



House of Commons

Thursday 19 November 2015

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 94-100, NC12-NC13

HOUSING AND PLANNING BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [10 November 2015].

Brandon Lewis

That the Order of the Committee of 10 November 2015 be varied as follows:

1. Paragraph 3 of the Order shall be omitted.
 2. Proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 17; Schedule 1; Clauses 18 and 19; Schedule 2; Clause 20; Schedule 3; Clauses 21 to 55; Clauses 84 to 86; Schedule 4; Clauses 87 to 90; Schedule 5; Clause 91; Clauses 56 to 83; Clauses 92 to 102; Schedule 6; Clauses 103 to 121; Schedule 7; Clauses 122 to 127; Schedule 8; Clauses 128 to 134; Schedules 9 and 10; Clauses 135 to 139; Schedule 11; Clauses 140 to 145; new Clauses; new Schedules; remaining proceedings on the Bill.
-

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

59

Clause 1, page 1, line 6, after “promote” insert “new homes across all tenures, including”

Member’s explanatory statement

The amendment would change the purpose of the Bill to the supply of more housing across all tenures rather than starter homes.

Housing and Planning Bill, *continued*

Dr Roberta Blackman-Woods
 John Healey
 Teresa Pearce
 Matthew Pennycook

60

Clause 1, page 1, line 7, at end insert “and the infrastructure needed to support such developments”

Member’s explanatory statement

The amendment would ensure that additional housing is supported with adequate infrastructure.

Dr Roberta Blackman-Woods
 John Healey
 Teresa Pearce
 Matthew Pennycook

61

Clause 2, page 1, line 12, leave out “at a discount of at least 20% of the market value” and insert “at a price no higher than is affordable to a household receiving the median local household income, with affordability to be determined by the local authority”

Member’s explanatory statement

The amendment would ensure that starter homes are affordable to the average buyer in a local area.

Dr Roberta Blackman-Woods
 John Healey
 Teresa Pearce
 Matthew Pennycook

62

Clause 2, page 1, line 13, at end insert—

“() is not to be sold to buy-to-let investors”

Member’s explanatory statement

The amendment would exclude “Buy to let property” from the definition of “starter home”.

Dr Roberta Blackman-Woods
 John Healey
 Teresa Pearce
 Matthew Pennycook

63

Clause 2, page 1, line 13, at end insert—

“() is built on under-used or unviable brownfield sites not currently identified for housing on public and private land, as determined by the local authority”

Member’s explanatory statement

The amendment would limit starter homes to ‘exceptions sites’, as previously announced by the Government.

Housing and Planning Bill, *continued*

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

64

Clause 2, page 1, line 16, at end insert—

“() any other type of property considered appropriate by the local authority to provide housing on a first time basis”

Member’s explanatory statement

The amendment would expand the definition of starter home to encompass housing a local authority considered appropriate for housing on a first time basis.

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

65

Clause 2, page 2, line 6, at end insert—

“(d) lives or works locally, with the definition of local to be defined by the Secretary of State or, in London, by the Greater London Authority”

Member’s explanatory statement

This amendment would ensure that a proportion of starter homes are given to local people.

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

66

Clause 2, page 2, line 18, after “State” insert “after consultation with the relevant local authority or local authorities and the Mayor of London”

Member’s explanatory statement

The amendment would provide that the price cap can only be amended after consultation with the relevant local authorities and the Mayor of London.

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

67

Clause 2, page 2, line 21, at end insert—

“(8A) The restrictions on resales and letting at open market value relating to first time buyer starter homes must be in perpetuity”

Member’s explanatory statement

The amendment would require the reduction of 20% below market value for Starter Homes to remain in perpetuity.

Housing and Planning Bill, *continued*

Dr Roberta Blackman-Woods
 John Healey
 Teresa Pearce
 Matthew Pennycook

68

Clause 3, page 2, line 24, at end insert—

“except where the local authority considers that providing starter homes would prevent other types of affordable housing being built“

Member’s explanatory statement

The amendment would enable local authorities to be able to ask for planning gain measures that provide for a range of affordable homes other than starter homes.

Dr Roberta Blackman-Woods
 John Healey
 Teresa Pearce
 Matthew Pennycook

69

Clause 4, page 3, line 4, at end of line insert “or other types of affordable housing considered necessary by the local authority”

Member’s explanatory statement

The amendment would enable local authorities to ask for planning gain measures that provide for a range of affordable homes other than starter homes.

Dr Roberta Blackman-Woods
 John Healey
 Teresa Pearce
 Matthew Pennycook

70

Clause 4, page 3, line 10, at end insert “and which has been subject to a full assessment of the need for starter homes in the relevant local authority area“

Member’s explanatory statement

The amendment would ensure that priorities are not given to the provision of starter homes in a given area before a full assessment of the number of such homes needed has taken place.

Dr Roberta Blackman-Woods
 John Healey
 Teresa Pearce
 Matthew Pennycook

71

Clause 4, page 3, line 15, at end of line insert—

“(5A) The regulations may provide that sites can be exempted from the requirement to promote starter homes where a site has a scheme that—

- (a) is a “build to rent” scheme;
- (b) contains supported housing for younger people, older people, people with special needs and people with disabilities;
- (c) contains a homeless hostel;
- (d) contains refuge accommodation; or
- (e) contains specialist housing.“

Member’s explanatory statement

The amendment would remove sites from the starter homes requirement where other types of affordable housing have already been planned for.

Housing and Planning Bill, *continued*

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

72

Clause 4, page 3, line 16, at end insert “after consultation and agreement with the relevant local authorities”

Member’s explanatory statement

The amendment would require that regional policy should only come into operation with the agreement of the local authorities affected.

