

Housing and Planning Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 2

LORD SHIPLEY
LORD KENNEDY OF SOUTHWARK
LORD STUNELL
LORD BEECHAM

Page 2, line 29, at end insert –

“() Regulations shall provide that the discount specified in subsection (1)(c) shall continue to be applied to the sale price of the relevant starter home on every subsequent sale of that dwelling (including, but not limited to, any sale of the property after the initial five year period).”

Clause 3

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD SHIPLEY

Page 2, line 38, after “homes” insert “and other types of social and affordable housing”

Clause 37

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD SHIPLEY

Page 18, line 31, at end insert –

“() A local housing authority is required to give access to the database to a tenant or a person seeking a tenancy.”

Clause 38

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD SHIPLEY

Page 18, leave out line 36

Page 18, line 37, leave out subsection (3)

Clause 38 - continued

Page 19, line 8, at end insert—

“(f) for the protection of tenants.”

After Clause 54

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM
BARONESS GRENDER

Insert the following new Clause—

“Implied term of fitness for human habitation in residential lettings

- (1) Section 8 of the Landlord and Tenant Act 1985 (implied terms as to fitness for human habitation) is amended as follows.
- (2) For subsection (3) substitute—
 - “(3) Subject to subsection (7), this section applies to any tenancy or licence under which a dwelling house is let wholly or mainly for human habitation.”
- (3) After subsection (3) insert—
 - “(3ZA) Subsection (1) does not apply where the condition of the dwelling-house or common parts is due to—
 - (a) a breach by the tenant of the duty to use the dwelling-house in a tenant-like manner, or other express term of the tenancy to the same effect; or
 - (b) damage by fire, flood, tempest or other natural cause or inevitable accident.
 - (3ZB) Subsection (1) shall not require the landlord or licensor of the dwelling house to carry out works—
 - (a) which would contravene any statutory obligation or restriction; or
 - (b) which require the consent of a superior landlord, provided that such consent has been refused and the landlord or licensor has no right of action on the basis that such refusal of consent is unreasonable.
 - (3ZC) Any provision of or relating to a tenancy or licence is void insofar as it purports—
 - (a) to exclude or limit the obligations of the landlord or licensor under this section; or
 - (b) to permit any forfeiture or impose on the tenant or licensee any penalty or disadvantage in the event of his seeking to enforce the obligation under subsection (1).
 - (3ZD) Regulations may make provision for the exclusion of certain classes of letting from subsection (1).
 - (3ZE) In this section “house” has the same meaning as “dwelling house” and includes—
 - (a) a part of a house, and

After Clause 54 - continued

- (b) any yard, garden, outhouses and appurtenances belonging to the house or usually enjoyed with it.”
- (4) Omit subsections (4) to (6).
- (5) In section 10 of the Landlord and Tenant Act 1985 (fitness for human habitation), after “waste water” insert “any other matter or thing that may amount, singly or cumulatively, to a Category 1 hazard within the meaning of section 2 of the Housing Act 2004.”
- (6) Regulations may make provision for guidance as to the operation of the matters set out in section 10 of the Landlord and Tenant Act 1985 which are relevant to the assessment of fitness for human habitation.
- (7) This section shall come into force –
 - (a) in England at the end of the period of three months from the date on which this Act is passed and shall apply to all tenancies licences and agreements for letting made on or after that date; and
 - (b) in Wales on a date to be appointed by the Welsh Ministers.”

BARONESS HAYTER OF KENTISH TOWN
LORD TOPE

Insert the following new Clause –

“Requirement to carry out electrical safety checks

- (1) The landlord of a rental property shall ensure that the following are maintained in a safe condition so as to prevent the risk of injury to any person in lawful occupation of relevant premises –
 - (a) any electrical installations; and
 - (b) any electrical appliances supplied by the landlord.
- (2) Without prejudice to the generality of subsection (1), a landlord shall –
 - (a) ensure that the electrical installation and any electrical appliances supplied by the landlord are checked for safety within 12 months of initial leasing and thereafter at intervals of not more than five years since they were last checked for safety, regardless of whether the check was made pursuant to this Act;
 - (b) in the case of a lease which commences after the coming into force of this Act, ensure that the electrical installation and each electrical appliance to which the duty extends is checked for safety either within a period of 12 months before the lease commences or within 12 months of any electrical installation or electrical appliances being installed; and
 - (c) ensure that a record of any check for safety in respect of an electrical installation or electrical appliance is made and retained for a period of six years from the date of that check, which record shall include –
 - (i) the date on which the electrical installation or electrical appliance was checked;
 - (ii) the address of the premises at which the electrical installation or electrical appliance is installed;
 - (iii) the name and address of the landlord of the premises at which the electrical installation or electrical appliance is installed (or, where appropriate, the landlord’s agent);

