



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Thursday 26 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: 143 to 229*

### 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**This document includes all amendments remaining before the Committee and includes any withdrawn amendments at the end.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.]**

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.”

Dr Roberta Blackman-Woods

John Healey

Teresa Pearce

Matthew Pennycook

**146**

★ Clause **56**, page **24**, line **8**, at end insert “with the exclusion of—

- (a) supported housing for older people,
- (b) supported housing units (including self-contained homes where floating support is provided for vulnerable people),
- (c) key worker housing (which includes self-contained flats subject to nomination agreements with 3rd parties),

**Housing and Planning Bill, *continued***

- (d) units that form part of major regeneration schemes planned or already under way,
- (e) rural settlements,
- (f) homes built for charitable purposes without Government grant and homes provided through Section 106 agreements requiring stock to be kept as social housing in perpetuity,
- (g) cooperative housing,
- (h) Almos, and
- (i) almshouses.”

***Member’s explanatory statement***

*This amendment would exclude certain categories of specialised housing from being subject to the Right to Buy provisions of the bill.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

147

- ★ Clause 56, page 24, line 10, at end insert “and must be of full market value reimbursement for the discount on the sale of Right to Buy.”

***Member’s explanatory statement***

*This amendment would ensure that the reimbursement received by a local authority having sold a property at a discount under Right to Buy is of the full market value, to ensure the property could be replaced on a like-for-like basis.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

148

- ★ Clause 56, page 24, line 10, at end insert—

“(2A) The conditions at subsection (2) must include a condition that money equivalent to the market value (disregarding any discount) of a dwelling sold under right to buy and to which the grant applies is spent by the private registered provider on the provision of affordable housing in the same county, including at least one new home replacing that sold which is—

- (a) of the same tenure,
- (b) located in the same local authority area, and
- (c) in accordance with assessed local housing need.”

***Member’s explanatory statement***

*This amendment would require housing associations offering the Right to Buy to their tenants to re-invest all the money received as a result of the sale in replacement local affordable housing, including a guaranteed like-for-like home in the same area.*

---

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

149

★ Clause 56, page 24, line 13, at end insert—

“(4) Grants must not be payable on properties bought and turned into buy to let dwellings within ten years”.

***Member’s explanatory statement***

*This amendment would prevent property sold under Right to Buy from being converted into buy to let dwellings for a period of ten years.*

---

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

150

★ Clause 57, page 24, line 18, at end insert “and must be of full market value reimbursement for the discount.”

***Member’s explanatory statement***

*This amendment would ensure that the reimbursement received by a local authority having sold a property at a discount under Right to Buy is of the full market value, to ensure the property could be replaced on a like-for-like basis.*

Sadiq Khan  
 Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

151

★ Clause 57, page 24, line 18, at end insert—

“(3) The conditions at subsection (2) must include a condition that money equivalent to the market value (disregarding any discount) of a dwelling sold under Right to Buy and to which the grant applies is spent by the private registered provider on the provision of affordable housing in London, including at least one new home replacing that sold which is—

- (a) of the same tenure,
- (b) located in the same London borough, and
- (c) in accordance with assessed local housing need.”

***Member’s explanatory statement***

*This amendment would require housing associations offering the Right to Buy to their tenants in London to re-invest all the money received as a result of the sale in replacement affordable housing in London, including a guaranteed like-for-like home in the same borough.*

---

---

**Housing and Planning Bill, *continued***

Gareth Thomas

188

- ★ Clause 58, page 24, line 22, at end insert “which will include the use of local occupancy clauses as defined by section 157 of the 1985 Housing Act”

***Member’s explanatory statement***

*This amendment would ensure anyone subsequently buying a former housing association property sold under the right to buy would have to have lived or worked in the housing authority area where the property is located for three years or more prior to purchase.*

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

187

- ★ Clause 58, page 24, line 32, at end insert—

- “(7) The Secretary of State and the Mayor of London must publish an annual report and impact assessment setting out how many housing association properties have been sold off and its impact on homelessness in Greater London.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State and Mayor of London to publish an annual report and impact assessment setting out how many housing association properties have been sold off and its impact on homelessness in Greater London.*

---

 Brandon Lewis

178

- ★ Clause 59, page 25, line 5, after “Consent” insert “in respect of a disposal of land in England”

***Member’s explanatory statement***

*This amendment limits the amendment to section 133 of the Housing Act 1988 to disposals of land in England.*

Brandon Lewis

179

- ★ Clause 59, page 25, line 8, after “Consent” insert “in respect of a disposal of land in England”

***Member’s explanatory statement***

*This amendment limits the amendment to section 174 of the Housing and Regeneration Act 2008 to disposals of land in England.*

---

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

152

★ Clause 59, page 25, line 8, at end insert—

“(3) Portability of the discount must only apply where practicable in terms of availability of suitable properties for disposal and vacancy timescales.”