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

73

Clause 5, page 3, line 28, at end insert “which must be displayed on the authority’s website and updated annually”

Member’s explanatory statement

The amendment would require local planning authorities to report on their functions in respect of starter homes annually and to publish the report.

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

74

Clause 5, page 3, line 28, at end insert “and other types of affordable housing”

Member’s explanatory statement

The amendment would require local planning authorities to report on their functions in respect of affordable housing as well as starter homes.

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

75

Clause 5, page 3, line 31, at end insert “and to include information that starter homes remain to be sold at 20% below market value”

Member’s explanatory statement

The amendment would empower the Secretary of State to require local planning authorities to report information on starter homes that remain to be sold at 20% below market value.

Housing and Planning Bill, *continued*

Dr Roberta Blackman-Woods
 John Healey
 Teresa Pearce
 Matthew Pennycook

76

Clause 5, page 3, line 37, at end insert “and to demonstrate that the land in question is not needed for employment, retail, leisure, industrial or distribution use”

Member’s explanatory statement

This amendment would empower the Secretary of State to require data on the extent to which land used for starter homes was not needed for employment, retail, leisure, industrial or distribution use.

Helen Hayes

78

Clause 6, page 4, line 10, at end insert—

“(6) Before issuing a compliance direction, the Secretary of State must take account of any local housing and planning documents based on an assessment of local housing needs.”

Dr Roberta Blackman-Woods
 John Healey
 Teresa Pearce
 Matthew Pennycook

77

Page 3, line 39, leave out Clause 6

Gareth Thomas

88

☆ Clause 8, page 5, line 1, at end insert—

“or

community-led housing schemes as defined at Schedule [*New Schedule 1: community-led housing schemes*]

Matthew Pennycook
 Dr Roberta Blackman-Woods
 Teresa Pearce

84

☆ Clause 8, page 5, line 29, at end insert “and without unreasonable cost”

Member’s explanatory statement

This amendment would protect authorities in cases where the provision of access to a public highway, connections for electricity, water and waste water and other services required to ensure a plot of land is fully serviced would entail excessive cost.

Housing and Planning Bill, *continued*

Matthew Pennycook
Dr Roberta Blackman-Woods
Teresa Pearce

86

- ☆ Clause 9, page 5, line 42, after “permission”, insert “to meet housing need generally including”

Member’s explanatory statement

This amendment would ensure that authorities give suitable development permission to housing across all tenures, including but not limited to self-build and custom housebuilding, to meet the demand for housing across all tenures in any given authority area.

Matthew Pennycook
Dr Roberta Blackman-Woods
Teresa Pearce

81

- ☆ Clause 9, page 5, line 43, after first “the”, insert “effective”

Member’s explanatory statement

The amendment would ensure that the demand for self-build and custom housebuilding arising in an authority’s area accurately reflects the number of persons in that area who are in a position to finance their self-build or custom housebuilding project.

Matthew Pennycook
Dr Roberta Blackman-Woods
Teresa Pearce

82

- ☆ Clause 9, page 6, line 15, after “entries”, insert “with effective mortgage finance”

Member’s explanatory statement

See explanatory statement for amendment 81.

Matthew Pennycook
Dr Roberta Blackman-Woods
Teresa Pearce

85

- ☆ Clause 9, page 6, line 35, at end insert “except where extant permission can be revived”

Member’s explanatory statement

This amendment would ensure that extant planning permissions which are revived after the start of the first base period are taken into account for the purposes of this section.

Gareth Thomas

87

- ☆ Page 5, line 35, leave out Clause 9
-

Housing and Planning Bill, *continued*

Matthew Pennycook
 Dr Roberta Blackman-Woods
 Teresa Pearce

83

- ☆ Clause 11, page 7, line 32, after “eligibility”, insert “including those who have failed to demonstrate that they have obtained effective mortgage finance”
Member’s explanatory statement
See explanatory statement for amendment 81.
-

Brandon Lewis

2

- Clause 12, page 8, line 17, leave out “letting” and insert “property”
Member’s explanatory statement
Part 2 of the Bill contains various references to rogue landlords and letting agents. NC8 has the effect of extending the Part to property managers, whether or not they are landlords or letting agents. As a result the references to rogue landlords and letting agents need to be changed to refer to rogue landlords and “property agents”, a term that is defined by amendment 48 to mean letting agents and property managers.

Brandon Lewis

3

- Clause 12, page 8, line 20, leave out “letting” and insert “property”
Member’s explanatory statement
See Member’s explanatory statement for amendment 2.

Brandon Lewis

4

- Clause 12, page 8, line 21, leave out “letting” and insert “property”
Member’s explanatory statement
See Member’s explanatory statement for amendment 2.

Brandon Lewis

5

- Clause 12, page 8, line 24, leave out “or who has breached a banning order”
Member’s explanatory statement
This amendment is consequential on NC3.
-

Housing and Planning Bill, *continued*

Brandon Lewis

6

Clause 14, page 9, line 12, at end insert—

“(1A) If a local housing authority in England applies for a banning order against a body corporate that has been convicted of a banning order offence, it must also apply for a banning order against any officer who has been convicted of the same offence in respect of the same conduct.”

Member’s explanatory statement

This amendment ensures that where a local authority applies for a banning order against a company that has been convicted of an offence, it must also apply for a banning order against any officer who has been convicted of the same offence (for example, under section 251 of the Housing Act 2004).

