



House of Commons

Tuesday 24 November 2015

PUBLIC BILL COMMITTEE PROCEEDINGS

HOUSING AND PLANNING BILL

[SIXTH AND SEVENTH SITTINGS]

Dr Roberta Blackman-Woods
John Healey
Teresa Pearce
Matthew Pennycook

Not selected 77

Page 3, line 39, leave out Clause 6

Clause agreed to on division.

Clause 7 agreed to.

Gareth Thomas

Withdrawn 88

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

“or

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

Matthew Pennycook
Dr Roberta Blackman-Woods
Teresa Pearce

Withdrawn 84

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

Clause agreed to.

Housing and Planning Bill, *continued*

Matthew Pennycook
Dr Roberta Blackman-Woods
Teresa Pearce

Clause 9, page 5, line 42, after “permission”, insert “to meet housing need generally including” *Withdrawn 86*

Matthew Pennycook
Dr Roberta Blackman-Woods
Teresa Pearce

Clause 9, page 5, line 43, after first “the”, insert “effective” *Withdrawn 81*

Matthew Pennycook
Dr Roberta Blackman-Woods
Teresa Pearce

Clause 9, page 6, line 15, after “entries”, insert “with effective mortgage finance” *Not called 82*

Matthew Pennycook
Dr Roberta Blackman-Woods
Teresa Pearce

Clause 9, page 6, line 35, at end insert “except where extant permission can be revived” *Withdrawn 85*

Gareth Thomas

Page 5, line 35, leave out Clause 9 *Not selected 87*

Clause agreed to.

Clause 10 agreed to.

Matthew Pennycook
Dr Roberta Blackman-Woods
Teresa Pearce

Clause 11, page 7, line 32, after “eligibility”, insert “including those who have failed to demonstrate that they have obtained effective mortgage finance” *Not called 83*

Clause agreed to.

Brandon Lewis

Clause 12, page 8, line 17, leave out “letting” and insert “property” *Agreed to 2*

Housing and Planning Bill, *continued*

Brandon Lewis

Clause 12, page 8, line 20, leave out “letting” and insert “property” *Agreed to* 3

Brandon Lewis

Clause 12, page 8, line 21, leave out “letting” and insert “property” *Agreed to* 4

Brandon Lewis

Clause 12, page 8, line 24, leave out “or who has breached a banning order” *Agreed to* 5

Clause, as amended, agreed to.

Clause 13 agreed to.

Brandon Lewis

Clause 14, page 9, line 12, at end insert— *Agreed to* 6

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

Brandon Lewis

Clause 14, page 9, line 13, after “order” insert “under subsection (1)” *Agreed to* 7

Brandon Lewis

Clause 14, page 9, line 16, after “why,” insert— *Agreed to* 8
 “() stating the length of each proposed ban,”

Teresa Pearce

John Healey

Dr Roberta Blackman-Woods

Matthew Pennycook

Withdrawn 104
 Clause 14, page 9, line 20, at end insert “and must make all reasonable effort to consult with any affected tenant of the person the authority is intending to proceed against.”

Clause, as amended, agreed to.

Brandon Lewis

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

Housing and Planning Bill, *continued*

Brandon Lewis

Clause 15, page 9, line 30, at end insert “(but see subsection (2A))” *Agreed to* **10**

Brandon Lewis

Clause 15, page 9, line 32, at end insert— *Agreed to* **11**
“(2A) Where an application is made under section 14(1A) against an officer of a body corporate, the First-tier Tribunal may make a banning order against the officer even if the condition in subsection (1)(b) is not met.”

Brandon Lewis

Clause 15, page 9, line 39, leave out “letting” and insert “property” *Agreed to* **12**
Clause, as amended, agreed to.

Teresa Pearce
John Healey
Dr Roberta Blackman-Woods
Matthew Pennycook

Clause 16, page 10, line 3, leave out “6” and insert “12” *Withdrawn* **112**

Teresa Pearce
John Healey
Dr Roberta Blackman-Woods
Matthew Pennycook

Clause 16, page 10, line 3, at end insert— *Not called* **105**
“(2A) A landlord or letting agent subject to a banning order must undertake accredited training, as approved by the local housing authority, before they are able to let a property again.”

Teresa Pearce
John Healey
Dr Roberta Blackman-Woods
Matthew Pennycook

Clause 16, page 10, line 9, at end insert— *Withdrawn* **103**
“(5) The court may issue a rent repayment order as provided in Chapter 4 of this Part during prosecution of a landlord or letting agent for a banning order offence.
(6) The court may issue a rent repayment order as provided in Chapter 4 once prosecution of a landlord or letting agent for a housing related offence has commenced and before proceedings have concluded.

Clause agreed to.