***Member’s explanatory statement***

*This amendment would ensure that portability of the discount must be practicable and able to be delivered in practice.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

153

★ Clause 59, page 25, line 8, at end insert—

“( ) Property offered under portability must be of—

- (a) similar size,
- (b) similar or improved quality,
- (c) in an area agreed by the tenant, and
- (d) subject to an appeal mechanism.”

***Member’s explanatory statement***

*This amendment would protect the tenant against an unreasonable offer of portability.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

154

★ Clause 59, page 25, line 8, at end insert—

“( ) The discount should remain in perpetuity.”

***Member’s explanatory statement***

*This amendment would ensure that homes sold under the Right to Buy remain as discounted housing in perpetuity.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

155

★ Clause 59, page 25, line 8, at end insert—

“( ) A dwelling must not be sold under the Right to Buy without the Housing Association having the ability to—

- (a) verify the source of funding for purchase,
- (b) establish who is occupying the property,
- (c) check that the person/s seeking to purchase the property under Right to Buy has no interest in another property,
- (d) have sufficient time to carry out checks for fraudulent activity, and

---

**Housing and Planning Bill, *continued***

- (e) be able to prepare reports on (a) – (d) for the Housing Association Board of Trustees to consider.”

***Member’s explanatory statement***

*This amendment would ensure that housing associations are able to carry out proper checks before proceeding with the Right to Buy offer.*

---

Gareth Thomas

186

- ★ Clause 62, page 26, line 7, at end insert “except in respect of a local housing authority within Greater London.

(1A) In respect of a local housing authority within Greater London the Mayor of London after consultation with the London Assembly may make a determination requiring the authority to make a payment to the Mayor in respect of a financial year.”

***Member’s explanatory statement***

*This clause would devolve to the Mayor of London after consultation with the Assembly, any requirements by housing authorities in London to make payments relating to the sale of high value Council housing.*

Gareth Thomas

144

- ★ Clause 62, page 26, line 7, at end insert—

“(1A) Before making a determination under subsection (1) requiring a local housing authority within Greater London to make a payment, the Secretary of State must obtain the consent of the Mayor of London and the London Assembly.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to obtain the consent of the Mayor of London and the London Assembly before making a determination requiring a local housing authority in London to make a payment to the Secretary of State in respect of vacant high value housing.*

Dr Roberta Blackman-Woods

John Healey

Teresa Pearce

Matthew Pennycook

156

- ★ Clause 62, page 26, line 7, at end insert—

“(2A) Before making a determination under subsection (1) requiring a local housing authority within Greater London to make a payment, the Secretary of State must obtain the consent of the Mayor of London and the London Assembly.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to obtain the consent of the Mayor of London and the London Assembly before making a determination requiring a local housing authority in London to make a payment to the Secretary of State in respect of vacant high value housing.*

---

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

157

★ Clause 62, page 26, line 11, at end insert—

“(2A) The total payment required from all affected local authorities in any financial year shall not exceed the total grant paid in that year to private registered providers in respect of right to buy discounts.”

***Member’s explanatory statement***

*This amendment would avoid powers being used as a general means of taxing councils and tenants for the benefit of the Exchequer.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

158

★ Clause 62, page 26, line 11, at end insert—

“(2B) The costs and deductions referred to in section 62(2)(b) must include an estimate of the cost of replacing each high value dwelling sold with a dwelling with the same number of bedrooms in the same local authority area.”

***Member’s explanatory statement***

*This amendment would allow for one-for-one local replacement.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

159

★ Clause 62, page 26, line 25, at end insert—

“( ) Regulations under subsection (8) may not define a dwelling as “high value” if its sale value is less than the cost of rebuilding it and providing a replacement dwelling with the same number of bedrooms in the same local authority area.”