Brandon Lewis

7

Clause 14, page 9, line 13, after “order” insert “under subsection (1)”

Member’s explanatory statement

This amendment removes the need for a notice of intended proceedings in cases where a local housing authority is obliged to apply for a banning order because of amendment 6. It would not make sense to invite a person to make representations in a case where the authority is obliged to make an application.

Brandon Lewis

8

Clause 14, page 9, line 16, after “why,” insert—

“() stating the length of each proposed ban,”

Member’s explanatory statement

This amendment requires the length of each proposed ban to be stated in the notice of intended proceedings that a local housing authority has to give a person before applying for a banning order.

Brandon Lewis

9

Clause 15, page 9, line 29, leave out “letting” and insert “property”

Member’s explanatory statement

See Member’s explanatory statement for amendment 2.

Brandon Lewis

10

Clause 15, page 9, line 30, at end insert “(but see subsection (2A))”

Member’s explanatory statement

See Member’s explanatory statement for amendment 11.

Housing and Planning Bill, *continued*

Brandon Lewis

11

Clause 15, page 9, line 32, at end insert—

“(2A) Where an application is made under section 14(1A) against an officer of a body corporate, the First-tier Tribunal may make a banning order against the officer even if the condition in subsection (1)(b) is not met.”

Member’s explanatory statement

This ensures that where a body corporate commits a banning order offence and an officer commits the same offence, an order can be made against the officer even though he or she was not a residential landlord etc at the time the offence was committed (i.e. because it was the company that was the landlord etc). The amendment is related to amendment 6.

Brandon Lewis

12

Clause 15, page 9, line 39, leave out “letting” and insert “property”

Member’s explanatory statement

See Member’s explanatory statement for amendment 2.

Brandon Lewis

13

Clause 17, page 10, line 13, leave out “person has breached a banning order” and insert “person’s conduct amounts to an offence under section (*Offence of breach of banning order*)”***Member’s explanatory statement***

This amendment is consequential on NC3.

Brandon Lewis

14

Clause 17, page 10, line 15, leave out “that applied for the banning order” and insert “for the area in which the housing to which the conduct relates is situated”

Member’s explanatory statement

This amendment changes which local housing authority may impose a financial penalty where a person breaches a banning order. At the moment the authority that originally applied for the banning order is responsible for imposing a penalty; the amendment will make the authority where the breach occurs responsible.

Brandon Lewis

15

Clause 17, page 10, line 17, leave out from “same” to end of line 20 and insert “conduct”

Member’s explanatory statement

This amendment is consequential on NC3.

Brandon Lewis

16

Clause 17, page 10, line 22, at end insert—

“() The responsible local housing authority may not impose a financial penalty in respect of any conduct amounting to an offence under section (*Offence of breach of banning order*) if—

- (a) the person has been convicted of an offence under that section in respect of the conduct, or

Housing and Planning Bill, *continued*

- (b) criminal proceedings for the offence have been instituted against the person in respect of the conduct and the proceedings have not been concluded.”

Member's explanatory statement

This amendment ensures that a person does not end up with a financial penalty as well as a conviction for the criminal offence created by NC3.

Brandon Lewis

50

Schedule 1, page 70, line 5, leave out “for breaching a banning order” and insert “under section 17”

Member's explanatory statement

This amendment is consequential on NC3.

Brandon Lewis

51

Schedule 1, page 70, line 10, leave out “person’s breach of the banning order” and insert “conduct to which the financial penalty relates”

Member's explanatory statement

This amendment is consequential on NC3.

Brandon Lewis

52

Schedule 1, page 70, line 11, leave out “in breach of the banning order” and insert “continuing to engage in the conduct”

Member's explanatory statement

This amendment is consequential on NC3.

Brandon Lewis

53

Schedule 1, page 70, line 11, leave out the second “breach” and insert “conduct”

Member's explanatory statement

This amendment is consequential on NC3.

Brandon Lewis

54

Schedule 1, page 70, line 13, leave out “breach” and insert “conduct”

Member's explanatory statement

This amendment is consequential on NC3.

Brandon Lewis

55

Schedule 1, page 70, line 15, leave out “breach” and insert “conduct”

Member's explanatory statement

This amendment is consequential on NC3.

Housing and Planning Bill, *continued*

Gareth Thomas

94

- ★ Clause 19, page 10, line 27, leave out subsection (7).

Member's explanatory statement

This amendment would ensure local housing authorities would be able to retain any financial penalties recovered under Clause 17.

Brandon Lewis

56

- Schedule 3, page 76, line 22, leave out “In”

Member's explanatory statement

This is consequential on amendment 58.

Brandon Lewis

57

- Schedule 3, page 76, line 22, after “orders)” insert “is amended as follows.

() ”

Member's explanatory statement

This is consequential on amendment 58.

Brandon Lewis

58

- Schedule 3, page 76, line 29, at end insert—

“() In subsection (5), for “and” substitute “to”.

() After subsection (6) insert—

“(6A) If—

(a) the existing order was made under section 113(3A) or (6A),
and

(b) the date on which the new order comes into force in relation
to the house (or part of it) following the disposal of the appeal
is later than the date on which the existing order would cease
to have effect apart from this subsection,

the existing order continues in force until that later date.”

Member's explanatory statement

This is designed to preserve a final management order in cases where a replacement order has been made but is in the process of being appealed.

Brandon Lewis

17

- Clause 21, page 11, line 21, leave out “a director, secretary or other” and insert “an”

Member's explanatory statement

This amendment leaves out unnecessary words. “Officer” is defined by clause 48 to include directors and secretaries so there is no need to mention them specifically.

Housing and Planning Bill, *continued*

Brandon Lewis

18

- Clause 21, page 11, line 23, at end insert “, or
() in a case where the landlord is a body corporate, any body corporate that has an officer in common with the landlord.”