Housing and Planning Bill, *continued*

Brandon Lewis

Agreed to 13

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

Brandon Lewis

Agreed to 14

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

Brandon Lewis

Agreed to 15

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

Teresa Pearce

John Healey

Dr Roberta Blackman-Woods

Matthew Pennycook

Withdrawn 101

Clause 17, page 10, line 22, leave out “, but must not be more than £5,000.”

Teresa Pearce

John Healey

Dr Roberta Blackman-Woods

Matthew Pennycook

Not called 102

Clause 17, page 10, line 22, leave out “£5,000” and insert “£20,000”

Brandon Lewis

Agreed to 16

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

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

- (a) the person has been convicted of an offence under that section in respect of the conduct, or
- (b) criminal proceedings for the offence have been instituted against the person in respect of the conduct and the proceedings have not been concluded.”

Gareth Thomas

Withdrawn 94

Clause 17, page 10, line 27, leave out subsection (7)

Clause, as amended, agreed to.

Housing and Planning Bill, *continued*

Brandon Lewis

Schedule 1, page 70, line 5, leave out “for breaching a banning order” and insert “under section 17” *Agreed to 50*

Brandon Lewis

Schedule 1, page 70, line 10, leave out “person’s breach of the banning order” and insert “conduct to which the financial penalty relates” *Agreed to 51*

Brandon Lewis

Schedule 1, page 70, line 11, leave out “in breach of the banning order” and insert “continuing to engage in the conduct” *Agreed to 52*

Brandon Lewis

Schedule 1, page 70, line 11, leave out the second “breach” and insert “conduct” *Agreed to 53*

Brandon Lewis

Schedule 1, page 70, line 13, leave out “breach” and insert “conduct” *Agreed to 54*

Brandon Lewis

Schedule 1, page 70, line 15, leave out “breach” and insert “conduct” *Agreed to 55*

Schedule, as amended, agreed to.

Clause 18 agreed to.

Clause 19 agreed to.

Schedule 2 agreed to.

Clause 20 agreed to.

Brandon Lewis

Schedule 3, page 76, line 22, leave out “In” *Agreed to 56*

Brandon Lewis

Schedule 3, page 76, line 22, after “orders)” insert “is amended as follows.
()” *Agreed to 57*

Housing and Planning Bill, *continued*

Brandon Lewis

Agreed to **58**Schedule **3**, page **76**, line **29**, at end insert—

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

() After subsection (6) insert—

“(6A) If—

(a) the existing order was made under section 113(3A) or (6A),
and(b) the date on which the new order comes into force in relation
to the house (or part of it) following the disposal of the appeal
is later than the date on which the existing order would cease
to have effect apart from this subsection,

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

Schedule, as amended, agreed to.

Brandon Lewis

Agreed to **17**Clause **21**, page **11**, line **21**, leave out “a director, secretary or other” and insert
“an”

Brandon Lewis

Agreed to **18**Clause **21**, page **11**, line **23**, at end insert “, or() in a case where the landlord is a body corporate, any body corporate that
has an officer in common with the landlord.”*Clause, as amended, agreed to.*

Brandon Lewis

Agreed to **19**Clause **22**, page **11**, line **34**, leave out “letting” and insert “property”*Clause, as amended, agreed to.*

Brandon Lewis

Agreed to **20**Clause **23**, page **12**, line **5**, leave out from “must” to end of line 6 and insert “make
an entry in the database in respect of a person if—(a) a banning order has been made against the person following an
application by the authority, and

Housing and Planning Bill, *continued*

- (b) no entry was made under section 24, before the banning order was made, on the basis of a conviction for the offence to which the banning order relates.”

Clause, as amended, agreed to.

Brandon Lewis

Clause 24, page 12, line 10, leave out “enter a person in the database” and insert “make an entry in the database in respect of a person” *Agreed to 21*

Brandon Lewis

Clause 24, page 12, line 13, leave out “letting” and insert “property” *Agreed to 22*

Brandon Lewis

Clause 24, page 12, line 14, leave out “a person may be entered” and insert “an entry may be made” *Agreed to 23*

Brandon Lewis

Clause 24, page 12, line 18, after “made” insert “(or that period as reduced in accordance with section (*Removal or variation of entries made under section 24*))” *Agreed to 24*

Brandon Lewis

Clause 24, page 12, line 19, at end insert—
“() Subsection (3)(a) does not prevent an entry being removed early in accordance under section (*Removal or variation of entries made under section 24*)” *Agreed to 25*

Brandon Lewis

Clause 24, page 12, line 22, leave out “include a person” and insert “make an entry” *Agreed to 26*

Clause, as amended, agreed to.

