LOCALISM BILL, AS AMENDED
[SECOND DAY]

NEW CLAUSE RELATING TO TAX IN CONNECTION WITH PROVISIONS OF PARTS 6 AND 7

Tax

Secretary Eric Pickles

*Added* NC21

To move the following Clause:—

‘Schedule [Transfers and transfer schemes: tax provisions] (provision about tax in connection with certain transfers and transfer schemes) has effect.’.

NEW SCHEDULE RELATING TO TAX IN CONNECTION WITH PROVISIONS OF PARTS 6 AND 7

Secretary Eric Pickles

*Added* NS2

To move the following Schedule:—

‘Transfers and transfer schemes: tax provisions

PART 1

TRANSFER UNDER PARAGRAPH 60 OF SCHEDULE 16

1 (1) For the purposes of any enactment about income tax or corporation tax, the Office and the HCA are to be treated as the same person.
(2) In particular, the transfer effected by paragraph 60 of Schedule 16 is to be disregarded for those purposes.
(3) Accordingly, that transfer is not to be regarded for the purposes of Part 8 of the Corporation Tax Act 2009 (gains and losses from intangible fixed assets) as involving any realisation of an asset by the Office or acquisition of an asset by the HCA.
(4) In this paragraph—
Localism Bill, continued

“enactment” includes an enactment contained in an instrument made under an Act,
“the HCA” means the Homes and Communities Agency, and
“the Office” means the Office for Tenants and Social Landlords.

PART 2

CERTAIN TRANSFERS UNDER SCHEME UNDER SECTION 161 OR 162

Interpretation of Part 2 of Schedule

2 In this Part of this Schedule—

“CTA 2009” means the Corporation Tax Act 2009,
“public body” means—

(a) a person which is a public body for the purposes of section 66 of the Finance Act 2003 (stamp duty land tax: transfers involving public bodies), or
(b) a person prescribed for the purposes of this Part of this Schedule by order made by the Treasury,

“relevant transfer” means—

(a) a transfer, in accordance with a transfer scheme under section 161, to a taxable public body of property, rights or liabilities of the Homes and Communities Agency, or
(b) a transfer, in accordance with a transfer scheme under section 162, to a taxable public body,

“taxable public body” means a public body which is within the charge to corporation tax,
“transferee”, in relation to a transfer in accordance with a transfer scheme under section 161 or 162, means the person to whom the transfer is made, and

“transferor”—

(a) means the Homes and Communities Agency in relation to a transfer, in accordance with a transfer scheme under section 161, of property, rights or liabilities of that Agency, and
(b) means the London Development Agency in relation to a transfer in accordance with a transfer scheme under section 162.

Computation of profits and losses in respect of transfer of a trade

3 (1) This paragraph applies where a taxable public body (“the predecessor”) is carrying on a trade or part of a trade and, as a result of a transfer scheme under section 161 or 162—

(a) the predecessor ceases to carry on that trade or part of a trade, and
(b) another taxable public body (“the successor”) begins to carry on that trade or part.

(2) For the purposes of calculating, in relation to the time when the scheme comes into force and subsequent times, the relevant trading profits or losses of the predecessor and the successor—

(a) the trade or part is to be treated as having been a separate trade at the time of its commencement and as having been carried on by the successor at all times since its commencement as a separate trade, and
(b) the trade carried on by the successor after the time when the scheme comes into force is to be treated as the same trade as that which the
successor is treated, by virtue of paragraph (a), as having carried on as a separate trade before that time.

(3) If a trade or part of a trade is to be treated under this paragraph as a separate trade, such apportionments of receipts, expenses, assets and liabilities are to be made for the purposes of computing relevant trading profits or losses as may be just and reasonable.

(4) This paragraph is subject to the other provisions of this Part of this Schedule.

(5) In this paragraph “relevant trading profits or losses” means profits or losses under Part 3 of CTA 2009 in respect of the trade or part of a trade in question.

Transfers of trading stock

4 (1) This paragraph applies if—

(a) under a relevant transfer, trading stock of the transferor is transferred to the transferee,

(b) immediately after the transfer takes effect, the stock is to be treated as trading stock of the transferee, and

(c) paragraph 3 does not apply in relation to the transfer.

(2) Sub-paragraphs (3) and (4) have effect in calculating for any corporation tax purpose both—

(a) the profits of the trade in relation to which the stock is trading stock immediately before the transfer takes effect (“the transferor’s trade”), and

(b) the profits of the trade in relation to which it is to be treated as trading stock (“the transferee’s trade”).

(3) The stock is to be treated as having been—

(a) disposed of by the transferor in the course of the transferor’s trade,

(b) acquired by the transferee in the course of the transferee’s trade, and

(c) subject to that, disposed of and acquired when the transfer takes effect.

(4) The stock is to be valued as if the disposal and acquisition had been for a consideration which in relation to the transferor would have resulted in neither a profit nor a loss being brought into account in respect of the disposal in the accounting period of the transferor which ends with, or is current at, the time when the transfer takes effect.

(5) In this paragraph “trading stock” has the meaning given by section 163 of CTA 2009.

Continuity in relation to loan relationships

5 (1) For the purposes of the application of Part 5 of CTA 2009 (loan relationships) in relation to a relevant transfer of rights and liabilities under a loan relationship to which immediately before the transfer takes effect the transferor is a party for the purposes of a trade it carries on, the transferee and the transferor are to be treated as if at the time of the transfer they were members of the same group.