Member’s explanatory statement

This amendment is designed to ensure that a landlord that is a company cannot transfer property to another company that has an officer in common. “Officer” is given a broad definition by clause 48.

Brandon Lewis

19

- Clause 22, page 11, line 34, leave out “letting” and insert “property”

Member’s explanatory statement

See Member’s explanatory statement for amendment 2.

Brandon Lewis

20

- Clause 23, page 12, line 5, leave out from “must” to end of line 6 and insert “make an entry in the database in respect of a person if—

- (a) a banning order has been made against the person following an application by the authority, and
- (b) no entry was made under section 24, before the banning order was made, on the basis of a conviction for the offence to which the banning order relates.”

Member’s explanatory statement

This amendment ensures that where a person is included in the database of rogue landlords and letting agents under clause 24, there is no conflict with the requirement to make an entry in the database if a banning order is made in respect of the same offence.

Brandon Lewis

21

- Clause 24, page 12, line 10, leave out “enter a person in the database” and insert “make an entry in the database in respect of a person”

Member’s explanatory statement

This amendment clarifies the drafting to ensure that it is possible to make more than one entry in the database in respect of the same person. This might occur if a person is convicted of a new banning order offence after he or she has been included in the database in respect of an earlier banning order offence. A person may have several concurrent entries although for anyone searching the database they may in practice be displayed as a single entry.

Housing and Planning Bill, *continued*

- Brandon Lewis 22
Clause 24, page 12, line 13, leave out “letting” and insert “property”
Member’s explanatory statement
See Member’s explanatory statement for amendment 2.
- Brandon Lewis 23
Clause 24, page 12, line 14, leave out “a person may be entered” and insert “an entry may be made”
Member’s explanatory statement
This amendment is consequential on amendment 21.
- Brandon Lewis 24
Clause 24, page 12, line 18, after “made” insert “(or that period as reduced in accordance with section (*Removal or variation of entries made under section 24*))”
Member’s explanatory statement
This is consequential on NC6.
- Brandon Lewis 25
Clause 24, page 12, line 19, at end insert—
“() Subsection (3)(a) does not prevent an entry being removed early in accordance under section (*Removal or variation of entries made under section 24*)”.
Member’s explanatory statement
This is consequential on NC6.
- Brandon Lewis 26
Clause 24, page 12, line 22, leave out “include a person” and insert “make an entry”
Member’s explanatory statement
This amendment is consequential on amendment 21.
-
- Brandon Lewis 27
Clause 25, page 12, line 25, leave out “enter a person in the database” and insert “make an entry in the database in respect of a person”
Member’s explanatory statement
This amendment is consequential on amendment 21.
- Brandon Lewis 28
Clause 25, page 12, line 28, leave out “include the person” and insert “make the entry”
Member’s explanatory statement
This amendment is consequential on amendment 21.

Housing and Planning Bill, *continued*

Brandon Lewis

29

Clause 25, page 12, line 36, leave out “entering the person” and insert “making the entry”

Member’s explanatory statement

This amendment is consequential on amendment 21.

Brandon Lewis

30

Clause 25, page 12, line 39, leave out “enter the person” and insert “make the entry”

Member’s explanatory statement

This amendment is consequential on amendment 21.

Brandon Lewis

31

Clause 26, page 13, line 7, leave out “include the person in the database” and insert “make the entry in the database in respect of the person”

Member’s explanatory statement

This amendment is consequential on amendment 21.

Brandon Lewis

32

Clause 29, page 13, line 36, leave out “enter the person in the database” and insert “make an entry in the database in respect of the person”

Member’s explanatory statement

This amendment is consequential on amendment 21.

Brandon Lewis

33

Clause 29, page 13, line 37, leave out “enters a person in the database, or that is proposing to enter a person” and insert “makes an entry in the database in respect of a person, or that is proposing to make an entry in respect of a person”

Member’s explanatory statement

This amendment is consequential on amendment 21.

Housing and Planning Bill, *continued*

Stephen Hammond

79

Clause 30, page 14, line 8, after “England”, insert “and the Greater London Authority”

Member’s explanatory statement

The amendment will allow the Mayor of London access to the database to inform and strengthen the Mayor’s London Rental Standard.

Stephen Hammond

80

Clause 31, page 14, line 22, at end insert—

“(3) The Greater London Authority may use information in the database for statistical or research purposes.”

Member’s explanatory statement

See explanatory statement for amendment 79.

Brandon Lewis

34

Clause 32, page 15, line 14, at end insert—

“7	This Act	section (<i>Offence of breach of banning order</i>)	breach of banning order”
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Member’s explanatory statement

In the Bill as introduced a rent repayment order is available where a person commits an offence to which Chapter 4 of Part 2 applies or breaches a banning order. NC3 makes breach of a banning order a criminal offence so it is now possible to treat it in the same way as other offences to which Chapter 4 applies. That is the purpose of this amendment and various other amendments to Chapter 4.

Brandon Lewis

35

Clause 33, page 15, leave out line 24

Member’s explanatory statement

See Member’s explanatory statement for amendment 34.

Brandon Lewis

36

Clause 33, page 15, line 27, leave out first “breach or”

Member’s explanatory statement

See Member’s explanatory statement for amendment 34.

Housing and Planning Bill, *continued*

Brandon Lewis 37
Clause 33, page 15, line 27, leave out second “breach or”
Member’s explanatory statement
See Member’s explanatory statement for amendment 34.

Brandon Lewis 38
Clause 33, page 15, line 29, leave out “the breach occurred or”
Member’s explanatory statement
See Member’s explanatory statement for amendment 34.

