



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Tuesday 24 November 2015

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: 136-142

PUBLIC BILL COMMITTEE

HOUSING AND PLANNING BILL

NOTE

This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [10 November 2015, as amended on 19 November 2015.]

Teresa Pearce
John Healey
Dr Roberta Blackman-Woods
Matthew Pennycook

110

Clause 49, page 22, line 10, at end insert—

“(e) the local housing authority responds to a request by the landlord confirming that they suspect the property to be abandoned.”

Member’s explanatory statement

This amendment would require the local housing authority to confirm that they also suspect that the property is abandoned before a landlord can recover the abandoned premises.

Housing and Planning Bill, *continued*

Brandon Lewis

116

☆ Clause 50, page 22, line 20, at end insert—

“() If the unpaid rent condition has been met and a new payment of rent is made before the notice under section 49 is given, the unpaid rent condition ceases to be met (irrespective of the period to which the new payment of rent relates).”

Member’s explanatory statement

This amendment ensures that a landlord cannot rely on old arrears of rent to recover premises if the tenant has since made a payment of rent.

Brandon Lewis

117

☆ Clause 50, page 22, line 20, at end insert—

“() In this section “rent” means rent lawfully due from the tenant.”

Member’s explanatory statement

This is intended to exclude cases where, for example, rent has become due under the terms of a lease but it is unrecoverable because legislation provides that until certain requirements are met it is not to be treated as lawfully due.

Brandon Lewis

118

☆ Clause 51, page 22, line 23, leave out “the tenant and any named occupier two” and insert “three”

Member’s explanatory statement

This amendment requires a third warning notice to be given before a landlord can bring a tenancy to an end under clause 49. The third notice must be fixed to the premises (see amendment 119) and must be given towards the end of the warning period (see amendment 120). Amendment 121 gives power to specify the form of the third notice. Amendments 122, 123, 124 and 125 are consequential.

Brandon Lewis

119

☆ Clause 51, page 22, line 24, at end insert—

“() The first two warning notices must be given to the tenant and any named occupier using one of the methods in section 53(1) or (2).

() The third warning notice must be given by fixing it to some conspicuous part of the premises to which the tenancy relates.”

Member’s explanatory statement

See Member’s explanatory statement for amendment 118.

Teresa Pearce

John Healey

Dr Roberta Blackman-Woods

Matthew Pennycook

108

Clause 51, page 22, line 32, leave out “8” and insert “12”

Member’s explanatory statement

This amendment would extend the minimum amount of time needed to pass from 8 to 12 weeks before a landlord is able to recover an abandoned premises.

Housing and Planning Bill, *continued*

Teresa Pearce
John Healey
Dr Roberta Blackman-Woods
Matthew Pennycook

107

Clause 51, page 22, leave out lines 34 to 37

Member's explanatory statement

This amendment removes subsections 4 and 5 of Clause 51 from the Bill which would remove the ability for a landlord to deliver the first of the two letters needed to evict a tenant suspected of abandoning the property before they have missed rent.

Teresa Pearce
John Healey
Dr Roberta Blackman-Woods
Matthew Pennycook

109

Clause 51, page 22, line 38, leave out "two weeks, and no more than 4 weeks" and insert "4 weeks, and no more than 8 weeks"

Member's explanatory statement

This amendment would extend the time periods of and between the two letters needed to evict a tenant suspected of abandoning the premises.

Brandon Lewis

120

☆ Clause 51, page 22, line 39, at end insert—

"() The third warning notice must be given before the period of 5 days ending with the date specified in the warning notices under subsection (2)(b)."

Member's explanatory statement

See Member's explanatory statement for amendment 118.

Brandon Lewis

121

☆ Clause 51, page 22, line 39, at end insert—

"() The Secretary of State may make regulations setting out the form that the third warning notice must take."

Member's explanatory statement

See Member's explanatory statement for amendment 118.

Brandon Lewis

122

☆ Clause 53, page 23, line 11, at end insert—

"() This section sets out the methods for giving—

(a) a notice under section 49;

(b) the first or second warning notices under section 51."

Member's explanatory statement

See Member's explanatory statement for amendment 118.

Housing and Planning Bill, *continued*

Brandon Lewis

123

- ☆ Clause 53, page 23, line 12, leave out “A notice under section 49 or 51” and insert “The notice”
Member’s explanatory statement
See Member’s explanatory statement for amendment 118.

Brandon Lewis

124

- ☆ Clause 53, page 23, line 14, leave out “A notice under section 49 or 51 that” and insert “If the notice”
Member’s explanatory statement
See Member’s explanatory statement for amendment 118.

