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APPENDIX 1

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## Localism Bill

### MARSHALLED LIST OF AMENDMENTS TO BE MOVED ON THIRD READING

*The amendments have been marshalled in accordance with the Instruction of 21st July 2011, as follows—*

Clauses 1 to 10  
Schedule 1            Schedule 2  
Clauses 11 and 12    Clauses 13 to 20

*[Amendments marked \* are new or have been altered]*

## **Clause 10**

**BARONESS EATON**

1

Page 19, line 9, after “misinstalled” insert “or not properly maintained”

2

Page 19, line 13, after “misinstalled” insert “or not properly maintained”

## **Clause 25**

**LORD PANNICK**

**LORD HART OF CHILTON**

**LORD MCKENZIE OF LUTON**

3

Page 36, line 37, leave out subsection (2) and insert—

“(2) In deciding whether a decision-maker had, or appeared to have had, a closed mind to any extent when making the decision—

(a) the relevant time at which that issue is to be assessed is when the decision of the relevant authority was formally taken;

(b) an earlier statement or conduct by the decision-maker that amounts to predisposition is irrelevant; and

(c) an earlier statement or conduct by the decision-maker that amounts to predetermination shall be taken into account and given such weight as is appropriate in the circumstances of the case.”

## **Clause 27**

**BARONESS HANHAM**

4

Page 38, line 9, at end insert—

“(1A) In discharging its duty under subsection (1), a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority when they are acting in that capacity.

(1B) A relevant authority that is a parish council—

(a) may comply with subsection (1A) by adopting the code adopted under that subsection by its principal authority, where relevant on the basis that references in that code to its principal authority’s register are to its register, and

(b) may for that purpose assume that its principal authority has complied with section 28(1) and (1A).”

## Clause 28

### BARONESS HANHAM

5

Page 39, line 33, leave out subsection (1) and insert—

“(1) A relevant authority must secure that a code adopted by it under section 27(1A) (a “code of conduct”) is, when viewed as a whole, consistent with the following principles—

(a) selflessness;

(b) integrity;

(c) objectivity;

(d) accountability;

(e) openness;

(f) honesty;

(g) leadership.

(1A) A relevant authority must secure that its code of conduct includes the provision the authority considers appropriate in respect of the registration in its register, and disclosure, of—

(a) pecuniary interests, and

(b) interests other than pecuniary interests.

(1B) Sections 29 to 34 do not limit what may be included in a relevant authority’s code of conduct, but nothing in a relevant authority’s code of conduct prejudices the operation of those sections.

(1C) A failure to comply with a relevant authority’s code of conduct is not to be dealt with otherwise than in accordance with arrangements made under subsection (3); in particular, a decision is not invalidated just because something that occurred in the process of making the decision involved a

failure to comply with the code.”

6

Page 39, line 37, at end insert “or”

7

Page 39, line 38, leave out from second “conduct” to end of line 39

8

Page 39, line 40, leave out subsection (3) and insert—

“(3) A relevant authority other than a parish council must have in place—

(a) arrangements under which allegations can be investigated, and

(b) arrangements under which decisions on allegations can be made.

(3A) Arrangements put in place under subsection (3)(b) by a relevant authority must include provision for the appointment by the authority of at least one independent person—

(a) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate, and

(b) whose views may be sought—

(i) by the authority in relation to an allegation in circumstances not within paragraph (a),

(ii) by a member, or co-opted member, of the authority if that person’s behaviour is the subject of an allegation, and

(iii) by a member, or co-opted member, of a parish council if that person’s behaviour is the subject of an allegation and the authority is the parish council’s principal authority.

(3B) For the purposes of subsection (3A)—

(a) a person is not independent if the person is—

(i) a member, co-opted member or officer of the authority,

(ii) a member, co-opted member or officer of a parish council of which the authority is the principal authority, or

(iii) a relative, or close friend, of a person within sub-paragraph (i) or (ii);

(b) a person may not be appointed under the provision required by subsection (3A) if at any time during the 5 years ending with the appointment the person was—

(i) a member, co-opted member or officer of the authority, or

(ii) a member, co-opted member or officer of a parish council of which the authority is the principal

authority;

(c) a person may not be appointed under the provision required by subsection (3A) unless—

(i) the vacancy for an independent person has been advertised in such manner as the authority considers is likely to bring it to the attention of the public,

(ii) the person has submitted an application to fill the vacancy to the authority, and

(iii) the person's appointment has been approved by a majority of the members of the authority;

(d) a person appointed under the provision required by subsection (3A) does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.

(3C) In subsections (3) and (3A) "allegation", in relation to a relevant authority, means a written allegation—

(a) that a member or co-opted member of the authority has failed to comply with the authority's code of conduct, or

(b) that a member or co-opted member of a parish council for which the authority is the principal authority has failed to comply with the parish council's code of conduct.

(3D) For the purposes of subsection (3B) a person ("R") is a relative of another person if R is—

(a) the other person's spouse or civil partner,

(b) living with the other person as husband and wife or as if they were civil partners,

(c) a grandparent of the other person,

(d) a lineal descendant of a grandparent of the other person,

(e) a parent, sibling or child of a person within paragraph (a) or (b),

(f) the spouse or civil partner of a person within paragraph (c), (d) or (e), or

(g) living with a person within paragraph (c), (d) or (e) as husband and wife or as if they were civil partners."

9

Page 40, line 1, leave out "this section)" and insert "arrangements put in place under subsection (3))"

**LORD BICHARD**

**LORD FILKIN**

10\*

Page 40, line 5, at end insert—

“( ) Such action may include the suspension of a person from being a member or co-opted member of one or more committees of the relevant authority concerned.

( ) Where a relevant authority makes such a decision it must decide the period for which the person should be suspended, which must not exceed six months or, if shorter, the remainder of the person’s term of office.”

**BARONESS HANHAM**

11

Page 40, line 6, leave out “withdrawal” and insert “replacement”

12

Page 40, line 8, leave out “withdrawal” and insert “replacement”

13

Page 40, line 10, leave out “withdrawing a code of conduct under this section” and insert “replacing a code of conduct”

**Clause 29**

**LORD BEECHAM**

**LORD MCKENZIE OF LUTON**

**LORD KENNEDY OF SOUTHWARK**

14\*

Page 40, line 21, at end insert—

“(b) members of a designated neighbourhood forum under section 61F of the Town and Country Planning Act 1990”

**Clause 46**

**LORD BEECHAM**

**LORD MCKENZIE OF LUTON**

**LORD KENNEDY OF SOUTHWARK**

15\*

Leave out Clause 46

**After Clause 47**

**LORD MARLESFORD**