(2) For the purposes of the application of Part 5 of CTA 2009 in relation to a transfer that—

(a) is to a public body,

(b) is in accordance with a transfer scheme under section 161 or 162, and

(c) is of rights and liabilities under a loan relationship to which immediately before the transfer takes effect the HCA or LDA is a party otherwise than for the purposes of a trade it carries on,
the HCA or LDA, and the person to whom the transfer is made, are to be treated as if at the time of the transfer they were members of the same group.

(3) In this paragraph any reference to being members of the same group is to be read in accordance with section 170 of the Taxation of Chargeable Gains Act 1992.

(4) In this paragraph—
“the HCA” means the Homes and Communities Agency, and
“the LDA” means the London Development Agency.

Chargeable gains: disposal on transfer to be treated as no gain/no loss disposal

6 (1) For the purposes of the Taxation of Chargeable Gains Act 1992, a disposal constituted by a transfer within sub-paragraph (2) is to be treated in relation to the transferor and transferee as made for a consideration such that no gain or loss accrues to the transferor.

(2) A transfer is within this sub-paragraph if—
(a) it is a transfer in accordance with a transfer scheme under section 161 of property, rights or liabilities of the Homes and Communities Agency and the transferee is a public body, or
(b) it is in accordance with a transfer scheme under section 162 and the transferee is a public body.

(3) In section 288(3A) of the Taxation of Chargeable Gains Act 1992 (meaning of the “no gain/no loss provisions”) at the end insert—
“(m) paragraph 6(1) of Schedule [Transfers and transfer schemes: tax provisions] to the Localism Act 2011.”

Stamp duty

7 Stamp duty is not chargeable on a transfer scheme under section 162 if the transferee is a public body.

Modifications of transfer schemes

8 (1) This paragraph applies if—
(a) a company delivers a company tax return,
(b) subsequently an agreement is made modifying a transfer scheme under section 161 or 162, and
(c) as a result of that, the return is incorrect.

(2) The return may be amended under paragraph 15 of Schedule 18 to the Finance Act 1998 so as to remedy the error, ignoring any time limit which would otherwise prevent that happening.

(3) An amendment may not be made in reliance on sub-paragraph (2) more than 12 months after the end of the accounting period of the company during which the agreement is made.

(4) Sub-paragraphs (5) and (6) apply if the company does not amend the return so as to remedy the error before the end of that 12 month period.

(5) A discovery assessment or a discovery determination may be made in relation to the error, ignoring any time limit which would otherwise prevent that happening.

(6) Such an assessment or determination may not be made in reliance on sub-paragraph (5) more than 24 months after the end of the accounting period mentioned in sub-paragraph (3).

(7) Expressions used in this paragraph and in Schedule 18 to the Finance Act 1998 have in this paragraph the meaning they have in that Schedule.”.
PART 3

TRANSFERS UNDER SCHEME UNDER SECTION 171(1) OR (4) OR 187(1)

9 (1) In this paragraph “transfer scheme” means a transfer scheme under section 171(1) or (4) or 187(1).

(2) The Treasury may by regulations make provision for varying the way in which a relevant tax has effect from time to time in relation to—
   (a) any property, rights or liabilities transferred in accordance with a transfer scheme, or
   (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer of any property, rights or liabilities in accordance with a transfer scheme.

(3) The provision that may be made under sub-paragraph (2)(a) includes, in particular, provision for—
   (a) a tax provision not to apply, or to apply with modifications, in relation to any property, rights or liabilities transferred;
   (b) any property, rights or liabilities transferred to be treated in a specified way for the purposes of a tax provision;
   (c) the Secretary of State or Mayor of London to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to any property, rights or liabilities transferred.

(4) The provision that may be made under sub-paragraph (2)(b) includes, in particular, provision for—
   (a) a tax provision not to apply, or to apply with modifications, in relation to anything done for the purposes of, or in relation to, or in consequence of, the transfer;
   (b) anything done for the purposes of, or in relation to, or in consequence of, the transfer to have or not to have a specified consequence or to be treated in a specified way;
   (c) the Secretary of State or Mayor of London to be required or permitted, with the consent of the Treasury, to determine, or to specify the method for determining, anything which needs to be determined for the purposes of any tax provision so far as relating to anything done for the purposes of, in relation to, or in consequence of, the transfer.

(5) In this paragraph—
   “relevant tax” means corporation tax, income tax, capital gains tax, stamp duty, stamp duty land tax or stamp duty reserve tax, and
   “tax provision” means a provision of an enactment about a relevant tax.

(6) In sub-paragraph (5) “enactment” includes an enactment contained in an instrument made under an Act.”
Authority may be required to carry on commercial activities through a taxable body

Secretary Eric Pickles

To move the following Clause:—

‘(1) The Greater London Authority Act 1999 is amended as follows.
(2) After section 34 insert—

“34A Restriction on exercise of certain powers except through a taxable body

(1) The Authority may carry on specified activities for a commercial purpose only if it does so—

(a) through a company that is a subsidiary of the Authority, or
(b) in pursuance of an authorisation under section 38(1), through—

(i) a body that is specified in section 38(2) and is within the charge to corporation tax, or
(ii) a company that is a subsidiary of a body specified in section 38(2).

