

Housing and Planning Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE

[Supplementary to the Marshalled List]

Clause 1

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 1, line 6, after “promote” insert “home ownership and”

Page 1, line 7, at end insert –

- “() “Home ownership” means the holding of a legal estate by a home owner in a home or in a share of a home.
- () “Home owner” means one or more individuals who holds or hold a legal estate –
 - (a) in a home which is his, her or their only residence, or
 - (b) in a share of a home which is his, her or their only residence.”

Clause 3

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 2, line 24, after “promoting” insert “home ownership and”

Clause 4

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 3, line 4, leave out “starter homes” and insert “home ownership scheme”

Page 3, line 8, at end insert –

- “() “Home ownership scheme” means a scheme which provides opportunities for home ownership which are affordable to prospective home owners having regard to the local housing market and prevailing economic conditions, and which includes the provision of a certain number of starter homes.”

Clause 4 - continued

Page 3, line 9, leave out “starter homes” and insert “home ownership scheme”

Page 3, line 13, after “provide” insert “and implement a home ownership scheme including”

Page 3, line 14, leave out “for providing starter homes” and insert “to provide and implement a home ownership scheme including a certain number of starter homes”

Page 3, line 25, leave out “starter homes” and insert “home ownership scheme”

After Clause 4

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Insert the following new Clause—

“Infrastructure requirement: provision of starter homes

- (1) Prior to the first occasion on which planning permission is granted for a site involving starter homes, the Secretary of State must produce an infrastructure plan to be implemented as part of the starter homes programme.
- (2) The plan must outline—
 - (a) which services (such as hospitals, doctors’ surgeries and schools) will be built alongside new housing developments involving starter homes, and
 - (b) where funding for the new infrastructure will come from.
- (3) The infrastructure plan must be laid before both Houses of Parliament.”

Clause 5

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 3, line 28, after “to” insert “home ownership and”

Clause 6

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 3, line 42, after first “to” insert “home ownership and”

Clause 7

LORD TOPE
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 4, line 15, after first “to” insert “home ownership and”

Clause 64

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Page 28, line 32, at end insert –

- “() In carrying out the duty to monitor compliance under subsection (1), the Regulator must make a report where a community-led housing provider, as defined in Schedule (*Community-led housing schemes*), or a tenant management organisation, as defined in section (*tenant management organisations*), has used grants made by the Secretary of State to facilitate or meet a right to buy discount.”

After Clause 64

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Insert the following new 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, right to buy discounts, and
- (b) not accept grants made by the Secretary of State in respect of right to buy discounts.”

Clause 67

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Page 30, line 11, at end insert –

- “(10) The Secretary of State may not appoint a day for the coming into force of subsections (1) to (7) in accordance with section 192 of this Act until the Secretary of State has by regulations made by statutory instrument specified the formula provided for in subsection (6).
- (11) A statutory instrument containing regulations under subsection (10) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Clause 74

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Page 32, line 42, at end insert –

- “(5) Subject to the following provisions of this section, subsections (1) to (4) of this section are repealed at the end of the period of three years beginning with the day on which this Act is passed.

Clause 74 - continued

- (6) The Secretary of State may by regulations made by statutory instrument provide that the provisions of subsections (1) to (4) are not repealed in accordance with subsection (5) but instead continue in force indefinitely, or for a specified period of time.
- (7) A statutory instrument containing regulations under subsection (6) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Clause 78

VISCOUNT HANWORTH

Page 34, line 20, at end insert –

- “() The regulations must provide that extra rents charged to high income tenants must be fixed in proportion to the excess of the tenant’s income above a threshold level appropriate to local circumstances.”

Clause 82

VISCOUNT HANWORTH

Page 36, line 14, leave out “may” and insert “must”

Page 36, line 17, leave out “may” and insert “must”

Clause 83

VISCOUNT HANWORTH

- Page 36, line 32, leave out from “subsection (2)” to “give” in line 34 and insert “–
- (a) must make provision about the review of decisions to increase rent;
 - (b) may”

After Clause 118

BARONESS GARDNER OF PARKES

Insert the following new Clause –

“Overcrowding in shared residential buildings

- (1) Local authorities may set limits for the number of residents that may lawfully reside in each rented property in a shared residential building.
- (2) Local authorities may set limits under subsection (1) for each relevant rented property whenever the contract for renting the property changes at any point after the day on which this section is brought into effect.
- (3) If a complaint is made to a local authority about overcrowding in a rented property for which a limit has been set under subsection (1), the local authority may investigate whether the limit is being exceeded and, if so, order the landlord of the property to take action to end the overcrowding.

