

Housing and Planning Bill

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 11th April 2016, as follows –

Clauses 1 to 22	Clauses 123 to 133
Schedule 1	Schedule 11
Clauses 23 and 24	Clauses 134 to 136
Schedule 2	Schedule 12
Clause 25	Clauses 137 to 142
Schedule 3	Schedule 13
Clauses 26 to 90	Clauses 143 to 159
Schedule 4	Schedule 14
Clauses 91 to 97	Clauses 160 to 163
Schedule 5	Schedule 15
Clauses 98 to 110	Clauses 164 to 169
Schedule 6	Schedule 16
Clauses 111 to 113	Clauses 170 to 176
Schedule 7	Schedules 17 and 18
Clause 114	Clauses 177 to 182
Schedule 8	Schedule 19
Clauses 115 to 117	Clauses 183 to 186
Schedule 9	Schedule 20
Clauses 118 to 122	Clauses 187 to 193
Schedule 10	Title.

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 2

LORD BEST
LORD BEECHAM

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

1

Page 1, line 13, at end insert –

“() is subject to a restriction requiring repayment of the 20% discount, reduced by 1/20th for each year of occupation by the purchaser, for a period of 20 years,”

Clause 2 - continued

BARONESS WILLIAMS OF TRAFFORD

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

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

LORD LANSLEY

4 Page 2, line 14, at end insert “whether effected with a mortgage or by means of a contractual agreement to buy, using a shared ownership or rent-to-buy arrangement”

LORD SHIPLEY

LORD KENNEDY OF SOUTHWARK

LORD STUNELL

LORD BEECHAM

5 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

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

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

7 Page 2, line 38, after “homes” insert “, other home ownership products and affordable homes to rent,”

THE EARL OF LISTOWEL

7A★ Page 2, line 38, at end insert—

“(2A) In addition to its duty under subsection (1) in relation to starter homes, an English planning authority must also ensure that there is an adequate supply of affordable homes in its area for—

(a) key workers; and

(b) families requiring temporary accommodation from the local housing authority under Part VII of the Housing Act 1996 (Homelessness: England).

(2B) A local planning authority must consult services which employ key workers about whether sufficient housing of the appropriate type is being provided in pursuance of its duty under subsection (2A).

(2C) In this section—

Clause 3 - continued

“affordable homes” means any dwelling for rent in England (whether new or otherwise) that is to be made available for people whose needs are not adequately served by the commercial housing market;

“key worker” means a person in an occupation essential to the public good, as specified by the Secretary of State by regulations made by statutory instrument.”

Clause 4

LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

8 Page 3, line 15, leave out subsection (1) and insert –

“() An English planning authority may only grant planning permission for a residential development having had regard to the provision of starter homes based on its own assessment of local housing need and viability.”

9 Page 3, line 22, leave out subsection (3)

LORD BEST
LORD BEECHAM
BARONESS ANDREWS
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

10 Page 3, line 29, at end insert –

“() Age-restricted housing schemes for older persons will be exempt from any requirement to provide starter homes.”

LORD CAMERON OF DILLINGTON
LORD BEST
LORD BEECHAM
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

11 Page 3, line 29, at end insert –

“() The regulations shall confer discretion on an English planning authority to exclude starter homes on rural exception sites.

() Rural exception sites are –

- (a) small sites in, or adjoining, rural settlements of fewer than 3,000 people;
- (b) sites which would not normally be used for housing;
- (c) sites which seek to accommodate households who are either current residents or who have an existing family or employment connection with the community where the development is occurring.”

After Clause 4

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD FOSTER OF BATH

12 Insert the following new Clause –

“Planning obligations: starter homes

Regulations under sections 3 and 4 shall not disapply the provisions of section 106 of the Town and Country Planning Act 1990 (planning obligations).”

13 Insert the following new Clause –

“Planning obligations: starter homes (No. 2)

- (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

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

BARONESS GARDNER OF PARKES

15 Page 9, line 25, at end insert –

“() This section shall not come into force until at least one year after the publication of a draft of regulations to be made under subsection (3).”

