

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

LEVELLING-UP AND REGENERATION BILL

Ninth Sitting

Tuesday 5 July 2022

(Morning)

CONTENTS

CLAUSES 22 TO 24 agreed to.

SCHEDULE 2 agreed to.

CLAUSES 25 TO 30 agreed to.

SCHEDULE 3 under consideration when the Committee adjourned till this day at Two o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

not later than

Saturday 9 July 2022

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The Committee consisted of the following Members:

Chairs: MR PETER BONE, SIR MARK HENDRICK, MRS SHERYLL MURRAY, † IAN PAISLEY

- | | |
|--|---|
| † Andrew, Stuart (<i>Minister for Housing</i>) | † Norris, Alex (<i>Nottingham North</i>) (Lab/Co-op) |
| † Atherton, Sarah (<i>Wrexham</i>) (Con) | † O'Brien, Neil (<i>Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities</i>) |
| † Dines, Miss Sarah (<i>Derbyshire Dales</i>) (Con) | † Pennycook, Matthew (<i>Greenwich and Woolwich</i>) (Lab) |
| † Farron, Tim (<i>Westmorland and Lonsdale</i>) (LD) | Smith, Greg (<i>Buckingham</i>) (Con) |
| Fletcher, Colleen (<i>Coventry North East</i>) (Lab) | † Vickers, Matt (<i>Stockton South</i>) (Con) |
| Gibson, Patricia (<i>North Ayrshire and Arran</i>) (SNP) | Bethan Harding, Adam Mellows-Facer,
<i>Committee Clerks</i> |
| † Henry, Darren (<i>Broxtowe</i>) (Con) | |
| † Kruger, Danny (<i>Devizes</i>) (Con) | |
| † Lewell-Buck, Mrs Emma (<i>South Shields</i>) (Lab) | |
| † Maskell, Rachael (<i>York Central</i>) (Lab/Co-op) | |
| † Moore, Robbie (<i>Keighley</i>) (Con) | |
| † Mortimer, Jill (<i>Hartlepool</i>) (Con) | † attended the Committee |

Public Bill Committee

Tuesday 5 July 2022

(Morning)

[IAN PAISLEY *in the Chair*]

Levelling-up and Regeneration Bill

9.25 am

The Chair: Before we begin, I have some preliminary announcements. Please keep mobile devices on silent mode. No food or drink, except for water, is permitted during Committee sittings. *Hansard* colleagues would be grateful if hon. Members emailed their speaking notes to hansardnotes@parliament.uk. It is hot in here today, so hon. Members are welcome to remove their jackets, if they so wish.

Clauses 22 and 23 ordered to stand part of the Bill.

Clause 24

POWER TO PROVIDE FOR ELECTION OF MAYOR

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to consider that schedule 2 be the Second schedule to the Bill.

Alex Norris (Nottingham North) (Lab/Co-op): We are moving to the business end of part 2. There are eerie echoes of the business end of the test match not so far over the road; we have two Yorkshiremen at the crease. I implore them to be perhaps less Illingworth and Boycott, as we have seen so far—immovable objects—and perhaps more Bairstow and Root, with a bit more action and flexibility. I will offer them a few reverse sweeps, if they would not mind accepting one or two of them—although I think in this metaphor that makes me Virat Kohli, and I would not wish to wear that mantle.

This clause is important: it lays the basis for introducing an entire new tier of politicians in this country, in significant numbers, so it cannot pass without comment. I want to make a couple of points about clause 24 and schedule 2, and I hope that the Minister can address them when he responds to the debate. As discussed on Thursday, these provisions introduce combined county authorities on a mirrored basis with combined authorities. For many people in this country, the visible manifestation of combined authorities is the directly elected Mayors who lead some of them. On a mirroring basis, the clause provides the opportunity for a combined county authority to be led by a directly elected Mayor. In the months to come, I think there will be a great deal of interest in the individuals who stand for these offices and are elected, and in what they do.

There is much to be proud of in the record of those directly elected combined authority Mayors. In Greater Manchester, Andy Burnham has taken unprecedented action to end homelessness. Tracy Brabin is authoring a creative new deal to harness the power of creative industries in driving growth across West Yorkshire. Her evidence was important in informing our proceedings. Similarly, in our proceedings last week, we spoke in

great detail about how essential transport is to levelling up. Perhaps that is why Steve Rotherham is leading efforts for bus franchising and leadership of essential local transport across the Liverpool city region. Dan Norris is leading admirable efforts in house retrofitting as part of the £50 million green recovery plan in the west of England. That is just the tip of the iceberg of exciting efforts that Mayors leading combined authorities are making in their communities.

Clearly, there are benefits that have been identified by those communities in selecting their model of leadership: direct accountability, ease of engagement with the private sector, and ease of engagement with central Government. Our position is that where it is what communities want, it can be an effective model. Where it is what local leaders and their communities have chosen, it can work very well for them. We support communities that want to have Mayors to be able to get them. We will discuss shortly how the reverse of that is true; where communities do not want them, we think they should have that option. We will discuss that when debating the following clause.

I want to press the Minister for clarity on schedule 2. It may well be my misunderstanding—I will be glad if it is—but I would like clarity particularly on paragraph 2(2) of schedule 2. Schedule 2 is inserted by clause 24(4), and sets the rules for the election of a Mayor. Paragraph 2(2) of schedule 2 governs the timings of elections. At the moment, it says:

“The first election for the return of a mayor is to take place on the first day of ordinary elections of councillors of a constituent council to take place after the end of the period of 6 months beginning with the day on which the regulations under section 24(1) come into force.”

As the process has been explained so far, the Bill will complete Committee stage at some point in the autumn. The remaining stages will be dealt with; it will then go to the Lords. There will then be a period of negotiation, as we understood from the Minister last week, between the Department and the 10 areas that have been called forward to pursue deals with the possibility of having a directly elected Mayor. We know that at least half of those areas have indicated an interest in that. There was a sense from the Minister that that would take a little bit of time. After that, regulations would be laid and debated in this place in the usual fashion, and then, according to paragraph 2(2) of schedule 2, six months after that there will be the next set of local elections. I am not sure if that is right; I wanted to probe that.

There are two reasons I am not sure about that. First, for some of the areas specified in the White Paper, at least one of the constituent councils—setting the districts aside—that signed up to the combined county authority will elect by thirds, whereas some, such as Nottingham and Nottinghamshire, will not because both local authorities only do all-outs. That would be distinct from, for example, Derby and Derbyshire, where Derbyshire does all-outs and Derby elects by thirds. There might be some eagerness, as we have seen, for that deal to be a collective one, but that is not necessarily the case. If there were two distinct and different deals between Derby and Derbyshire, and Nottingham and Nottinghamshire, that would currently mean different election dates. The first date for the election of constituent councillors in Derby would fall a year before, in 2024, than it would in Nottinghamshire, which would be in 2025. That does not seem right to me.

Secondly, perhaps peeling back the curtain on local negotiations in my community, I understood that 2024 was the target date for the first mayoral elections. The Minister said last week that 2023 would be too soon. That would mean that areas that were not electing by thirds would be waiting until 2025. I cannot believe that is the desire of the Government. That would be a longer wait than they would wish. I am sorry to put some politics into that, but that also would create a skewing effect in turnout. If combined authority elections were held on a county council day, where the implication is that they are some sort of combination of a country area and a more urban area, we know it will have a skewing effect in those elections if one set of electors have multiple elections and the other does not.

I think that that is likely to prove problematic in negotiations for the Minister. If the constituent authorities signing up think that it is the case that they will be at an unnatural disadvantage, I do not think that is very desirable. In general, that might not be very desirable. One of two things is true in this case: either I have misunderstood this, which is definitely possible; or the Minister intends to alter it in regulations later so that, notwithstanding paragraph 2(2) of schedule 2, we could still set the date at 2024. I hope that the Minister will either correct me, or at least assure me that the intention is as communicated to those whom he is negotiating with, otherwise we will have to divide on the schedule.

Tim Farron (Westmorland and Lonsdale) (LD): In the spirit of unity and collegiality, which has marked the tone of the debate in Committee over the past few weeks, as a Lancastrian I wish the Yorkshiremen at the crease in Edgbaston all the very best. I still dare to believe, although there are two wickets and it could all go horribly wrong, could it not? However, let us focus on the matter at hand.

This is an important area for all of us. The Government have clearly set their heart on having a Mayor at the head of CCAs around the country and that being their chosen model for delivering devolution. I want to press the Minister to understand that that must not be something that is forced on communities. We must not be in a situation in which elected Mayors are deemed to be an essential, otherwise devolution deals would not be permitted.

I worry for lots of reasons, some of which have been mentioned by the hon. Member for Nottingham North. Many Mayors of all political colours do a great job around the country, and it is a mode of local government leadership that can work—it sometimes does and sometimes does not. The people of Bristol have demonstrated to us that it might not work for everybody. There is still time to reflect and think, “That’s not the way we wish to go as a community.”

The fundamental thing that I would like the Minister to state, in response to the debate on this particular aspect of the Bill, is that the Government will not make an elected Mayor a mandatory, compulsory element of any kind of devolution deal in any part of the country. There are reasons why communities might reject or not wish to have—or not benefit specifically from having—a directly elected Mayor as their mode of local government leadership.

For example, many people feel, as I do, that the election of a single Mayor to lead a local government area can personalise and trivialise politics. It can undermine

collegiality, in which people from different parties and communities reach common decisions. It makes consensual outcomes with all political and geographical views properly represented much less likely. It can also distance local government from the people it is meant to serve. It feels to me to be part of a movement that is making local government less local.

If a councillor representing 2,000 or 3,000 people has direct access to the cabinet or executive of a local authority, a local person is much more likely to see that councillor, who is more likely to be someone they bump into at a supermarket, in the pub, at church, in the street or what have you, and to be able to hold them to account. Such a councillor is much more likely to absorb that person’s views and perspectives than a Mayor who represents hundreds of thousands of people. A Mayor makes local government less local, and what is the point of local government if it is not local?

One of the problems with communities such as mine—we have just gone through unitary reorganisation in Cumbria, with the two new authorities of Cumberland and of Westmorland and Furness—is that, in both authorities, parties were elected to run them that were clearly opposed to the mayoral model. To use us as an example, it would be very peculiar and anti-democratic if the Government were to make any kind of devolution deal contingent on the people of those communities having to accept something that they had just rejected only a few weeks ago.