(2) Subsection (3) applies if—

(a) the Authority carries on a specified activity for a commercial purpose otherwise than as permitted by subsection (1), and
(b) the activity is actually carried on by a body (whether the Authority or another) that, disregarding this section, is in respect of the carrying-on of the activity exempt from corporation tax and income tax.

(3) The body mentioned in subsection (2)(b) is to be treated in respect of the carrying-on of the activity as not being a local authority for the purposes of—

(a) section 984 of the Corporation Tax Act 2010 (exemption of local authorities from corporation tax),
(b) section 838 of the Income Tax Act 2007 (exemption of local authorities from income tax), and
(c) section 271 of the Taxation of Chargeable Gains Act 1992 (exemption of local authorities from capital gains tax).

(4) In this section—

“company” means—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
(b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969, and

“specified activity” means an activity specified in an order made by the Secretary of State with the consent of the Treasury.’

(3) In section 420(8) (orders subject to annulment) after the entry for section 25 insert—
Localism Bill, continued

“section 34A;’.

Heidi Alexander

Page 138, line 45 [Clause 158], at end insert—

‘London Housing and Regeneration Board

“333ZDA  London Housing and Regeneration Board

(1) The Authority must establish a London Housing and Regeneration Board within six months of the Localism Act 2011 being passed.

(2) The London Housing and Regeneration Board is to consist of such numbers (being not less than six) as the Authority may from time to time appoint.

(3) The Authority must appoint one of the members as the person with the function of chairing the London Housing and Regeneration Board.

(4) In appointing a person to be a member, the Authority—

(a) must have regard to the desirability of appointing a person who has experience of, and shown some capacity in, a matter relevant to the exercise of the functions set out in this Chapter,

(b) must be satisfied that the person will have no financial or other interest likely to affect prejudicially the exercise of the person’s functions as a member, and

(c) must ensure that at least 50 per cent. of the number of members on the Board are appointed representatives of London boroughs.

(5) In exercising its housing and regeneration functions and powers subsequent to the enactment of this Chapter the Authority must consult and obtain agreement from the London Housing and Regeneration Board.”.

Secretary Eric Pickles

Page 143, line 31 [Clause 161], at end insert—

‘(ba) a company that is a subsidiary of the Greater London Authority,’.

Secretary Eric Pickles

Page 143, line 38 [Clause 161], at end insert—

“company” means—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006, or

(b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969;’.
Localism Bill, continued

Secretary Eric Pickles

Page 143, line 42 [Clause 161], at end insert—

“subsidiary” has the meaning given by section 1159 of the Companies Act 2006.’.

Secretary Eric Pickles

Page 144, line 8 [Clause 162], at end insert—

‘(ba) a company that is a subsidiary of the Greater London Authority,’.

Secretary Eric Pickles

Page 144, line 17 [Clause 162], at end insert—

“company” means—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006, or

(b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969;’.

Secretary Eric Pickles

Page 144, line 21 [Clause 162], at end insert—

“subsidiary” has the meaning given by section 1159 of the Companies Act 2006.’.

Secretary Eric Pickles

Page 148, line 1 [Clause 168], leave out from ‘has’ to end of line.

Secretary Eric Pickles

Page 148, line 7 [Clause 168], at end insert—

(e) the Mayor has laid before the London Assembly, in accordance with standing orders of the Greater London Authority, a document stating that the Mayor is proposing to designate the area, and

(f) the consideration period for the document has expired without the London Assembly having rejected the proposal.’.

Heidi Alexander

Page 148, line 7 [Clause 168], at end insert—

‘(e) a majority of those London borough councils whose borough contains any part of the designated development area agree to the designation.’.
Localism Bill, continued

Secretary Eric Pickles

Page 148, line 22 [Clause 168], at end insert—

‘(4A) For the purposes of subsection (3)(f)—

(a) the “consideration period” for a document is the 21 days beginning with the day the document is laid before the London Assembly in accordance with standing orders of the Greater London Authority, and

(b) the London Assembly rejects a proposal if it resolves to do so on a motion—

(i) considered at a meeting of the Assembly throughout which members of the public are entitled to be present, and

(ii) agreed to by at least two thirds of the Assembly members voting.’.

Secretary Eric Pickles

Page 150, line 12 [Clause 171], at end insert ‘, or

(c) a company that is a subsidiary of the Greater London Authority.’.

Secretary Eric Pickles

Page 150, line 23 [Clause 171], at end insert—

‘(8A) In subsection (4)(c)—

“company” means—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006, or

(b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969, and

“subsidiary” has the meaning given by section 1159 of the Companies Act 2006.’.

Secretary Eric Pickles

Page 151, line 41 [Clause 173], leave out from ‘has’ to end of line.
Localism Bill, continued

Secretary Eric Pickles

Page 157, line 28 [Clause 185], leave out from ‘has’ to end of line.

Secretary Eric Pickles

Page 158, line 26 [Clause 187], at end insert—

“company” means—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006, or

(b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969.’.

Secretary Eric Pickles

Page 158, line 31 [Clause 187], at end insert—

‘(ba) a company that is a subsidiary of the Greater London Authority,’.

Secretary Eric Pickles

Page 158, line 34 [Clause 187], at end insert—

“subsidiary” has the meaning given by section 1159 of the Companies Act 2006.’.