Clause 17

BARONESS WILLIAMS OF TRAFFORD

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

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

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

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

Clause 22

BARONESS WILLIAMS OF TRAFFORD

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

Schedule 1

BARONESS WILLIAMS OF TRAFFORD

21 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.”

Clause 37

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

LORD SHIPLEY

LORD KENNEDY OF SOUTHWARK

22 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

LORD KENNEDY OF SOUTHWARK

23 Page 18, leave out line 36**24** Page 18, line 37, leave out subsection (3)

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

LORD SHIPLEY

25 Page 19, line 8, at end insert –

“(f) for the protection of tenants.”

LORD KENNEDY OF SOUTHWARK

LORD BEECHAM

26 Page 19, line 8, at end insert –

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

After Clause 38

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

27 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.

After Clause 38 - continued

- (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 the Secretary of State considers appropriate.”

28

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—

After Clause 38 - continued

- (a) on a website, and
 - (b) in such other form or forms as the Secretary of State considers appropriate.
- (8) The Secretary of State may by regulations make further provision about the register of letting agents.”

After Clause 51

BARONESS WILLIAMS OF TRAFFORD

29 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).
- (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.”

LORD BEECHAM

LORD KENNEDY OF SOUTHWARK

30 Insert the following new Clause—

“Extension of the Housing Ombudsman to cover the private rented sector

- (1) The Secretary of State shall by regulations introduce a scheme to extend the Housing Ombudsman Scheme, as set out in section 51 of and Schedule 2 to the Housing Act 1996, to cover disputes between tenants and private landlords relating to properties within the area covered by the Greater London Authority.
- (2) The scheme under subsection (1) shall—
 - (a) come into effect within 6 months of the passing of this Act; and
 - (b) last at least one year and no longer than two years.
- (3) The Secretary of State shall, within three months of the closing date of the scheme, lay before each House of Parliament a report on the scheme under subsection (1), alongside any statement he thinks appropriate about the extension of the Housing Ombudsman Scheme to the private rented sector.

After Clause 51 - continued

- (4) The Secretary of State may by regulations extend the powers of the Housing Ombudsman Scheme as set out in section 51 of and Schedule 2 to the Housing Act 1996, to cover disputes between tenants and private landlords throughout England.”

Clause 54

BARONESS WILLIAMS OF TRAFFORD

31 Page 25, line 16, at end insert –

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

After Clause 54

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM
BARONESS GRENDER

32 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

After Clause 54 - continued

- (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
 - (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

33 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

After Clause 54 - continued

- (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);
 - (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.”

After Clause 54 - continued

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

34 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.””

35 Insert the following new Clause –

“Review of deposit protection

Upon the coming into force of this section, the Secretary of State must undertake a review of tenancy deposit schemes, 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.”

36 Insert the following new Clause –

“Regard for residential use of waterways

- (1) Social landlords must have regard to the residential use of waterways and the needs of hard-to-reach households residing on waterways.
- (2) A local authority must treat hard-to-reach households residing on any waterways for which the local authority is the landlord in an equivalent way to the way in which they treat social tenants on land with regard to –
- (a) consultation;
 - (b) the provision of reasonable services (including services peculiar to residential users of waterways); and
 - (c) periods of tenure.
- (2) “Households residing on waterways” means households identified as living aboard, and enjoying a connection to the surrounding area through –
- (a) working in the locality on a long-term basis;
 - (b) being in education in the locality, or having children placed in education in the locality; or

After Clause 54 - continued

- (c) having had residential use of the waterway in question for over five years.”

37 Insert the following new Clause—

“Review of privately owned housing use

- (1) The Secretary of State must undertake a report into the types of tenure of privately owned housing in each local authority.
- (2) The review must look into the number of—
 - (a) owner occupied houses;
 - (b) privately rented houses; and
 - (c) houses rented for short-term holiday lets.
- (3) The report must—
 - (a) examine any change of usage over the last ten years; and
 - (b) provide an assessment of the number of properties being let as short-term holiday lettings and the extent to which legislation relating to the condition of rented properties applies to short-term holiday lettings.
- (4) The report must be laid before both Houses of Parliament no later than six months after the passing of this Act.”