***Member’s explanatory statement***

*This amendment would prevent dwellings being defined as “high value” if the cost of its replacement on a like-for-like basis in the same local authority area exceeds the receipt of sale.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

160

★ Clause 62, page 26, line 25, at end insert—

“( ) The definition of “high value” must be based on the housing market within the local authority.”

Helen Hayes

189

★ Clause 62, page 26, line 25, at end insert—

“(10) Existing Tenant Management Organisations (as defined by The Housing (Right to Manage) Regulations 1994), that also fulfil the definition of a community-led organisation as defined at Schedule ([New Schedule 1: community-led housing

---

**Housing and Planning Bill, *continued***

schemes]), will retain the benefit of right to buy and high value sales, provided it is invested in new housing.”

**Member’s explanatory statement**

*This amendment would allow community-led organisations to keep right to buy and high values sales income, conditional on the income being re-invested in new homes.*

Gareth Thomas  
Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

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.*

Gareth Thomas

145

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

“(c) it is not in an area of high homelessness as defined by the Regulator for Social Housing.”

**Member’s explanatory statement**

*This amendment would exclude high value housing which is in an area of high homelessness from having to be sold by the local housing authority.*



---

Housing and Planning Bill, *continued*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

162

- ★ Clause 63, page 26, line 37, at end insert “for a period of no more than 5 years after the housing has been transferred to a private registered provider of social housing”
- Member’s explanatory statement***  
*This amendment would limit the amount of time during which the Secretary of State could take into account transferred stock when making a determination.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

164

- ★ Clause 63, page 26, line 39, at end insert—
- “( ) Regulations shall provide that housing shall be excluded where a vacancy has occurred as a result of the eviction of the former tenant from the relevant dwelling on account of anti-social behaviour caused by the tenant, or by a person residing in or visiting the relevant dwelling.
- ( ) In subsection ( ), “anti-social behaviour” shall have the same meaning as in section 2 of the Anti-social Behaviour Crime and Policing Act 2014.”
- Member’s explanatory statement***  
*This amendment would exclude from the estimate of high value housing properties that become vacant due to anti-social behaviour evictions.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

165

- ★ Clause 63, page 26, line 39, at end insert—
- “( ) Regulations shall provide that housing shall be excluded where it forms part of a housing regeneration scheme or consists of specialist housing or recently improved housing.
- ( ) In subsection ( ), a “housing regeneration scheme” means a programme of regeneration or development of an area which includes the provision or improvement of housing and for which finance may be available under section 126 of the Housing Grants, Construction and Regeneration Act 1996.
- ( ) In subsection ( ), “specialist housing” means any housing designed for or intended for occupation by older persons or persons needing care or support or persons with mental health problems or learning disabilities; or which has features which are designed to make it suitable for occupation by a physically disabled person; or which it is the practice of the landlord to let for occupation by persons with special needs.
- ( ) In subsection ( ), housing shall be considered to have been recently improved if substantial works of repair or improvement have been carried out on the relevant dwelling or group of dwellings within the previous two years.”
- Member’s explanatory statement***  
*This amendment would exclude certain types of property from inclusion in high value homes determination.*

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

163

★ Clause 63, page 26, line 39, at end insert—

“( ) Regulations shall provide that housing shall be excluded where a vacancy has occurred as a result of the transfer of the former tenant to alternative accommodation in the social rented sector, where accommodation in the social rented sector means any accommodation owned or let by a local authority or other registered provider of social housing.”

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

166

★ Page 26, line 26, leave out Clause 63

---

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

167

★ Page 27, line 1, leave out Clause 64

---

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

168

★ Page 27, line 17, leave out Clause 65

---

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

169

★ Page 27, line 34, leave out Clause 66

---

---

**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.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

170

★ Clause 67, page 28, line 8, at end insert—

- “(4) Notwithstanding the generality of subsection (1), housing shall not be taken into account under section 62(2) unless the proceeds of sale of every relevant property are applied to fund the construction of a new property in the same locality which is to be let as social housing on terms (as to rent, security of tenure and generally) which are substantially the same as those on which the original dwelling was let.
- (5) No determination by the Secretary of State under section 62(1) shall be made except on the basis of a deduction representing the cost of replacing the relevant dwelling or dwellings under subsection (2A), and no assumption to the contrary shall be made under section 62(7) in making such determination.
- (6) The amount of any payment determined on the basis of subsections (4) and (5) may be nil.”

