

Levelling-up and Regeneration Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS HAYMAN OF ULLOCK

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

“(2A) The levelling-up missions must include a mission to increase cultural infrastructure in each local authority and across the United Kingdom.”

Member's explanatory statement

This means that a mission must relate to cultural infrastructure.

LORD THOMAS OF CWMGIEDD
BARONESS FINLAY OF LLANDAFF

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

“(2A) The statement of levelling-up missions must not contain any matters relating to Scotland, Wales or Northern Ireland where the whole or the greater part of the responsibility for those matters is the responsibility of Scottish Ministers or Welsh Ministers or the Northern Ireland Executive under the Scotland Act 1998, the Government of Wales Act 1998 or the Government of Northern Ireland Act 1998, unless –

- (a) in the case of matters relating to Scotland, the Scottish Ministers give their consent;
- (b) in the case of matters relating to Wales, the Welsh Ministers gives their consent;
- (c) in the case of matters relating to Northern Ireland, the Northern Ireland Executive gives its consent.”

Member's explanatory statement

This is a probing amendment to deal with mission statements which are intended to cover matters where the responsibility for policy in such matters has been devolved.

LORD STUNELL
BARONESS PINNOCK

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

“(2A) The levelling-up missions must have regard to the provisions of the Climate Change Act 2008.”

Member's explanatory statement

This is to ensure that all Mission outcomes contribute to Net Zero mitigation and adaptation measures.

LORD STUNELL
BARONESS PINNOCK

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

“(2A) The levelling-up missions must have regard to the environmental targets as required by the Environment Act 2021.”

Member's explanatory statement

This is to ensure that all Mission outcomes contribute to achieving targets in relation to environmental targets as set out in the Environment Act, e.g. biodiversity net gain.

LORD STUNELL
BARONESS PINNOCK

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

“(2A) In respect of England, the levelling-up missions must have regard to the provision of safe and affordable homes for all (see section (*Meaning of “affordable home”*)).”

Member's explanatory statement

This is to ensure that Mission outcomes contribute to achieving a safe and affordable home for every family.

Clause 7

BARONESS TAYLOR OF STEVENAGE

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

“(3A) The Secretary of State may not lay regulations under this section until he or she has deemed that establishment is supported by no less than 100% of all district councils in the area.”

Member's explanatory statement

This is to probe whether CCAs will be made without the consent of district councils.

Schedule 1

BARONESS TAYLOR OF STEVENAGE

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

“(2A) The arrangements must ensure that the Chairs of the overview and scrutiny committees of the district councils contained within the CCA’s boundaries are members of the CCA’s overview and scrutiny committee.”

Member's explanatory statement

This amendment would require that the Chairs of overview and scrutiny committees of the district councils within the CCA are represented on the CCA’s overview and scrutiny committee.

BARONESS TAYLOR OF STEVENAGE

Schedule 1, page 256, line 35, at end insert –

“Best practice

5 The Secretary of State has a duty to facilitate the sharing of best practice between Combined County Authority scrutiny committees.”

Member's explanatory statement

This is to probe how committees can share best practice.

Schedule 2

BARONESS TAYLOR OF STEVENAGE

Schedule 2, page 257, line 23, at end insert –

“(e) as to the holding of by-elections for mayoral vacancies.”

Member's explanatory statement

This is to probe the possibility of Mayoral by-elections.

Clause 27

BARONESS TAYLOR OF STEVENAGE

Clause 27, page 22, line 16, at end insert –

“(4A) The Secretary of State may by regulations make provision as to the scrutiny of deputy mayor appointments.”

Schedule 3

BARONESS TAYLOR OF STEVENAGE

Schedule 3, page 262, line 1, leave out paragraphs (b) and (c)

Member's explanatory statement

This probing amendment would prevent the Secretary of State from conferring only partial Police and Crime Commissioner functions on the mayor.

