

English Devolution and Community Empowerment Bill

COMMONS REASONS, DISAGREEMENT, AMENDMENT IN LIEU, AND AMENDMENTS TO THE WORDS SO RESTORED TO THE BILL

[The page and line references are to HL Bill 150, the Bill as first printed for the Lords]

Clause 2

LORDS AMENDMENT 2

2 Clause 2, page 2, line 24, at end insert –

“(h) rural affairs”

COMMONS REASON

The Commons disagree to Lords Amendment 2 for the following Reason –

2A *Because the matters that are within the scope of the other areas of competence already cover rural affairs.*

Clause 9

LORDS AMENDMENT 4

4 Clause 9, page 11, line 9, at end insert –

“(1A) Appointments under this section must be made following a fair and open selection process.

(1B) The mayor must publish the criteria and process for appointment.

(1C) The mayor must publish the agreed remuneration for the appointed commissioner.

(1D) The mayor must publish details of appointments made under this section.”

COMMONS REASON

The Commons disagree to Lords Amendment 4 for the following Reason –

- 4A** *Because it is not necessary to legislate for the process of appointing commissioners.*

After Clause 15

LORDS AMENDMENT 13

- 13** After Clause 15, insert the following new Clause –

“Greater London Authority Act 1999: amendment of Schedule 6

- (1) The Greater London Authority Act 1999 is amended as follows.
- (2) In Schedule 6 (procedure for determining the Authority’s consolidated council tax requirement), in paragraph 8(4), for “two-thirds of the Assembly members voting” substitute “a simple majority of the Assembly members voting”.

COMMONS REASON

The Commons disagree to Lords Amendment 13 for the following Reason –

- 13A** *Because it would be inappropriate for changes to a proposed GLA budget to be subject to a simple majority decision by the London Assembly.*

After Clause 37

LORDS AMENDMENT 26

- 26** After Clause 37, insert the following new Clause –

“Brownfield land priority

- (1) A mayor, combined authority, or combined county authority may not designate greenfield land for development unless it is satisfied that no suitable brownfield land is available within the relevant area.
- (2) In determining suitability under subsection (1), regard must be had to –
 - (a) the availability of land, and
 - (b) the viability and environmental impact of development.”

COMMONS REASON

The Commons disagree to Lords Amendment 26 for the following Reason –

- 26A** *Because national planning policy already ensures that brownfield land is prioritised for development.*

Clause 59

LORDS AMENDMENT 36

- 36** Leave out Clause 59

COMMONS REASON

The Commons disagree to Lords Amendment 36 for the following Reason –

- 36A** *Because it is appropriate for the Leader and Cabinet Executive to be the principal type of executive arrangements for local authorities.*

After Clause 60

LORDS AMENDMENT 37

- 37** After Clause 60, insert the following new Clause –

“Promotion of parish governance

- (1) The Secretary of State must develop and implement a strategy for parish governance in England, particularly for areas that are currently unparished.
- (2) In carrying out this duty, the Secretary of State must –
 - (a) issue guidance to principal authorities on identifying areas where a community governance review may be appropriate,
 - (b) encourage principal authorities to consider establishing parish or town councils where doing so would strengthen neighbourhood representation and community engagement, and
 - (c) publish information and examples of best practice on the establishment and operation of parish and town councils.
- (3) Principal authorities must act in accordance with guidance issued under subsection (2) when exercising their functions under Part 4 of the Local Government and Public Involvement in Health Act 2007.
- (4) In preparing guidance under this section, the Secretary of State must consult such persons as the Secretary of State considers appropriate, including representatives of parish and town councils.”

COMMONS DISAGREEMENT AND AMENDMENT IN LIEU

The Commons disagree to Lords Amendment 37 but propose amendment 37A to the Bill as an amendment in lieu –

- 37A** Clause 60, page 61, line 39, at end insert –

- “(3A) Regulations under this section about the membership of specified organisational structures may, in particular, provide for the membership to include one or more members representing any parish council or councils within the neighbourhood area.”

