,
- c. the placing of requisite prescribed traffic signing in connection with a parking prohibition including powers exercisable by English LTAs to direct constituent traffic authorities,
- d. the establishment of defences to contraventions of a parking prohibition,
- e. requiring English LTAs to carry out consultation in connection with the exercise of their functions,
- f. providing the Secretary of State with the power to issue statutory guidance,
- g. the repeal of provisions of an Act which prohibits the parking of motor vehicles on footways and verges in England and outside Greater London.

47. Parking in contravention of a prohibition imposed by an English LTA in accordance with regulations made under this power will be subject to civil enforcement.

### Justification for taking the power

48. The regulation making powers are necessary to establish a coherent and adaptable framework enabling English Local Traffic Authorities (LTAs) to prohibit parking on footways and verges within those parts of their areas that fall within civil enforcement areas. Any contravention of a pavement parking prohibition introduced under the powers will be subject to civil enforcement. Governance arrangements and administrative processes for English LTAs may evolve, and it is therefore appropriate to confer on the Secretary of State the flexibility to prescribe,

and update if required, the detailed processes surrounding a pavement parking prohibition through secondary legislation.

49. A power is also required to specify exemptions from a parking prohibition. Certain vehicle classes and operational circumstance, such as emergency situations, essential traffic management needs, or conditions on narrow streets, must remain exempt from the prohibition. These regulation making powers allow the Government to future proof the legislation to reflect evolving policy as the nature of the exemptions needed for these purposes may evolve over time, through technological advances, behavioural change and changes to the road network.

50. Traffic signing required in relation to the parking prohibition and communication requirements may need to change over time as prohibitions expand geographically or as exemptions evolve. The regulation making powers enable the Secretary of State to specify these requirements and ensure cooperation between different authorities.

51. Statutory guidance is required to support English LTAs in the practical application and enforcement of the prohibition. Guidance will provide clarity on detailed operational matters, such as enforcement approaches and balancing the needs of different road users. English LTAs should be required to have regard to this guidance, ensuring consistency, predictability, and fairness in the exercise of their powers without imposing obligations beyond those set out in primary or secondary legislation.

#### Justification for the procedure

52. Regulations made under this power will be subject to the affirmative procedure. This is appropriate because the power establishes the core framework for prohibition of parking on footways and verges. Applying the affirmative procedure ensures that Parliament has the opportunity to examine and approve the detailed regulatory framework before it takes effect.

**Amendment introducing new clause and Schedule: (Pavement Parking: Prohibition of parking on footways and verges): power to amend an Act passed before, or in the same session, as this Bill.**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Affirmative*

**Context and purpose**

53. This power enables the Secretary of State to amend via regulations an Act passed before, or in the same session, as this Bill. The purpose of conferring such a power is to ensure that the existing legislative framework governing the policy area can operate coherently with regulations once made, and to provide the flexibility needed to address potential changes, such as emerging technological advances relating to traffic management which could affect interactions between the powers exercised via regulations and existing legislation.

**Justification for taking the power**

54. The regulation making powers enable the Secretary of State to create a framework that enables English LTAs to prohibit parking on footways and verges in their areas. The operation of such framework would depend on its alignment with existing legislation. As the framework is developed, it may become necessary to update, clarify, or adjust existing provisions to ensure consistency.

**Justification for the procedure**

55. Regulations made under this power will be subject to the affirmative resolution procedure. This ensures that Parliament retains meaningful oversight and the opportunity to debate and approve any changes to primary legislation before they take effect.

**Amendment introducing new clause and Schedule: (Duty to report concerns about drivers licensed in other areas: Production and publication of collated data): Power to (i). specify descriptions of relevant collated data and (ii). Require English licensing authorities to produce and publish that collated data**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Negative*

#### Context and Purpose

56. This amendment confers the ability for the Secretary of State to specify descriptions of collated data and to require licensing authorities to produce and publish that collated data.

#### Justification for taking the Power

57. The amendment aims to improve transparency around the reporting process following the coming into force of the TPH(SRS)A 2022<sup>6</sup>. Licensing authorities may be required to produce and publish information relating to the duty to report concerns about drivers licensed, in relation to action taken following receipt of such reports, in order to increase accountability and transparency.