Brandon Lewis 39
Clause 33, page 15, line 32, leave out “breach or”
Member’s explanatory statement
See Member’s explanatory statement for amendment 34.

Brandon Lewis 40
Page 16, line 15, leave out Clause 35
Member’s explanatory statement
See Member’s explanatory statement for amendment 34.

Brandon Lewis 41
Page 16, line 22, leave out Clause 36
Member’s explanatory statement
See Member’s explanatory statement for amendment 34.

Brandon Lewis 42
Clause 38, page 17, line 23, leave out “or 6” and insert “, 6 or 7”
Member’s explanatory statement
See Member’s explanatory statement for amendment 34.

Housing and Planning Bill, *continued*

- Brandon Lewis 43
- Clause 39, page 18, line 8, leave out “or 6” and insert “, 6 or 7”
Member’s explanatory statement
See Member’s explanatory statement for amendment 34.
-
- Brandon Lewis 44
- Clause 40, page 18, line 30, leave out “or 4” and insert “, 4 or 7”
Member’s explanatory statement
See Member’s explanatory statement for amendment 34.
-
- Brandon Lewis 45
- Clause 47, page 21, line 1, leave out subsection (5)
Member’s explanatory statement
See Member’s explanatory statement for NC8.
- Brandon Lewis 46
- Clause 47, page 21, leave out lines 11 and 12
Member’s explanatory statement
See Member’s explanatory statement for NC8.
-
- Brandon Lewis 47
- Clause 48, page 21, line 21, leave out “47” and insert “(Meaning of “property manager” and related expressions)”
Member’s explanatory statement
See Member’s explanatory statement for NC8.
- Brandon Lewis 48
- Clause 48, page 21, line 36, at end insert—
““property agent” means a letting agent or property manager;
“property manager” has the meaning given by section (Meaning of “property manager” and related expressions);”
Member’s explanatory statement
See Member’s explanatory statement for NC8.

Housing and Planning Bill, *continued*

Brandon Lewis

49

- Clause 48, page 21, leave out line 37
Member's explanatory statement
See Member's explanatory statement to NC8.
-

Gareth Thomas

89

- ☆ Clause 56, page 24, line 8, at end insert “except in respect of high value sheltered housing which has been provided or adapted for the use of elderly or disabled people.”
-

Gareth Thomas

92

- ☆ Clause 58, page 24, line 32, at end insert—
“(7) The Regulator in monitoring compliance must report where a community led housing provider as defined at Schedule [New Schedule 1: community-led housing schemes] or a tenant management organisation as defined by [New Clause: Tenant Management Organisations] has in breach of this Act used grants made by the Secretary of State to facilitate or meet a discount in respect of a right to buy discount.”
-

Gareth Thomas

95

- ★ Page 26, line 4, leave out Clause 62
Member's explanatory statement
This amendment would ensure that local authorities could retain 100% of the capital receipt from the sale of any local authority housing under the Act to reinvest in new housing.
-

Gareth Thomas

90

- ☆ Clause 63, page 26, line 27, at end insert—
“(1A) This section does not apply to sheltered housing which has been provided or adapted for the use of elderly or disabled people, irrespective of whether it is vacant or may become vacant.”

Housing and Planning Bill, *continued*

Gareth Thomas

96

★ Clause 63, page 26, line 31, at end insert—

“(c) it is not a Tenant Management Organisation as defined for the purpose of section 27AB(8) of the Housing Act 1985, currently by the Housing (Right to Manage) Regulations 1994 (Statutory Instrument 627, 1994).”

Member’s explanatory statement

This amendment would ensure that properties run by tenant management organisations were not included in any assessment of the payment due to the Secretary of State under Clause 62.

Zac Goldsmith
Boris Johnson
Mr Nick Hurd
Stephen Hammond
Mr David Burrowes
Dr Tania Mathias

James Berry
Mark Field
Robert Neill
Mark Prisk

Bob Stewart
Andrew Rosindell
Dame Angela Watkinson

Paul Scully
Victoria Borwick
Bob Blackman

1

Clause 67, page 28, line 7, at end insert—

“(2A) In the case of a proposal for an agreement under subsection (1) between the Secretary of State and a local housing authority which is within Greater London as defined by section 2 of the London Government Act 1963 the Secretary of State shall—

(a) have particular regard to the extent to which the agreement will contribute to the target set under section [*New Clause 1; Target for new affordable housing provision in Greater London*], and

(b) consult the Mayor of London.”

Member’s explanatory statement

This amendment and New Clause 1 would require the Secretary of State and housing authorities in London entering an agreement which would reduce the amount due to be paid under section 62 to have regard to the duty to achieve the provision of at least two new units of affordable housing for the disposal of each unit of high value in London.

Gareth Thomas

91

☆ Clause 69, page 28, line 25, at end insert—

“(3A) The duty in subsection (1) does not apply to sheltered housing which has been provided or adapted for the use of elderly or disabled people.”

Housing and Planning Bill, *continued*

Gareth Thomas

98

- ★ Clause 69, page 28, leave out line 27 and insert—
- “(a) not dispose of more than 10% of all council homes in its area;
 - (b) have regard to whether its housing register is increasing in size; and
 - (c) have regard to any guidance given by the Secretary of State.”

Member’s explanatory statement

This amendment would even out the impact of the requirement to sell off high cost council housing to ensure the impact on homelessness of sales was properly thought through.

Gareth Thomas

97

- ★ Page 28, line 17, leave out Clause 69

Member’s explanatory statement

This amendment would remove the proposed duty on local housing authorities to consider selling vacant high value council housing.