BARONESS TAYLOR OF STEVENAGE

Schedule 3, page 262, line 26, leave out paragraph (a)

Member's explanatory statement

This probing amendment would allow the person who is appointed deputy mayor to be appointed as deputy mayor for policing and crime.

After Clause 70

BARONESS SCOTT OF NEEDHAM MARKET

After Clause 70, insert the following new Clause—

“General power of competence: parish councils

- (1) The Localism Act 2011 is amended as follows.
- (2) In section 8 (interpretation of Chapter)—
 - (a) in subsection (1)(f), for “an eligible” substitute “a”;
 - (b) omit subsection (2).”

Member's explanatory statement

This amendment would include all parish councils in the definition of a local authority which has a power of general competence and remove the eligibility conditions prescribed by the Secretary of State by order for the purposes of section 8 of the Localism Act 2011.

Clause 76

BARONESS TAYLOR OF STEVENAGE

Clause 76, page 84, line 28, leave out “100” and insert “300”

Member's explanatory statement

This increases the maximum premium chargeable on second homes to 300% instead of 100%.

BARONESS TAYLOR OF STEVENAGE

Clause 76, page 84, leave out lines 32 to 34

Member's explanatory statement

This removes the one-year lead in period.

Schedule 7

BARONESS TAYLOR OF STEVENAGE

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

“(j) whether the authority will provide small site opportunities in the local plan.”

Member's explanatory statement

This is to probe the role of local SMEs in local plans.

After Clause 94

LORD STUNELL

After Clause 94, insert the following new Clause—

“Meaning of “affordable home”

Any reference in this Act to an “affordable home” means a dwelling in England that is provided either—

- (a) for rent where the unfurnished letting rate does not exceed the Local Housing Allowance applicable to that area, calculated by reference to full occupancy of that dwelling,
- (b) for sale where the annual mortgage costs (excluding facilitation fees) do not exceed 35% of the adult median income of employed people living in the Principal Local Authority which contains that dwelling, or
- (c) for a registered Shared Ownership scheme where the combined total of annual payments of rent and mortgage does not exceed the sum of the amount calculated by reference to (a) above and 15% of the adult median income of employed people living in the Principal Local Authority which contains that dwelling.”

Member's explanatory statement

This would require the ‘affordability’ of a home for the purposes of this Act to be objectively matched to local incomes and housing market circumstances.

Clause 99

BARONESS HAYMAN OF ULLOCK

Clause 99, page 109, line 17, after “has” insert “at any time in the past two years had”

Member's explanatory statement

This allows previous residents (from the past two years) to vote in street votes.

BARONESS HAYMAN OF ULLOCK

Clause 99, page 113, line 10, at end insert –

“(1A) As part of the threshold mentioned in subsection (1)(o), a SVDO may only be made if a resident in each of at least half of the eligible households votes in favour and at least half of those registered to vote at addresses on the street for at least three years vote in favour.”

Member's explanatory statement

This sets thresholds for street votes to be passed.

BARONESS HAYMAN OF ULLOCK

Clause 99, page 113, line 10, at end insert –

“(p) as to how referendums could agree a code of construction practice for a development.”

Member's explanatory statement

This is to probe the possibility of residents agreeing a code of construction practice for a development.

BARONESS HAYMAN OF ULLOCK

Clause 99, page 113, line 10, at end insert –

“(1A) As part of the threshold mentioned in subsection (1)(o), a SVDO may only be made if agreed by a majority of the non-developing leaseholders in any building within the street.”

Member's explanatory statement

This is to probe the role of leaseholders in street votes.

BARONESS HAYMAN OF ULLOCK

Clause 99, page 117, line 6, leave out “or excluding”

Member's explanatory statement

This is to probe the possibility of street vote development being exempt from biodiversity targets.

Clause 100

BARONESS HAYMAN OF ULLOCK

Clause 100, page 121, line 37, at end insert –

“(11) A Minister of the Crown must publish an annual estimate of the number of social housing dwellings built as a result of this section.”