After Clause 54 - continued

- (iv) a description of, and the location of, the electrical installation or electrical appliance that was checked;
 - (v) any defect identified;
 - (vi) any remedial action taken;
 - (vii) the name and signature of the individual carrying out the check; and
 - (viii) the registration number with which that individual's firm is registered with a Part P competent persons scheme approved by the Department for Communities and Local Government and certified as being competent in periodic inspection and testing.
- (3) The landlord shall ensure that any work in relation to a relevant electrical installation or electrical appliance carried out pursuant to subsection (1) or (2) is carried out by a firm registered with a Part P competent persons scheme approved for the time being by the Department for Communities and Local Government.
- (4) The record referred to in subsection (2)(c), or a copy thereof, shall be made available upon request and upon reasonable notice for the inspection of any person in lawful occupation of relevant premises who may be affected by the use or operation of any electrical installation or electrical appliance to which the record relates.
- (5) Notwithstanding subsection (4), the landlord shall ensure that –
- (a) a copy of the record made pursuant to the requirements of subsection (2)(c) is given to each existing tenant of premises to which the record relates within 28 days of the date of the check; and
 - (b) a copy of the last record made in respect of each electrical installation or electrical appliance is given to any new tenant of a premises to which the record relates before that tenant occupies the premises save that, in respect of a tenant whose right to occupy those premises is for a period not exceeding 28 days, a copy of the record may instead be prominently displayed within those premises.
- (6) A landlord who fails to comply with this section commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

Clause 55

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Page 26, line 12, at end insert –

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

Clause 67

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Page 30, line 11, at end insert “which shall include –

- (i) the repayment of capital debt on any high value properties sold;
and
- (ii) the cost of replacing any high value properties sold with housing of the same tenure on a one-for-one basis within the same local authority area.”

Page 30, line 22, leave out “define “high value”” and insert “require a local housing authority in England to define “high value” in its area”

Clause 78

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Page 34, line 33, at end insert –

- “() Any regulations made by the Secretary of State under this section must include provisions for –
 - (a) a notice period of one year before the new rent becomes payable; and
 - (b) transitional protection and arrangements as the tenant moves to the higher rent.”

Clause 79

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD FOSTER OF BATH

Page 35, line 5, at end insert “with a minimum threshold of £40,000 earned annually per household outside London or £60,000 in London”

Clause 115

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Page 53, line 17, leave out subsection (2)

After Clause 124

BARONESS HAYTER OF KENTISH TOWN
 LORD KENNEDY OF SOUTHWARK
 LORD PALMER OF CHILDS HILL
 LORD FOSTER OF BATH

Insert the following new Clause—

“Client money protection for lettings agents

- (1) Subject to the provisions of this section, a person may not accept money from another person (“T”) in the course of lettings agency work unless there are in force authorised arrangements under which, in the event of his or her failing to account for that money to the person entitled to it, his or her liability will be made good by another.
- (2) In this section “T” is any person who seeks residential accommodation which is to let, or who has a tenancy of, or other right or permission to occupy, residential premises; and a “relevant payment” means any sum of money which is received from T in the circumstances described in subsection (1).
- (3) In this section “lettings agency work” has the same meaning as in section 83 of the Enterprise and Regulatory Reform Act 2013 (redress schemes: lettings agency work) and a “lettings agent” is a person who engages in lettings agency work.
- (4) The Secretary of State may by regulations made by statutory instrument—
 - (a) specify any persons or classes of persons to whom subsection (1) does not apply;
 - (b) specify arrangements which are authorised for the purposes of this section including arrangements to which an enforcement authority nominated for the purpose by the Secretary of State or any other person so nominated is a party;
 - (c) specify the terms and conditions upon which any payment is to be made under such arrangements and any circumstances in which the right to any such payment may be excluded or modified;
 - (d) provide that any limit on the amount of any such payment is to be not less than a specified amount; and
 - (e) require a person providing authorised arrangements covering any person carrying on lettings agency work to issue a certificate in a form specified in the regulations certifying that arrangements complying with the regulations have been made with respect to that person.
- (5) A statutory instrument containing regulations under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Every guarantee entered into by a person who provides authorised arrangements covering a lettings agent shall tenure for the benefit of every person from whom the lettings agent has received a relevant payment as if the guarantee were contained in a contract made by the insurer with every such person.”

