

SUPPLEMENTARY LEGISLATIVE CONSENT MEMORANDUM (MEMORANDUM NO.2)

THE LEVELLING-UP AND REGENERATION BILL

1. This supplementary legislative consent memorandum is laid under Standing Order (“SO”) 29.2. SO29 prescribes that a legislative consent memorandum (“LCM”) must be laid, and a legislative consent motion may be tabled, before Senedd Cymru if a UK Parliamentary Bill makes provision in relation to Wales for any purpose within, or which modifies the legislative competence of the Senedd.
2. The Levelling-up and Regeneration Bill (“the Bill”) was introduced in the House of Commons on 11 May 2022. I laid an [LCM on the Bill as introduced on 28 September](#) and [a revised LCM on 25 November](#).
3. On 16 and 18 November the UK Government tabled amendments for consideration at Commons Report stage which commenced on 23 November with a further sitting date to be announced. Two amendments affect provisions contained within the Bill as introduced that fell within the legislative competence of the Senedd. A third government amendment makes provision which falls within the legislative competence of the Senedd. Their effect is described in paragraphs x to x below.
4. The tabled amendments can be found at: <https://bills.parliament.uk/bills/3155/publications> and are yet to be agreed. The clauses referred to in this supplementary LCM are as set out in the Bill as amended at Public Committee on 20 October. This version of the Bill can be found at: <https://bills.parliament.uk/bills/3155>

Policy Objectives

5. The UK Government’s stated policy objective is to reverse geographical disparities between different parts of the UK by spreading opportunity more equally.

Summary of the Bill

6. The Bill is sponsored by the Department for Levelling Up, Housing and Communities.
7. The Bill as introduced made provision for the setting of levelling-up missions and reporting on progress in delivering them; about local democracy; about town and country planning; about Community Infrastructure Levy; about the imposition of Infrastructure Levy; about environmental outcome reports for certain consents and plans; about regeneration; about the compulsory purchase of land; about information

and records relating to land, the environment or heritage; for the provision for pavement licences to be permanent; about governance of the Royal Institution of Chartered Surveyors; about vagrancy and begging; and for connected purposes.

8. Further information about the Bill can be found within the first LCM laid <https://senedd.wales/media/5qdfx1u1/lcm-ld15356-e.pdf>

Update on position since the publication of the first and revised Legislative Consent Memorandum

9. I laid an LCM on 28 September, based on the Bill as introduced into the UK Parliament (House of Commons) on 11 May. That LCM stated it was the view of the Welsh Government that it is not appropriate to deal with the majority of the provisions, as drafted on introduction, in this UK Bill. The LCM also identified certain areas the Welsh Government considered could be supported and areas we considered could be supported subject to amendments.
10. The Local Government and Housing Committee (LGHC) and the Legislation, Justice and Constitution Committee (LJCC) in their letters to me of 1 and 2 November respectively, sought further information and clarification on a number of areas in relation to the Bill and the Welsh Government's position. The LJCC suggested an LCM be laid to address the comments it had raised.
11. [A revised LCM was laid to address these points on 25 November.](#) The revised LCM was based on the Bill as introduced.

Amendments tabled to the Bill for consideration at House of Commons Report Stage for which consent is no longer required

12. On 16 and 18 November the UK Government tabled several government amendments to the Bill for consideration at Commons Report stage.
13. The following government amendments affect two provisions, Clause 96 (Street Votes) and Clause 187 (Vagrancy and begging), that were contained within the Bill, as introduced, and which fell within the legislative competence of the Senedd:

Amendments Gov 58 and Gov NC69

14. Clause 96 (Street Votes), as introduced, was a placeholder clause which fell within the legislative competence of the Senedd. Amendment Gov 58 removes the placeholder Clause 96 (Street Votes) from the Bill.
15. Amendment Gov NC69 is a new clause that will be inserted into Chapter 4 of Part 3 of the Bill to replace the current placeholder in Clause 96. This amendment clause sets out substantive provisions in relation to Street

Votes. Whilst the substantive provisions inserted by this amendment clause will extend to England and Wales, they will apply in England only. As such, as the amendment provisions do not apply in Wales and Clause 96 has been removed, this provision no longer engages the legislative consent motion process under SO29.

Amendments Gov 1 and Gov 62

16. Amendment Gov 1 removes Clause 190 (Clause 187 in the bill, as introduced). The amendment therefore removes the placeholder drafting in respect of vagrancy. Amendment Gov 62 removes a further reference from the Bill relating to vagrancy and begging. As the Clause has been removed, this provision no longer engages the legislative consent motion process under SO29.

Amendment tabled to the Bill for consideration at Commons Report Stage for which consent is required

17. As set out below, Government amendment Gov NC60, was tabled for consideration at Commons Report stage and makes provision in relation to Wales:

Amendment Gov NC60

18. This new clause will make technical and clarifying legal amendments to section 211(10) (Part 11) of the Planning Act 2008. The amendments extend to, and will apply in relation to, England and Wales.
19. We are satisfied that these amendments do not relate to any of the reserved matters set out in Schedule 7A to Government of Wales Act 2006 (GoWA), nor do any of the restrictions listed in Schedule 7B to GoWA apply. Therefore, these amendments are within the legislative competence of the Senedd. This position is agreed by UK Government, and it is seeking the consent of Senedd Cymru, which I recommend is granted.

Welsh Government position on the Bill as amended

20. The Welsh Government acknowledges the above amendments laid by the UK Government on 16 and 18 November for consideration during Commons Report stage. It also notes that the amendments are yet to be agreed.
21. Amendments Gov 58 and Gov NC69 remove provisions that applied to Wales, and for which I had previously recommended the Senedd withhold its consent in both my first LCM and the revised LCM. Therefore, I acknowledge the consent of the Senedd is no longer required for these provisions, and I support these two amendments as they address my concerns.

22. Amendment Gov NC60 is purely technical and clarifying in nature.

Financial implications

23. There are no financial implications for Wales in relation to the amendments. The financial impact of the Bill as affects Wales is summarised in the LCMs laid on 28 September and 25 November.

Conclusion

24. I recommend the Senedd notes the UK Government amendments to the Bill that remove provisions (clause 96 and 187) that were applicable to Wales in the Bill as introduced.

25. I recommend the consent of the Senedd should be given to UK Government Amendment NC60, as the amendment makes minor technical and clarifying changes only. While it is possible for the Senedd to make the changes, their minor technical nature means in my view the benefit of effecting the changes through this Bill outweigh the policy presumption against doing so.

Julie James MS
Minister for Climate Change
[30 November] 2022