Brandon Lewis

125

- ☆ Clause 53, page 23, line 15, after “person” insert “it”
Member’s explanatory statement
See Member’s explanatory statement for amendment 118.

Brandon Lewis

126

- ☆ Clause 53, page 23, line 21, at end insert “, and
 () in the case of a tenant, leaving it at or sending it to every postal address in the United Kingdom of every guarantor, marked for the attention of the tenant.
 () In subsection (2) “guarantor”, in relation to a tenant, means a person who has agreed with the landlord to guarantee the performance by the tenant of any of the tenant’s obligations under the tenancy.”

Member’s explanatory statement

This amendment requires certain notices to be sent to a tenant’s guarantors, marked for the attention of the tenant. This requirement applies unless the tenant has been given the notice in person.

Teresa Pearce
 Dr Roberta Blackman-Woods
 Matthew Pennycook

136

- ★ Clause 84, page 34, lines 19 and 20
Member’s explanatory statement
This amendment would retain sections 225 and 226 of the Housing Act 2004 regarding accommodation needs of gypsies and travellers.
-

Housing and Planning Bill, *continued*

Brandon Lewis

127

- ☆ Clause 85, page 34, line 26, leave out subsection (3) and insert—
- “(3) In section 66 (tests for fitness and satisfactory management arrangements: houses in multiple occupation)—
- (a) after subsection (1) insert—
- “(1A) A local housing authority in England must also have regard to any evidence within subsection (3A) or (3B).”;
- (b) in subsection (2), in paragraph (c), after “tenant law” insert “(including Part 3 of the Immigration Act 2014)”;
- (c) after subsection (3) insert—
- “(3A) Evidence is within this subsection if it shows that P—
- (a) requires leave to enter or remain in the United Kingdom but does not have it; or
- (b) is insolvent or an undischarged bankrupt.
- (3B) Evidence is within this subsection if—
- (a) it shows that any person associated or formerly associated with P (whether on a personal, work or other basis) is a person to whom subsection (3A)(a) or (b) applies; and
- (b) it appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence holder or (as the case may be) the manager of the house.”
- (4) In section 70 (revocation of licences), in subsection (2), in the words after paragraph (c)—
- (a) for “Section 66(1) applies” substitute “Section 66(1) and (1A) apply”;
- (b) for “it applies” substitute “they apply”.”

Member’s explanatory statement

This amendment, together with amendment 128, ensures that amendments made by clause 85 apply only to England.

Teresa Pearce
 Dr Roberta Blackman-Woods
 Matthew Pennycook

137

- ★ Clause 85, page 34, line 37, at end insert—
- “(g) has a current entry on the Database of Rogue Landlords and Letting Agents as set out in Part 2 of the Housing and Planning Act 2015.

Member’s explanatory statement

This amendment would deny those with an entry on the Database of Rogue Landlords and Letting Agents from being granted a licence for a HMO.

Housing and Planning Bill, *continued*

Brandon Lewis

128

- ☆ Clause 85, page 35, line 5, leave out subsection (5) and insert—
- “(5) In section 89 (tests for fitness and satisfactory management arrangements: certain other houses)—
- (a) after subsection (1) insert—
- “(1A) A local housing authority in England must also have regard to any evidence within subsection (3A) or (3B).”;
- (b) in subsection (2), in paragraph (c), after “tenant law” insert “(including Part 3 of the Immigration Act 2014)”;
- (c) after subsection (3) insert—
- “(3A) Evidence is within this subsection if it shows that P—
- (a) requires leave to enter or remain in the United Kingdom but does not have it; or
- (b) is insolvent or an undischarged bankrupt.
- (3B) Evidence is within this subsection if—
- (a) it shows that any person associated or formerly associated with P (whether on a personal, work or other basis) is a person to whom subsection (3A)(a) or (b) applies; and
- (b) it appears to the authority that the evidence is relevant to the question whether P is a fit and proper person to be the licence holder or (as the case may be) the manager of the house.”
- (6) In section 93, in subsection (2), in the words after paragraph (c)—
- (a) for “Section 89(1) applies” substitute “Section 89(1) and (1A) apply”;
- (b) for “it applies” substitute “they apply”.”

Member’s explanatory statement*See Member’s explanatory statement for amendment number 127.*

Teresa Pearce
Dr Roberta Blackman-Woods
Matthew Pennycook

138

- ★ Clause 86, page 35, line 24, leave out “as an alternative” and insert “in addition”
- Member’s explanatory statement***
- This amendment would allow for a financial penalty as an addition, rather than as an alternative, to prosecution.*
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Housing and Planning Bill, continued

Teresa Pearce

Dr Roberta Blackman-Woods

Matthew Pennycook

139

- ★ Schedule 4, page 78, line 9, leave out “but must not be more than £5,000”

Member’s explanatory statement

This amendment would remove the limit for the amount of a financial penalty imposed by the local housing authority under the section.