38 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.”

Clause 55

BARONESS GRENDER
LORD KENNEDY OF SOUTHWARK

39 Page 26, line 11, leave out “neither the tenant nor a named occupier” and insert “no tenant, named occupier or deposit payer”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

40 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 57

BARONESS GRENDER
LORD KENNEDY OF SOUTHWARK

41 Page 26, line 30, leave out “the tenant and any named occupier” and insert “the following”

Clause 57 - continued

- 42 Page 26, line 31, at end insert “ –
(a) the tenant,
(b) any named occupiers, and
(c) any deposit payers.”
- 43 Page 26, line 36, leave out “or a named occupier” and insert “, a named occupier or a deposit payer”
- 44 Page 26, line 38, leave out “neither the tenant nor a named occupier” and insert “no tenant, named occupier or deposit payer”
- 45 Page 27, line 14, after “Part” insert “ –
“deposit payer” means a person who the landlord knows paid a tenancy deposit in relation to the tenancy on behalf of the tenant;”

Clause 59

BARONESS GRENDER
LORD KENNEDY OF SOUTHWARK

- 46 Page 27, line 30, leave out “or named occupier” and insert “, named occupier or deposit payer”
- 47 Page 27, line 32, leave out “or named occupier” and insert “, named occupier or deposit payer”
- 48 Page 27, line 36, leave out “or named occupier” and insert “, named occupier or deposit payer”
- 49 Page 27, line 38, leave out “or named occupier” and insert “, named occupier or deposit payer”

Clause 60

BARONESS GRENDER
LORD KENNEDY OF SOUTHWARK

- 50 Page 28, line 10, at end insert –
““tenancy deposit”, in relation to a tenancy, means any money intended to be held (by the landlord or otherwise) as security for –
(a) the performance of any obligations of the tenant arising under or in connection with the tenancy, or
(b) the discharge of any liability of the tenant arising under or in connection with the tenancy;”

Clause 62

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

51 Page 28, line 28, at end insert –

- “() The Secretary of State must set as a condition under subsection (2) that money equivalent to the market value (disregarding any discount) of a dwelling sold under right to buy and to which the grant applies is spent by the private registered provider on the provision of affordable housing in the same local authority area or London borough, including at least one new home replacing that sold which is –
- (a) of the same tenure,
 - (b) located in the same local authority area or London borough, and
 - (c) in accordance with assessed local housing need.”

THE LORD BISHOP OF ST ALBANS

52 Page 28, line 31, at end insert –

- “(4) The Secretary of State may only make or direct grants to private registered providers in respect of right to buy discounts where –
- (a) the dwelling is in a rural area;
 - (b) planning permission for the dwelling was granted wholly or partly on the basis of a policy for the provision of housing on rural exception sites;
 - (c) the dwelling is in a national park or in the Broads; or
 - (d) the dwelling is in an area designated under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas) as an Area of Outstanding Natural Beauty;
- on condition that there is replacement of at least one home for every one sold, in the same parish or in an adjoining parish.
- (5) In this section, “rural area” means –
- (a) any settlement with a population of fewer than 3,000 people at the most recent national census; or
 - (b) any settlement with a population of between 3,000 and 10,000 people at the most recent national census, and designated as a rural area for the purposes of this section by the Secretary of State following representation from the relevant local authority.”