REMAINING NEW CLAUSES RELATING TO PART 6

Capital receipts from disposal of housing land

Secretary Eric Pickles

Added NC19

To move the following Clause:—

In section 11 of the Local Government Act 2003 (use of capital receipts by a local authority) after subsection (5) insert—

“(6) The Secretary of State and a local authority in England may enter into an agreement with the effect that a requirement imposed under subsection (2)(b) does not apply to, or is modified in its application to, capital receipts of the authority that are specified or described in the agreement.’.”
Localism Bill, continued

Disestablishment of an arm’s length management organisation

Mr Clive Betts
Stephen Gilbert
Sarah Newton

To move the following Clause:—

‘Schedule [Disestablishment of an arm’s length management organisation] has effect.’.

Landlord notification of succession of tenancy

Barbara Keeley
Alison Seabeck
Jack Dromey

To move the following Clause:—

‘In Schedule 2, Part 3, Ground 16, sub-paragraph (b) of the Housing Act 1985, after “date”, insert “on which the landlord was notified”’.

Recovery of a tenancy granted on ineligible grounds

Barbara Keeley
Alison Seabeck
Jack Dromey

To move the following Clause:—

‘In section 167(8) of the Housing Act 1996, after “scheme”, insert “and any allocation which is not in accordance with the allocation scheme shall be void and shall not give rise to a tenancy”’.

Housing co-operatives

Annette Brooke
Mr John Leech
Stephen Gilbert
Mr David Ward

To move the following Clause:—

‘(1) Schedule 14 of the Housing Act 2004 is amended as follows.'
(2) In paragraph 6 insert new sub-paragraph—

“(3) This paragraph does apply to any building which is owned by a fully mutual co-operative housing association as defined by section 1(2) of the Housing Associations Act 1985, the management of which is undertaken by general meeting.”.

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Barbara Keeley
Alison Seabeck
Jack Dromey

Page 108, line 11 [Clause 123], after ‘1985’), insert ‘or who have been owed such duties at any time within the previous five years’.

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Barbara Keeley
Alison Seabeck
Jack Dromey

Page 110, line 37 [Clause 124], leave out ‘two’ and insert ‘five’.

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Barbara Keeley
Alison Seabeck
Jack Dromey

Page 110, line 39 [Clause 124], at end insert—

‘(7A) In subsection (7AC) at end, insert—

“(d) In so far as reasonably practicable, the private rented sector offer must be within the local housing authority’s district.”’.

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Barbara Keeley
Alison Seabeck
Jack Dromey

Page 111, line 33 [Clause 125], at end insert—

‘(2A) Omit section 190 and replace with—

“190 Duties to persons becoming homeless intentionally or who are not in priority need.

(1) This section applies where the local housing authority is satisfied that an applicant is homeless and is eligible for assistance but are also satisfied that he became homeless intentionally.

(2) The local authority must—
Localism Bill, continued

(a) secure that accommodation is available for his occupation for such period as it considers will give him a reasonable opportunity of securing accommodation for his occupation, and

(b) provide him with (or secure that he is provided with) advice and assistance in any attempts he may make to secure that accommodation becomes available for his occupation.

(3) The applicant’s housing needs shall be assessed before advice and assistance is provided under subsection (2)(b).

(4) The advice and assistance provided under subsection (2)(b) must include information about the likely availability in the authority’s district of types of accommodation appropriate to the applicant’s housing needs (including, in particular, the location and sources of such types of accommodation).”.

(2B) Omit section 192.”.

Barbara Keeley
Alison Seabeck
Jack Dromey

Page 111, line 39 [Clause 125], leave out ‘two’ and insert ‘five’.

Not called 274

Barbara Keeley
Alison Seabeck
Jack Dromey

Page 112, line 12 [Clause 125], leave out ‘two’ and insert ‘five’.

Not called 275

Barbara Keeley
Alison Seabeck
Jack Dromey

Page 112, line 34 [Clause 125], leave out subsection (6).

Not called 276

Mr Nick Raynsford

Page 113, line 15 [Clause 126], at end insert—

‘(1A) In preparing its tenancy strategy a local authority must ensure that to the greatest extent possible, tenancies granted in its area provide security of tenure so as to support and develop stable and confident communities.’.

Not called 361

Mr Nick Raynsford

Page 114, line 19, leave out Clause 128.

Not called 363
Localism Bill, continued

Barbara Keeley
Alison Seabeck
Jack Dromey

Negatived on division 13

Page 114, line 36, leave out Clause 130.

Barbara Keeley
Alison Seabeck
Jack Dromey

Negatived on division 271

Page 115, line 7 [Clause 130], at end insert—

'(2A) Subsection (2) shall not apply to a secure tenancy if immediately before the
tenancy was granted the person who became the tenant under the tenancy, or in
the case of joint tenants, one or more of them was—

(a) a secure tenant of the same or another dwelling-house, or

(b) an assured tenant of a private registered provider of social housing or a
registered social landlord (otherwise than under an assured shorthold
tenancy) in respect of the same or another dwelling-house.'.

Mr Nick Raynsford

Not called 272

Page 116, line 33 [Clause 130], leave out from beginning to end of line 30 on page
117 and insert—

'sections 83 to 85A of the Housing Act 1985 shall apply equally to Flexible
Tenancies and references to secure tenancies in those sections shall be read
accordingly.'.

Barbara Keeley
Alison Seabeck
Jack Dromey

Not called 362

Page 116, line 33 [Clause 130], after ‘Subject’, insert ‘to the discretion of the court,
in circumstances where the tenant has made representations against the granting of
possession, not to make an order if it considers that order disproportionate, and subject’.