Teresa Pearce

Dr Roberta Blackman-Woods

Matthew Pennycook

140

- ★ Schedule 4, page 78, line 42, leave out “but must not be more than £5,000”

Member’s explanatory statement

This amendment would remove the limit for the amount of a financial penalty imposed by the local housing authority under the section.

Teresa Pearce

Dr Roberta Blackman-Woods

Matthew Pennycook

141

- ★ Schedule 4, page 79, line 32, leave out “but must not be more than £5,000”

Member’s explanatory statement

This amendment would remove the limit for the amount of a financial penalty imposed by the local housing authority under the section.

Teresa Pearce

Dr Roberta Blackman-Woods

Matthew Pennycook

142

- ★ Schedule 4, page 80, line 20, leave out “but must not be more than £2,000”

Member’s explanatory statement

This amendment would remove the limit for the amount of a financial penalty imposed by the local housing authority under the section.

Brandon Lewis

129

- ☆ Schedule 5, page 83, line 21, leave out “Secretary of State” and insert “appropriate national authority”

Member’s explanatory statement

Amendments 129, 130, 131, 132, 133, 134 and 135 ensure that a regulation-making power may be exercised by the Welsh Ministers in relation to land in Wales as well as by the Secretary of State in relation to land in England.

Housing and Planning Bill, *continued*

Brandon Lewis

130

☆ Schedule 5, page 83, line 24, leave out sub-paragraph (4) and insert—

“(4) At the end insert—

“(7) In sub-paragraph (1) “appropriate national authority” means—

- (a) in relation to a tenancy of land in England, the Secretary of State;
- (b) in relation to a tenancy of land in Wales, the Welsh Ministers.

(8) Regulations under sub-paragraph (1) may include transitional provision.

(9) Regulations under sub-paragraph (1) are to be made by statutory instrument.

(10) A statutory instrument containing regulations under sub-paragraph (1) is subject to annulment—

- (a) in the case of an instrument made by the Secretary of State, in pursuance of a resolution of either House of Parliament;
- (b) in the case of an instrument made by the Welsh Ministers, in pursuance of a resolution of the National Assembly for Wales.””

Member’s explanatory statement*See Member’s explanatory statement for amendment 129.*

Brandon Lewis

131

☆ Schedule 5, page 84, line 3, at end insert—

“3 (1) Section 100 (orders and regulations) is amended as follows.

(2) In subsection (1), after “Secretary of State” insert “or the Welsh Ministers”.

(3) After subsection (2) insert—

“(3) Any power of the Welsh Ministers to make regulations under this Part shall be exercisable by statutory instrument which (except in the case of regulations making only such provision as is mentioned in section 99(6)) shall be subject to annulment in pursuance of a resolution of the National Assembly for Wales.””

Member’s explanatory statement*See Member’s explanatory statement for amendment 129.*

Brandon Lewis

132

☆ Schedule 5, page 84, line 9, leave out “Secretary of State” and insert “appropriate national authority”

Member’s explanatory statement*See member’s explanatory statement for amendment 129.*

Housing and Planning Bill, *continued*

Brandon Lewis

133

☆ Schedule 5, page 84, line 16, at end insert—

“() After sub-paragraph (10) insert—

“(11) In sub-paragraph (2) “appropriate national authority” means—

- (a) in relation to a leasehold interest of land in England, the Secretary of State;
- (b) in relation to a leasehold interest of land in Wales, the Welsh Ministers.””

Member’s explanatory statement*See Member’s explanatory statement for amendment 129.*

Brandon Lewis

134

☆ Schedule 5, page 84, line 29, leave out “Secretary of State” and insert “appropriate national authority”

Member’s explanatory statement*See Member’s explanatory statement for amendment 129.*

Brandon Lewis

135

☆ Schedule 5, page 84, line 31, at end insert—

“() After sub-paragraph (9) insert—

“(10) In sub-paragraph (2) “appropriate national authority” means—

- (a) in relation to a leasehold interest of land in England, the Secretary of State;
- (b) in relation to a leasehold interest of land in Wales, the Welsh Ministers.””

Member’s explanatory statement*See Member’s explanatory statement for amendment 129.*

 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.”

Housing and Planning Bill, *continued*

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.”

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.

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

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.”

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.

Housing and Planning Bill, *continued*

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.”
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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, AS AMENDED ON 19 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 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.
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00pm on Thursday 10 December.
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