58. It is the Government's view is that this level of detail would not be appropriate to include on the face of the Bill and that flexibility is needed, in terms of amending the regulations, to ensure that data published remains relevant and fit for purpose, particularly in relation to protecting the public.

#### Justification for the procedure

59. The scope of the power is limited to information derived from information provided in accordance with section 5 of the 2022 Act and information derived from actions taken in accordance with section 6 of the 2022 Act.

60. It is considered that the negative procedure affords an appropriate level of Parliamentary scrutiny given the level of detail involved and the limited nature of the contents of the proposed regulations.

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<sup>6</sup> [Taxi and Private Hire Vehicles \(Safeguarding and Road Safety\) Act 2022](#)

**Amendment introducing new clause: (Suspension under section (Power to suspend licence temporarily): power to make provisions about the form, content, and manner in which suspension notices are given.**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Negative*

**Context and purpose**

61. This amendment will confer powers on the Secretary of State to make provision about notices to suspend the licence of a taxi or PHV driver (suspension notices).

**Justification for taking the power**

62. This regulation making power would allow the Secretary of State to make provision about the form or contents of suspension notices which a licensing authority may issue to suspend a licence, or the manner in which they are to be given.

63. The power is purely administrative, with the aim of creating a fair and consistent approach across England. Furthermore, it is considered that with the changing nature of the Taxi/PHV sector, it is important to ensure that the Secretary of State is provided with some flexibility to ensure that notices provided to licence holders remain fit for purpose and to ensure that procedural fairness is maintained.

**Justification for the procedure**

64. The negative resolution procedure is considered appropriate, given that the power concerns the setting of administrative details only.

**Amendment introducing new clause: (Suspension under section: Power to suspend licence temporarily): power to amend the time period that a licence suspension has effect for and to make consequential amendments to the time period within which a responsible licensing authority must be notified of a suspension**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

## *Parliamentary Procedure: Affirmative*

### Context and purpose

65. This amendment confers powers on the Secretary of State to make further provision about the time period for which licences are to be suspended.

66. In particular, this regulation making power would allow the Secretary of State to make provision for amending the time period after which suspensions are to cease to have effect (currently 48 hours) as well as amending, consequentially, the time period in which licensing authorities must notify responsible authorities (currently 24 hours).

### Justification for taking the power

67. The power is needed to ensure that the operation of the process for licence suspensions continues to be administratively fair and effective, and to regulate the exercise of the powers granted to licensing authorities.

68. Providing for the ability to amend these time periods in regulations provides flexibility to respond to policy changes and government objectives over time. Due to the novel nature of this measure, the Government considers it appropriate to retain a power to amend time frames in future in order to provide flexibility in a fast-moving and innovative sector. The temporary suspension provision is a new power and flexibility is required to prescribe a different timeframe if considered necessary to protect the public and licence holders and to ensure that the framework remains functional.

### Justification for the procedure

69. Any regulations made by the Secretary of State under this clause must be laid before and approved by a resolution of each House of Parliament. This is because a change to a time limit prescribed by Parliament within primary legislation should be subject to the affirmative procedure, in order to provide an appropriate degree of further Parliamentary scrutiny.

**Amendment introducing new clause: (Suspension notice given to person who is not licence holder): power to make provisions about the form, content, and the manner and period in which notification of a suspension notice is given**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Negative*

**Context and purpose**

70. This regulation making power would allow the Secretary of State to make further provision about the notification of a suspension notice to a licence holder, where a suspension notice has been given to a person who is not the licence holder, including the form or contents of notifications and the manner in which, and period within which notifications are to be given.

**Justification for taking the power**

71. The power provides for administrative details to be set in regulations, with the aim of creating a fair and consistent approach across England.

**Justification for the procedure**

72. The negative resolution procedure is considered appropriate, given that the power concerns the setting of administrative details only.

**Amendment introducing new clause: (Responsible licensing authority to be notified of suspension): power to make provisions about the form, content and manner in which notification of a suspension notice is given.**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Negative*

**Context and purpose**

73. This regulation making power would allow the Secretary of State to make provision about the form, contents and manner in which notification of a suspension notice is given to a responsible licensing authority where the suspending authority issuing a suspension notice is different from the responsible licensing authority.