Barbara Keeley
Alison Seabeck
Jack Dromey

Not called 14

Page 118, line 19, leave out Clause 131.
Barbara Keeley  
Alison Seabeck  
Jack Dromey  

Not called 277

Page 121, line 36 [Clause 134], at end insert—
  ‘(c) or P is another member of the tenant’s family and has resided with the tenant throughout the period of 12 months ending with the tenant’s death.’.

Secretary Eric Pickles

Agreed to 191

Page 121, line 36 [Clause 134], at end insert—
  ‘(1A) A person (“P”) is qualified to succeed the tenant under a secure tenancy of a dwelling-house in England if—
    (a) at the time of the tenant’s death the dwelling-house is not occupied by a spouse or civil partner of the tenant as his or her only or principal home,
    (b) an express term of the tenancy makes provision for a person other than such a spouse or civil partner of the tenant to succeed to the tenancy, and
    (c) P’s succession is in accordance with that term.’.

Secretary Eric Pickles

Agreed to 192

Page 121, line 37 [Clause 134], after ‘(1)’, insert ‘or (1A)’.

Secretary Eric Pickles

Agreed to 193

Page 121, line 39 [Clause 134], leave out ‘(whether or not the tenant’s spouse or civil partner)’.

Secretary Eric Pickles

Agreed to 194

Page 122, line 40 [Clause 135], at end insert—
  ‘(1ZA) Subject to subsection (1B), in any case where—
    (a) there is an assured periodic tenancy of a dwelling-house in England under which—
      (i) the landlord is a private registered provider of social housing, and
      (ii) the tenant is a sole tenant,
    (b) the tenant under the tenancy dies,
    (c) immediately before the death, the dwelling-house was not occupied by a spouse or civil partner of the tenant as his or her only or principal home,
    (d) an express term of the tenancy makes provision for a person other than such a spouse or civil partner of the tenant to succeed to the tenancy, and
    (e) there is a person whose succession is in accordance with that term, then, on the death, the tenancy vests by virtue of this section in that person (and, accordingly, does not devolve under the tenant’s will or intestacy).’.
Localism Bill, continued

Secretary Eric Pickles

Page 123, line 10 [Clause 135], at end insert—

‘(1ZA) Subject to subsection (1B), in any case where—

(a) there is an assured tenancy of a dwelling-house in England for a fixed term of not less than two years under which—

(i) the landlord is a private registered provider of social housing, and

(ii) the tenant is a sole tenant,

(b) the tenant under the tenancy dies,

(c) immediately before the death, the dwelling-house was not occupied by a spouse or civil partner of the tenant as his or her only or principal home,

(d) an express term of the tenancy makes provision for a person other than such a spouse or civil partner of the tenant to succeed to the tenancy, and

(e) there is a person whose succession is in accordance with that term, then, on the death, the tenancy vests by virtue of this section in that person (and accordingly does not devolve under the tenant’s will or intestacy).’.

Secretary Eric Pickles

Page 123, line 11 [Clause 135], leave out ‘or’ and insert ‘, (1ZA),’.

Secretary Eric Pickles

Page 123, line 11 [Clause 135], after ‘(1A)’, insert ‘or (1AA)’.

Secretary Eric Pickles

Page 123, line 14 [Clause 135], leave out ‘(whether or not the tenant’s spouse or civil partner)’ and insert ‘(and, accordingly, does not devolve under the tenant’s will or intestacy)’.

Secretary Eric Pickles

Page 123, line 19 [Clause 135], leave out from ‘housing’ to end of line 20.

Secretary Eric Pickles

Page 123, line 23 [Clause 135], at end insert—

‘(4A) In subsection (5) after “(1)(b)” insert “or (1A)(c)”.’.

Secretary Eric Pickles

Page 123, line 26 [Clause 135], after ‘subsection’, insert ‘(1ZA), (1AA) or’.

Secretary Eric Pickles

Page 125, line 11 [Clause 139], at end insert ‘that—

(i) is not a shared ownership lease, and
Localism Bill, continued

(ii) is’.

Secretary Eric Pickles

Agreed to 203

Page 125, line 12 [Clause 139], at end insert—

‘(1B) In subsection (1A)—

“assured tenancy” has the same meaning as in Part 1 of the Housing Act 1988;

“secure tenancy” has the meaning given by section 79 of the Housing Act 1985; and

“shared ownership lease” means a lease—

(c) granted on payment of a premium calculated by reference to a percentage of the value of the dwelling-house or of the cost of providing it, or

(d) under which the lessee (or the lessee’s personal representatives) will or may be entitled to a sum calculated by reference, directly or indirectly, to the value of the dwelling-house.’”.

Mr Nick Raynsford

Not called 364

Page 128, line 35, leave out Clause 148.

Secretary Eric Pickles

Agreed to 204

Page 130, line 4, leave out Clause 152.

Barbara Keeley
Alison Seabeck
Jack Dromey

Not called 278

Page 130, line 18, leave out Clause 153.

REMAINING NEW CLAUSES

Pre-commencement consultation

Secretary Eric Pickles

Added NC22

To move the following Clause:—

‘(1) Subsections (2) and (3) apply for the purpose of determining whether there has been compliance with—
Localism Bill, continued

(a) a requirement for consultation imposed by this Act,
(b) a requirement for consultation which applies in relation to things done under an Act amended by this Act, or
(c) a requirement (whether or not imposed by this Act) to do something in connection with a consultation under a requirement within paragraph (a) or (b).