That is the fundamental thing. It is not that there should never be Mayors. As the Committee can tell, I have my views—on whether I think that on the whole directly elected Mayors are a good form of local government—but I can absolutely see the case for them in some communities, if those communities choose them. The fundamental point to make about the clause is that the Government must not seek to enforce something on—or, in effect, to bribe—a community, by saying, “Yes, you can have your devolution deal, but only if you accept this model of local government.” That is not devolution, and it would be unacceptable. I hope that the Minister will reflect on that in his response.

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Neil O’Brien): I concur with the hon. Member for Nottingham North that it is a pleasure to have an all-Yorkshire Front Bench on this third day of the test—sorry, I mean on line-by-line scrutiny. He will recall that some years ago, Yorkshire allowed people who were not born in Yorkshire to play for the team, and I should break to him the news that my colleague the Housing Minister was born in Wales—“Greater Yorkshire” would be the definition here. However, I agree with him on the pleasures of this wicket-by-wicket, single-by-single approach to going through the legislation. I have never been accused of being a flair player, but I hope I can answer his questions.

The hon. Member for Westmorland and Lonsdale made a typically sensible set of observations. I will answer a number of them. For the first time, through the framework in the White Paper, there is an option to have a devolution deal without a Mayor, so that option clearly is there; it is possible. We are clear about that, and that may well be the right thing, as either a transitional or permanent step, for a number of different places. However, the Government have made it clear that they will go further for places that do have a Mayor because then there is that accountable leadership.

[Neil O'Brien]

The hon. Gentleman made some important points about the importance of collegiality. In the best functioning mayoral combined authorities, that still very much does happen. We have a clearly accountable front person in the form of the directly elected Mayor, who is a wonderful face for the area on the world and national stage and someone who can be held to account by voters. Where these things work well, there is still a great deal of cross-party collegiality going on below the surface, as it were.

The hon. Gentleman argued that the decision making was a less local model. I would challenge that a little, in so far as decision making for many of the existing combined authorities was already happening at that city-regional basis. Most of these places, after the abolition of the previous elected governments in 1986, had quangos running transport, for example, across the city region. It is just that nobody was directly elected and accountable for the decisions of those quangos.

To take a controversial example, in West Yorkshire there were two failed attempts, led by Metro, to create a tram for Leeds. However, it was not obvious to any normal voter who they should hold to account for those two previous attempts, because no one was elected. It was a quango—the kind that the hon. Member quite rightly complained about in previous sittings.

On the Opposition Front Bench, I agree with much of what the hon. Member for Nottingham North said on the important role that Mayors are playing around the country. On the specific point that he raised about election days, the first election of the Mayor will take place

“on the first day of ordinary elections”

for the constituent councils, which is the first Thursday in May. That is how it is written in schedule 2. Areas do not have to wait until the next scheduled election. It is that date—the first Thursday in May is the day of ordinary election. I hope that that answers the hon. Member's question on the meaning. I do not blame him at all for asking the question; there is a particular meaning in law for that day.

Alex Norris: I am grateful for that clarity. That will be enough for me not to labour the point. However, I hope the Minister might take that away and think about it, because the Bill refers to

“ordinary elections of councillors of a constituent council”.

I might have misunderstood, but that implies that it is not just ordinary elections, as in just “the first Thursday of May”, which might have been a better way to put it.

Neil O'Brien: I am very happy to look at that. I think it is to do with the language of the legislation sounding a particular way, but I am very happy to take that point on board and think further about it.

Question put and agreed to.

Clause 24 accordingly ordered to stand part of the Bill. Schedule 2 agreed to.

Clause 25

REQUIREMENTS IN CONNECTION WITH REGULATIONS UNDER SECTION 24

Alex Norris: I beg to move amendment 60, in clause 25, page 20, line 32, at end insert—

“(2A) But the Secretary of State must not make regulations under section 24(1) in relation to a CCA's area if the constituent authorities of that area have requested that powers be conferred by the Secretary of State without the establishment of a mayor.”

This amendment would prevent the Secretary of State providing for a CCA mayor without the consent of the constituent authorities of that CCA.

If the previous clause stand part debate was my love letter to Mayors, this is slightly the opposite. As I said, it is right that communities that wish to harness the value of an elected Mayor are able to do so. I have no doubt that many will choose that, and it is right that they are able to. However, it is not right that those that would choose not to do so are forced, compelled or coerced to have one when that is not their real wish. I fear that that is the effect of the White Paper.

9.45 am

The table on page 140 offers three tiers of powers to local leaders. I will reiterate what I said last week: the greater coherence that that table provides is welcome. What we have at the moment is a very messy, unclear set of devolution deals for which there is no real sense of commonality or of direction. At least here there is a greater sense of structure. It will be much easier for people to understand our devolved settlement following the use of those three tiers of powers and their deals.

As per the Local Government Association's briefing,

“Level 1 areas will have access to three core powers: the ability to host Government functions best delivered at a strategic level including more than one authority, the opportunity to pool services at a strategic level, and the opportunity to adopt innovative local proposals to deliver action on climate change.”

That is a modest set of powers, and it is unlikely that communities will wish to stop there.

Level 2 areas get a little more, including

“control of appropriate local transport functions, ability to introduce bus franchising”,

which is, no doubt, one of the major prizes of devolution, and

“the ability to provide input into Local Skills Improvement Plans”,

which is also a major prize,

“and Homes England compulsory purchase powers.”

They therefore get more, and I think there is a lot in there that will attract local communities to request it from central Government.

It is in the level 3 areas that the real opportunities lie, because they

“will have access to the largest set of powers”—

the same as the level 1 and 2 deals, but also a significant range beyond that—

“including the ability to consolidate existing core local transport funding into a multi-year integrated settlement, devolution of locally-led brownfield funding, mayoral control of Police and Crime Commissioner...functions where boundaries align and the ability to introduce a mayoral precept”,

and possibly a supplement on business rates if there is local interest. For communities that are interested in devolution and greater local powers—which I think is the vast majority, if not all of them—level 3 is likely to be the most attractive.

The Minister said in his summing up of the previous stand part debate that the fact that an area could have levels 1 and 2 without a Mayor showed that it is possible to have devolution and a devolution deal without having

to accept a Mayor. That is true, but the reality is that in order for communities to get the full powers—which will be assigned to many but not all—they have to accept a directly elected Mayor, and there is no good functional reason for that. It is important to recognise that that is a point not of functionality but of taste and choice by the Government.

Rachael Maskell (York Central) (Lab/Co-op): My hon. Friend gets to the nub of the challenge. Although we as politicians can understand all this while sitting in this room, we need to construct a massive communication piece for our constituents across the country, so that they can understand the difference between the tiers of government and the powers that they can access. We are getting such a patchwork—I call it patchwork Britain—and our constituents are not able to grasp what is in, what is out, and where those powers and accountability lie. That could place us in a difficult situation, with a lot of work being duplicated as well. Does my hon. Friend agree that we need clarity not only on how this translates to people, but on the lines of accountability? I am thinking in particular of how people can give voice to what they want, because the proposals are even more confusing in that regard.

Alex Norris: I completely agree with my hon. Friend. There is an inevitability about this ending up as a patchwork, not least because we have inherited a patchwork today. But there is strength in that, too. If local communities want to access the fullest powers, they should have that chance to do so, but if they do not, they should be able to make that choice as well. We will not always be able to move at the pace of the slowest, as the Minister mentioned frequently on Thursday. One of the best ways to work around that and to avoid the local confusions about accountability that my hon. Friend talks about is for it to be something that the local community really wants. There will be greater understanding if it is something it has asked for. There will be much less understanding when it is a process that has happened to them—police and crime commissioners are a good example of that—rather than with them. As a result, the thing exists in splendid isolation and engagement falls, which is not good.

The Minister made a really good point about the desire, which I think is universally shared, for local decision making. He used really good examples of things that would have previously been operated by quangos and unelected bodies, and said that they should be operated locally by people with a local connection, a local mandate and local accountability. I completely share his view. I do not understand, however, why that has to be part of a new tier. Why cannot it be part of the tier used to create a combined authority? That, by definition, is closer to people because it serves more localised electoral wards? Again, I would be interested to hear about that in the Minister's summing up.

Rachael Maskell: This is not necessarily for legislation, but it will aid us in our formulation. We need clarity on the end point. We are talking about tiers 1, 2 and 3, but is it envisaged that everyone will eventually have fully devolved powers regardless of whether they have a Mayor or not? How long would that journey take? It could be five or 10 years. Alternatively, if tiers 1, 2 and 3 were to apply to separate authorities, what would that

mean for this place, because we would be legislating on behalf of just a few authorities, which does not seem right either? Understanding the end point will be absolutely crucial for how we progress the legislation.

Alex Norris: I hope that the Minister will explain what the end point is, because it is an interesting question.

In Thursday's debates, I got a sense that my affinity with the White Paper, certainly in relation to this issue, is closer than that of the Government, and that is because I want everybody to be able to access the fullest range of powers, but to also have the choice of stopping short of them if they wish. That will be a matter for local conversation, but I do not think that we heard during Thursday's debates that that is quite what the Government want, because they still want to reserve for themselves the provision of negotiating directly and separately. That does not enhance the approach; it only creates greater confusion.

I want to probe the functional reason why a county combined authority has to stop at level 2, while the distinct and different level 3 powers mean that an area has to be led—it is unavoidable and axiomatic—by a directly elected Mayor. I do not understand that. The one explanation of substance, as the Minister mentioned last week, is that police and crime commissioners must be directly elected. I am willing to concede that and will address it shortly, but I am unsure about everything else that is in column 3, as distinct from columns 2 and 1. They include defining the key travel route network; prioritising rail relationships; multi-year transport settlements; the long-term investment fund, which is the real prize in all of this, and I will cover it shortly; designing employment programmes; establishing development corporations; devolution of brownfield funding; partnership with Homes England; public health responsibility where there is interest in it; a precept in council tax; and the supplementing of business rates.