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

171

★ Page 28, line 1, leave out Clause 67

---

---

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

172

- ★ Page 28, line 9, leave out Clause 68
- 

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

173

- ★ Clause 69, page 28, line 19, leave out “must consider selling its interest in any high value” and insert “must have regard to the duty in subsection (1A) when selling its interest in any”

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

174

- ★ Clause 69, page 28, line 20, at end insert—  
“(1A) A receipt arising from the disposal of a dwelling must be used to achieve the provision of at least one new affordable dwelling to replace that sold, which is—  
(a) of the same tenure,  
(b) located in the same local authority area, and  
(c) in accordance with assessed local housing need.”

***Member’s explanatory statement***

*This amendment would remove the duty for local authorities to consider selling high value housing and introduce a duty that local authorities must, whenever they sell housing, use the receipt to provide at least a guaranteed like-for-like replacement home in the same area.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

175

- ★ Clause 69, page 28, leave out lines 24 and 25

***Member’s explanatory statement***

*This amendment would remove the duty for local authorities to consider selling high value housing and introduce a duty that local authorities must, whenever they sell housing, use the receipt to provide at least a guaranteed like-for-like replacement home in the same area.*

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***

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

176

★ Clause 69, page 28, line 27, at end insert—

“(5) Regulations shall provide that housing which has been newly constructed or substantially renovated within the period of two years before a determination shall be excluded from the duty in subsection (1).”

***Member’s explanatory statement***

*This amendment would prevent housing which has been recently constructed or renovated from being sold.*

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  
 Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

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.*

---

Brandon Lewis

180

★ Clause 71, page 29, leave out lines 4 and 5 and insert—

“(1) Section 11 of the Local Government Act 2003 (use of capital receipts) is amended as follows.

- (2) In subsection (5), after “an authority” insert “in Wales”.
- (3) After subsection (5) insert—”

***Member’s explanatory statement***

*This amendment and amendment 181 ensure that the amendment to section 11 of the Local Government Act 2003 currently made by clause 71 applies to England only.*

Brandon Lewis

181

★ Clause 71, page 29, line 7, after “authority” insert “in England”

***Member’s explanatory statement***

*See Member’s explanatory statement for amendment 180.*

---

**Housing and Planning Bill, *continued***

Gareth Thomas

185

- ★ Clause 71, page 29, line 12, at end insert—  
“(2) The Localism Act 2011 is amended as follows.

Leave out section 171 (Limits on indebtedness).”

***Member’s explanatory statement***

*This amendment would remove the Secretary of State’s power to make determinations about the housing debt that may be held by a local housing authority that keeps a Housing Revenue Account.*

---

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

194

- ★ Clause 73, page 29, line 36, after “control”, insert “in respect of ensuring quality in social housing”

***Member’s explanatory statement***

*This amendment addresses the deregulation of standards for construction relating to Housing Association properties.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

195

- ★ Clause 73, page 29, line 37, at end insert “, including giving such providers more freedom to use their balance sheet capacity through strategic asset management”

***Member’s explanatory statement***

*This amendment would give more freedom to Housing Associations over the use of their assets.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

196

- ★ Clause 73, page 29, line 37, at end insert “, including, but not limited to, disposals consent, allocations, valuation and planning”

***Member’s explanatory statement***

*This amendment addresses the deregulation of the disposal of Housing Association property allocations, valuation and planning.*

Gareth Thomas

143

- ★ Clause 73, page 29, line 37, at end insert—  
“(2) Before making regulations under subsection (1) the Secretary of State shall publish a report setting out—

- (a) the extent to which the Freedom of Information Act 2000 applies to private registered providers of social housing in England since they have been reclassified as Public Non-Financial Corporations by the Office for National Statistics; and

---

**Housing and Planning Bill, *continued***

- (b) his plans to apply the Freedom of Information Act 2000 to registered providers of social housing in England.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State, before exercising his deregulation powers, to report on the application of, and his plans to apply, the Freedom of Information Act 2000 to registered providers of social housing in England.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

197

- ★ Clause 73, page 29, line 37, at end insert—

“(2) The Secretary of State must consult local housing authorities on any proposed regulations aimed at reducing regulatory control over private registered providers of social housing or their affairs.