Clause 67

LORD LISVANE
LORD KERSLAKE
LORD BEECHAM

53 Page 30, line 5, after “may” insert “by regulations”

BARONESS WILLIAMS OF TRAFFORD

54 Page 30, line 9, leave out “high” and insert “higher”

Clause 67 - continued

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 55 Page 30, line 11, at end insert “, such deductions to include the cost of replacing the high value properties in the same area with affordable homes (as defined in the National Planning Policy Framework up until May 2015) on a one-for-one basis”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

- 56 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”

BARONESS WILLIAMS OF TRAFFORD

- 57 Page 30, line 22, leave out “high” and insert “higher”
- 58 Page 30, line 22, after “value”” insert “, in relation to housing,”
- 59 Page 30, line 24, leave out “high” and insert “higher”
- 60 Page 30, line 24, after “for” insert “different kinds of housing, different local housing authorities or”
- 61 Page 30, line 25, at end insert –
 “() In determining how to define “higher value”, in relation to housing, the Secretary of State may –
 (a) use any category of housing that the Secretary of State considers appropriate as a comparator (for example, housing in which a local housing authority has an interest or housing in a particular area);
 (b) take into account any other factors that the Secretary of State considers appropriate.”

Clause 68

LORD CAMERON OF DILLINGTON
LORD BEST
LORD BEECHAM
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 62 Page 30, line 31, at end insert –
 “() In making a determination under section 67, the Secretary of State must exclude housing in rural areas.”

LORD KENNEDY OF SOUTHWARK
LORD BEST

- 63 Page 30, line 39, at end insert –
 “() Regulations shall provide that housing shall be excluded where a vacancy has occurred as a result of the transfer of the former tenant to alternative accommodation in the social rented sector.

Clause 68 - continued

- () Accommodation in the social rented sector means any accommodation owned or let by a local authority or other registered provider of social housing.”

64 [Withdrawn]

Clause 72

LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK

64A★ Page 32, line 15, at end insert –

- “() Subject to subsection (4), where the agreement is with a local housing authority in England, it must require the authority to ensure that at least one new affordable home is provided for each old dwelling.
- () If a local housing authority so wishes, and that authority can demonstrate, whether by reference to its local housing plan or otherwise, that there is a need in its area for social housing of the kind that it proposes to build, the Secretary of State shall enter into an agreement with that authority whereby it shall retain such part of the payment as may be required to fund the provision of a new dwelling to be let as social housing on terms (as to tenure, rent or otherwise) which are similar to those on which the old dwelling was let.”

65 [Withdrawn]

BARONESS WILLIAMS OF TRAFFORD

66 Page 32, line 33, leave out from beginning to the first “to” in line 34 and insert “in the definition of “old dwelling” in subsection (7) the reference”

Clause 74

BARONESS WILLIAMS OF TRAFFORD

67 Page 33, line 4, leave out “high” and insert “higher”

LORD BEECHAM
LORD KENNEDY OF SOUTHWARK

68 Page 33, line 5, at end insert –

- “() A local housing authority which does sell its interest in any high value vacant housing must retain the revenue from the sale and use this to provide replacement affordable housing for rent in the local authority area.”

Clause 75

BARONESS WILLIAMS OF TRAFFORD

69 Page 33, line 21, leave out “high” and insert “higher”

70 Page 33, line 27, leave out “high” and insert “higher”

Clause 77

BARONESS WILLIAMS OF TRAFFORD

- 71 Page 34, line 8, leave out “high value” and insert ““higher value”, in relation to housing,”

Clause 78LORD KENNEDY OF SOUTHWARK
LORD KERSLAKE

- 72 Page 34, line 25, leave out “must” and insert “may”

LORD BEST
LORD BEECHAM
LORD KERSLAKE

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 73 Page 34, line 26, at end insert –
“() The regulations must specify that the rent shall not equate to more than 10 pence for each pound of a tenant’s income above the minimum income threshold.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

- 74 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.”

LORD KENNEDY OF SOUTHWARK
LORD KERSLAKE

- 75 Page 34, line 36, at end insert –
“() The regulations must give discretion to a local housing authority –
() to decide not to alter the level of rent charged to high income tenants if the authority considers that the cost of administering the rent change would be greater than the additional income generated; and
() to keep any additional revenue raised through the application of changed levels of rent to high income tenants if the authority decides to charge the rent levels set out in the regulations.”