I put it to the Minister and the Committee that those could all be delivered by a combined authority. There is nothing so specialised or individualised that the powers should be exercised by an individual rather than by geographical partners who have chosen to collaborate in the collective interest, with each having derived a mandate from the local ballot box. I will reflect shortly on the important points about acting in consensus and being collegial, as we heard in our evidence from Mayor Andy Street. The way in which he talked about that was admirable. Why does that require a super-person at the head of it to make it go, if it is not what communities want? My contention is that there is no functional reason for that; it is a matter of choice and taste for the Government. And I think that the matter of choice and taste for local communities is as important—frankly, more important—than central Government's choice and taste.

We should not lose sight of the fact that local councils deliver, too. I was looking at the latest set of *The Municipal Journal* awards, because it is nomination season for this year. And there is Plymouth and its culture-led recovery; Lancashire delivering during the pandemic; Swansea delivering through its social housing programmes; and Bromley driving health and care integration. All around the country we see local authorities of all tiers delivering for their communities every day. We fail the public conversation and we certainly fail the political conversation if we laser in on individuals who are Mayors, who are

[Alex Norris]

doing brilliant work, as I have said, and create that as distinct from councils, because councils themselves are doing great work. It would be better to see council leaders more visibly represented, whether in the media or in the public debate more generally, because up and down the country those local authorities are delivering for communities every day. And they have done that in incredible circumstances. They have been starved of money for 12 years; the context is significant cuts set against increasing costs. But they have adapted and come through for their communities, and their reward seems to be a new tier of local government whether or not they really want it.

I also put this to the Minister. The major, compelling case in relation to tier 3 is the police and crime functions, because, for reasons of statute, that necessitates a Mayor—although there is something undesirable in bad legislation from previous years tying our hands in the future. But that should be a point of choice for communities. If the final tipping point between having only a combined county authority, with basically all the tier 3 powers, and having a mayoral combined county authority is whether or not to take on police and crime functions, I put it to the Minister that the majority, if not all, would stop short and would choose the combined county authority without a Mayor taking on police and crime functions.

Let us be frank about what is happening here: this is about finance. It is always about finance, but this is especially so. This is about line 11 of table 2.3 on page 140 of the White Paper. This is about a long-term investment fund with an agreed annual allocation. All our communities desperately need and deserve this. They have seen it taken away, year on year, for 12 years, and now they want it back. At the moment, they are having to dance for it, through this ridiculous stream of beauty parades to try to get just a little bit of it back. And as we have said in relation to previous clauses, even the winners in those contests are losers, really.

However, this is a chance for communities to try to get some of the money back, and get it on an agreed footing, over a number of years. For those who are making decisions locally, that is really the No. 1 thing—the ability to have a sense of what is coming, so that they can plan and use it most effectively. But there is an asterisk at the end: rather than it being given to them by right, even though clearly the money is there and the Government wish to give it, it is given only if they choose a model of leadership that suits central Government rather than necessarily local communities. That is apparently a negotiation, but it does not look like one to me.

Rachael Maskell: My hon. Friend is coming to the nub of the matter. If we look at the issue of the police and crime commissioner or, as in the case of North Yorkshire, the police, fire and crime commissioner, we know that the funding of that post is separate in the way in which that works out in the funding formula, so there is no need to aggregate those particular issues if finance is the driving force behind it. I appreciate my hon. Friend's point about the piece of accountability, but Tracy Brabin told us in her evidence that taking a public health approach to policing is not necessarily a PCC function per se, but a wider function of local governance in all its tiers and variations.

Alex Norris: I am grateful for that intervention. I thought that Mayor Tracy Brabin made a very compelling case. On the reverse of that, in the north-east, police and crime commissioner Kim McGuinness makes a very compelling case as to why it is important to her that PCCs are involved in both health and education as a way of prevention. My only interest in this is in local communities being able to make that choice. If they decide that it is best assembled in one place, that is fine by me; that is no problem whatever. But I do not think that it should be, essentially, foisted on them as part of a negotiation that I think is anything but that.

10 am

I fear that the Government are stuck on two things. First, they wish to make engagement as simple as possible—for themselves, frankly. I know it must be incredibly hard to negotiate a deal for county combined authorities with multiple local authorities, different interests and all the history that comes with these things—goodness knows, in Nottinghamshire we have a lot of history—but these things are supposed to be hard sometimes. They are significant and they change communities, so sometimes they ought to be done the hard way and agreed by multiple parties representing all those different parts of the community and all that history. That is actually a good thing.

That leads me to what the hon. Member for Westmorland and Lonsdale said. I much prefer the idea of collegiate working and coming together for a shared interest. Where that cannot be the case, it cannot be the case, but those leaders of all political persuasions and of none will want to do the best for their communities. If we give them the powers to do so, they will do their best for their communities.

I also fear—we have probed this in previous amendments on equalities, and there are a couple of similar amendments to come—that the great man of history theory is being pushed forward again. The idea that the individual actions of individual men compel the collective forward is out-of-date bunkum. It is rarely individual genius that changes the world. It is the ordinary actions of ordinary people coming together that creates the extraordinary, and multiple leaders acting together can also deliver just as well. It comes back to the central point that it is not for us to say, because those local communities can make the decisions. If this really is about devolution, we should let those communities decide.

The amendment would correct this overreach. The point is simple: if these powers are important enough to help shape places and improve communities, and local areas can organise themselves to form a combined county authority, they should have access to those powers and the resources to exercise them, whether or not they take the structure the Government wants. That would be the effect of the amendment, which would alter clause 25.

Tim Farron: This important subject gets to the heart of the motivation behind the Bill. What is it all for? Are we trying to level up different parts of the United Kingdom so that we can make best use of the opportunities available, fulfil the talents of every person and community within the United Kingdom and not waste that talent? Or are we trying to make things neat and tidy for the

Government so that they can control things centrally? If it were the former, we would not be having this conversation, which makes me suspect it is the latter.

I was pleased for a few moments when the Minister said it is possible to have a devolution deal without a Mayor, but then that was followed by a whole bunch of “buts”. If a community wants a little devolution deal, it can have it without a Mayor, but if it wants a full-fat deal, it has to have a Mayor. Surely local communities should be presented with two choices, rather than just “Like it or lump it”. They should be asked, “Do you want devolution and do you want a Mayor?” They should not be told, “If you want devolution at level 3 and to have those kinds of powers, you must have a Mayor.”

I concur with the hon. Member for Nottingham North that there is no obvious functional reason—it seems totally arbitrary—to say that that must be the case. The Government say, “Well, that way we can hold people to account better”. Local democracy, local elections and the electorate hold people to account. Mayors and councils are not and should not be accountable to the Government. They are accountable to the people who did, or did not, elect them within their electorate. If we cherish local democracy, that is where the power will lie.

It feels like this issue is not about accountability at all, but about control. If a community decides that the model of local government it wishes to have does not include a Mayor, but it has the appetite, resources and infrastructure to handle and deliver the highest level of a devolution deal, what right has Whitehall to tell it that it cannot? That is not levelling-up; that is condescending to every single community in the United Kingdom. We are talking not about accountability, but control. We asked last week: who is this Bill for? Is it for the people or is it for the convenience of Whitehall? Given the Government’s insistence that devolution deals will not be extended in their fullest form to places that will not have a Mayor, it is pretty obvious that this is a Bill for the convenience of Whitehall and not for the people.

Neil O’Brien: This is a really interesting debate, and it is good to be able to have it in public. Let me be blunt: nothing is hidden here. We are clear that the Government’s view is that we prefer the mayoral model. Although it is possible to get a lower-tier devolution deal without one, there is no secret that our preference is for the mayoral model. Let me explain why.

Clearly, we could devolve all these powers—do all these things—to an unelected committee. We could have said, “Let’s take the 10 local authorities in Greater Manchester—AGMA—give them all the powers that we have now given to the mayoral combined authority. You just sort it out among yourselves. You can have a committee of the 10 of you, and you can decide among yourselves—perhaps by a majority vote—and then make those decisions.” All those things are totally feasible, and we could do that. It is a perfectly viable model. However, it is not the model we prefer, for various reasons—this goes to the point made by the hon. Member for Westmorland and Lonsdale. It is not for our convenience, but for the convenience of voters in these places. If we have just a committee, how is that committee held to account by a normal voter?

Let us take the Greater Manchester example, with 10 local authorities. We have got to choose where the new tramline is going to go. Is it going to go to place A or place B? The committee meets, there is no Mayor, and it decides the tramline is going to go to place A, not place B. I do not like that, as a voter; I wanted it to go to place B. What do I do, and who do I hold to account? Perhaps my local authority leader. I go to my local authority leader and she says, “I voted for place B, sorry, but I got outvoted.” What am I supposed to do now? Do I vote against her or for her at the next election? There is no one for me to hold to account if things are run by a committee.

I believe in steel-manning, not straw-manning, my opponent’s argument, so I could say, “No, what we want is not a committee. We want voters to have a say over what happens in these combined authorities, and what we actually want is to go back to the metropolitan county councils. We want to have an assembly.” It is perfectly viable, but let us be clear that that does mean quite a lot more politicians. It is a less sharp, less clear model for most voters than a mayoral system, which is why the mayoral system is the dominant model around the world: everyone around the world has city Mayors and knows that model. Inward investors know and understand that model. There is a phone number and people know who they are picking up to: is it Judith, is it one of the Andys? People know who they are supposed to speak to. We have clear accountability and clear leadership. Sometimes there are tough choices to be made. Consensus is a good thing—we always want maximum consensus—but in the end, we often have to choose between A and B. Having a directly elected mayor who knows that needs to be done, and to have programmatic government, not the lowest common denominator log-rolling and horse-trading, lets people make that decision and be accountable to the public. It gives visibility to the world.

One reason why Labour was right in 1998 to create a directly elected Mayor for Greater London was that in its absence we had a big committee—a big quango—with decisions made without anybody really being held to account. For the same reason that Labour created a directly elected Mayor for the capital, we have done it for the other cities that did not get one before 2010.

On a point made by the hon. Member for York Central, this is a long-term game. We want to do go further and further with devolution. One of the missions in the levelling-up White Paper is:

“By 2030, every part of England that wants one will have a devolution deal with powers at approaching the highest level of devolution and a simplified, long-term funding settlement.”

