



Ministry of Housing,
Communities &
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Constitution Committee
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h ^{*tu*} March 2026

Dear *Lord Strathclyde*

I would like to thank the Committee for its report on the English Devolution and Community Empowerment Bill ('the Bill'), published on 13 January.

The report raised two questions relating to the territorial extent and application of the Bill, and the Secretary of State's power regarding the establishment of Combined Authorities and Combined County Authorities, which I have addressed in this letter.

Territorial extent and application

All of the Bill's provisions apply in England only, with the exception of three measures (and Part 6 final provisions) which will also apply in Wales. The three measures are (i) the disqualification of members of UK legislatures (including Members of the Senedd) from becoming Mayors of Strategic Authorities; (ii) reverting the voting system for Police and Crime Commissioners elections back to the Supplementary Vote and (iii) banning the use of upwards only rent review clauses within commercial leases.

Although these measures do not require a legislative consent motion, the UK Government has consulted the Welsh Government on all of these measures. Ahead of the Bill's introduction to Parliament, the-then Commons Bill Minister, Jim McMahon MP, wrote to the Cabinet Secretary for Housing and Local Government in the Welsh Government, Jane Bryant MS, outlining the UK Government's rationale for legislating for the three measures. Officials in the Welsh Government have also been engaged regularly both ahead of the Bill's introduction and during the Bill's passage through Parliament.

Secretary of State power

The report also drew attention to the new statutory test (set out in paragraph 17, Part 1, Schedule 1 to the Bill) for the use of the new Secretary of State power to direct the establishment of a Combined Authority.

As the report has identified, a central aim of the Bill is to deliver a clearer and more consistent model of devolution across England which can be delivered more quickly than current legislation allows. To this end, the Government is taking the opportunity to streamline and simplify the process for establishing authorities that will, in future, become Strategic Authorities.

The current legislation imposes a statutory requirement for the Secretary of State to consider the need "to secure effective and convenient local government" when establishing a Combined Authority or Combined County Authority (section 110(1)(aa)(i) of the Local Democracy, Economic Development and Construction Act 2009 and section 46(1)(b)(i) of the Levelling-up and Regeneration Act 2023). That test is established and well understood.

The Government is of the view that tying that test explicitly to the areas of competence in this Bill, rather than improvements to "economic, social and environmental well-being" will ensure that the functions and expanded role of Strategic Authorities sit at the heart of the updated statutory test, ensuring the test is more firmly aligned with the new devolution architecture for England.

Following Royal Assent, the test will make up only one element of the safeguards which will apply to use of the Secretary of State's power to direct the establishment of Combined Authorities and Combined County Authorities. In addition to the new statutory test, the power under paragraph 16 of Schedule 1 would only be commenced by regulations if needed. Once commenced, the Government may only exercise this power where no viable locally-led proposal has been provided and the Secretary of State must have regard to representations received from constituent councils and any other person provided with statutory notice of the proposal to establish the Combined Authority. This will ensure that this power is only ever used as a last resort, where local leaders have not been able to agree on how to access devolved powers.

If any Members of the Committee require any further information on the Bill ahead of Lords Report stage, please do not hesitate to get in touch as I would be happy to meet with Members or provide further written briefing if helpful.

Yours ever,



BARONESS TAYLOR OF STEVENAGE

Parliamentary Under-Secretary of State for Housing and Local Government