Member's explanatory statement

This is to probe whether the small-sites exemption from the Community Infrastructure Levy for the purposes of street votes will lead to more social housing.

Clause 116

BARONESS TAYLOR OF STEVENAGE

Clause 116, page 149, line 29, at end insert –

“(8A) When exercising the power, consideration must be given to reducing delays in the planning process.”

Member's explanatory statement

This is to probe whether the changes will speed up the planning process.

After Clause 123

LORD TEVERSON

This amendment replaces a previous amendment in the name of Lord Teverson originally printed on sheet HL Bill 84(l)

After Clause 123, insert the following new Clause –

“Consistency with the mitigation of, and adaptation to, climate change

- (1) The Secretary of State must aim to ensure consistency with the mitigation of, and adaptation to, climate change in preparing –
 - (a) national policy or advice relating to the development or use of land,
 - (b) a development management policy pursuant to section 38ZA of the Planning and Compulsory Purchase Act 2004.
- (2) A relevant planning authority when making a planning decision must aim to ensure the decision is consistent with the mitigation of, and adaptation to, climate change.
- (3) For the purposes of subsection (2), a relevant planning authority is as set out in section 84.
- (4) For the purposes of subsection (2) a planning decision is a decision relating to –
 - (a) development arising from an application for planning permission;
 - (b) the making of a development order granting planning permission;

- (c) an approval pursuant to a development order granting planning permission.
- (5) For the purposes of this section –
 - (a) the mitigation of climate change must include the achievement of –
 - (i) the target for 2050 set out in section 1 of the Climate Change Act 2008, and
 - (ii) applicable carbon budgets made pursuant to section 4 of the Climate Change Act 2008;
 - (b) adaptation to climate change must include the achievement of long-term resilience to climate-related risks, including –
 - (i) the mitigation of the risks identified in the latest climate change risk assessment conducted under section 56 of the Climate Change Act 2008, and
 - (ii) the achievement of the objectives of the latest flood and coastal erosion risk management strategy made pursuant to section 7 of the Flood and Coastal Water Management Act 2010.
- (6) The meaning of the mitigation of, and adaptation to, climate change given by subsection (5) applies for the purposes of –
 - (a) Parts 2 and Part 3 of the Planning and Compulsory Purchase Act 2004,
 - (b) section 334 of the Greater London Authority Act 1999, and
 - (c) Part 10A of the Planning Act 2008.”

Member's explanatory statement

This new clause would require planning policy prepared by the Secretary of State to inform local plan-making and planning decisions, and planning decisions themselves (including those made by the Secretary of State) to be consistent with national targets and objectives for the mitigation of, and adaption to, climate change.

Clause 124

BARONESS HAYMAN OF ULLOCK

Clause 124, page 157, line 22, leave out “a” and insert “an optional”

Member's explanatory statement

This is to probe whether the infrastructure levy could be optional.

After Clause 124

BARONESS HAYMAN OF ULLOCK

After Clause 124, insert the following new Clause –

“Assessment of impact of infrastructure levy on public transport

Within 2 years of this Act receiving Royal Assent, a Minister of the Crown must publish an assessment of the impact of the infrastructure levy on public transport

levels in each travel to work area, which must consider whether the levy has reduced car dependency in each travel to work area.”

Member's explanatory statement

This means that a Minister must publish an assessment of the impact of the infrastructure levy on public transport and car dependency in each travel to work area.