We want to keep going and going. The question I have about the unelected committee model of devolution is, once we start to do more and more high-powered things, more and more functions come out of Whitehall and more and more controversial decisions are taken—and take longer—at the local level. Is that a model that can really hack increasingly controversial decisions in the long term?

Evidence from the OECD finds that fragmented city governments—not having that tier at all—leads to worse economic outcomes. I think we are all agreed that a tier is needed to work together across local authorities and city regions. The only question is how the accountability then works. I wonder how many of the places that have

[Neil O'Brien]

now got Mayors would really want to go backwards. A lot of them resisted having a Mayor. They resisted very strongly. Even on the morning of the Greater Manchester devolution deal, one of the local authorities still had questions about it. Now that those cities have Mayors, who seriously thinks that it would be a good idea for them to go back to having just an unelected committee or a quango, and for them not to have either of the Andys or Ben Houchen providing inspirational leadership and working locally in a collegiate and cross-party way? Do people really think that would be an improvement? I wonder about that.

Alex Norris: We have had a really good discussion. I agree with the hon. Member for Westmorland and Lonsdale. I fear that neatness and tidiness for central Government, rather than for communities, is dominant, which raises the question, who is this for?

The hon. Gentleman asked what right Whitehall—or central Government, or however we might characterise it—has to make such distinctions, and I agree with him. We are talking about two different sets of profound powers that will shape places and—I think there is broad consensus on this—improve and enhance the lives of local people, but one community will have access while another will not, because the Government have made the election of a politician a sticking point. The Minister has made it clear that that is the Government's preference, but it is a fundamentally distorted vision of devolution. If the powers are to be so impactful, all communities should have access to them.

Neil O'Brien: To be clear, is the Opposition's preferred model an unelected committee or assembly-type model? What do they prefer to the mayoral model?

Alex Norris: The Minister has never heard me argue for the assembly model—a red herring that he introduced to the debate—and I think the characterisation of committees as “unelected” is unhelpful. He has heard me argue over a significant time for the powers set out on page 140 of the White Paper to be available to county combined authorities. If they choose to be led by an elected Mayor, that is their choice and I would absolutely support it.

I think that is where we will end up in Nottingham and Nottinghamshire, although, as I have made clear, it is not my preference—perhaps by repeating how against it I am at all stages, I am attempting desperately to ensure that I never end up a candidate. Nevertheless, that has been my view throughout. The difference between my position and the Minister's is that I have no intention of foisting mine on other people, whereas the Minister clearly does.

The Minister started by saying that he prefers the mayoral model—that is wonderful—and he made a strong case for it. I advocate that he take that case to the people of Leicester and Leicestershire, and given how persuasive he is, maybe he will succeed in convincing them. That would be an example of the process working well, and I would support his efforts in principle, if not in substance. But let us address this point about unelected committees, which as I said, is a bizarre characterisation. Let me put it this way: the Minister has introduced 60 clauses to create county combined authorities, and

that has been important for this Bill Committee, which, by his logic, is unelected. In reality, the constituent members of those committees have very much stood for election and they lead their local authorities. I do not have any problem with that democracy. If four elected leaders meet for a pint after work, do they suddenly form an unelected committee and their democratic mandate ceases? I think they are still elected, and if they misbehaved that night, they would be treated as if they were. The idea that such committees are unelected is for the birds, frankly.

The Minister said—I am not sure that I agree—that this is for the voters. That is excellent news. In that case, I do not think he has anything to fear about what is established as the local preference. Why do something for someone if they do not want it?

Matthew Pennycook (Greenwich and Woolwich) (Lab): Does my hon. Friend agree that there is an inherent contradiction in the Minister's argument? The Bill deliberately hands significant powers, particularly the spatial development strategies in schedule 7, to CCAs—or the unelected Assemblies—but denies them to mayoral combined authorities.

Alex Norris: My hon. Friend makes an excellent point. In fact, many of the arguments that the Committee has heard in the first few days will undoubtedly be used in reverse for the next few days. When it comes to planning, I do not think that is the Government's intention. We will see those arguments again, but in reverse.

10.15 am

Neil O'Brien: The Opposition have spent several days complaining that our devolution model is too messy. This morning they are complaining that it too neat and tidy.

Alex Norris: At no point have I complained that this is too neat and tidy. I am saying that Ministers are seeking convenience; not that the settlement is too neat and tidy but that Ministers are pursuing a life that is neater and tidier than it is ever going to be.

I was hugely discomfited by the Minister's final point about the M10 Mayors. As I have said, I have family in Manchester who love that model and it really works for them. That is great. Andy Burnham is doing a brilliant job, and that can be said throughout the M10. The Minister's idea is that many of those communities resisted Mayors but, as it was better for them, we can now say, “Gosh, don't they see our extraordinary wisdom and they wouldn't change it.” If that is his preference for devolution—they will like it when they understand it—we are getting off on the wrong foot.

Neil O'Brien: In the communities that resisted it, the leaders of local authorities had lots of questions about it, because they were bringing into existence a new directly elected body across the city. That is no small thing. It was creating somebody who would be in the same space as them. Of course they had all kinds of questions about it. Does the hon. Gentleman seriously think it would now be better for them to get rid of those directly elected Mayors for those large cities? Does he really believe it would be better without them?

Alex Norris: I have literally just said that I doubt that that would be the case, but it is for those communities to decide, not me, and I have no intention of doing so. This is about devolution and localism, which will have to take a local flavour and function. The Minister started by saying that the leaders of the communities had resisted, and now that they had questions. I would hope they would have questions. I am saying that there is no value in ramming these things through, or the idea that people later will really see the benefit. That is how we get progress but people do not feel better—because things are done to them. In many ways, that explains why community power is absent in the Bill.

On the place A to B tramline, there will always be a challenge with these things. The Minister talks about having to go back to constituents who want to hold us accountable for a decision we did not make, may have voted against or did not argue for. That is what Parliament is. I have been here five years and have barely ever won a vote. I have to go back to my constituents frequently and say, “Yes, I understand it is terrible that we have skyrocketing inflation, you do not have access to decent housing and the rise in violent crime is awful. I voted against things that caused that to be the case, but the majority voted for it.”

The idea that the existence of an individual suddenly creates that unanimity or direct ability to change is challenging, not least because voters’ decisions are multifactorial. There is an argument for a presidency in this place, which I certainly do not share, but we might wonder why we need so many Ministers if we could just consolidate them in one individual. I cannot agree with that. I have made my point and I will press the amendment to a Division, because there is a substantial difference between the two Benches.

The Minister started by saying that he prefers the mayoral model. That is absolutely fine. Every community that prefers that model should have access to one—I completely support that—but I do not think that every community that does not prefer that model should have to have it.

Neil O’Brien: I want to clarify that spatial development strategies are available to MCAs, and several are already doing them.

Alex Norris: We will have many days to consider that in great detail and at great length to establish those facts.

Question put, That the amendment be made.

The Committee divided: Ayes 5, Noes 9.

Division No. 5]

AYES

Farron, Tim	Norris, Alex
Lewell-Buck, Mrs Emma	
Maskell, Rachael	Pennycook, Matthew

NOES

Andrew, rh Stuart	Moore, Robbie
Atherton, Sarah	Mortimer, Jill
Dines, Miss Sarah	O’Brien, Neil
Henry, Darren	Vickers, Matt
Kruger, Danny	

Question accordingly negated.

Clause 25 ordered to stand part of the Bill.

Clause 26

DEPUTY MAYORS ETC

Alex Norris: I beg to move amendment 33, in clause 26, page 21, line 4, after “mayor’s” insert “statutory”.

This amendment would clarify that an appointed deputy is a statutory one rather than a sole one.

Clause 26 provides for deputy Mayors etc. It states that a Mayor of a county combined authority must appoint one of the members of the authority to be the Mayor’s deputy. The amendment seeks to make it clear that that is an in law deputy, and offers flexibility for other deputies, too. We agree that it is important that deputy mayors are part of the structure of a CCA, but I am probing whether that provision needs to be tightened, so that we are clear it is the statutory deputy, so that it is akin to a model that works elsewhere.

As we have seen already with the mayoral system in England, and the Bill provides for the practice to continue with CCAs, Mayors have the authority to delegate certain functions to a member or officer of a CCA. That has been alluded to frequently in the clauses we have discussed so far. That provision allows various mayors to delegate certain policy areas to chosen individuals, who may not have an electoral mandate, and may have been private citizens. I have no issue with that practice because it has allowed bright minds and very talented people to play a role in delivering good policy.

There are important executive functions that a deputy Mayor may have to exercise in the case of illness or incapacity, and possibly they should be viewed separately. The amendment inserts the word “statutory” after “mayor” and before “deputy” so that the Bill spells out that it is the Mayor’s statutory deputy. That elected person will exercise important functions of the Mayor—their duties and responsibilities in the case of illness or incapacitation. That creates a clear delineation in terms of the portfolio of the deputy Mayor and the precise executive role that that statutory deputy Mayor may be required to fill. Such a role exists in the Greater London Assembly, where alongside a range of deputy Mayors who cover various policy areas, there is a designated statutory deputy Mayor. They take on the executive role of the Mayor when that person is unable to fulfil their duties or there is a temporary vacancy.

It may well be that, in substance, the delineation is not necessary, but I want clarity from the Minister that the Government agree that, broadly, that is how the clause operates, and that is how the system is likely to operate in the future.

Tim Farron: I think this is a sensible amendment. If we are to have Mayors, I am not against their appointing deputies. That sounds a perfectly sensible thing to do. In the previous debate, the Minister made an interesting and well-presented point about why a mayor is better than an unelected committee—a committee of directly elected councillors, serving smaller areas, who are more likely to be in touch with those areas. Will the Minister contrast and compare his concern for there being a committee making decisions—all of them directly elected—and executive functions being given to a deputy mayor who has been appointed by somebody else? I see a clear equivalence, and a reminder that it is entirely democratic and appropriate for decisions to be

[Tim Farron]

taken in a more collegiate way, and not just by one person being elected and then appointing other people to serve executive functions under that person.