Clause 79LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK

- 76 Page 35, line 1, at end insert “which will not be below £50,000 a year per household in London, or £40,000 per household outside London,”

Clause 79 - continued

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE
LORD FOSTER OF BATH

- 77 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 84

LORD KENNEDY OF SOUTHWARK
LORD KERSLAKE

- 78 Leave out Clause 84

Clause 113

LORD KERSLAKE
LORD BEECHAM
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 79 Leave out Clause 113

Schedule 7

LORD KENNEDY OF SOUTHWARK

- 80 Page 129, line 29, leave out from beginning to end of line 35 and insert—

“81A Granting of secure tenancies

A local housing authority may grant a secure tenancy of a dwelling-house in England for a fixed term that is—

- (a) at least 2 years, and
- (b) up to and including 10 years.”

LORD BASSAM OF BRIGHTON
LORD WATSON OF INVERGOWRIE
LORD KERSLAKE

- 80A★ Page 130, line 13, at end insert—

“(2A) A local housing authority must grant a tenancy for a dwelling-house in England which is a secure tenancy for the length of time that any child living in such dwelling-house is in full time education.”

LORD KERSLAKE
LORD BEECHAM
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

- 80B★ Leave out Schedule 7

Clause 114

LORD KERSLAKE
LORD BEECHAM
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

81 Leave out Clause 114

Schedule 8

LORD KERSLAKE
LORD BEECHAM
BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

81A★ Leave out Schedule 8

Before Clause 115

BARONESS WILLIAMS OF TRAFFORD

82 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;

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

Before Clause 115 - continued

BARONESS HAYTER OF KENTISH TOWN
LORD BEECHAM
LORD TOPE

As an amendment to Amendment 82

83 In subsection (1), leave out “may” and insert “must”

As an amendment to Amendment 82

84 In subsection (2), at the end of paragraph (a) leave out “or” and insert “and”

As an amendment to Amendment 82

85 In subsection (3), leave out “may” and insert “must”

As an amendment to Amendment 82

86 In subsection (3), leave out “qualified person” and insert “skilled person competent in such work”

As an amendment to Amendment 82

87 In subsection (4), leave out “may” and insert “must”

As an amendment to Amendment 82

88 In subsection (4)(b), leave out “who is qualified” and insert “a person who is competent”

As an amendment to Amendment 82

89 In subsection (5), leave out “may” and insert “must”

As an amendment to Amendment 82

90 In subsection (5)(a), after “certificate” insert “or a condition report, or both,”

As an amendment to Amendment 82

91 In subsection (5)(b), after “certificate” insert “or a condition report, or both,”

BARONESS WILLIAMS OF TRAFFORD

92 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—

Before Clause 115 - continued

- (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 115

LORD BEECHAM

93 Page 53, line 11, at end insert—

“(c) plots on which gypsies, travellers and travelling showpeople can have both residential accommodation and space for the storage of equipment”

94 Page 53, line 14, at end insert—

““gypsies, travellers and travelling showpeople” are members of communities as defined in planning policy for traveller sites;”

BARONESS BAKEWELL OF HARDINGTON MANDEVILLE

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

Schedule 9

BARONESS WILLIAMS OF TRAFFORD

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

Schedule 9 - continued

97 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.”

After Clause 118

BARONESS GARDNER OF PARKES

98 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.
- (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.”

99 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

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

100 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.”

After Clause 124 - continued

BARONESS GARDNER OF PARKES

101 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 beneficial change or modification is proposed to the terms of the leases in relation to communal services or general safeguards 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) In respect of a vote under subsection (1), a leaseholder shall —
 - (a) have the right to appoint a proxy to vote on his or her behalf; and
 - (b) be given adequate notice of when the vote will take place.
- (3) A change to the terms of the leases under subsection (1) may include leasehold enfranchisement.
- (4) If a leaseholder or his or her proxy 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.”

102 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.”

Clause 136

BARONESS WILLIAMS OF TRAFFORD

103 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.”

