

Blog: The Core Cities Amendment and its mayoral implications

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However sceptical you (or I) may be about the House of Lords' vaunted ability subtly but significantly to amend government legislation, when a normally thwarted Opposition Spokesperson describes one of these amending sessions as 'an almost biblical experience', it at least arouses your curiosity. After all, you don't get many ABEs down the corridor in, as they insist on calling it, 'the other place'. And indeed, the amendment in question – albeit potentially and allowing for a bit of baronial rhetoric – is quite a biggie.

The Bill is the Localism Bill, currently running at nearly 450 pages (excluding Explanatory Notes), 227 clauses, 25 schedules – and 145 new powers to the Secretary of State. By Monday 12th September it had reached the third sitting of the Lords' Report Stage, and Amendment No. 114. The Amendment was moved by Labour's Lord (Bill) McKenzie (former Leader of Luton BC and until 2010 a DCLG Junior Minister). But, as he and his fellow signatories to this crucially cross-party amendment – Baroness Hanham (Conservative Parliamentary Under-Secretary, DCLG), and Lord (John) Shipley (former Lib Dem Leader of Newcastle CC) – readily admitted, its real authors were the Core Cities Group (CCG).

Core Cities is a small self-selected and self-financed network of the local authorities of England's eight largest city economies outside London – Birmingham, Bristol, Leeds, Liverpool, Manchester, Newcastle, Nottingham and Sheffield. Following a strategy set by the city council leaders – of all three major parties – it works with government and other agencies to influence policy that will improve cities' economic performance and reduce their dependency.

The CCG amendment, tabled initially at the Lords Committee Stage – see briefing paper: www.corecities.com/what-we-do/publications/core-cities-localism-bill-amendment (<http://www.corecities.com/what-we-do/publications/core-cities-localism-bill-amendment>) – is far-reaching in aim, but, seeking cross-party support, calculatedly cautious in its phrasing. **The aim is to enable cities to make the case for greater autonomy over key areas such as transport, housing, skills and regeneration, similar to that enjoyed by the Mayor of London, and to enable ministers to devolve such powers, on a case by case basis, over time, without the need to pass further primary legislation.** Powers would only be devolved to cities meeting key ministerially-set 'competency tests', such as robust governance arrangements, evidence of a functioning economic area, and organisational capacity to deliver – the implication being that different cities would probably access different powers over different timescales. It is, then, certainly not wholesale devolution or presumed autonomy; rather, a repackaging of that New Labour favourite, earned autonomy, but for a government that proclaims itself committed to presumed autonomy.

Amendments to this effect were tabled during the Lords Committee Stage, but, with Ministers having indicated some support in principle for this approach, they were not moved on the final day of Committee. Over the summer recess, however, the Government, working apparently directly with the Core Cities Group, progressed matters to the point of producing the set of amendments, agreeable to all parties, that were tabled, harmoniously debated, and passed without division at the Report Stage on 15th September, and that now form a new Chapter 2A in the version of the Bill that will leave the Lords.

The key Amendment 114 provides for the Secretary of State to transfer “a local public function from the public authority whose authority it is to a permitted authority”, provided it is considered that the transfer “would promote economic development or wealth creation, or increase local accountability in relation to each local public function transferred”. The interpretative Amendment 119 later defines 'permitted authority' as an English local authority or a combined authority or economic prosperity board, as established by the 2009 Local Democracy, Economic Development and Construction Act.

It may sound prosaic, but remember: to at least one central participant it represented 'an almost biblical experience'. The enthusiast was Labour's Lord Beecham – like Lord McKenzie an Opposition Spokesperson on the Bill, and like Lord Shipley a former Leader of Newcastle CC. He was actually referring to the effectiveness with which the parties had worked together on these amendments and specifically to the adroitness with which another ennobled former council leader, Lord Tope, had stood in for his unavoidably absent party colleague, Lord Shipley; but he also made clear that he did consider it 'the most localist part of the entire Bill, and the Minister and her colleagues deserve to be congratulated on that'.

Having also chaired the LGA for several years, Lord Beecham has more cause than almost anyone in the Lords to question the ability of even the best-intentioned ministers to deliver on fine words, and we have already seen the reluctance of departments other than the DCLG to respond even on community budgets. So could it be that, pleased as he obviously was with the anticipated boost to the economic prospects of cities like Newcastle, there was some additional reason for his satisfaction? You bet there was!

“As some of your Lordships will be aware, I am not an enthusiast for elected mayors by any means. I am therefore glad that the original restriction has been abandoned because it seems to me important that councils with the more conventional model of leader and executive should have this opportunity.”

The 'original restriction', it may be recalled, was part of Chapter 3, Section 9H of the Bill that, on top of the imposition of shadow mayors, infuriated many in local government by providing for an elected mayor to become the chief executive officer of the authority. The next bit, Sections 9HF and 9HG, provided for the Secretary of State to confer a local public service function on an elected mayor, and for a mayor to apply to have such functions conferred on them. It was, in short, the big mayoral carrot. **What the conferred functions would or could be wasn't spelt out – and still hasn't been – but this deal, for mayoral cities only, was to be the incentive to persuade sceptical voters and even hostile councillors in the designated cities to back the Government's mayoral project. And now it's gone. There's no longer any need, in the interests of your city's greater autonomy, to opt in next year's referendum for an elected mayor; any additional powers going should be available to any major city authority, irrespective of their political management arrangements.**

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