Neil O'Brien: The amendment has no effect on its own. As set out in clause 26, the role of deputy Mayor of a CCA is created by that provision. It is therefore already statutory. The clause mirrors the provisions for county combined authorities, creating consistency across the two models. The role of deputy mayor is critical in supporting the effective delivery of the Mayor's responsibilities and a deputy Mayor would act instead of the Mayor if that person is unable to act or the office of the Mayor becomes vacant. There is no need to add the word "statutory" to what is already a statutory role. Therefore I hope that the hon. Member for Nottingham North agrees to withdraw the amendment, although he may want to talk more about the point when we discuss amendment 34.

Alex Norris: I agree with the hon. Member for Westmorland and Lonsdale that there is certainly an irony and a contrast between the two debates. Nevertheless, I think it is implied—frankly, it says it on the tin—that once we go for the mayoral model, that is what we choose with it. Again, if that is what a community wants, that is the right thing to do.

I will address the Minister's points. To be fair, if it is in the statute book, it is probably statutory; I would be willing to concede that point. However, I have had the opportunity to make that clear. Nevertheless, the assurances from the Minister were plenty. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Alex Norris: I beg to move amendment 34, in clause 26, page 21, line 4, at end insert—

"(1A) The mayor may appoint more than one person to be a deputy Mayor, in which case references in this section to "the deputy Mayor" should be read as "a deputy Mayor".

(1B) The mayor may only appoint as a deputy Mayor a person who is qualified to be elected and to hold office as the mayor in accordance with paragraph 7 of Schedule 2."

This amendment would allow mayors of CCAs to appoint as many qualified deputy Mayors as they wished.

Again, this amendment deals with deputy Mayors; as the Minister has perhaps divined, this amendment shows where I am going with this issue. I am interested to hear the Minister's views on it and I will seek his reassurances in relation to it.

As we have seen with existing combined authorities, deputy Mayors can fulfil a really important role in overseeing the different policy areas that lie within the remit of a combined authority. With this amendment, I want to probe the Bill and any guidance that follows from it, perhaps as set out in regulations. The intention of the amendment is to provide for multiple deputies.

Amendment 34 would allow Mayors of county combined authorities to appoint as many qualified deputies as they wish to. I believe that this amendment would improve the Bill and the functions of such deputies, by making it clear at the outset that they should exist, and that the post of deputy Mayor is a proper and senior role, which might be helpful in future.

As democratically elected officials, it is entirely right and proper that Mayors should have the power to appoint individuals to the position of deputy Mayor, should they wish to do so; again, as I said, I think that that is on the tin when we sign up for this model. We ought to trust a Mayor's judgment and indeed respect their mandate to allocate such positions appropriately, matching individuals to portfolios that will maximise the delivery of good policy and improve the overall functions of the CCA. Obviously, should those decisions prove not to be good ones, there will be accountability.

Making it clear that the Mayor has the power to appoint these individuals will perhaps help them to find those individuals who want to take on the job, because—again—they are real and enshrined roles. This might not need to be in statute, but I would be interested to hear from the Minister the history of combined authorities in this area and how he feels they have evolved, and how he thinks this system will work in practice, either in regulation or in guidance.

Rachael Maskell: I appreciate the opportunity to speak on amendment 34. There are a few points that I want to make, building on the comments from my hon. Friend the Member for Nottingham North.

First, the title of deputy means that the deputy Mayor will deputise for the Mayor and, as we heard in the previous debate, they will not have a democratic mandate behind them. As a result, we are missing an opportunity to have greater democracy built in at local level, because deputy Mayors will be appointed and the person appointed may never have been elected to any tier of government, yet will carry huge responsibilities and powers. If, for instance, the Mayor is not able to participate in an activity because of serious illness or something like that, clearly the functions of devolved government will continue and unelected deputy Mayors will fulfil those functions.

In particular, I want to pick up on the issue of the number of deputy Mayors that there could be. Of course, there will be a range of roles that they could assume, at the determination of the Mayor. However, there is one thing that I really want the Minister to consider and respond to. In an age where we absolutely and rightly need to think about equality of opportunity, it is about the diversity of the team around the Mayor and the people deputising for the Mayor. For instance, could there be a job share in the role? The legislation does not signify whether there could or could not be a job share, but I think we would want to see that opportunity open up.

That would be more inclusive and would perhaps allow more people to participate in or take on such a role, or there could be a number of senior functions, which somebody working part time—I think we all know what "part time" in politics means—could take one function and somebody else could take another function, with both of them accountable to the Mayor. That could broaden opportunity and the diversity of the team, so that it is more reflective of the local community.

10.30 am

Individuals may have a specific set of skills. For example, we have seen the role taken up in relation to policing, and there could be other formats, such as if

somebody has expertise in transport or other functions. There are therefore opportunities within the Bill, but it is silent on how diversity could be a part of these roles and how it could enhance the model and address the democratic deficit. I would be really interested to hear the extent to which the Minister thinks the role could expand to reflect that diversity, which we will discuss shortly.

Neil O'Brien: Clause 26 requires the Mayor of a combined county authority to appoint a deputy Mayor from among the constituent members of the CCA. The deputy Mayor would act in the stead of the Mayor should the Mayor be unable to act or should the office of the Mayor become vacant.

We consider the amendment unnecessary and inappropriate. It is unnecessary because, as we will see shortly, clause 27 enables the Mayor to delegate general mayoral functions to members of the CCA. Members of the CCA can be given subject portfolios—the responsibility for a particular area, such as transport—and would be held to account for it. Such members may have a title—for example, cabinet member for transport or skills portfolio holder—that reflects the terminology and practice in local government.

As the Mayor is required to appoint a deputy Mayor and is able to delegate functions to other members, there is no need for an additional role within a CCA or for any member of a CCA other than the statutory deputy Mayor to be titled deputy Mayor. The risk is that the amendment might result in all CCA members having the position of deputy, which could be confusing and could be a problem if it is necessary to be clear about who the deputy Mayor is so that they can stand in if the Mayor is incapacitated. We think the amendment is not necessary or appropriate.

Alex Norris: I am grateful to the Minister for giving way as he was about to conclude. Just to be clear, the Government's intention is that deputy Mayors will be members of the county combined authority, and there will not be provision for a Mayor to appoint and give responsibilities to a deputy who is a private citizen.

Neil O'Brien: We discussed in previous sittings the role of the non-constituent and associate members of the authority, which is the way of getting in expertise from outside. Perhaps a transport specialist could come in through that route, but we need someone who is clearly the deputy in case the Mayor is suddenly not available any more. As part of collegiate working, which we have described previously, it is already very common for portfolio roles to be given to members of the combined authority.

Alex Norris: I am really grateful for that discussion. As my hon. Friend the Member for York Central said—this relates to amendment 35 in my name—we should seek to use these roles as a way of broadening the pool of those who have access to power for very good reasons relating to representation. We will probe that when we debate amendment 35. I am grateful to the Minister for his answer. There are bits of it that I still do not understand, which I will cover when we discuss the next amendment, but hopefully he will help me. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Alex Norris: I beg to move amendment 35, in clause 26, page 21, line 23, at end insert—

“(7A) The Secretary of State must produce and publish an annual report on the diversity of the deputies appointed under this section. This report must include—

- (a) the age of all the deputy mayors,
- (b) the gender of all the deputy mayors, and
- (c) the ethnicity of all the deputy mayors.”

This is the final amendment proposed to clause 26. This discussion is similar—although not exactly the same—to those that we had on amendments 18 and 29 about how important broad representation is for our democracy and how important it is that our democratic institutions reflect the populations they represent. I think there is pretty broad consensus on that. We recognise the strength that proper representation brings to our democratic institutions, and the risk that unrepresentative institutions will make poorer decisions and decisions that lack legitimacy. It is important that we take every opportunity to promote positive representation in our democracy.

The amendment is a relatively light touch, and adds to the provisions on deputy Mayors. It states:

“The Secretary of State must produce and publish an annual report on the diversity of the deputies appointed”.

It goes on to specify a number of protected characteristics. The Minister has previously considered taking that even further, and we would welcome any such discussion. The details would be updated annually and made public and accessible to all.

A similar provision on reporting on diversity is already on the statute book—it has been since the Equality Act 2010—but has yet to commence. That would enhance these measures. The Minister did not quite address in our earlier discussions whether he plans to persuade colleagues to commence that provision to try to augment the work on the Bill. Section 106 of the Equality Act requires political parties to publish diversity data on candidates standing for election to various bodies. It would be good for deputy Mayors to be included in that list, and I would be interested to know whether there are any plans to commence that provision.

That brings us to a point that emerged in our previous discussion. I may be being a little bit slow to pick up the thread, but I want to be sure about this. At the moment, we will have a statutory deputy who will be a constituent member of the combined authority, and if the Mayor is incapacitated or ill, the deputy Mayor will take over the role. I think I heard that they can also take on a portfolio. I would be grateful for clarity on that. Other constituent members of the combined authority can take on portfolios—we know that, and that is mirrored in the experience of the combined authority in Manchester, where all the leaders carry a portfolio. That seems a very good idea to me.

We have discussed private citizens, and the amendment is particularly pertinent to private citizens. Leaders of councils, as we discussed in relation to amendment 29, are what they are; the diversity there is possibly an issue for local authorities, rather than for the county combined authority in and of itself, although I am sure it would still have a view.

The Minister talked about non-constituent members and associate members. If a Mayor was seeking to add a Deputy Mayor for Transport who is a transport expert, could they be made an associate member, which would

[Alex Norris]

probably be more desirable—I am getting myself in a twist here—where that is their individual mandate rather than an organisational mandate, and then make that person the Deputy Mayor for Transport? Could they do the same for an air quality specialist and make that person the Deputy Mayor for Air Quality; or a skills specialist, and make them the Deputy Mayor for Skills?

This is a point of interest, not necessarily a point of political argument, and I would lean towards Mayors being able to choose what they wish to do, but that situation would create a tier of people, and it would be interesting to understand how well that tier reflects their communities and Britain. A reporting requirement does not seem terribly onerous, so I hope that the Minister will support the amendment. I would especially appreciate clarity on how he sees the system working.

Tim Farron: This is an important issue. As the Government move to make local government less local and larger, with fewer representatives, they seem to be motivated by two things. The first is convenience—neat-and-tidiness. The second is a belief that it is popular to say to the public, “Look, we have fewer politicians,” but it is not popular to say to the public, “Your councillors and elected representatives will be fewer in number and they will represent so many more of you that you will never see them—and, by the way, the chances are they will be from a far less diverse range of backgrounds.”

