House of Commons
Regulatory Reform Committee

Draft Legislative Reform (Community Governance Reviews) Order 2015: Second Stage

Fourth Report of Session 2014–15

Report, together with formal minutes

Ordered by the House of Commons
to be printed 18 March 2015
The Regulatory Reform Committee (previously the Deregulation and Regulatory Reform Committee) is appointed to consider and report to the House on draft Legislative Reform Orders under the Legislative and Regulatory Reform Act 2006. Its full remit is set out in S.O. No. 141, which was approved on 4 July 2007.

Current membership

Lee Scott MP (Conservative, Ilford North) (Chair)
Heidi Alexander MP (Labour, Lewisham East)
Mr David Anderson MP (Labour, Blaydon)
Andrew Bridgen MP (Conservative, North West Leicestershire)
Jack Dromey MP (Labour, Birmingham, Erdington)
Richard Fuller MP (Conservative, Bedford)
Lilian Greenwood MP (Labour, Nottingham South)
Rebecca Harris MP (Conservative, Castle Point)
Gordon Henderson MP (Conservative, Sittingbourne and Sheppey)
John Hemming MP (Liberal Democrats, Birmingham, Yardley)
Andrew Jones MP (Conservative, Harrogate and Knaresborough)
Ian Lavery MP (Labour, Wansbeck)
Andrew Percy MP (Conservative, Brigg and Goole)
Valerie Vaz MP (Labour, Walsall South)

The following members were also members of the committee during the parliament:

James Duddridge MP (Conservative, Rochford and Southend East)
Ben Gummer MP (Conservative, Ipswich)
Brandon Lewis MP (Conservative, Great Yarmouth)
Mr Robert Syms MP (Conservative, Poole)

Criteria against which the Committee considers each draft legislative reform order

Paragraph (3) of Standing Order No.141 requires us to consider any draft legislative reform order against the following criteria:

... whether the draft legislative reform order —
(a) appears to make an inappropriate use of delegated legislation;
(b) serves the purpose of removing or reducing a burden, or the overall burdens, resulting directly or indirectly for any person from any legislation (in respect of a draft Order under section 1 of the Act);
(c) serves the purpose of securing that regulatory functions are exercised so as to comply with the regulatory principles, as set out in section 2(3) of the Act (in respect of a draft Order under section 2 of the Act);
(d) secures a policy objective which could not be satisfactorily secured by non-legislative means;
(e) has an effect which is proportionate to the policy objective;
(f) strikes a fair balance between the public interest and the interests of any person adversely affected by it;
(g) does not remove any necessary protection;
(h) does not prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise;
(i) is not of constitutional significance;
(j) makes the law more accessible or more easily understood (in the case of provisions restating enactments);
(k) has been the subject of, and takes appropriate account of, adequate consultation;
(l) gives rise to an issue under such criteria for consideration of statutory instruments laid down in paragraph (1) of Standing Order No 151 (Statutory Instruments (Joint Committee)) as are relevant;
(m) appears to be incompatible with any obligation resulting from membership of the European Union.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the internet at www.parliament.uk/regrefcom. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are James Davies (Clerk), Jessica Montgomery (Second Clerk), Sonia Draper (Senior Committee Assistant) and Pam Morris (Committee Assistant).

Contacts

All correspondence should be addressed to the Clerk of the Regulatory Reform Committee, House of Commons, 14 Tothill Street, London SW1H 9NB. The telephone number for general enquiries is 020 7219 5469; the Committee’s email address is regrefcom@parliament.uk
Contents

<table>
<thead>
<tr>
<th>Report</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Report</td>
<td>3</td>
</tr>
<tr>
<td>2 Introduction</td>
<td>3</td>
</tr>
<tr>
<td>3 Recommendation</td>
<td>3</td>
</tr>
<tr>
<td>Formal Minutes</td>
<td>4</td>
</tr>
<tr>
<td>List of Reports from the Committee during the current Parliament</td>
<td>5</td>
</tr>
</tbody>
</table>
1 Report

Introduction

1. On 11 December 2014, the Department for Communities and Local Government laid the draft Legislative Reform (Community Governance Reviews) Order 2015, and associated Explanatory Document.

2. We considered the draft Order on 28 January and recommended, without division, that the draft Order be approved using the affirmative procedure. However, the House of Lords Delegated Powers and Regulatory Reform Committee recommended that the procedure be upgraded to the super-affirmative procedure because in its view, the Explanatory Document did not provide sufficient information to in respect of the burdens being removed.

