

# Housing and Planning Bill

---

---

AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

---

**Clause 16**

BARONESS GRENDER

Page 10, line 12, at end insert –

- “( ) A banning order must specify how many tenants are thought to be affected by the banning order and what arrangements will be put in place to mitigate against those tenants becoming homeless.
- ( ) A banning order must specify that a local authority has given due consideration to issuing a management order to ensure existing tenancies are continued, wherever possible.”

**Clause 20**

BARONESS WILLIAMS OF TRAFFORD

Page 11, line 23, leave out “this section” and insert “subsection (1)”

Page 11, line 27, at end insert –

- “(3A) Where a person is convicted under subsection (1) of breaching a banning order and the breach continues after conviction, the person commits a further offence and is liable on summary conviction to a fine not exceeding one-tenth of level 2 on the standard scale for each day or part of a day on which the breach continues.
- (3B) In proceedings for an offence under subsection (3A) it is a defence to show that the person had a reasonable excuse for the continued breach.”

**Clause 22**

BARONESS WILLIAMS OF TRAFFORD

Page 12, line 4, leave out “20” and insert “20(1)”

**Clause 22 - continued**

Page 12, line 9, at end insert “, unless subsection (3A) allows another penalty to be imposed.

“(3A) If a breach continues for more than 6 months, a financial penalty may be imposed for each additional 6 month period for the whole or part of which the breach continues.”

Page 12, line 13, leave out “20” and insert “20(1)”

**Clause 37**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

Page 18, line 4, at end insert –

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

**Clause 38**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

Page 18, line 21, at end insert –

“(f) in order to ascertain that due to being on the database, a landlord may not be granted an HMO licence.”

BARONESS WILLIAMS OF TRAFFORD

Page 18, line 21, at end insert –

“(5) For the purposes of paragraph 17 of Schedule 23 to the Finance Act 2011 (which relates to HMRC data-gathering powers), the database is to be treated as being maintained by the Secretary of State.”

**After Clause 54**

LORD KENNEDY OF SOUTHWARK  
LORD BEECHAM

Insert the following new Clause –

**“Mandatory register of all private landlords**

- (1) All private landlords must sign up to a register holding details of private landlords and privately rented properties.
- (2) The register shall be held and maintained by a local authority, with registration to be free of charge.
- (3) The register may be used by local authorities to inform landlords –
  - (a) about regulatory matters;
  - (b) of their duties under the Housing Act 2004 and sections 20 to 37 of the Immigration Act 2014 (residential tenancies);

**After Clause 54 - continued**

(c) of any other useful information.”

Insert the following new Clause –

**“Review of deposit protection**

Upon commencement of this Act, the Secretary of State must undertake a review of the Deposit Protection Scheme, as introduced under sections 212 to 215 of the Housing Act 2004 (tenancy deposit schemes), in order to ensure that tenants are treated fairly at the end of their tenancy.”

Insert the following new Clause –

**“Security of tenure**

- (1) After section 19A of the Housing Act 1988 (assured shorthold tenancies) insert –

**“19B Minimum length of certain assured shorthold tenancies**

Any assured shorthold tenancy (other than one where the landlord is a private registered provider of social housing) granted on or after 1 April 2018 must be for a fixed term of at least thirty-six months, and it is an implied term of such a tenancy that the tenant may terminate the tenancy by giving two months’ written notice to the landlord.”

- (2) In section 21 of the Housing Act 1988 (recovery of possession on expiry or termination of assured shorthold tenancy), after subsection (4) insert –

“(4ZZA) In the case of a dwelling house in England, no notice under subsection (4) may be given before the end of the period of thirty-six months beginning with the first day of the tenancy.””

Insert the following new Clause –

**“Standards for guardianship schemes**

Terms as to fitness for human habitation and repairing obligations set out in sections 8 to 17 of the Landlord and Tenant Act 1985 for tenants of private landlords must also apply to guardianship scheme contracts.”

EARL CATHCART

Insert the following new Clause –

**“Custodial schemes: termination of tenancies – absent or un-cooperative landlord or tenant**

In Schedule 10 of the Housing Act 2004 (provisions relating to tenancy deposit schemes), omit paragraphs 4A, 4B and 4C.”

**After Clause 128**

LORD GREAVES

Insert the following new Clause—

**“Planning functions of neighbourhood forums**

After section 61F of the Town and Country Planning Act 1990, insert—

**“61FA Planning functions of neighbourhood forums**

A neighbourhood forum designated under section 61F may recommend to the principal council within the meaning of the Local Government and Public Involvement in Health Act 2007 that its planning functions should be undertaken by a parish council for the area covered by the neighbourhood forum.”

**After Clause 138**

LORD STEVENSON OF BALMACARA

LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

**“Permitted development: change of use to residential use**

Where the Secretary of State, in exercising the powers conferred by sections 59 (development orders), 60 (permission granted by development order), 61 (development orders: supplementary provisions), 74 (directions etc as to method of dealing with applications) or 333(7) (regulations and orders) of the Town and Country Planning Act 1990, makes a general permitted development in respect of change of use to residential use as dwelling houses, the change must first be subject to prior approval in respect of the impact of neighbouring buildings which have been in continuous and unchanged use for at least one year on the amenity and enjoyment of the prospective residents of the dwelling houses.”

Insert the following new Clause—

**“Granting of planning permission: change of use to residential use**

After section 58 of the Town and Country Planning Act 1990 (granting of planning permission) insert—

**“58A Granting of planning permission: change of use to residential use**

- (1) Before planning permission is granted under section 58(1) for change of use of a building to residential use as dwelling houses, the body considering granting planning permission must consider the impact of noise and other factors from buildings which have been in continuous and unchanged use for a year or longer in the vicinity on the amenity and enjoyment of the residents of the dwelling houses.
- (2) Where planning permission is granted under section 58(1) for change of use of a building to residential use as dwelling houses, the permission must specify that persons who have been granted planning permission in respect of the building must—

**After Clause 138** - *continued*

- (a) eliminate noise between the hours of 10pm and 6am from neighbouring buildings which have been in continuous and unchanged use for at least a year before the permission is given; and
- (b) counteract any other impact seriously impairing the amenity and enjoyment of the residents and prospective residents of the dwelling houses arising from neighbouring buildings which have been in continuous and unchanged use for a year or longer before the permission was granted.””

# Housing and Planning Bill

---

AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

---

*04 February 2016*

---