After Clause 63

LORDS AMENDMENT 41

41 After Clause 63, insert the following new Clause –

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

(1) In this section –

“agent of change principle” means the principle requiring planning policies and decisions to ensure that new development can be integrated effectively with existing businesses and community facilities so that those businesses and facilities do not have unreasonable restrictions placed on them as a result of developments permitted after they were established;

“development” has the same meaning as in section 55 of the Town and Country Planning Act 1990 (meaning of “development” and “new development”);

“licensing functions” has the same meaning as in section 4(1) of the Licensing Act 2003 (general duties of licensing authorities);

“provision of regulated entertainment” has the same meaning as in Schedule 1 to the Licensing Act 2003 (provision of regulated entertainment);

“relevant authority” means a local planning authority construed in accordance with Part I of the Town and Country Planning Act 1990, or a licensing authority within the meaning of section 3 of the Licensing Act 2003 (licensing authorities)

(2) In exercising any functions under the Town and Country Planning Act 1990 or any licensing functions concerning development which is or is likely to be affected by an existing business or facility, a relevant authority shall have special regard to the agent of change principle.

(3) An application for development within the vicinity of any premises licensed for the provision of regulated entertainment shall contain a noise impact assessment.

(4) In determining whether noise emitted by or from an existing business or community facility constitutes a nuisance to a residential development, the decision-maker shall have regard to –

(a) the chronology of the introduction of the relevant noise source and the residential development, and

(b) what steps have been taken by the developer to mitigate the entry of noise from the existing business or facility to the residential development.”

COMMONS REASON

The Commons disagree to Lords Amendment 41 for the following Reason –

41A *Because it is not necessary to make provision in primary legislation about the agent of change principle.*

Clause 92

LORDS AMENDMENT 85

85 Clause 92, page 86, line 24, leave out “16”

COMMONS REASON

The Commons disagree to Lords Amendment 85 for the following Reason –

85A *Because it is consequential on Lords Amendment 103 to which the Commons disagree.*

LORDS AMENDMENT 86

86 Clause 92, page 86, line 25, leave out “38”

COMMONS REASON

The Commons disagree to Lords Amendment 86 for the following Reason –

86A *Because it is consequential on Lords Amendment 120 to which the Commons disagree.*

LORDS AMENDMENT 87

87 Clause 92, page 86, line 34, at end insert –

“(ia) section (*Greater London Authority Act 1999: amendment of Schedule 6*) (*Greater London Authority Act 1999: amendment of Schedule 6*);”

COMMONS REASON

The Commons disagree to Lords Amendment 87 for the following Reason –

87A *Because it is consequential on Lords Amendment 13 to which the Commons disagree.*

LORDS AMENDMENT 89

89 Clause 92, page 88, line 1, at end insert –

“(ka) section (*Brownfield land priority*) (*brownfield land priority*);”

COMMONS REASON

The Commons disagree to Lords Amendment 89 for the following Reason –

89A *Because it is consequential on Lords Amendment 26 to which the Commons disagree.*

LORDS AMENDMENT 90

90 Clause 92, page 88, line 20, leave out paragraph (z)

COMMONS REASON

The Commons disagree to Lords Amendment 90 for the following Reason –

- 90A** *Because it is consequential on Lords Amendments 36 and 155 to which the Commons disagree.*

LORDS AMENDMENT 91

- 91** Clause 92, page 88, line 21, at end insert –

“(z1) section (*Promotion of parish governance*) (promotion of parish governance);”

COMMONS REASON

The Commons disagree to Lords Amendment 91 for the following Reason –

- 91A** *Because it is consequential on Lords Amendment 37 to which the Commons disagree.*

LORDS AMENDMENT 94

- 94** Clause 92, page 88, line 21, at end insert –

“(z1) section (*Agent of change: integration of new development with existing businesses and facilities*) (agent of change: integration of new development with existing businesses and facilities);”

COMMONS REASON

The Commons disagree to Lords Amendment 94 for the following Reason –

- 94A** *Because it is consequential on Lords Amendment 41 to which the Commons disagree.*

Schedule 1

LORDS AMENDMENT 97

- 97** Schedule 1, page 89, line 10, leave out “(10A),”

COMMONS REASON

The Commons disagree to Lords Amendment 97 for the following Reason –

- 97A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 98

- 98** Schedule 1, page 89, line 15, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 98 for the following Reason –

- 98A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 99

- 99** Schedule 1, page 89, line 33, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 99 for the following Reason –