(2) The fact that a provision of this Act was not in force when consultation took place or anything was done in connection with a consultation is to be disregarded in determining whether there has been compliance with the requirement.

(3) The fact that consultation was carried out by a body from whom functions are transferred by this Act, or anything was done by such a body in connection with a consultation, is to be disregarded in determining whether there has been compliance with the requirement by a body to whom those functions are transferred.

(4) Subsection (3) is without prejudice to any other provision of this Act that applies to the transfer.

(5) References in this section to a requirement imposed by this Act include a requirement imposed by another Act as a result of its amendment by this Act.

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Litter deposited from motor vehicles

Ian Mearns

To move the following Clause:—

‘In Part IV of the Environmental Protection Act 1990 (litter etc) in section 87 (offence of leaving litter) after subsection (7) insert—

“(8) Where litter is deposited from a motor vehicle, the person in charge of the vehicle shall, for the purposes of subsection (1) above, be treated as having deposited the litter whether or not he gave any instructions for this to be done.

(9) The registered keeper of a vehicle shall, for the purposes of subsection (8) above, be deemed to be the person in charge of the vehicle unless within twenty one days of receipt of the summons for an offence prosecuted by virtue of subsection (8) above the registered keeper provides in writing to the prosecutor notification of such identifying details as are available to him of any other person he claims to have been the person in charge of the vehicle at the relevant time.

(10) For the purposes of subsection (8) above a constable or an authorised officer of a principal litter authority may by notice in writing served on him, require any person to furnish such information specified in the notice as may reasonably be required to ascertain the person in charge of the vehicle at the relevant time, in such form and within such period, being not less than fourteen days following service of the notice, as is so specified.
Localism Bill, continued

(11) It is an offence for a person, without reasonable excuse to fail to comply with any requirement imposed under subsection (10) above.”.

Street litter notices

Gordon Henderson

To move the following Clause:—

‘(1) In Part 4 of the Environmental Protection Act 1990 (litter etc.) in section 93(2) after “unoccupied” insert “or where there is multiple occupancy”.

(2) In Part 4 of the Environmental Protection Act 1990 (litter etc.) in section 94(1)(a) omit “commercial or retail premises” and insert “premium other than dwellings”.

Protection of businesses and non-domestic users of buildings from complaints

Simon Hughes

To move the following Clause:—

‘(1) The Environmental Protection Act 1990 is amended as follows.

(2) After section 80(2) insert—

“2AA(1) Except that a local authority must not issue an abatement notice to a business, place of worship or other non-domestic user of land for a statutory nuisance falling within section 79(1)(g) if the following conditions are met.

(2) The first condition is that the relevant premises was already in use for the same purpose at the time when the complainant became a local resident, and that such use resulted in a similar noise, and a similar level of noise, at that time.

(3) The second condition is that use of the relevant premises complies with the planning permission for that land and other legislation in force.”’.

REMAINING NEW SCHEDULE

Mr Clive Betts
Stephen Gilbert
Sarah Newton

To move the following Schedule:—
Localism Bill, continued

‘Disestablishment of an arm’s length management organisation

1 This Schedule applies to the disestablishment of an arm’s length management organisation (ALMO) by a local authority as a result of which responsibility for the management for housing previously managed by the ALMO is transferred to the local authority.

2 (1) The Secretary of State shall not entertain an application for his or her consent to the disestablishment of an ALMO and a transfer of management to which this Schedule applies unless the authority certify either—
   (a) that the requirements of paragraph 3 as to consultation have been complied with, or
   (b) that the requirements of that paragraph as to consultation have been complied with except in relation to tenants expected to have vacated the dwelling-house in question before the transfer;

   and the certificate shall be accompanied by a copy of the notices given by the authority in accordance with that paragraph.

   (2) Where the certificate is in the latter form, the Secretary of State shall not determine the application until the authority certify as regards the tenants originally consulted—
   (a) that they have vacated the dwelling-house in question, or
   (b) that the requirements of paragraph 3 as to consultation have been complied with;

   and a certificate under sub-sub-paragraph (b) shall be accompanied by a copy of the notices given by the authority in accordance with paragraph 3.

Requirements as to consultation

3 (1) The requirements as to consultation referred to above are as follows.

   (2) The authority shall serve notice in writing on each tenant informing him or her of—
       (a) such details of their proposal as the authority consider appropriate, but including the identity of the person to whom the transfer is to be made;
       (b) the likely consequences of the transfer for the tenant, and
       (c) the effect of the provisions of this Schedule and informing the tenant that he or she may, within such reasonable period as may be specified in the notice, make representations to the authority.

   (3) The authority shall consider any representations made to them within that period and shall serve a further written notice on the tenant informing him or her—
       (a) of any significant changes in their proposal, and
       (b) that the tenant may within such period as is specified (which must be at least 28 days after the service of the notice) communicate to the Secretary of State his or her objection to the proposal, and informing him or her of the effect of paragraph 4.

   (4) When a notice has been served under sub-paragraph (3) the authority shall arrange a ballot of the tenants in accordance with sub-paragraph (5) to establish whether or not the tenants wish the transfer to proceed.