3. The Department responded to those concerns and on 4 March 2015, the House of Lords Committee reported that it was now “satisfied that the Order meets the tests set out in the 2006 Act and is not otherwise inappropriate for the Legislative Reform Order procedure”.

4. On Wednesday 11 March 2015, Stephen Williams MP, Parliamentary Under-Secretary of State for Communities and Local Government, laid a Statement before Parliament restating that the House of Lords Committee was now satisfied that the draft Order met the tests set out in the Legislative and Regulatory Reform Act 2006” and that he proposed to “proceed with the draft order without any revisions”.

Recommendation

5. In our previous Report we recommended that the draft Order be approved. The House of Lords Committee is now satisfied that the draft Order meets the tests set out in the Legislative and Regulatory Reform Act 2006 and the Minister has told the House that the draft Order will be proceeded with, unamended. We therefore reiterate our recommendation that the draft Order be approved using the affirmative procedure.

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1 Regulatory Reform Committee, Third Report of Session 2014–15, Draft Legislative Reform (Community Governance Reviews) Order 2015, HC969


Formal Minutes

Wednesday 18 March 2015

Members present:

Lee Scott, in the Chair

Mr David Anderson  John Hemming
Andrew Bridgen    Andrew Jones
Rebecca Harris

Draft Report (Draft Legislative Reform (Community Governance Reviews) Order 2015: Second Stage), proposed by the Chair, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 5 read and agreed to.

Resolved, That the Report be the Fourth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

[Adjourned till a date and time to be fixed by the Chair.]
List of Reports from the Committee during the current Parliament

### Session 2014–15

<table>
<thead>
<tr>
<th>Report Type</th>
<th>Title</th>
<th>Session No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Report</td>
<td>Draft Legislative Reform (Patents) Order 2014</td>
<td>HC 331</td>
</tr>
<tr>
<td>Second Report</td>
<td>Draft Legislative Reform (Entertainment Licensing) Order 2014</td>
<td>HC 742</td>
</tr>
<tr>
<td>Third Report</td>
<td>Draft Legislative Reform (Community Governance Reviews) Order 2015</td>
<td>HC 969</td>
</tr>
<tr>
<td>Fourth Report</td>
<td>Draft Legislative Reform (Community Governance Reviews) Order 2015: Second Stage</td>
<td>HC 1092</td>
</tr>
</tbody>
</table>

### Session 2013–14

<table>
<thead>
<tr>
<th>Report Type</th>
<th>Title</th>
<th>Session No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Report</td>
<td>Draft Legislative Reform (Regulation of Providers of Social Work Services)(England and Wales) Order 2013</td>
<td>HC 270</td>
</tr>
<tr>
<td>Third Report</td>
<td>Draft Legislative Reform (Overseas Registration of Births and Deaths) Order 2014</td>
<td>HC 1010</td>
</tr>
<tr>
<td>Fourth Report</td>
<td>The Harrogate Stray Act 1985 (Tour de France) Order 2014</td>
<td>HC 1197</td>
</tr>
<tr>
<td>Fifth Report</td>
<td>Draft Legislative Reform (Clinical Commissioning Groups) Order 2014</td>
<td>HC 1224</td>
</tr>
</tbody>
</table>

### Session 2012–13

<table>
<thead>
<tr>
<th>Report Type</th>
<th>Title</th>
<th>Session No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Report</td>
<td>Draft Legislative Reform (Annual Review of Local Authorities) Order 2012</td>
<td>HC 158</td>
</tr>
<tr>
<td>Second Report</td>
<td>Draft Legislative Reform (Constitution of Veterinary Surgeons Preliminary Investigation and Disciplinary Committees) Order 2013</td>
<td>HC 824</td>
</tr>
</tbody>
</table>

### Session 2010–12

<table>
<thead>
<tr>
<th>Report Type</th>
<th>Title</th>
<th>Session No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Report</td>
<td>Draft Legislative Reform (Civil Partnership) Order 2010</td>
<td>HC 595</td>
</tr>
<tr>
<td>Second Report</td>
<td>Draft Legislative Reform (Epping Forest) Order 2011</td>
<td>HC 963</td>
</tr>
<tr>
<td>Third Report</td>
<td>Draft Legislative Reform (Industrial and Provident Societies and Credit Unions) Order 2011: Second Stage</td>
<td>HC 1564</td>
</tr>
</tbody>
</table>