Who deputy Mayors are, what backgrounds they come from and how diverse the range of people in those positions are is important and, as we have said in previous discussions, it is important that we analyse and research in a deep and broad way the impact of changes in local government on diversity, not just those in this Bill, but those that have taken place over the past decade or so. Anecdotally, it is obvious that if we move from a situation where each councillor represents 3,000 or 4,000 people to a situation where they represent 10,000 or 15,000, or where Mayors or deputy Mayors represent hundreds of thousands of people, we massively narrow down the kind of people who have the time, the freedom and the space in their lives to carry out those roles.

Fundamentally, to put it bluntly, we will end up with blokes—mostly early-retirement blokes.. That is definitely the evidence of my eyes. It will squeeze out people with family or caring responsibilities, people who have to work for a living and so on. That is what is happening. The Government should be aware of it and should be seeking evidence to see the extent to which that is happening for these roles and more broadly in local government, because local government represents everybody. When they know the scale of the problem, they can take action to alleviate it.

Rachael Maskell: I want to build on the points that have been made. One of the things we need to remember about deputy Mayors is that, unlike previous roles we have discussed, they are appointed, rather than elected. As we know, with appointments, there is always the risk of unconscious bias creeping in. Having transparency and accountability is therefore really important when looking at issues of diversity.

If we are creating a new tier of governance across the country, we do not want to repeat the old mistakes we have seen in this place or in local government, where the figures are quite shocking. We do not want it to be the end of this century before we see equality between men and women in local government. We have a lot of work to do to ensure that across our political systems and systems of governance, we are seeing and driving equality around all protected characteristics. I fear that if we are not putting these basic and rudimentary measures in legislation at this point, we risk at this stage of transformation slipping back into bad old ways. I would not want to see that. We are a country that embraces diversity and we should do that within our governance structures as well.

Neil O’Brien: Clause 26 requires the Mayor of a combined county authority to appoint a deputy Mayor from the constituent members, so the Mayor of a CCA could not make—to answer the question directly—a non-constituent or associate member a deputy Mayor. Constituent members will be nominated by the constituent councils and are usually the council leaders, who have been elected at local authority level. It is only right that the membership of the CCA is decided locally by those who best know their areas. CCAs and their constituent members will be independent of central government.

Amendment 35 requires the Secretary of State to report annually regarding certain demographic information about the persons appointed to be deputy Mayors of a CCA. We think that the amendment is not appropriate or necessary. CCAs, their Mayors and their constituent members will be independent of central Government. The Government do not believe they should require CCAs to inform them of the specific make-up of their deputy Mayors.

The Mayor, with their democratic mandate, will appoint one of the constituent members as a deputy Mayor. As a public and statutory position, it will be totally transparent who has been appointed as the deputy. I therefore urge the hon. Gentleman to withdraw his amendment.

Alex Norris: I share the concern of the hon. Member for Westmorland and Lonsdale about this being a bit of a march of the blokes. That is a fear with individual elections, and it is what tends to happen. He made some very strong arguments about that.

My hon. Friend the Member for York Central is right in saying that appointments can go either way: they are either an opportunity to rectify gaps or they can end up, through unconscious biases, continuing to widen those gaps. I think the Minister’s answer has clarified the point and rendered my amendment moot. From what I understood, the deputies are going to be constituent members of the authority; that is a significant distinction from what happens in London and with the Mayor of London. In many ways, combined authorities and combined county authorities do have significant distinctions from the set-up in London, so that is not an inconsistency, but it is important to understand. My fear is that there will now be a march of the tsars. The Mayors are going to end up with lots of different tsars as a way of trying to get that extra talent in, as advisers and as additionality. I wonder about that.

10.45 am

If we trust that the constituent members will hold portfolios, which sounds like a good idea—as I say, the way that it operates in Greater Manchester seems like a good idea—taking on those leadership roles individually does not sound that different. Again, I am not sure that having a Mayor has added anything to it functionally, unless that is really what we want for all those important figurehead reasons, so I am still no more convinced by the Minister’s point about the necessity.

Given the really important clarity on who can be a deputy and who cannot, I am happy to withdraw the amendment. However, as the hon. Member for Westmorland and Lonsdale said, we will really need to monitor the situation because it is likely to lead to lots of very interesting innovations in the time to come. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 26 ordered to stand part of the Bill.

Clause 27

FUNCTIONS OF MAYORS: GENERAL

Rachael Maskell: I beg to move amendment 51, in clause 27, page 21, line 28, at end insert—

“(1A) Where the Secretary of State makes provision under subsection (1), they must also publish a report setting out the impact this change will have on the delivery of levelling up missions.”

This amendment would require the Secretary of State to produce a report on the impact of changing the powers available to a mayor on the delivery of levelling up missions.

This amendment highlights the possibility of the Secretary of State’s regulating not only function, but who should undertake that function. Accountability is important, and I would argue that having clear lines of accountability is essential. However, clause 27 feels very much like the tail wagging the dog: the Secretary of State is micromanaging the Mayor, as opposed to letting the Mayor determine who would be best placed to undertake such functions. What functions they are is not clear in the Bill, and subsection (1) maintains the mystery, but I am sure the Minister will say how they will be determined in the devolution deal. However, who executes them should be at the discretion of the Mayor, as there will clearly be a diversity of knowledge and skill at the mayoral office level, and indeed in the wider team. I can understand the Secretary of State’s wanting the Mayor to be accountable for such functions, but to say that only the Mayor can carry them out is operational meddling from the centre.

When writing the amendment, and ahead of the sitting on Tuesday last week, I had understood that levelling up was to be a sustained agenda for tackling the grotesque injustice of inequality by identifying disparity and then using a range of solutions—through economics, transport, housing, spatial planning and so on—to bring justice to an area. I have to say that the Government’s explanation of clause 1 has now left me in doubt. I compare it more to the 1997 New Labour pledge card, with 12 missions rather than five and a tick box to deliver the Tory manifesto commitments that sneakily go beyond these and into an eight-year programme, but there is little to look beyond.

Aligning the purpose of tiers of Government is important if the country is to head in one direction. If everyone rows in one direction, we are more likely to get there, which is why it is important that there should be alignment nationally at CCA level and locally in addressing the ambition to rid this country of inequality—not least as we are the second most inequitable country after the US according to academics, including Pickett and Wilkinson. As we discussed on Tuesday, having levelling-up missions in central Government—including the sustainable development goals at a global level—and then differentiating priorities at a local or mayoral level means that we move forward more slowly than we would if we marched in step. Therefore, ensuring the delivery of missions nationally, and by Metro Mayors and their teams, gives us an opportunity to progress.

My hon. Friend the Member for Nottingham North is a lot closer to this subject than I am, but as he is working on Labour’s ambition for Government, which could come as soon as the autumn, I trust that we will want alignment of function with our national ambition to address the inequalities that our society presents. I am sure we will want a sustained framework that sets a path of ambition for 50 years rather than just eight, and that we will seek to account for the threads that run between the national and the local. I am sure that Labour would not want to place such control on politicians at the devolved level, and would trust them to deliver their work in the most appropriate way to achieve the outcomes that we long to see. The amendment seeks to achieve that by bringing alignment with those levelling-up missions and accountability behind them. That is why I would like the Government to accept it.

Neil O’Brien: We believe the amendment is unnecessary. The Secretary of State may confer functions on the Mayor of a combined county authority only if they consider that to do so meets the statutory test of “improving the economic, social or environmental well-being” of some or all of those who live and work in the area. As our 12 missions show, “improving the economic, social or environmental well-being” is at the heart of delivering levelling up. The process for conferring mayoral powers, including the statutory test, is already set out in clauses 42 and 43, for the establishment of a new mayoral CCA, and in clauses 44 and 45, for the conferral of functions on the Mayor of an existing mayoral CCA.

Regulations conferring functions on a Mayor will of course be considered by Parliament. The explanatory memorandum accompanying these regulations will explain why the powers are being conferred, the views of consultees and how the statutory test is met; Parliament will have ample opportunity to consider the impact of conferring any powers on the Mayor of a CCA and whether they will achieve levelling up.

In addition to the information provided by the explanatory memorandum accompanying the regulations being laid in Parliament, clause 2 requires annual reporting on the progress of the delivery of the levelling-up missions. That will include the achievement against our local leadership mission, which I mentioned earlier—namely that by 2030, every part of England that wants a devolution deal will have one, with powers at or approaching the highest level of devolution and a simplified local funding settlement.

Rachael Maskell: Coming to the nub of the issue, that ability to confer powers is certainly highlighted in clause 27(1). However, why does the Minister believe that the functions are exercisable only—I stress the word “only”—by the Mayor?

Neil O’Brien: Making some of the functions exercisable by the Mayor is at the heart of what we have been doing with devolution. If we are going to have the debate that we had earlier, I should say that the whole point of a Mayor is to have certain functions. If the hon. Lady is probing that, she is in a sense going back to the debate that we were having earlier today about why an area should have a Mayor.

The amendment is about a reporting requirement. As I have just set out, there are already substantial reporting requirements on why any powers are conferred on the Mayor. There is also reporting on progress on the devolution agenda, as part of clause 2 and the mission that we are pursuing, so there is already the kind of reporting that the amendment argues for. I hope that the hon. Lady will withdraw it.

Alex Norris: I very much agree with the thrust of the amendment; the case that my hon. Friend the Member for York Central made was very strong. It makes us think that these missions should be a central theme running through the programme of work. That programme may, at times, look different in different parts of the country, in terms of how it is exercised, but those fundamental goals, challenges and missions are a collective endeavour. That brings me back to my fear, certainly regarding the earlier parts of the Bill, that the Government feel they have to take all this on themselves. That is, first, an unnecessary level of burden and, secondly, not likely to succeed.

We accept that government is a very difficult business, and at times a fine series of balances. I would argue that this Government make things look particularly hard, but that might be an issue for a different day. However, for Ministers in this Department—one might except the Minister for Housing; there is, after all, a reason why they change every year—[*Laughter.*] I do not wish that for the Minister who is here today; I hold him in high regard and he can stay until the next election.