- (3) Once implemented private registered providers of social housing must consult the local housing authorities affected by any proposed changes to their policies in areas such as, but not limited to, nomination agreements, stock disposals and new build development programmes.”

***Member’s explanatory statement***

*This amendment would allow for consultation with local housing authorities with regard to deregulation measures.*

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.*

---

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

199

- ★ Clause 74, page 30, line 4, at beginning insert “Subject to subsection 1(A)”

***Member’s explanatory statement***

*See amendment 200.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

198

- ★ Clause 74, page 30, line 6, at end insert “but only where a registered provider of social housing has failed to set a graduated rent charging scheme related to income level”

***Member’s explanatory statement***

*The amendment would allow the Secretary of State to impose rent levels only where voluntary agreements based on a graduated system are not already in existence.*

---

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

200

★ Clause 74, page 30, line 6, at end insert—

“(1A) The Secretary of State must not make regulations under subsection (1) which apply—

- (a) to people aged over 65,
- (b) to people who have a registered disability,
- (c) to people on zero hours contracts,
- (d) to people with seasonal contracts of employment,
- (e) to households where one or more members is in receipt of Employment and Support Allowance,
- (f) where a household member is in receipt of care,
- (g) where a member of the household is a carer for another household member,
- (h) to those living in supported housing, or
- (i) to households in receipt of housing benefit.”

***Member’s explanatory statement***

*The amendment would establish exemptions from the application of high income rents system.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

201

★ Clause 74, page 30, leave out lines 8 and 9 and insert—

- “(a) to be on a graduated scale established by the registered provider of social housing to reflect level of income and affordability in the area,
- (b) to follow a scheme that has been subject to full consultation with tenants and agreed by them,”

***Member’s explanatory statement***

*The amendment would establish that high income rents will be at a more graduated level than market rents and would be established by the social housing provider.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

202

★ Clause 74, page 30, leave out lines 8 and 9 and insert—

- “(a) to be based on the condition of the property with regard to—
  - (i) state of repair,
  - (ii) age,
  - (iii) degree of modernisation/refurbishment,
  - (iv) locality,
- (b) in accordance with affordable rents in the area.”

***Member’s explanatory statement***

*The amendment would establish that rent levels will be based on the state of repair and location of the dwelling and will take into account the level of other affordable rents in the area.*



---

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

203

- ★ Clause 74, page 30, line 10, at end insert—

“(d) to be increased on a tapered system relating to income and level of rent charged.”

***Member’s explanatory statement***

*The amendment would introduce a taper scheme into the application of high income rents, to prevent large jumps in the rent level being charged with only modest increases in income.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

204

- ★ Clause 74, page 30, line 10, at end insert—

“(d) to take into account the need to promote socially cohesive communities.”

***Member’s explanatory statement***

*The amendment would enable local authorities and social housing providers to take into account the need to promote and encourage a degree of diversity in their communities.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

205

- ★ Clause 74, page 30, line 10, at end insert—

“(d) to take into account the need to promote mixed communities.”

***Member’s explanatory statement***

*The amendment would enable local authorities and social housing providers to take into account the need to promote and encourage a mixture of people with different income levels in their housing stock when setting rent levels.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

206

- ★ Clause 74, page 30, line 10, at end insert—

“(d) take into account local affordability.”

***Member’s explanatory statement***

*The amendment would establish that rent levels should reflect local affordability.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

207

- ★ Clause 74, page 30, leave out line 13

***Member’s explanatory statement***

*The amendment would address the rationale for rent levels for similar housing varying from area to area.*

---

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

211

- ★ Clause 74, page 30, line 13, at end insert “and shall only apply where the costs of implementation are reasonable as determined by local authority or Housing Association Board of Trustees.”

***Member’s explanatory statement***

*The amendment would establish that the cost of implementing the high income rent regime provides value for money.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

208

- ★ Clause 74, page 30, line 13, at end insert—

“(c) and to be subject to a notice period of one year”

***Member’s explanatory statement***

*The amendment would provide tenants deemed to have a high income with time to relocate to another property or increase their income further.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

209

- ★ Clause 74, page 30, line 13, at end insert—

“(c) and shall be subject to transitional protection”

***Member’s explanatory statement***

*The amendment would allow tenants deemed to have a high income to be given transitional protection so they are able to prepare family budgets to accommodate higher rent levels.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

210

- ★ Clause 74, page 30, line 13, at end insert—

“(3A) The Secretary of State must make regulations to provide for the external valuation of high income rents”

***Member’s explanatory statement***

*The amendment would require that the application of a higher income rent should be subject to external valuation.*

---

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

212

★ Clause 74, page 30, line 18, at end insert—

“(6) The provisions in this section shall only apply to new tenancies commenced after 30 April 2017.”

