

Housing and Planning Bill

AMENDMENTS
TO BE MOVED
ON REPORT

Clause 2

BARONESS WILLIAMS OF TRAFFORD

Page 2, line 7, leave out “under” and insert “at least 23 years old but has not yet reached”

Page 2, line 9, leave out “or minimum age”

After Clause 4

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD FOSTER OF BATH

Insert the following new Clause—

“Planning obligations: starter homes

Regulations under Sections 3 and 4 of this Act shall not disapply the provision of Section 106 of the Town and Country Planning Act 1990.”

Insert the following new Clause—

“Planning obligations: starter homes

- (1) In carrying out its functions under sections 3 and 4, an English planning authority shall have particular regard to any need to secure an agreement under section 106 of the Town and Country Planning Act 1990.
- (2) “English planning authority” means—
 - (a) a local planning authority in England, or
 - (b) the Secretary of State when exercising a function relating to the granting of planning permission on an application in respect of land in England.”

Clause 13

BARONESS WILLIAMS OF TRAFFORD

Page 9, line 15, leave out “companies” and insert “bodies corporate”

Clause 17

BARONESS WILLIAMS OF TRAFFORD

Page 10, line 38, leave out “company” and insert “body corporate”

Page 11, line 1, leave out “company” and insert “body corporate”

Page 11, line 2, leave out “company” and insert “body corporate”

Page 11, line 3, leave out “company” and insert “body corporate”

Clause 22

BARONESS WILLIAMS OF TRAFFORD

Page 12, line 28, after “satisfied” insert “, beyond reasonable doubt,”

After Clause 38

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

Insert the following new Clause –

“CHAPTER 3A

PRIVATE RENTED SECTOR

Private rented sector: code of practice

- (1) The Secretary of State shall issue a code of practice for the letting and management of private rented sector housing in England.
- (2) A code of practice under subsection (1) shall contain provision designed to ensure –
 - (a) the provision of homes for rent which are of a good quality;
 - (b) consistent and high standards of management; and
 - (c) choice for the consumer.
- (3) Before issuing a code of practice under this section, the Secretary of State shall consult –
 - (a) the Royal Institute of Chartered Surveyors;
 - (b) the Association of Residential Letting Agents;
 - (c) the British Property Federation;
 - (d) the National Landlords Association;
 - (e) the Property Redress Scheme;
 - (f) the Residential Landlords Association;
 - (g) the Deposit Protection Service;
 - (h) the Property Ombudsman;
 - (i) the UK Association of Letting Agents; and
 - (j) any other persons or organisations as he considers appropriate.”

After Clause 38 - continued

Insert the following new Clause—

“Register of Letting Agents

- (1) The Secretary of State must keep and publish a register of letting agents.
- (2) Letting agents are required to be entered in the national register of letting agents.
- (3) 'Letting agent' means a facilitator through whom an agreement is made between a landlord and tenant for the rental of a residential property.
- (4) Local authorities in England are responsible for maintaining the content of the register.
- (5) The entry for each letting agent must include—
 - (a) in the case of a company—
 - (i) its name, its registered number and the address of its registered office, and
 - (ii) the names of its directors and any secretary
 - (b) in the case of a partnership (including a limited liability partnership), the names of the partners and the address of its main office or place of business;
 - (c) in the case of an individual, the individual's name and the address of the individual's main place of business (or, if there is no such place, the individual's residence).
- (6) A person or company registered under this section must notify the local authority as to any variation of their entry.
- (7) The Secretary of State must publish the register as kept in accordance with this section—
 - (a) on a website, and
 - (b) in such other form or forms as the Secretary of State considers appropriate.
- (8) Regulations may make further provision about the register of letting agents.”

After Clause 51

BARONESS WILLIAMS OF TRAFFORD

Insert the following new Clause—

“Appeals from the first-tier tribunal

- (1) A person aggrieved by a decision of the First-tier Tribunal made under this Part may appeal to the Upper Tribunal.
- (2) An appeal may not be brought under subsection (1) in relation to a decision on a point of law (as to which see instead section 11 of the Tribunals, Courts and Enforcement Act 2007 (right of appeal to Upper Tribunal)).
- (3) An appeal may not be brought under subsection (1) if the decision is set aside under section 9 of the Tribunals, Courts and Enforcement Act 2007 (review of decision of First-tier Tribunal).