Clause 136

BARONESS WILLIAMS OF TRAFFORD

Page 67, line 7, at end insert –

“() But permission in principle may not be granted for development consisting of the winning and working of minerals.”

Page 67, line 28, leave out “plan, register or other”

Page 67, leave out lines 30 to 32 and insert –

“() falls within subsection (2A),”

Page 67, line 37, at end insert –

“(2A) The following documents fall within this subsection –

- (a) a register maintained in pursuance of regulations under section 14A of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”);
- (b) a development plan document within the meaning of Part 2 of the 2004 Act (see section 37 of that Act);
- (c) a neighbourhood development plan within the meaning given by section 38A of the 2004 Act.”

After Clause 143BARONESS PARMINTER
LORD KREBS

Insert the following new Clause –

“Carbon compliance standard for new homes

- (1) The Secretary of State must within one year of the passing of this Act make regulations under section 1(1) of the Building Act 1984 (power to make building regulations) for the purpose of ensuring that all new homes in England built from 1 April 2018 achieve the carbon compliance standard.
- (2) For the purpose of subsection (1), “carbon compliance standard” means an improvement on the target carbon dioxide emission rate, as set out in the Building Regulations 2006, of –
 - (a) 60% in the case of detached houses;
 - (b) 56% in the case of attached houses; and
 - (c) 44% in the case of flats.”

Clause 145

BARONESS WILLIAMS OF TRAFFORD

Page 74, line 23, leave out subsections (1) and (2) and insert –

- “(1) The Secretary of State may by regulations provide for temporary arrangements in particular areas to test the practicality and desirability of competition in the processing (but not determining) of applications to do with planning.

Clause 145 - continued

(1A) The regulations may make provision for an application for planning permission that falls to be determined by a specified local planning authority in England to be processed, if the applicant so chooses, not by that authority but by a designated person.

“(2) The option under the regulations to have a planning application determined by a designated person applies only for a specified period.

That period (whether as originally specified or as subsequently extended) must end no later than five years after the first regulations under this section come into force.”

Page 74, line 31, at end insert –

“() The Secretary of State must –

- (a) review the operation and effectiveness of any arrangements made under the regulations;
- (b) no later than 12 months after the date when the arrangements (or the last of them) cease to have effect –
 - (i) lay a report before each House of Parliament, or
 - (ii) make a statement to the House of Parliament of which that Secretary of State is a member,
 setting out the results and conclusions of the review.”

Clause 149

BARONESS WILLIAMS OF TRAFFORD

Page 77, line 23, leave out from “(1)” to end of line 24 and insert “does not have effect until approved by a resolution of each House of Parliament.

- () If a draft of an instrument containing an order by the Secretary of State under subsection (1) would, but for this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.”

Clause 150

BARONESS WILLIAMS OF TRAFFORD

Page 78, line 10, leave out from “section” to end of line 11 and insert “does not have effect until approved by a resolution of each House of Parliament.

- () If a draft of an instrument containing an order by the Secretary of State under this section would, but for this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.”

Clause 190

BARONESS WILLIAMS OF TRAFFORD

Page 100, line 14, leave out “(whether alone or together with other provision)”

Clause 190 - continued

Page 100, line 15, at end insert –

“() regulations under section 13,”

Page 100, line 16, at end insert –

“() the first regulations under section 78,”

Page 100, line 18, at end insert –

“() regulations under section 145 that make provision of the kind referred to in section 145(2), 145(3), 145(4), 147 or 148,”

Page 100, line 24, at beginning insert “(whether alone or together with other provision)”

Page 100, line 29, at end insert –

“() If a draft of regulations under section 145 would, apart from this subsection, be treated as a hybrid instrument for the purposes of the standing orders of either House of Parliament, it is to proceed in that House as if it were not a hybrid instrument.”

Schedule 7

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

Page 130, line 13, at end insert –

“() A local housing authority that grants a secure tenancy of a dwelling-house in England must grant an old-style secure tenancy if the dwelling-house has been or is to be adapted for the needs of a disabled member of the household or contains features which are designed to make it suitable for occupation by a disabled person.”

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24 March 2016