After Clause 151

BARONESS HAYMAN OF ULLOCK

After Clause 151, insert the following new Clause –

“Super-affirmative procedure for EOR regulations made under Part 6

- (1) If the Secretary of State proposes to make EOR regulations which fall under section 219(5) (regulations subject to the affirmative procedure), the Secretary of State must lay before Parliament a document that –
 - (a) explains the proposal,
 - (b) summarises the consultation undertaken including with the devolved authorities as required by section 143 and how the Secretary of State has taken account of that consultation, and
 - (c) sets it out in the form of draft EOR regulations.
- (2) During the period of 60 days beginning with the day on which the document was laid under subsection (1) (“the 60-day period”), the Secretary of State may not lay before Parliament draft regulations to give effect to the proposal (with or without modifications).
- (3) In preparing draft regulations under this Part to give effect to the proposal, the Secretary of State must have regard to any of the following that are made with regard to the draft regulations during the 60-day period –
 - (a) any representations, and
 - (b) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulations.
- (4) When laying before Parliament draft regulations to give effect to the proposal (with or without modifications), the Secretary of State must also lay a document that explains any changes made to the proposal contained in the document laid before Parliament under subsection (1).
- (5) In calculating the 60-day period, no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than 4 days.”

Member's explanatory statement

This new clause would require EOR regulations made under Part 6 to be subject to the super-affirmative procedure.

BARONESS HAYMAN OF ULLOCK

After Clause 151, insert the following new Clause –

“Super-affirmative procedure for EOR regulations made under Part 6

- (1) If the Secretary of State proposes to make EOR regulations which fall under section 219(5) (regulations subject to the affirmative procedure), the Secretary of State must lay before Parliament a document that –
 - (a) explains the proposal, and
 - (b) sets it out in the form of draft EOR regulations.
- (2) During the period of 60 days beginning with the day on which the document was laid under subsection (1) (“the 60-day period”), the Secretary of State may not lay before Parliament draft regulations to give effect to the proposal (with or without modifications).
- (3) In preparing draft regulations under this Part to give effect to the proposal, the Secretary of State must have regard to any of the following that are made with regard to the draft regulations during the 60-day period –
 - (a) any representations, and
 - (b) any recommendations of a committee of either House of Parliament charged with reporting on the draft regulations.
- (4) When laying before Parliament draft regulations to give effect to the proposal (with or without modifications), the Secretary of State must also lay a document that explains any changes made to the proposal contained in the document laid before Parliament under subsection (1).
- (5) In calculating the 60-day period, no account is to be taken of any time during which Parliament is dissolved or prorogued or during which either House is adjourned for more than 4 days.”

Member's explanatory statement

This new clause would require EOR regulations made under Part 6 to be subject to the super-affirmative procedure.

After Clause 214

THE LORD BISHOP OF BRISTOL
LORD CORMACK
LORD BEST

After Clause 214, insert the following new Clause –

“Removal of prohibition on local authority from making grants to churches etc.

In section 8(1)(i) of the Local Government Act 1894 (works to church property), omit “, not being property relating to affairs of the church or held for an ecclesiastical charity”.”

Member's explanatory statement

This amendment would remove the prohibition concerning churches and ecclesiastical charities in section 8(1)(i) of the Local Government Act 1894 and would ensure that local authorities' spending power under section 8(1)(k) could be used to make grants to places of worship.

Clause 221

THE LORD BISHOP OF BRISTOL
LORD BEST

Clause 221, page 250, line 34, leave out “section 212” and insert “, sections 212 and (*Removal of prohibition on local authority from making grants to churches etc.*)”

Member's explanatory statement

This consequential amendment would provide for the new clause amendment after clause 214 in the name of the Lord Bishop of Bristol to extend only to England and Wales.

Clause 222

THE LORD BISHOP OF BRISTOL
LORD BEST

Clause 222, page 252, line 9, after “213” insert “and (*Removal of prohibition on local authority from making grants to churches etc.*)”

Member's explanatory statement

This consequential amendment would provide for the new clause amendment after clause 214 in the name of the Lord Bishop of Bristol to come into force two months after Royal Assent.

Title

THE LORD BISHOP OF BRISTOL
LORD BEST

In the Title, line 8, after “permanent;” insert “about the power of a local authority to make grants to churches;”

Member's explanatory statement

This consequential amendment would amend the long title to include express reference to the subject matter of the new clause amendment after clause 214 in the name of the Lord Bishop of Bristol.

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