***Member’s explanatory statement***

*The amendment would provide that the high income rent regime would only apply to new tenancies.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

213

★ Clause 74, page 30, line 18, at end insert—

“(6) All provisions in this clause shall only apply to where the tenant has been provided with a new tenancy agreement.”

***Member’s explanatory statement***

*The amendment would provide that the high income rent regime would only apply where tenants have been given a new tenancy agreement.*

---

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

214

★ Clause 75, page 30, line 23, at end insert—

“(1A) For the purposes of this Chapter high income cannot be set at a level lower than median incomes.”

***Member’s explanatory statement***

*The amendment would provide that the high income level cannot be set a level lower than average/median salaries.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

216

★ Clause 75, page 30, line 23, at end insert—

“(c) be set with reference to average incomes in the area with high incomes being defined by income falling in the top quartile of incomes in the area”

***Member’s explanatory statement***

*The amendment would provide that high incomes will reflect the top quartile of income levels.*

---

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

217

★ Clause 75, page 30, line 23, at end insert—

“(c) use a definition of high income for this purpose based on at least three times multiple of average income in the area concerned”

***Member’s explanatory statement***

*The amendment would provide that high incomes must be at least three times the multiple of average income in the area.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

215

★ Clause 75, page 30, line 34, at end insert—

“(g) relate to incomes of the tenants only.”

***Member’s explanatory statement***

*The amendment would provide that higher income households will only be determined by the level of income of the tenants and not additional household members.*

---

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

218

★ Clause 76, page 31, line 1, leave out subsection (3)

***Member’s explanatory statement***

*The amendment would reduce the scope of regulations made under this section.*

---

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

219

★ Clause 77, page 31, line 8, at beginning insert “Following the adoption of a process agreed with the tenants,”

***Member’s explanatory statement***

*The amendment provides that information will not be disclosed to HMRC without a process for doing so being agreed with tenants in advance.*

---

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

220

- ★ Clause 77, page 31, line 15, leave out subsection 2(c)

***Member's explanatory statement***

*The amendment would make unnecessary the creation of a public body to transfer information from the HMRC to a local authority or registered provider of social housing.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

221

- ★ Clause 77, page 31, line 18, leave out subsection (2)(d)

***Member's explanatory statement***

*The amendment would make unnecessary the creation of a public body to transfer information from the HMRC to a local authority or registered provider of social housing.*

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

222

- ★ Clause 77, page 31, line 20, leave out subsections (3) to (5)

***Member's explanatory statement***

*The amendment would make unnecessary the creation of a public body to transfer information from the HMRC to a local authority or registered provider of social housing.*

---

Dr Roberta Blackman-Woods  
John Healey  
Teresa Pearce  
Matthew Pennycook

223

- ★ Clause 78, page 32, line 11, at end insert—

“(c) should be subject to an external review system.”

***Member's explanatory statement***

*The amendment would establish that the high income social tenants mandatory rents regime system should be subject to an external review system.*

---

---

**Housing and Planning Bill, *continued***

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

225

- ★ Clause 79, page 32, line 15, leave out subsection (1)

***Member's explanatory statement***

*The amendment would provide that local authorities should not make payments to the Secretary of State in respect of any estimated increase in rental income.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

224

- ★ Clause 79, page 32, line 16, leave out “estimated”

***Member's explanatory statement***

*The amendment would establish that payments to the Secretary of State would not be made on an estimates of income receipts.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

226

- ★ Clause 79, page 32, line 23, at end insert “without reasonable cause”

***Member's explanatory statement***

*The amendment would provide that local authorities or registered providers of social housing are able to make late payments in certain circumstances.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

227

- ★ Clause 79, page 32, line 24, leave out subsection (5)

***Member's explanatory statement***

*The amendment would ensure that it would not be possible for payments to be made to the Secretary of State based on assumptions rather than the actuality.*

Dr Roberta Blackman-Woods  
 John Healey  
 Teresa Pearce  
 Matthew Pennycook

228

- ★ Clause 79, page 32, line 28, at end insert “and such payments will only be applied after replacement costs of the dwelling on a like for like basis, of the same tenure, in the same locality have been deducted by the local authority or registered provider of social housing.”