After Clause 118 - continued

- (4) Where the local authority orders a landlord to take action under subsection (3), the local authority may charge the landlord a fee to cover the reasonable costs of the investigation and action undertaken by the local authority.”

Insert the following new Clause –

“Overcrowding and subletting in shared residential buildings

The head lessee, freeholder or members of the right to manage company in a shared residential block may investigate whether any leaseholder within that block is allowing overcrowding in his or her property, or is allowing any subletting contrary to the terms of the lease, or is permitting a continuing nuisance to be made or a risk to the security of the block to be posed by those residing in the property.”

After Clause 124

LORD BERKELEY

Insert the following new Clause –

“Duchy of Cornwall

- (1) Section 33(2)(c) of the Leasehold Reform Act 1967 (crown land) is repealed.
- (2) Section 94(11)(c) of the Leasehold Reform, Housing and Urban Development Act 1993 (crown land) is repealed.”

BARONESS GARDNER OF PARKES

Insert the following new Clause –

“Sinking funds for repairs: leaseholds

- (1) The buyer of a leasehold in a shared residential building with common parts is required to make periodic deposits of sums into a fund to be maintained and used for the purpose of making repairs to the building in which the leasehold property is situated.
- (2) The fund shall be held and administered by the person designated to fulfil that role by the leaseholders.
- (3) The sums to be deposited and the timetable for their deposit shall be determined by those holding rights in the shared building, and the collection of those sums may be incorporated into the building’s service charge arrangements.
- (4) The requirement provided for by subsection (1) applies to any buyer of a leasehold who completes the purchase of that leasehold at any point after the day on which this section is brought into effect.”

After Clause 124 - continued

Insert the following new Clause –

“Changes to leases: qualifying threshold for right to manage

- (1) Where leaseholders in a shared building have the right to manage and a change is proposed to the terms of the leases held in that shared building, the change shall be agreed and made if a simple majority of the eligible leaseholders vote in favour of the proposal.
- (2) A change to the terms of the leases under subsection (1) may include leasehold enfranchisement.
- (3) If a leaseholder fails to participate in the vote held under subsection (1) and reasonable arrangements have been made to enable him or her to do so, he or she shall be deemed to have voted in favour of the proposal.”

After Clause 130

LORD SHIPLEY

Insert the following new Clause –

“Use class for affordable housing

- (1) Part C of the Schedule to the Town and Country Planning (Use Classes) Order 1987 is amended as follows.
- (2) In Class C3 (dwellinghouses), at end insert “, but not for a use within Class C3A.”
- (3) After Class C3 insert –
“Class C3A. Affordable housing
 Use for the provision of affordable housing.””

After Clause 138

LORD PALMER OF CHILDS HILL

LORD SHIPLEY

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause –

“Time limits for developing land where planning permission is granted

After section 58 of the Town and Country Planning Act 1990 (granting of planning permission: general), insert –

- “(1) Where planning permission is granted under section 58, the person or persons to whom planning permission is granted must develop the land to which the planning permission relates within a specified period of time, which the Secretary of State must by regulations made by statutory instrument specify.
- (2) Regulations made under subsection (1) must specify that –
 - (a) development on the land must be commenced before the end of five years from the date on which planning permission was granted, and

After Clause 138 - continued

- (b) development on the land must be completed before the end of seven years from the date on which development on the land was commenced.
- (3) Regulations made under this section may make different provision for different purposes.
- (4) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

After Clause 143

LORD PALMER OF CHILDS HILL

LORD SHIPLEY

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause –

*“Planning: community developments***Duty to ensure the use of local authority funding for community developments**

- (1) An English planning authority must carry out its relevant planning functions with a view to ensuring that funding is available for community developments.
- (2) The planning authority must ensure that its duty under this section is taken into account when it is carrying out its duty to promote starter homes under section 3 of this Act.
- (3) In this section, “community developments” means land that is developed to be used –
 - (a) as a library;
 - (b) as an educational institution;
 - (c) as an institution which promotes community culture;
 - (d) for public transport; or
 - (e) for other activities that are intended to benefit the local community.”

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25 February 2016