   (5) The authority shall—
       (a) make arrangements for such person as they consider appropriate to conduct the ballot in such manner as that person considers appropriate; or
       (b) conduct the ballot themselves.
Localism Bill, continued

(6) After the ballot has been held the authority shall serve a notice on each tenant (whether or not he or she voted in the ballot) informing the tenant—
(a) of the ballot result; and
(b) if the authority intend to proceed with the transfer, that the tenant may within 28 days after the service of the notice make representations to the Secretary of State or (as the case may be) the Welsh Ministers.

Consent to be withheld if majority of tenants are opposed

4 (1) The Secretary of State shall not give his or her consent if the result of a ballot arranged under paragraph 3(4) shows that a majority of the tenants of the dwelling-houses to which the application relates who voted in the ballot do not wish the transfer to proceed; but this does not affect his or her general discretion to refuse consent on grounds relating to whether a transfer has the support of the tenants or on any other ground.

(2) In making this decision the Secretary of State may have regard to any information available to him or her; and the local authority shall give him or her such information as to the representations made to them by tenants and others; and other relevant matters, as he or she may require.’.

Secretary Eric Pickles

Page 166, line 4 [Clause 201], leave out first ‘or’ and insert ‘, the Treasury or the’.

Secretary Eric Pickles

Page 166, line 6 [Clause 201], leave out first ‘or’ and insert ‘, the Treasury or the’.

Secretary Eric Pickles

Page 167, line 14 [Clause 201], at end insert—
‘(10A) A statutory instrument that contains an order or regulations made by the Treasury under Schedule [Transfers and transfer schemes: tax provisions] is subject to annulment in pursuance of a resolution of the House of Commons.’.

Secretary Eric Pickles

Page 167, line 41 [Clause 202], after ‘sections’, insert ‘8, 9,’.

Secretary Eric Pickles

Page 167, line 41 [Clause 202], after ‘Parts’, insert ‘1A,’.
Localism Bill, continued

Secretary Eric Pickles

Page 381, line 13 [Schedule 24], at end insert—

‘PART 1A

FIRE AND RESCUE AUTHORITIES

<table>
<thead>
<tr>
<th>Reference</th>
<th>Extent of repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire and Rescue Services Act 2004 (c. 21)</td>
<td>Section 5. Section 19. Section 62(3).’</td>
</tr>
</tbody>
</table>

Secretary Eric Pickles

Page 381, line 30 [Schedule 24], at end insert—

‘In section 18—
(a) subsections (4) and (5), and
(b) in subsection (6) the words “in Wales”.’

Secretary Eric Pickles

Page 382, line 5 [Schedule 24], at end insert—

‘(aa) in subsection (2ZA) the words “in Wales”.’

Secretary Eric Pickles

Page 382, line 6 [Schedule 24], leave out paragraph (b) and insert—

‘(b) subsection (2A)(a) and (b),’.

Secretary Eric Pickles

Page 382, line 13 [Schedule 24], at end insert—

‘(da) in subsection (10A) the words “in Wales”.’

Secretary Eric Pickles

Page 382, line 14 [Schedule 24], leave out from ‘subsection’ to end of line 16 and insert ‘(13)(aa) the words from “by virtue of” to “England) or”,’.
Secretary Eric Pickles

Page 382, line 16 [Schedule 24], at end insert—

'(ea) in subsection (13)(c) the words from the beginning to “in Wales”,'.

Secretary Eric Pickles

Page 382, line 17 [Schedule 24], leave out paragraph (f).

Secretary Eric Pickles

Page 382, line 25 [Schedule 24], leave out paragraphs (a) and (b) and insert—

'(a) in subsection (3) the words from “(in the case of a local authority in England” to “Wales)”,
(b) in subsection (6)(a) the words from “section 236” to “2007 or”,
(c) subsections (10) and (11), and
(d) in subsection (12) the words “in Wales”.'.

Secretary Eric Pickles

Page 382 [Schedule 24], leave out line 29.

Secretary Eric Pickles

Page 382, line 31 [Schedule 24], leave out ‘Section’ and insert ‘In section’.

Secretary Eric Pickles

Page 382, line 31 [Schedule 24], at end insert ‘—

(a) in subsection (1)(b) sub-paragraph (ii) and the word “or” immediately preceding that sub-paragraph,
(b) in subsection (2) the words “or providing a copy of the document to a relevant partner authority”,
(c) in subsection (6) in the definition of “exempt information” the words “section 246 of the National Health Service Act 2006 or”, and
(d) in that subsection the definition of “relevant partner authority” and the word “and” immediately preceding that definition.’.
Localism Bill, continued

Secretary Eric Pickles

Page 382, line 32 [Schedule 24], at end insert—

‘In section 21F (as inserted by the Local Government (Wales) Measure 2011), in subsection (1) the words “in Wales”.’.

Secretary Eric Pickles

Page 382, line 33 [Schedule 24], after ‘21F’, insert ‘(as inserted by the Flood and Water Management Act 2010)’.

Secretary Eric Pickles

Page 382 [Schedule 24], leave out line 34 and insert ‘In section 22(12A)(a) the words from “, or under” to “section 21B,”.’.

Secretary Eric Pickles

Page 382 [Schedule 24], leave out line 36.

Secretary Eric Pickles

Page 382 [Schedule 24], leave out line 37.

Secretary Eric Pickles

Page 382 [Schedule 24], leave out lines 38 to 42 and insert—

‘Section 31.’.