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

Clause 136 - continued

105 Page 67, leave out lines 30 to 32 and insert—
“() falls within subsection (2A),”

106 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.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

107 Page 68, line 5, leave out “not”

Clause 141

BARONESS GARDNER OF PARKES

108 Page 72, line 20, at end insert—
“(1) Local planning authorities may make provision for the payment of fees or charges to them in respect of the performance of their functions and anything done by them which is calculated to facilitate or is conducive or incidental to the performance of their functions, and may vary such fees or charges according to the value of the project concerned or any other material concerns.
(2) Fees or charges under subsection (1) may exceed the costs incurred by the local planning authority in performing functions relating to the relevant project.
(3) Local planning authorities shall retain any fees or charges paid in accordance with subsection (1), and use them as they see fit.”

After Clause 141

LORD DUBS

109 Insert the following new Clause—

“Code of practice for subterranean development works

- (1) A local planning authority may promulgate a code of practice on the excavation and construction of a subterranean development with a view to lessening the adverse impact of the excavation and construction on adjacent properties and their owners and occupiers and on the wider neighbourhood.
- (2) The code may include, but need not be limited to, the provisions listed in Schedule (Provisions in local authority code of practice for subterranean development).
- (3) Local planning authorities shall take account of any guidance issued by the Secretary of State in drawing up such a code of practice.

After Clause 141 - continued

- (4) If a local planning authority has promulgated such a code, it may make the granting of planning consent for a subterranean development conditional on the developer undertaking to abide by the code or specified elements of it.”

110 Insert the following new Clause –

“Presumption against subterranean development

- (1) A local planning authority may not grant planning permission on an application to the authority under section 58 of the Town and Country Planning Act 1990 (granting of planning permission: general) in respect of subterranean development which is either –
- (a) in a flood zone classified by the Environment Agency as subject to a high probability of flooding;
 - (b) within a terrace; or
 - (c) such that the local planning authority has reasonable grounds to believe that the subterranean development is likely to cause unreasonable interference to the use or enjoyment of the land of others either during its construction or after its completion;
- unless it can be demonstrated that the development will achieve substantial public benefits.
- (2) For the purposes of subsection (1)(b), a “terrace” means a row of adjoining buildings where each building has a wall built at the line of juncture between itself and the adjoining property which provides structural support to itself and a building on the adjoining property.”

111 Insert the following new Clause –

“Notice to adjoining owners

- (1) Any owner of a property intending to undertake subterranean development works shall serve notice for any subterranean development in the manner set out in section 6(5) (adjacent excavation and construction) of the Party Wall etc Act 1996 (“the 1996 Act”) as if the distance of six metres is replaced by a distance of 12 metres.
- (2) For the purposes of section 6 of the 1996 Act, where the buildings or structures of different owners are above the site of the subterranean development, the owners of those buildings or structures shall be deemed to be adjoining owners.
- (3) If a building owner fails to serve notice in accordance with this section and with the 1996 Act before commencing subterranean development works, he or she shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale or 10 per cent of the contract value reasonably to be expected in relation to the notifiable works, whichever shall be the greater and which, in the absence of agreement, shall be determined by surveyors appointed in accordance with the 1996 Act or as otherwise directed by the court.”

After Clause 141 - continued

112 Insert the following new Clause –

“Expenses and losses

- (1) Where an adjoining owner does not notify the building owner in writing within 14 days that the works notified under section (notice to adjoining owners) are agreed, or agreed subject to conditions that are acceptable to the building owner, and a dispute is deemed to have arisen, the surveyors appointed in accordance with the 1996 Act shall –
 - (a) determine a sum to be held as security for expenses and losses which reasonably reflects –
 - (i) the risk of damage to the adjoining owner’s building likely to occur in consequence of the works;
 - (ii) the likely cost of completing the works, sufficiently to safeguard the adjoining owner’s building and to leave it weather tight if those works are suspended or left incomplete;
 - (iii) the cost of any loss to the adjoining owner as a result of the adjoining owner being unable to sell or lease his or her property for the normal market value as a result of the subterranean development works; and
 - (iv) the cost of appropriate alternative accommodation if the surveyors determine that the adjoining owner or any member of his or her household who normally undertakes remunerative work in their building is unable to do so because of the disturbance caused by the subterranean development works, or that alternative accommodation is required for a member of the household seriously affected by the disturbance by reason of his or her physical condition; and
 - (b) hold and administer the determined sum.
- (2) Any liability arising from works shall remain with the owner or owners of the land or buildings where the subterranean works are taking or took place, and may be registered as a charge against the property for the purposes of the Land Registration Act 2002.”