After Clause 51 - continued

- (4) An appeal may be brought under subsection (1) only if, on an application made by the person concerned, the First-tier Tribunal or Upper Tribunal has given its permission for the appeal to be brought.
- (5) In any case where the Upper Tribunal is determining an appeal under subsection (1), section 12(2) to (4) of the Tribunals, Courts and Enforcement Act 2007 (proceedings on appeal to the Upper Tribunal) apply.”

Clause 54

BARONESS WILLIAMS OF TRAFFORD

Page 25, line 16, at end insert –

““body corporate” includes a body incorporated outside England and Wales;”

Before Clause 115

BARONESS WILLIAMS OF TRAFFORD

Insert the following new Clause –

“Electrical safety standards for properties let by private landlords

- (1) The Secretary of State may by regulations impose duties on a private landlord of residential premises in England for the purposes of ensuring that electrical safety standards are met during any period when the premises are occupied under a tenancy.
- (2) “Electrical safety standards” means standards specified in, or determined in accordance with, the regulations in relation to –
 - (a) the installations in the premises for the supply of electricity, or
 - (b) electrical fixtures, fittings or appliances provided by the landlord.
- (3) The duties imposed on the landlord may include duties to ensure that a qualified person has checked that the electrical safety standards are met.
- (4) The regulations may make provision about –
 - (a) how and when checks are carried out;
 - (b) who is qualified to carry out checks.
- (5) The regulations may require the landlord –
 - (a) to obtain a certificate from the qualified person confirming that electrical safety standards are met, and
 - (b) to give a copy of a certificate to the tenant, or a prospective tenant, or any other person specified in the regulations.
- (6) In this section –

“premises” includes land, buildings, moveable structures, vehicles and vessels;

“private landlord” means a landlord who is not within section 80(1) of the Housing Act 1985 (the landlord condition for secure tenancies);

“residential premises” means premises all or part of which comprise a dwelling;

Before Clause 115 - continued

“tenancy” includes a licence to occupy (and “landlord” is to be read accordingly).”

Insert the following new Clause—

“Electrical safety standards: enforcement

- (1) Regulations under section (*Electrical safety standards for properties let by private landlords*) may provide for covenants to be implied into a tenancy.
- (2) Regulations under that section—
 - (a) may make provision about the enforcement of a duty imposed by the regulations;
 - (b) may confer functions on a local housing authority in England.
- (3) The provision that may be made about enforcement includes provision—
 - (a) requiring a landlord who fails to comply with a duty imposed by the regulations to pay a financial penalty (or more than one penalty in the event of a continuing failure);
 - (b) conferring power on a local housing authority to arrange for a person to enter on the premises, with the consent of the tenant, to remedy any failure by the landlord to comply with a duty imposed by the regulations.
- (4) The provision that may be made in reliance on subsection (3)(a) includes provision—
 - (a) about the procedure to be followed in imposing penalties;
 - (b) about the amount of penalties;
 - (c) conferring rights of appeal against penalties;
 - (d) for the enforcement of penalties;
 - (e) about the application of sums paid by way of penalties (and such provision may permit or require the payment of sums into the Consolidated Fund).
- (5) The provision that may be made in reliance on (3)(b) includes provision—
 - (a) about procedural matters;
 - (b) enabling a local housing authority to recover from the landlord any costs incurred by it in remedying the failure;
 - (c) about the application of costs recovered (and such provision may permit or require the payment of sums into the Consolidated Fund).
- (6) In this section “local housing authority” has the meaning given by section 1 of the Housing Act 1985.”

Clause 185

BARONESS WILLIAMS OF TRAFFORD

Page 98, line 22, leave out from “(A1)” to end of line 23 and insert “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 190

BARONESS WILLIAMS OF TRAFFORD

Page 100, line 18, at end insert –

“() regulations under section (*Electrical safety standards for properties let by private landlords*);”

Schedule 1

BARONESS WILLIAMS OF TRAFFORD

Page 103, line 26, at end insert –

- “() An appeal under this paragraph –
- (a) is to be a re-hearing of the local housing authority’s decision, but
 - (b) may be determined having regard to matters of which the authority was unaware.”

Schedule 9

BARONESS WILLIAMS OF TRAFFORD

Page 148, line 12, after “satisfied” insert “, beyond reasonable doubt,”

Page 150, line 27, at end insert –

- “() An appeal under this paragraph –
- (a) is to be a re-hearing of the local housing authority’s decision, but
 - (b) may be determined having regard to matters of which the authority was unaware.”

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