***Member's explanatory statement***

*The amendment would provide that no payment will be made to the Secretary of State until the cost of replacing a similar type of dwelling in the same area and of the same tenure and in the same locality has been deducted from the payment.*

---

**Housing and Planning Bill, *continued***

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".*

---

Dr Roberta Blackman-Woods

John Healey

Teresa Pearce

Matthew Pennycook

229

★ Page 32, line 30, leave out Clause 80

***Member's explanatory statement***

*The amendment would remove the Secretary of State's power to provide information in connection with the regulations in this chapter.*

---

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”

---

Brandon Lewis

182

★ Clause 99, page 43, line 25, leave out “those matters” and insert “publication of those recommendations and reasons”

***Member's explanatory statement***

*This amendment is designed to clarify the intention of subsection (4)(b) of the section substituted by clause 99.*

---

Stephen Hammond

190

★ Clause 104, page 48, leave out lines 30 and 31 and insert—

“(1) The Town and Country Planning Act 1990 is amended as follows.

(2) In section 60 (permission granted by development order), after subsection (1) insert—”

***Member's explanatory statement***

*This amendment is consequential to amendments 191 and 192.*

---

**Housing and Planning Bill, *continued***

Stephen Hammond

191

- ★ Clause 104, page 48, line 42, at end insert—

“(3A) In section 70 (Determination of applications: general considerations), in subsection (1)(a) after “permission” insert “in whole or in part and””

***Member’s explanatory statement***

*This amendment gives local planning authorities the same power as the Secretary of State presently has on appeal to grant planning permission for part of the development proposed in an application.*

Stephen Hammond

192

- ★ Clause 104, page 49, line 3, at end insert—

“(4A) In section 78 (Right to appeal against planning decisions and failure to take such decisions), in subsection (1)(a), after “it” insert “in part or””

***Member’s explanatory statement***

*This amendment gives local planning authorities the same power as the Secretary of State presently has on appeal to grant planning permission for part of the development proposed in an application.*

Stephen Hammond

193

- ★ Clause 104, page 49, line 3, at end insert—

“(4B) In section 106 (Planning obligations), after subsection (2) insert—

“(2A) A local planning authority may enter into a planning obligation as a person interested in land and as the local planning authority, including an obligation by agreement in both categories.”

***Member’s explanatory statement***

*This amendment empowers local planning authorities to make planning obligations binding their own land, for example, if they wish to grant planning permission prior to selling land for development.*

---

 Brandon Lewis

183

- ★ Clause 108, page 51, line 16, after “subsection (1)” insert “in relation to land in England”

***Member’s explanatory statement***

*This amendment would state that the consultation requirement inserted into section 134 of the Local Government, Planning and Land Act 1980 by clause 108(2) would only apply in relation to an order creating an urban development area in England.*

---



---

**Housing and Planning Bill, *continued***

Brandon Lewis

184

- ★ Clause 109, page 52, line 2, after “section” insert “in relation to an urban development area in England”

***Member’s explanatory statement***

*This amendment would state that the consultation requirement inserted into section 135 of the Local Government, Planning and Land Act 1980 by clause 109(2) would only apply in relation to an order establishing a corporation for an urban development area in England.*

---

**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.*

---

**Housing and Planning Bill, *continued***

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.
- (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.

---

**Housing and Planning Bill, *continued***

- (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.*

---

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.*

---

---

**Housing and Planning Bill, *continued***

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
  - (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—

**Housing and Planning Bill, *continued***

- (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.*

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.

---

**Housing and Planning Bill, *continued***

- (2) A small or medium sized builder in subsection (1) is a builder that has fewer than 250 employees.”
- 

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  
Dr Roberta Blackman-Woods

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.

---

**Housing and Planning Bill, *continued***

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

Jim Fitzpatrick  
Dr Roberta Blackman-Woods

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

**Housing and Planning Bill, *continued***

- (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.*

---

*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—



---

**Housing and Planning Bill, *continued***

- (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."

---

**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;

**Housing and Planning Bill, *continued***

- (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
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.