Gareth Thomas

99

- ★ Page 29, line 34, leave out Clause 73

Member’s explanatory statement

This amendment would remove the Secretary of State’s proposed power to reduce regulatory control over private registered providers of social housing by means of regulations rather than by new, primary legislation.

Gareth Thomas

100

- ★ Page 32, line 14, leave out Clause 79

Member’s explanatory statement

This amendment would ensure that local authorities could retain any increased incomes arising from “Pay to Stay”.

Gareth Thomas

93

- ☆ Clause 92, page 38, line 24, at end insert—

“(14) The Secretary of State may by regulations require local planning authorities to designate land for use by housing co-operatives”

Housing and Planning Bill, *continued*
NEW CLAUSES

Brandon Lewis

NC2

To move the following Clause—

“Revocation or variation of banning orders

- (1) A person against whom a banning order is made may apply to the First-tier Tribunal for an order under this section revoking or varying the order.
- (2) If the banning order was made on the basis of one or more convictions all of which are overturned on appeal, the First-tier Tribunal must revoke the banning order.
- (3) If the banning order was made on the basis of more than one conviction and some of them (but not all) have been overturned on appeal, the First-tier Tribunal may—
 - (a) vary the banning order, or
 - (b) revoke the banning order.
- (4) If the banning order was made on the basis of one or more convictions that have become spent, the First-tier Tribunal may—
 - (a) vary the banning order, or
 - (b) revoke the banning order.
- (5) The power to vary a banning order under (3)(a) or (4)(a) may be used to add new exceptions to a ban or to vary—
 - (a) the banned activities,
 - (b) the length of a ban, or
 - (c) existing exceptions to a ban.
- (6) In this section “spent”, in relation to a conviction, means spent for the purposes of the Rehabilitation of Offenders Act 1974.”

Member’s explanatory statement*This amendment allows a banning order to be revoked or varied in certain circumstances.*

 Brandon Lewis

NC3

To move the following Clause—

“Offence of breach of banning order

- (1) A person who breaches a banning order commits an offence.
- (2) A person guilty of an offence under this section is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or to both.
- (3) If a financial penalty under section 17 has been imposed in respect of the breach, the person may not be convicted of an offence under this section.

Housing and Planning Bill, *continued*

- (4) In relation to an offence committed before section 281(5) of the Criminal Justice Act 2003 comes into force, the reference in subsection (2) to 51 weeks is to be read as a reference to 6 months.”

Member’s explanatory statement

This amendment makes it an offence to breach a banning order.

Brandon Lewis

NC4

To move the following Clause—

“Offences by bodies corporate

- (1) Where an offence under section (*Offence of breach of banning order*) committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, an officer of a body corporate, the officer as well as the body corporate commits the offence and is liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as if the member were an officer of the body corporate.”

Member’s explanatory statement

This amendment ensures that officers of a body corporate can be prosecuted for offences committed by it under NC3. “Officer” is given a broad definition by clause 48 of the Bill.

Brandon Lewis

NC5

To move the following Clause—

“Power to require information

- (1) A local housing authority may require a person to provide specified information for the purpose of enabling the authority to decide whether to apply for a banning order against the person.
- (2) It is an offence for the person to fail to comply with a requirement, unless the person has a reasonable excuse for the failure.
- (3) It is an offence for the person to provide information that is false or misleading if the person knows that the information is false or misleading or is reckless as to whether it is false or misleading.
- (4) A person who commits an offence under this section is liable on summary conviction to a fine.”

Member’s explanatory statement

This amendment allows a local housing authority to require a person to provide information for the purpose of deciding whether to apply for a banning order. For example, the number of properties that a landlord has may be relevant to whether an authority applies for a banning order. The power would allow the authority to require the landlord to provide that information.

Housing and Planning Bill, *continued*

Brandon Lewis

NC6

To move the following Clause—

“Removal or variation of entries made under section 24

- (1) An entry made in the database under section 24 may be removed or varied in accordance with this section.
- (2) If the entry was made on the basis of one or more convictions all of which are overturned on appeal, the responsible local housing authority must remove the entry.
- (3) If the entry was made on the basis of more than one conviction and some of them (but not all) have been overturned on appeal, the responsible local housing authority may—
 - (a) remove the entry, or
 - (b) reduce the period for which the entry must be maintained.
- (4) If the entry was made on the basis of one or more convictions that have become spent, the responsible local housing authority may—
 - (a) remove the entry, or
 - (b) reduce the period for which the entry must be maintained.
- (5) If a local housing authority removes an entry in the database, or reduces the period for which it must be maintained, it must notify the person to whom the entry relates.
- (6) In this section—

“responsible local housing authority” means the local housing authority by which the entry was made;

“spent”, in relation to a conviction, means spent for the purposes of the Rehabilitation of Offenders Act 1974.”

Member’s explanatory statement

This amendment allows a local housing authority to remove an entry in the database of rogue landlords and property agents or reduce the time for which the entry must be maintained in certain circumstances. See also NC7. There is no mention of clause 23 as an entry under that clause is maintained for as long as the banning order has effect.