113 Insert the following new Clause –

“Other works taking place on the subterranean development site

Non-subterranean works taking place on the building owner’s building during the period of the works on the subterranean development shall be treated –

- (a) as part of the subterranean development works for the purposes of sections 2 and 4 of this Act; and
- (b) as part of the works described in section 6(1) and (2) of the 1996 Act (adjacent excavation and construction) for the purposes of section 7(1) and (2) of that Act (compensation etc).”

114 Insert the following new Clause –

“Subterranean development: definitions

For the purposes of this Act –

After Clause 141 - continued

“subterranean development” means development which comprises excavation or building below the prevailing ground level other than for the purposes of repairing, strengthening or supporting an existing building or structure; and

“owner”, “adjoining owner” and “building owner” have the same meanings as under the Party Wall etc Act 1996.”

115 Insert the following new Clause—

“Development not exempt from planning permission: subterranean development

- (1) Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order 1995 (development within the curtilage of a dwellinghouse) is amended as follows.
- (2) In Class A, after paragraph A.1 (h), insert—
 - “(ha) the enlargement, improvement or other alteration would be subterranean.”
- (3) After “For the purposes of Part 1— ” insert ““subterranean” in relation to the enlargement, improvement or other alteration of a dwellinghouse, means excavation or building below the prevailing ground level other than for the purposes of repairing, strengthening or supporting an existing building or structure.”

BARONESS GARDNER OF PARKES

116 Insert the following new Clause —

“Retrospective planning permission

- (1) Where there has been a breach of planning control under section 171A of the Town and Country Planning Act 1990 (“the 1990 Act”), the person or body who has caused the breach must make a retrospective planning application for planning permission under section 73A of the 1990 Act.
- (2) In respect of a retrospective planning application, the person or body who has caused the breach of planning control is liable for the payment of fees or charges to the local planning authority in respect of the costs incurred in carrying out the functions connected with the retrospective planning application.
- (3) The person or body who has caused the breach of planning control is liable for the payment of a significant additional charge, connected to the retrospective nature of the planning application, in addition to the fees and charges the person or body is liable for under subsection (2).
- (4) In carrying out the functions connected with a retrospective planning application, the local planning authority must consult the people residing in the local area to which the retrospective planning application relates.”

Before Schedule 13

LORD DUBS

117 Insert the following new Schedule –

“SCHEDULE**PROVISIONS IN LOCAL AUTHORITY CODE OF PRACTICE FOR
SUBTERRANEAN DEVELOPMENT**

In constructing or excavating in respect of a subterranean development, a developer must, if the planning authority so directs, have regard to –

- (a) the studies and investigations to be carried out in advance of the application for planning consent in relation to the stability of structures and the minimising of adverse effects on adjoining owners;
- (b) the adequacy of technical skills for investigations to be carried out and for the design and execution of the works;
- (c) the methods, materials and equipment to be used;
- (d) the standards and monitoring arrangements to be observed in relation to noise and vibration levels;
- (e) the hours of construction and excavation, and of particularly noisy types of construction and excavation;
- (f) the provision of information to adjoining owners;
- (g) the protection of adjoining owners from the risks associated with defective investigation or design and the interruption of the contract of works once commenced;
- (h) the limitation of the effects of ground movements on third party property to damage capable of repair by decoration and the repair of minor cracking;
- (i) the protection of the subsoil environment including hydrological and hydrogeological conditions;
- (j) the adequacy of a contractor’s third party liability insurance; and
- (k) the adequacy of standards of post-construction monitoring.”