However, the rest of the Minister’s ministerial colleagues really could have a slightly lighter time if they just equipped, in terms of both money and power, local authorities to deliver on their goals and then let them get on with it. They would look brilliant; they would look like sensational, revolutionary change-bringers and they could have their feet up for the entire time. That does not seem like such a bad deal to me.

Instead, what we get is this over-centralisation and this lack of trust; it is all to be commanded and controlled from the centre. I am afraid that that just does not quite get things done. The amendment would actually push us into making a further step towards what we hope Ministers want, which is to get the responsibility, the power and the opportunities out to communities, under that shared framework of goals. That would be a positive thing, and there is an awful lot to recommend the amendment.

What the Minister said about the explanatory memorandum is welcome, but I say again—this is a theme throughout all our debates—that the Government

have not been able to produce an impact assessment for the Bill, and we sit here, day after day, talking about it. We are led to believe that the Minister has a strong belief in the impact of Mayors, but he cannot evidence that in a conventional way. We have heard a commitment from the Minister. When the decisions are being made on regulations for setting up combined county authorities, I hope that we will have the right information to explain and understand the impact of the decisions that we make.

Rachael Maskell: I want to make a couple of points in response to the Minister’s comments. From what is in the legislation and the Minister’s words, it feels as though central Government are just not willing to let go and are still trying to hold on to something without seeing the full devolution: “You can have those powers, but we are going to make determinations about them.” In time, I trust that that will settle and the Government will have more confidence and trust in the system of devolution that they are setting out, but it feels as though they are trying to hold the line and keep control.

More worryingly, as we move through the Bill clause by clause, it seems that the agenda around levelling up is unravelling rapidly. That is a deeper concern if we are going to address the real injustices that our constituents face. They desperately need the Government to step up to the plate. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 27 ordered to stand part of the Bill.

Clause 28

PROCEDURE FOR DIRECT CONFERRAL OF GENERAL FUNCTIONS ON MAYOR

Alex Norris: I beg to move amendment 36, in clause 28, page 23, line 40, at end insert—

“(2A) Where the Secretary of State makes regulations to which this section applies they must notify all other mayoral and non-mayoral CCAs of this.”

This amendment would require the Secretary of State to notify all CCAs if they make regulations directly conferring general functions on a Mayor.

This is a return to a common theme. We are desperately seeking to encourage the Government to stay true to the White Paper so that all communities have access to the fullest range of powers. The clause provides a process, via regulation, for powers to be directly conferred on the Mayor by the Secretary of State following agreement with that Mayor. When that happens and a Mayor suddenly gets a new and novel power, we want a requirement on the Secretary of State to notify all combined county authorities that that has been done. I will not repeat the arguments that I have made previously, but we want that so that other authorities might seek to take on similar powers, if that is what they would value for their community.

Rachael Maskell: My hon. Friend’s amendment is really important. We know that London holds the power and wealth of our nation, but we are talking about authorities around the country, the CCAs, that are more distant from London and where there is greater inequality, poverty and lack of opportunity. Not even to report on powers will mean more divergence rather than addressing the inequality, so we could be in a worse state when trying to address the disparities.

Alex Norris: I completely understand my hon. Friend's point. What I am seeking to put in place is a virtuous cycle of communities taking on powers that will be impactful. Others will see that that can be done, and that might be one of the missing pieces in their puzzle. They might take it on themselves, move forward and take on greater responsibilities. That would be a very positive thing. It is a relatively light touch obligation. It asks for nothing more than the circulation of information. It does not oblige a community to take on powers. However, I think it would certainly be to the improvement of devolution.

11 am

Tim Farron: This is a very worthwhile amendment, which helps us to explore how we can play into local communities' hunger for power and control over their own destinies. There is a real sense in many communities—I will speak specifically for rural ones, but this applies right across the country—of people being fed up with things happening to them, seeing things going wrong in their communities and feeling a sense of powerlessness: “What can I do to affect this?”

I will share two experiences. On Saturday, I was in the heart of the lakes, around Hawkshead and Ambleside, talking to tourism businesses struggling to find staff. We have a huge workforce crisis in all of rural Britain, but particularly in the lakes and the dales. We were talking about the things that it would be great to do locally to provide local affordable housing, caps on the number of second homes and limits on the number of holiday lets. That would provide places for a working-age population that is not earning tons of money to be able to live and preserve those communities.

Yesterday morning, I was in the village of Burton, with a good news story: we were beginning some work on developing an affordable housing project in the village that will underpin the sustainability of that community. However, I was talking to the housing association about how difficult it is to replicate that around the area, given the weak planning rules that do not allow them to take advantage of what might be the possibility of building 100% affordable settlements around a community like mine.

Those are all issues that we could tackle if we had the power. I think that communities are hungry for power and the ability to make a difference for their own futures. If the Government are sharing any power with the Mayor, then I want every other authority to know about it so that they can clamour for it too. I am not particularly critical of there being a lack of symmetry in devolution and in the models by which it is delivered. That is not because I am a fan of things being a mess, but because I am a fan of communities making their own choices.

Communities should not be forced to accept a particular model to gain powers that will give them power over their communities and the way in which their economies are run. To reflect that hunger, we must feed it so that everybody knows what is possible and on the table, and they can think, “Well, all right, we'd like those powers too.”

Neil O'Brien: Opposition Members have argued that the process in which new powers are given to CCAs should be transparent and public, and it will be. The

processes that lead to the conferring of powers on a Mayor of a CCA are transparent and public. The Mayor must consult the constituent councils of the CCA regarding any requests for additional powers and then report those views to the Secretary of State when submitting their request.

If the Secretary of State agrees to a Mayor's request, the functions to be conferred will be set out in regulations and then debated here. They must then be approved before they can be made. In considering those regulations, Parliament will have an explanatory memorandum and various other reports explaining why various powers are being conferred. It will therefore already be a public and transparent process—nothing can be hidden—so we regard the amendment as unnecessary.

Alex Norris: I would argue that there is a difference between something not being hidden and its being shared. The points that colleagues have made were very good, and I would echo them. The point and thrust of the issue is to try to ensure that all areas know what is available to them and to give them the chance to reflect on and maybe ask for it themselves to improve their approaches to tackling all the challenges they face.

Of course, as the Bill says, the decisions will be made through a regulation and be taken by a Committee of Members in this place. However, I say gently to the Minister that I would not take that to be full publication. It will be published in a reasonable way—we have no doubt of that—but the idea that busy communities, county combined authorities or Mayors will instantly know that that has happened is not quite the same thing.

I hope that, at least, the Minister will reflect on the need for it to be understood what further powers that maybe even go beyond the White Paper might be available in future to county combined authorities. However, for the moment, I am happy to withdraw the amendment and not labour that point today. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 28 ordered to stand part of the Bill.

Clause 29

JOINT EXERCISE OF GENERAL FUNCTIONS

Question proposed, That the clause stand part of the Bill.

Alex Norris: Clause 29 provides for the joint exercise of general functions. It allows the Secretary of State to make provision via regulations to be entered into in relation to general functions of a Mayor for the area of a combined county authority. Under subsection (2), that could include the Mayor being

“a party to the arrangements in place of, or jointly with, the CCA”.

It also talks about the membership of any joint committee, its chair, the appointment of its members and its voting powers. Could the Minister give us an example of how he sees that working in practice and what things the Government have in mind for the use of that power?

Neil O'Brien: I am not sure that I understand the hon. Member's detailed question. I will try to understand it. Let me speak to what the clause does, and if that does not make things clear he can come in. We have talked about the flexibility of the CCA model, enabling the Mayor and the CCA to operate effectively and take decisions for the benefit of those who live and work in the area. Clause 29 continues that flexibility. It enables regulations to be made so that a CCA Mayor can jointly exercise any mayoral general function, such as on transport, with a neighbouring local authority if both parties agree. Such regulations may set out the detailed operational arrangements, such as membership, chairing, voting powers and political balance requirements for a joint committee. I hope that hon. Members will agree that enabling the Mayor of a combined authority to work collaboratively with neighbouring local authorities—something various Members have argued for in previous sittings—would be a positive measure, and I commend the clause to the Committee.

Question put and agreed to.

Clause 29 accordingly ordered to stand part of the Bill.

Clause 30

FUNCTIONS OF MAYORS: POLICING

Question proposed, That the clause stand part of the Bill.

Alex Norris: Clause 30 allows for the conferring of police and crime commissioner functions on the Mayor of a combined county authority. I think it is important that something as significant as this does not go through without debate. Again, this is the core aspect of tier 3 powers, which makes the case for a mayor in those cases. Again, we understand the need for the measure to be in the Bill, but we want to hear from the Minister how he thinks this will work in practice.

This is not without precedent. These clauses mirror combined authorities, and those combined authorities in Greater Manchester and West Yorkshire have a Mayor with police powers, and of course the same is true in London. It can be done, and it can be done safely. I am less sure about whether there is widespread desire for it. As I say, if it were the determining factor in tier 3 between taking on a Mayor or not, there may be quite a range of decisions taken.

We heard in both oral and written evidence—I genuinely thought it was admirable—about the culture of collaboration and joint working across the West Midlands Combined Authority. It is clear that it has been able to build consensus on virtually everything, except this point. That was quite revealing in and of itself. Again, it is those sorts of powers that local communities often talk about, such as economic levers, transport levers, housing levers and issues relating to net zero, rather than policing. Again, where communities want this, we are happy for it to be an option where desired. The reality is that it is complicated because of the unavoidable point of footprints for police forces, which do not elegantly overlay with even natural geographies, but definitely not geographies of combined authorities. I cannot imagine a situation where they are likely to converge without a lot of pain and disruption.

There will be some places—the West Midlands ironically being quite a good example—where the footprint probably matches up quite nicely, and clearly that is the case in

Greater Manchester too. I want clarity from the Minister. Is his intention to use these powers where there is strong demand and where the geographies are suitable? As I say, I think that is likely to prove challenging. What is the Minister minded to do in situations where there is enthusiasm to take these powers on but the natural communities do not work, or maybe there is a police force that covers a small part of a county combined authority? How would that work in practice?