 Brandon Lewis

NC7

To move the following Clause—

“Requests for exercise of powers under section (*Removal or variation of entries made under section 24*) and appeals

- (1) A person in respect of whom an entry is made in the database under section 24 may request the responsible local housing authority to use its powers under section (*Removal or variation of entries made under section 24*) to—
 - (a) remove the entry, or
 - (b) reduce the period for which the entry must be maintained.
- (2) The request must be in writing.
- (3) Where a request is made, the local housing authority must—
 - (a) decide whether to comply with the request, and

Housing and Planning Bill, *continued*

- (b) give the person notice of its decision.
- (4) If the local housing authority decides not to comply with the request the notice must include—
 - (a) reasons for that decision, and
 - (b) a summary of the appeal rights conferred by this section.
- (5) Where a person is given notice that the responsible local housing authority has decided not to comply with the request the person may appeal to the First-tier Tribunal against that decision.
- (6) An appeal to the First-tier Tribunal under subsection (5) must be made before the end of the period of 21 days beginning with the day on which the notice was given.
- (7) The First-tier Tribunal may allow an appeal to be made to it after the end of that period if satisfied that there is a good reason for the person’s failure to appeal within the period (and for any subsequent delay).
- (8) On an appeal under this section the tribunal may order the local housing authority to—
 - (a) remove the entry, or
 - (b) reduce the period for which the entry must be maintained.”

Member’s explanatory statement

This amendment allows a person to request a local housing authority to use its powers to remove or vary an entry in the database of rogue landlords and property agents (see NC6). If the local housing authority refuses, the person may appeal to the First-tier Tribunal.

Brandon Lewis

NC8

To move the following Clause—

“Meaning of “property manager” and related expressions

- (1) In this Part “property manager” means a person who engages in English property management work.
- (2) In this Part “English property management work” means things done by a person in the course of a business in response to instructions received from another person (“the client”) where—
 - (a) the client wishes the person to arrange services, repairs, maintenance, improvements or insurance in respect of, or to deal with any other aspect of the management of, premises on the client’s behalf, and
 - (b) the premises consist of housing in England let under a tenancy.”

Member’s explanatory statement

This and related amendments are intended to ensure that a banning order can be made against any person who engages in property management work, not just letting agents who engage in such work.

Housing and Planning Bill, *continued*

Zac Goldsmith
 Boris Johnson
 Mr Nick Hurd
 Stephen Hammond
 Mr David Burrowes
 Dr Tania Mathias

James Berry
 Mark Field
 Robert Neill
 Mark Prisk

Bob Stewart
 Andrew Rosindell
 Dame Angela Watkinson

Paul Scully
 Victoria Borwick
 Bob Blackman

NC1

To move the following Clause—

“Target for new affordable housing provision in Greater London

The Secretary of State, the Mayor of London and local housing authorities in Greater London as defined by section 2 of the London Government Act 1963 shall jointly have a duty to achieve the provision of at least two new units of affordable housing to be provided within Greater London in return for the disposal of each unit of high value housing in Greater London as defined under section 62.”

Member’s explanatory statement

This New Clause would impose a duty on the Secretary of State, the Mayor of London and London housing authorities to achieve the provision of at least two new units of affordable housing for the disposal of each unit of high value housing within the Greater London area.

Gareth Thomas

NC9

☆ To move the following Clause—

“Duty to promote lending to small and medium sized house builders

- (1) The Secretary of State shall have a duty to promote lending by banks to small and medium sized house builders.
 - (2) A small or medium sized builder in subsection (1) is a builder that has fewer than 250 employees.”
-

Housing and Planning Bill, *continued*

Gareth Thomas

NC10

- ☆ To move the following Clause—

“Planning obligations in respect of apprenticeships

In section 106 of the Town and Country Planning Act 1990 (planning obligations), after subsection (12) insert—

- “(12A) The Secretary of State may by regulations require planning obligations to include a requirement to offer apprenticeships to local people on sites where 50 or more dwellings are to be constructed.””

Gareth Thomas

NC11

- ☆ To move the following Clause—

“Tenant Management Organisations

All industrial and provident societies and housing associations registered with the Homes and Communities Agency as tenant management organisations shall—

- (a) be exempt from implementing, or facilitating the implementation of, the right to buy; and
- (b) not accept grants made by the Secretary of State in respect of right to buy discounts.”

Jim Fitzpatrick

NC12

- ★ To move the following Clause—

“Tenants’ rights to new management in property sold under LSVT

- (1) This section applies to housing which—
 - (a) was previously owned by a local authority;
 - (b) was part of a large scale voluntary transfer falling within the definition of section 32(4AB) of the Housing Act 1985; and
 - (c) the disposal of which was subject to the consent of the Secretary of State under section 32 of the 1985 Act.
- (2) Where the transfer took place more than five years before this section comes into operation the current owner of the transferred housing shall consult the current tenants on their satisfaction with the management of that property.
- (3) Where the transfer took place less than five years after this section comes into operation the current owner of the transferred housing shall not more than every five years consult the current tenants on their satisfaction with the management of that property.
- (4) If more than 50% of tenants responding to the consultation under subsections (2) or (3) are dissatisfied with the management of the property, the owner of the

Housing and Planning Bill, *continued*

housing must carry out a competitive tender for the management of the property and report the outcome to the tenants.”