After Clause 143

BARONESS PARMINTER

LORD KREBS

BARONESS YOUNG OF OLD SCONE

118 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

After Clause 143 - continued

- (c) 44% in the case of flats.”

BARONESS ROYALL OF BLAISDON
LORD BEST

THE LORD BISHOP OF ST ALBANS

119

Insert the following new Clause –

“Affordable housing contributions in small scale development

- (1) Local planning authorities may require sites falling within subsection (2) to make an affordable housing contribution, in cash or kind, determined by the requirements of the housing market of that area.
- (2) Authorities may require contributions from –
 - (a) developments of 10 units or less, and developments which have a maximum combined gross floorspace of no more than 1000sqm (gross internal area), and
 - (b) developments in a rural area where –
 - (i) planning permission for the site was granted wholly or partly on the basis of a policy for the provision of housing on rural exception sites;
 - (ii) the site is in a national park or an area with equal protection to that of a national park; or
 - (iii) the site is in an area designated under section 82 of the Countryside and Rights of Way Act 2000 (designation of areas) as an area of outstanding natural beauty.
- (3) In subsection (2) a rural area is defined as –
 - (a) any settlement with a population of fewer than 3,000 people at the most recent national census, or
 - (b) any settlement with a population of between 3,000 and 10,000 people at the most recent national census, and designated as a rural area by the Secretary of State following representations from the relevant local authority.”

Clause 145

BARONESS WILLIAMS OF TRAFFORD

120

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.
- (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.

Clause 145 - continued

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.”

121 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.”

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

122 Page 75, line 7, leave out second “person” and insert “local authority or public body”

123 Leave out Clause 145

Clause 146

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

124 Leave out Clause 146

Clause 147

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

125 Leave out Clause 147

Clause 148

LORD KENNEDY OF SOUTHWARK
LORD BEECHAM

126 Leave out Clause 148

Clause 149

BARONESS WILLIAMS OF TRAFFORD

127 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.”

Clause 149 - continued

- () 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

- 128** 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 185

BARONESS WILLIAMS OF TRAFFORD

- 129** 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

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

- 131** Page 100, line 15, at end insert –
“() regulations under section 13,”

LORD LISVANE
LORD KERSLAKE
LORD BEECHAM

- 132** Page 100, line 15, at end insert –
“() regulations under section 67(1) that contain more than one determination or a determination that relates to more than one local housing authority,
() regulations under section 67(8),”

BARONESS WILLIAMS OF TRAFFORD

- 133** Page 100, line 16, at end insert –
“() the first regulations under section 78,”

- 134** 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,”

Clause 190 - continued

- 135** Page 100, line 18, at end insert –
“() regulations under section (*Electrical safety standards for properties let by private landlords*);”
- 136** Page 100, line 24, at beginning insert “(whether alone or together with other provision)”
- 137** 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.”

Clause 192

LORD LISVANE
LORD KERSLAKE
LORD BEECHAM

- 138** Page 101, line 9, leave out paragraph (b)
- LORD LISVANE
LORD KERSLAKE
LORD KENNEDY OF SOUTHWARK
- 139** Page 101, line 18, at end insert –
“() Chapter 3 of Part 4 of this Act shall not come into force before the end of the period of one year after draft regulations to be made under section 78(1) of this Act are laid before each House of Parliament.”
- 140** Page 101, line 18, at end insert –
“() Chapter 2 of Part 4 of this Act shall not come into force before the end of the period of one year after draft regulations to be made under section 67(8) of this Act are laid before each House of Parliament.”
- 141** Page 101, line 18, at end insert –
“() Chapter 1 of Part 1 of this Act shall not come into force before the end of the period of one year after the later or last of the days on which draft regulations to be made under section 2(1)(e) and 2(3)(c) of this Act are laid before each House of Parliament.”

Housing and Planning Bill

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

8 April 2016