Tim Farron: It is important to get clarification on this issue, and in particular on the extent to which a decision will be taken by default if we end up with CCAs that include more than one police authority area. There are good reasons why some police authorities are relatively small, in terms of population size, such as the vast rural nature of the area they serve, and it would seem wrong to go through a process of effectively deciding a police authority merger by default. I know there is more to it than that, but we need to be given clarity on how that might transpire, so I would be grateful for that clarification.

While I am on my feet, I wish to apologise to you, Mr Paisley, and to the rest of the Committee, because I am off to see a primary school from Kendal. I will leave the Committee for a moment or two, or perhaps longer. I apologise.

The Chair: That is all right. Thank you for letting us know; it is very kind of you.

Neil O'Brien: Clause 30 enables the Mayor of a combined county authority to have the functions of the police and crime commissioner conferred on them if that Mayor requests it. The Mayors of the Greater Manchester and West Yorkshire combined authorities already exercise PCC functions in their areas. Committee members will remember the evidence session we held with Tracy Brabin, Mayor of West Yorkshire, in which she talked about the advantages of having those powers aligned with the other powers she was using—for example, using her powers over transport and her PCC powers concurrently to improve women's safety.

Clause 30 and the linked schedule 3 offer that same option for CCA Mayors if the local authority and policing boundaries align, and if they feel that taking on those functions will help them deliver more effective policing for their area, where that is agreed between the area and Government. The clause and schedule mirror the combined authority provisions for the conferral of PCC functions to ensure that if a CCA Mayor takes on those functions, the process of conferral and the way they are exercised on a day-to-day basis is consistent with those too. As with all regulations on CCAs, these regulations will be subject to parliamentary approval. I commend the clause to the Committee.

Question put and agreed to.

Clause 30 accordingly ordered to stand part of the Bill.

Schedule 3

MAYORS FOR COMBINED COUNTY AUTHORITY AREAS: PCC FUNCTIONS

Alex Norris: I beg to move amendment 37, in schedule 3, page 206, line 34, leave out paragraphs (b) and (c).

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

The fun is always in the schedules, is it not? I like to get into the detail and understand some of the reasons why certain approaches have been chosen. Schedule 3 introduces the arrangements that allow for Mayors of combined county authorities to take on police and crime commissioner functions in the way that the Minister has set out. As I said, this is a complex matter, particularly due to geography. I do not think the Minister quite addressed the complexity issue. Again, I would be interested in his thoughts about how that is likely to work in practice, certainly for footprints that clearly do not match up with police force footprints. That argument has been made already, so I will not repeat it.

The thrust of amendment 37 is to not make the devolution of those functions any more complicated than it already is. Paragraph 2(1) of schedule 3 allows the Secretary of State to

“by regulations provide that the mayor may exercise in the CCA area—

(a) all PCC functions,”

—that is all the functions, as the Minister has described. As I say, that has been done elsewhere, and it seems to be beyond debate. However, I want to probe sub-paragraphs (1)(b) and (1)(c), which provide for

“all PCC functions other than those specified or described in the regulations, or...only those PCC functions specified or described in the regulations”

to be devolved. Basically, the Secretary of State can by regulation devolve partial police and crime commissioner powers. First, that is unduly fiddly, and it might create an unwise divergence between Mayors. Either an individual has police and crime commissioner functions devolved to them, or they do not.

Rachael Maskell: I too am curious about the measures and the inclusion of paragraph 2(1)(b) and (c). My concern echoes the debate we had earlier: how there is an obligation under the Bill to have an elected Mayor, because they are taking on and subsuming the role of the police and crime commissioner. It feels as if here we see the role chopped up into little pieces and, as a result, only a partial role taken on. If so, why would there still be the obligation to have an elected Mayor?

11.15 am

Alex Norris: As my hon. Friend says, the taking on of the PCC seems to be that sort of totemic tipping moment, making this question all the more compelling. I am interested in a case in which sub-paragraph (1)(b) and (c) were used, in which only some police and crime functions were devolved. Does that mean that the pre-existing police and crime commissioner would continue to exist alongside the Mayor? Are we creating some confusion, if we have a PCC and a Mayor with some police and crime responsibilities? I am not sure that is desirable. Again, that might create variance between Mayors. I am not minded to support the provision, but I might be persuaded if we were clear what sort of circumstances it would apply to and what powers we might not want to give, and if we had clarity on the point about other PCCs.

Neil O'Brien: The schedule provides detail setting out the areas where the Secretary of State either may or has to make regulations to enable a transfer of PCC functions to a CCA Mayor, and provides the framework and arrangements for them to exercise those functions day

to day. It is important that CCA Mayors can exercise PCC functions if the authority and policing boundaries align, and if they feel that taking on the functions will help them deliver more effective policing for the area.

Alex Norris: I apologise, but it is helpful that the Minister used the “boundaries align” phrase. Is that a complete alignment of boundaries?

Neil O'Brien: Yes, I think it is, implicitly. The levelling-up White Paper talks about how, if the boundaries did not quite align and there was a strong desire locally for that, we would look at the geographies over time and whether it was worth changing them in order to make them fit. I stress that that is probably a long-term function. Broadly speaking, this is keeping the mayoral combined authority and CCA models aligned, because the power already exists, although it is not being used in the MCA legislation.

Over time, the PCC role has expanded and evolved, and it continues to do so, and the Bill would allow the Home Office at a future date not to devolve all PCC functions, if that were not appropriate in future. At this point, I cannot specify in exactly what circumstances that might arise—it might be to do with edge cases where there is desire to do some policing-adjacent things through transport, of the kind that Tracy talked about—but so far those powers have not been used. At the moment, I do not think that there is an intention to use them. I am aware of no examples of active discussion of any such thing.

As I say, however, the PCC role is evolving over time, as is that of the different combined authorities. We are just holding open that possibility for the future. Were we to explore that future, the possibility of the processes that we have talked about so far in this sitting—things going through Parliament with explanatory memorandums and so on—would all apply. At the moment, this is just holding things open for a potential future, in case there is a desire to do things in this kind of space.

Alex Norris: The Minister knows that I do not give an awful lot of shrift to the argument that we need to do such things because that is how they are in combined authorities. The Minister has chosen to establish a separate class. If we merely had to adopt the same arrangements as combined authorities, basically we should have moved the 60 amendments and simply agreed them. The Minister has chosen to legislate differently, and therefore I believe that the amendment needs to be treated on its own merits.

Similarly, I do not give an awful lot of shrift to the idea of leaving the door open for things that have not been used before in mirroring powers, so that they might be used later for an unspecified purpose. That is not a strong reason to keep something in statute, so I will press the amendment to a vote.

Question put. That the amendment be made.

The Committee divided: Ayes 4, Noes 9.

Division No. 6]

AYES

Lewell-Buck, Mrs Emma

Norris, Alex

Maskell, Rachael

Pennycook, Matthew

NOES

Andrew, rh Stuart	Moore, Robbie
Atherton, Sarah	Mortimer, Jill
Dines, Miss Sarah	O'Brien, Neil
Henry, Darren	Vickers, Matt
Kruger, Danny	

Question accordingly negated.

Alex Norris: I beg to move amendment 38, in schedule 3, page 207, line 23, leave out paragraph (a)

This amendment would allow the person who is appointed deputy mayor under section 26 to be appointed as deputy mayor for policing and crime.

This is the dangerous bit. I am going to torture the cricket analogy one last time, even though it really does not stand up to it: we are just seeing out the final over before lunch, so I will try not to nick one here if possible.

Paragraph 3(1)(a) of schedule 3 states that the Secretary of State may

“appoint a deputy mayor in respect of PCC functions”

but that that person cannot be what I have called in previous debates “the statutory Mayor”. More than anything, I am keen to know why that measure, which amendment 38 would delete, was included. It may be that the statutory deputy could hold a role outside their normal duties that would mean they were not eligible to take police and crime functions, and could not stand for police and crime commissioner—just as a Member of Parliament cannot be a police and crime commissioner—but I am not clear what that role would be. Short of an unavoidable hurdle, I wonder why we are reducing the options rather than letting the Mayor choose which of their eligible candidates would be best for the role.

Neil O'Brien: The single-word answer to the hon. Gentleman's question is: workload. Clause 30 enables the Mayor of a combined county authority to have the functions of a police and crime commissioner conferred on them, subject to their consent. It includes provisions on the employment of a deputy Mayor for crime and policing, and the rules that govern who is eligible.

The role of the statutory deputy Mayor of the CCA is, as we have discussed, to step in should the Mayor become unable to act or if the office of Mayor is vacant. As we said earlier, the deputy Mayor, as any other member of the combined county authority, may assist the Mayor or be delegated a portfolio to lead for the CCA—that could be transport or all manner of different

things. The deputy Mayor is also likely to be a leader or another senior member of the constituent council, so is likely to have plenty on their plate. The role of the deputy Mayor for crime and policing is to dedicate constant focus and attention to the vital areas of crime and policing.

Those are both clearly significant roles, and it is difficult to see how both could be delivered by one person without insufficient attention on policing or the responsibilities of deputy Mayor suffering.

Alex Norris: Is the intention for the role to go to a private citizen, not a constituent member of the authority?

Neil O'Brien: The CCA member also holds an elected position for a specific portion of the CCA area, so they are a constituent member. The Mayor's PCC power covers the entirety of the police force in the CCA area. That could cause confusion about the democratic mandate that the CCA member has—when compared with the requirement of the deputy Mayor for crime and policing—to support the Mayor, who has been elected to represent constituents from across the whole police force area.

Let me encapsulate it. Why do we have to have a deputy Mayor for crime and policing? Because PCC is a full-time job, and in most of the country outside the MCAs, it is a stand-alone job. There are many advantages to bringing those two things together, as the Mayor of West Yorkshire told us, but it works best when there is a high degree of delegation to a deputy Mayor for crime and policing who can drive forward all that work so that the Mayor can provide strategic join-up between that and other functions. We would still have someone whose full-time job is to do all those things. If we tried to combine the two roles, however, it would be just too much workload for one person.

Alex Norris: The point about workload is well made. I understand now that the portfolio of deputy mayors will be held by constituent members of the authority, but I am still now sure—maybe that is my fault—whether the deputy Mayor for crime and policing is a constituent member before their appointment by the Secretary of State.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.