Jim Fitzpatrick

NC13

★ To move the following Clause—

“Conversion of leasehold to commonhold for interdependent properties

- (1) On 1 January 2020 long leases of residential property in interdependent properties shall cease to be land tenure capable of conveyance.
- (2) On 1 January 2020 long leases as set out in subsection (1) shall become commonholds to which Part 1 of the Commonhold and Leasehold Reform Act 2002 (“the 2002 Act”) shall apply, subject to the modifications set out in this section.
- (3) Leaseholders, freeholders and those with an interest in an interdependent property are required to facilitate the transfer to commonhold, in particular they shall:
 - (a) by 1 January 2018 draw-up an agreed plan for the transfer;
 - (b) by 1 October 2018 value any interests to be extinguished by the transfer where the interest is held by a person who after transfer will not be a unit-holder; and
 - (c) by 1 January 2019 draw up a commonhold community statement for the purposes of—
 - (i) defining the extent of each commonhold unit;
 - (ii) defining the extent of the common parts and their respective uses;
 - (iii) defining the percentage contributions that each unit will contribute to the running costs of the building;
 - (iv) defining the voting rights of the members of the commonhold association; and
 - (v) specifying the rights and duties of the commonhold association, the unit-holders and their tenants.
- (4) In any case where the parties at subsection (3) cannot or refuse to agree arrangements to facilitate the transfer any of the parties can make an application to the First-tier Tribunal (Property Chamber) for a determination of the matter.
- (5) Section 3 [*Consent*] of the 2002 Act shall cease to have effect on 1 January 2017.
- (6) In subsection (1) “long lease” means—
 - (a) a lease granted for a term certain exceeding 21 years, whether or not it is (or may become) terminable before the end of that term by notice given by the tenant or by re-entry or forfeiture; or
 - (b) a lease for a term fixed by law under a grant with a covenant or obligation for perpetual renewal, other than a lease by sub-demise from one which is not a long lease.”

Member’s explanatory statement

This New Clause would end the tenure of residential leasehold by 1 January 2020 by converting residential leases into commonhold.

Housing and Planning Bill, *continued**NEW SCHEDULE*

Gareth Thomas

NS1

☆ To move the following Schedule—

“SCHEDULE

COMMUNITY-LED HOUSING SCHEMES

- 1 A community-led housing scheme is a scheme provided by a community led housing provider meeting the requirements of this Schedule.
 - 2 A community led housing provider is a body corporate (“a body”) which makes available, or intends to make available, dwellings in England and satisfies all the conditions in paragraph 4 and at least one of the conditions in paragraph 5.
 - 3 In the conditions at paragraph 4 the following definitions apply—
 - (a) “dwellings” means flats and houses for occupation by individuals as their only home;
 - (b) “local community” means the individuals who live or work, or want to live or work in a specified area or are part of a specified community;
 - (c) “own” and “owned” means ownership of a freehold interest or a leasehold interest;
 - (d) in paragraph 3(b) “specified area” means the locality or region referred to in a body’s constitution;
 - (e) in paragraph 3(b) “specified community” means the individuals to whom the body seeks to provide a benefit as set out in its constitution.
 - 4 The conditions that must be satisfied are that—
 - (a) the body includes within its constitution the purpose of providing accommodation to the local community or for the members of the body;
 - (b) the local community have the opportunity to become members of the body (whether or not others can also become members);
 - (c) the local community must provide the majority vote on resolutions at general meetings and decisions at management board meetings;
 - (d) any profits or surplus from its activities will be used to benefit the local community or other activities of the body as set out in its constitution (otherwise than being paid directly to members);
 - (e) the accommodation let to individuals is owned by the body; and
 - (f) the number of properties owned by the body does not exceed 1000.
 - 5 One of the conditions set out in this paragraph must be satisfied—
 - (a) the body’s objects include furthering the social, economic or environmental interests of a local community; or
 - (b) the body is owned in the majority by its members who are also the tenants of the body.”
-

Housing and Planning Bill, *continued*

ORDER OF THE HOUSE [2 NOVEMBER 2015]

That the following provisions shall apply to the Housing and Planning Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 10 December 2015.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

ORDER OF THE COMMITTEE [10 NOVEMBER 2015]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 10 November) meet—
 - (a) at 2.00 pm on Tuesday 10 November;
 - (b) at 9.25 am on Tuesday 17 November;
 - (c) at 11.30 am and 2.00 pm on Thursday 19 November;
 - (d) at 9.25 am and 2.00 pm on Tuesday 24 November;
 - (e) at 11.30 am and 2.00 pm on Thursday 26 November;
 - (f) at 9.25 am and 2.00 pm on Tuesday 1 December;
 - (g) at 11.30 am and 2.00 pm on Thursday 3 December;
 - (h) at 9.25 am and 2.00 pm on Tuesday 8 December;
 - (i) at 11.30 am and 2.00 pm on Thursday 10 December;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 10 November	Until no later than 10.00 am	Greater London Authority

Housing and Planning Bill, *continued*

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 10 November	Until no later than 10.45 am	Local Government Association; London Councils
Tuesday 10 November	Until no later than 11.25 am	National Housing Federation; PlaceShapers
Tuesday 10 November	Until no later than 2.45 pm	British Property Federation; Federation of Master Builders; Home Builders Federation
Tuesday 10 November	Until no later than 3.15 pm	Shelter; Crisis
Tuesday 10 November	Until no later than 4.15 pm	Peaks and Plains Housing Trust; Hastoe Group; Riverside; L&Q
Tuesday 10 November	Until no later than 5.00 pm	National Landlords Association; Residential Landlords Association; Association of Residential Letting Agents
Tuesday 17 November	Until no later than 10.15 am	Chartered Institute of Housing; Planning Officers Society; Royal Town Planning Institute; Town and Country Planning Association
Tuesday 17 November	Until no later than 10.45 am	Campaign to Protect Rural England
Tuesday 17 November	Until no later than 11.25 am	Department for Communities and Local Government

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 17; Schedule 1; Clauses 18 and 19; Schedule 2; Clause 20; Schedule 3; Clauses 21 to 86; Schedule 4; Clauses 87 to 90; Schedule 5; Clauses 91 to 102; Schedule 6; Clauses 103 to 121; Schedule 7; Clauses 122 to 127; Schedule 8; Clauses 128 to 134; Schedules 9 and 10; Clauses 135 to 139; Schedule 11; Clauses 140 to 145; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 10 December.
-