- 99A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 100

- 100** Schedule 1, page 91, line 6, leave out paragraph 8

COMMONS REASON

The Commons disagree to Lords Amendment 100 for the following Reason –

- 100A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 101

- 101** Schedule 1, page 91, line 8, leave out paragraph 9

COMMONS REASON

The Commons disagree to Lords Amendment 101 for the following Reason –

- 101A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 102

- 102** Schedule 1, page 91, line 14, leave out paragraph 11

COMMONS REASON

The Commons disagree to Lords Amendment 102 for the following Reason –

- 102A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 103

- 103** Schedule 1, page 92, line 36, leave out paragraph 16

COMMONS REASON

The Commons disagree to Lords Amendment 103 for the following Reason –

- 103A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 104

- 104** Schedule 1, page 93, line 34, leave out paragraph 17

COMMONS REASON

The Commons disagree to Lords Amendment 104 for the following Reason –

- 104A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 105

- 105** Schedule 1, page 96, line 10, leave out paragraph (j)

COMMONS REASON

The Commons disagree to Lords Amendment 105 for the following Reason –

- 105A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 106

- 106** Schedule 1, page 97, leave out line 24

COMMONS REASON

The Commons disagree to Lords Amendment 106 for the following Reason –

- 106A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 107

- 107** Schedule 1, page 98, leave out line 12

COMMONS REASON

The Commons disagree to Lords Amendment 107 for the following Reason –

- 107A** *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 108

108 Schedule 1, page 98, line 13, leave out paragraph 20

COMMONS REASON

The Commons disagree to Lords Amendment 108 for the following Reason –

108A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 109

109 Schedule 1, page 99, line 10, leave out paragraph 21

COMMONS REASON

The Commons disagree to Lords Amendment 109 for the following Reason –

109A *Because streamlining the processes relating to the establishment, expansion and functions of combined authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 110

110 Schedule 1, page 102, line 36, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 110 for the following Reason –

110A *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 111

111 Schedule 1, page 103, line 10, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 111 for the following Reason –

111A *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 112

112 Schedule 1, page 104, line 5, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 112 for the following Reason –

- 112A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 113

- 113** Schedule 1, page 104, line 17, leave out paragraph (b)

COMMONS REASON

The Commons disagree to Lords Amendment 113 for the following Reason –

- 113A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 114

- 114** Schedule 1, page 105, line 10, leave out paragraph 33

COMMONS REASON

The Commons disagree to Lords Amendment 114 for the following Reason –

- 114A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 115

- 115** Schedule 1, page 105, line 12, leave out paragraph 34

COMMONS REASON

The Commons disagree to Lords Amendment 115 for the following Reason –

- 115A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 116

- 116** Schedule 1, page 105, line 13, leave out paragraph 35

COMMONS REASON

The Commons disagree to Lords Amendment 116 for the following Reason –

- 116A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 120

- 120** Schedule 1, page 106, line 34, leave out paragraph 38

COMMONS REASON

The Commons disagree to Lords Amendment 120 for the following Reason –

- 120A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 121

- 121** Schedule 1, page 107, line 34, leave out paragraph 39

COMMONS REASON

The Commons disagree to Lords Amendment 121 for the following Reason –

- 121A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*

LORDS AMENDMENT 123

- 123** Schedule 1, page 112, line 13, leave out paragraph 42

COMMONS REASON

The Commons disagree to Lords Amendment 123 for the following Reason –

- 123A** *Because streamlining the processes relating to the establishment, expansion and functions of combined county authorities is necessary to ensure that Strategic Authorities are in place across England.*

Schedule 27

- 155** Leave out Schedule 27

COMMONS DISAGREEMENT AND AMENDMENTS TO THE WORDS SO RESTORED TO THE BILL

The Commons disagree to Lords Amendment 155 and propose the following amendments to the words so restored to the Bill –

- 155A** Schedule 27, page 283, line 10, leave out “or remained”

- 155B** Schedule 27, page 283, line 11, after “resolution” insert “under this Part”
- 155C** Schedule 27, page 283, line 36, after “resolution” insert “under this Part”
- 155D** Schedule 27, page 283, line 37, leave out “or remained”
- 155E** Schedule 27, page 286, line 18, leave out paragraph (a),
- 155F** Schedule 27, page 286, line 23, leave out sub-paragraph (3)

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