Secretary Eric Pickles

Page 382 [Schedule 24], leave out lines 43 to 48 and insert—

‘Section 32.’.

Secretary Eric Pickles

Page 382 [Schedule 24], leave out line 49.

Secretary Eric Pickles

Page 382, line 49 [Schedule 24], at end insert—

‘In section 33ZA the words “in Wales,”.’.
Localism Bill, continued

Secretary Eric Pickles

Page 382, line 50 [Schedule 24], leave out from ‘33A’ to end of line 51.

Agreed to 247

Secretary Eric Pickles

Page 384 [Schedule 24], leave out line 27.

Agreed to 248

Secretary Eric Pickles

Page 384 [Schedule 24], leave out line 29.

Agreed to 249

Secretary Eric Pickles

Page 384, line 33 [Schedule 24], after ‘it),,’ insert—

(ab) subsection (2),’.

Agreed to 250

Secretary Eric Pickles

Page 384, line 37 [Schedule 24], leave out ‘paragraphs 23, 24, 25 and’ and insert ‘paragraph’.

Agreed to 251

Secretary Eric Pickles

Page 384, line 42 [Schedule 24], at end insert—

‘Local Government (Wales) Measure 2011 (nawm 00) Section 36(1)(b) and (c).’.

Agreed to 252

Secretary Eric Pickles

Page 168, line 20 [Clause 205], at end insert—

‘(aa) section [Tax] and Schedule [Transfers and transfer schemes: tax provisions],’.

Agreed to 253

Secretary Eric Pickles

Page 168, line 26 [Clause 205], after ‘Sections’, insert ‘[Tax],’.

Agreed to 254

Secretary Eric Pickles

Page 168, line 26 [Clause 205], after ‘207’, insert ‘, and Schedule [Transfers and transfer schemes: tax provisions],’.

Agreed to 255
Localism Bill, continued

Secretary Eric Pickles

Page 168, line 38 [Clause 206], leave out paragraph (f).

Agreed to 256

Secretary Eric Pickles

Page 169, line 2 [Clause 206], leave out paragraph (j).

Agreed to 257

Secretary Eric Pickles

Page 169, line 2 [Clause 206], at end insert—

‘(ja) section [Applications for planning permission: local finance considerations],’.

Agreed to 258

Secretary Eric Pickles

Page 169, line 4 [Clause 206], leave out paragraph (l).

Agreed to 259

Secretary Eric Pickles

Page 169, line 6 [Clause 206], after ‘7,’ insert ‘except section 168(3)(e) and (f) and (4A),’.

Agreed to 260

Secretary Eric Pickles

Page 169, line 17 [Clause 206], leave out from ‘it’ to end of line 18 and insert ‘is brought into force by subsection (4)(f) and (fa),’.

Agreed to 261

Secretary Eric Pickles

Page 169, line 21 [Clause 206], at end insert—

(3A) The following provisions come into force on such day as the Welsh Ministers may by order appoint—

(a) section 8(1) so far as it inserts—

(i) new sections 5A and 5B so far as relating to fire and rescue authorities in Wales,

(ii) new sections 5C and 5CA so far as relating to power of the Welsh Ministers to make orders, and

(iii) new sections 5E to 5K,

(b) section 8(2) so far as relating to fire and rescue authorities in Wales,

(c) section 8(2A), (4A) and (4B)(a) and (c),

(d) section 8(4B)(b) so far as it inserts new section 62(1A)(a) and (d),

(e) section 8(4B)(b) so far as it inserts new section 62(1A)(b) so far as relating to power of the Welsh Ministers to make orders,

(f) section 9(1) to (3) and (4) so far as relating to fire and rescue authorities in Wales,

(g) section 9(3A),

(h) the following so far as relating to fire and rescue authorities in Wales—
Localism Bill, continued

(i) in Part 1A of Schedule 24, the entries for sections 5 and 19 of the Fire and Rescue Services Act 2004, and
(ii) section 203 so far as relating to those entries, and
(i) in Part 1A of Schedule 24, the entry for section 62(3) of the Fire and Rescue Services Act 2004, and section 203 so far as relating to that entry.’.

 Secretary Eric Pickles

Page 169, line 30 [Clause 206], at end insert—
‘(ea) section [Provision of advice and assistance in relation to community right to challenge].’.

 Secretary Eric Pickles

Page 169, line 32 [Clause 206], at end insert—
‘(fa) sections [Provision of advice and assistance in relation to land of community value in England] and [Provision of advice and assistance in relation to land of community value in Wales].’.

 Secretary Eric Pickles

Page 169, line 42 [Clause 206], at end insert—
‘(ma) section [Tax] and Schedule [Transfers and transfer schemes: tax provisions] so far as they confer power on the Treasury to make regulations or orders,’.

 Secretary Eric Pickles

Page 169, line 43 [Clause 206], after ‘sections’, insert ‘[Pre-commencement consultation],’.

 Secretary Eric Pickles

Page 169, line 46 [Clause 206], leave out ‘or (3)’ and insert ‘, (3) or (3A)’.

 Secretary Eric Pickles

Page 170, line 12 [Clause 206], leave out ‘section 65’ and insert ‘sections 65 and [Provision of advice and assistance in relation to land of community value in Wales], and Chapter 4 of Part 4 so far as it confers power on the Welsh Ministers to make regulations or orders,’.

Bill read the third time on division, and passed.