Brandon Lewis

Clause 25, page 12, line 25, leave out “enter a person in the database” and insert “make an entry in the database in respect of a person” *Agreed to 27*

Brandon Lewis

Clause 25, page 12, line 28, leave out “include the person” and insert “make the entry” *Agreed to 28*

Housing and Planning Bill, *continued*

Brandon Lewis

Clause 25, page 12, line 36, leave out “entering the person” and insert “making the entry” *Agreed to 29*

Brandon Lewis

Clause 25, page 12, line 39, leave out “enter the person” and insert “make the entry” *Agreed to 30*

Clause, as amended, agreed to.

Brandon Lewis

Clause 26, page 13, line 7, leave out “include the person in the database” and insert “make the entry in the database in respect of the person” *Agreed to 31*

Clause, as amended, agreed to.

Clause 27 agreed to.

Clause 28 agreed to.

Brandon Lewis

Clause 29, page 13, line 36, leave out “enter the person in the database” and insert “make an entry in the database in respect of the person” *Agreed to 32*

Brandon Lewis

Clause 29, page 13, line 37, leave out “enters a person in the database, or that is proposing to enter a person” and insert “makes an entry in the database in respect of a person, or that is proposing to make an entry in respect of a person” *Agreed to 33*

Clause, as amended, agreed to.

Stephen Hammond

Clause 30, page 14, line 8, after “England”, insert “and the Greater London Authority” *Withdrawn 79*

Housing and Planning Bill, *continued*

Teresa Pearce
John Healey
Dr Roberta Blackman-Woods
Matthew Pennycook

Negated on division **106**

Clause **30**, page **14**, line **9**, at end insert—

“(2) Tenants and prospective tenants may establish whether an individual is listed on the database through their local housing authority.”

Clause agreed to.

Stephen Hammond

Not called **80**

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

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

Clause agreed to.

Brandon Lewis

Not selected **113**

★ Clause **32**, page **14**, line **28**, leave out “in certain cases” and insert “where a landlord has committed an offence to which this Chapter applies”

Brandon Lewis

Not selected **114**

★ Clause **32**, page **14**, line **35**, leave out subsection (3)

Brandon Lewis

Agreed to **34**

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

“7 | This Act | section (*Offence of* | breach of banning order”
| *breach of banning order*) |

Clause, as amended, agreed to.

Brandon Lewis

Agreed to **35**

Clause **33**, page **15**, leave out line 24

Housing and Planning Bill, *continued*

Brandon Lewis

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

Agreed to 36

Brandon Lewis

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

Agreed to 37

Brandon Lewis

Clause 33, page 15, line 29, leave out “the breach occurred or”

Agreed to 38

Brandon Lewis

Clause 33, page 15, line 32, leave out “breach or”

Agreed to 39

Clause, as amended, agreed to.

Clause 34 agreed to.

Brandon Lewis

Page 16, line 15, leave out Clause 35

Not selected 40

Clause negated.

Brandon Lewis

Page 16, line 22, leave out Clause 36

Not selected 41

Clause negated.

Clause 37 agreed to.

Brandon Lewis

Clause 38, page 17, line 23, leave out “or 6” and insert “, 6 or 7”

Agreed to 42

Clause, as amended, agreed to.

Housing and Planning Bill, *continued*

Brandon Lewis

Clause 39, page 18, line 8, leave out “or 6” and insert “, 6 or 7” *Agreed to* **43**

Clause, as amended, agreed to.

Brandon Lewis

Clause 40, page 18, line 30, leave out “or 4” and insert “, 4 or 7” *Agreed to* **44**

Clause, as amended, agreed to.

Teresa Pearce
John Healey
Dr Roberta Blackman-Woods
Matthew Pennycook

Clause 41, page 19, line 10, at end insert “, and about what extra charges the local housing authority may levy to fund investigation, enforcement, and other matters related to the operation of rent repayment orders.” *Withdrawn* **111**

Clause agreed to.

Clauses 42 to 46 agreed to.

Brandon Lewis

★ Clause 44, page 19, line 29, leave out ““house”” and insert ““HMO”” *Not selected* **115**

Brandon Lewis

Clause 47, page 21, line 1, leave out subsection (5) *Agreed to* **45**

Brandon Lewis

Clause 47, page 21, leave out lines 11 and 12 *Agreed to* **46**

Clause, as amended, agreed to.

Housing and Planning Bill, *continued*

Brandon Lewis

Clause 48, page 21, line 21, leave out “47” and insert “(Meaning of “property manager” and related expressions)” *Agreed to 47*

Brandon Lewis

Clause 48, page 21, line 36, at end insert— *Agreed to 48*
““property agent” means a letting agent or property manager;
“property manager” has the meaning given by section (Meaning of
“property manager” and related expressions);”

Brandon Lewis

Clause 48, page 21, leave out line 37 *Agreed to 49*

[Adjourned until Thursday at 11.30am