#### Justification for taking the power

74. The power provides for administrative details to be set in regulations, with the aim of creating a fair and consistent approach across England.

#### Justification for the procedure

75. The negative resolution procedure is considered appropriate, given that the power concerns the setting of administrative details only.

#### **Amendment introducing new clause: (Responsible licensing authority's response to suspension of licence): power to make provisions for the making of decisions about suspension, the extension of suspension periods, and the form, contents, period and manner within which associated notifications are to be given**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Negative / Affirmative (for when provision is made relating to the period of time by which a suspension may be extended)*

#### Context and Purpose

76. This regulation making power would allow the Secretary of State to make provision about (i). the making of decisions by responsible licensing authorities in relation to a licence suspension - to terminate, extend, or allow a licence suspension to run its course, and whether and how to exercise its other functions as a licensing authority in relation to the suspended licence (including the time periods within which such decisions must be made) (ii). the extension of periods of suspension, and iii) the form, content, period and manner in which notifications are to be affected.

#### Justification for taking the power

77. This power is required to ensure that the operation of the process for licence suspensions is administratively fair and effective, and to regulate the exercise of the powers granted to licensing authorities.

#### Justification for the procedure

78. Any regulations made by the Secretary of State under this clause must be laid before and approved by a resolution of each House of Parliament in the case of regulations setting the length by which periods of suspension may be extended and whether, and how, periods of suspension may be extended more than once.

79. The affirmative procedure is considered appropriate and proportionate where regulations will impact upon the initial suspension period prescribed by Parliament within primary legislation, in order to provide an appropriate degree of further Parliamentary scrutiny.

80. The negative procedure is considered to provide an appropriate and proportionate degree of parliamentary scrutiny for all other regulations, in setting further administrative details relating to the decision making of responsible licensing authorities in relation to licence suspensions and associated notifications.

#### **Amendment introducing new clause: (Appeals and compensation): power to provide for licence holders to appeal to the Magistrates' Court and to provide for compensation to be payable by licensing authorities**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Negative*

#### Context and Purpose

81. This new clause confers powers on the Secretary of State to make regulations in relation to appeals and relating to the payment of compensation. The provision requires the Secretary of State to make regulations setting out that a holder of a licence may appeal to the Magistrates Court against decisions to suspend a licence or any decision relating to the responsible licensing authority's response to suspension of licence. Regulations may also provide for compensation to be

payable by licensing authorities in cases where an appeal is successful, or where an enforcement officer gives a suspension notice, but fails to give notification as required to the licence holder, where it was reasonably practicable to have done so.

#### Justification for taking the power

82. The scope of the power is clearly defined on the face of the Bill, ensuring that parliamentary scrutiny will be given to the fundamental matters of when appeal rights arise and when compensation is payable.

83. Regulations are required to outline further administrative functions and details, including the amounts of compensation payable, and may confer on a court, tribunal, or other person, the function of determining liability to pay compensation, the amount of compensation payable (where not fixed) and other functions relating to compensation. Outlining these details within regulations will ensure that the payment of compensation remains fit for purpose in future.

#### Justification for the procedure

84. It is considered that the negative procedure affords an appropriate level of parliamentary scrutiny, given that the scope of the regulations is clearly limited by provision on the face of the Bill and given that regulations will deal with administrative details and functions only.

#### **Amendment introducing new clause: (enforcement officers): power to provide for the issue and use of documents, clothing or badges, or other marks to identify persons as enforcement officers**

*Power conferred on: Secretary of State*

*Power exercised by: Regulations (Statutory Instrument)*

*Parliamentary Procedure: Negative*

#### Context and Purpose

85. This amendment provides the Secretary of State with a power to make regulations providing for the issue and use of documents, clothing or badges and other marks to identify enforcement officers.

Justification for taking the power

86. The power is purely administrative, with the aim of creating a safe and consistent approach across England. The Government considers that such a measure is required in order to protect, and ensure a safe environment for licence holders, the public, and enforcement officers.

Justification for the procedure

87. It is considered that the negative procedure affords an appropriate level of Parliamentary scrutiny given the administrative nature of this power.

**Ministry of Housing, Communities and Local Government**

17 March 2026