

**REPORT OF  
THE MINISTER FOR LOCAL GOVERNMENT  
on the  
LONDON LOCAL AUTHORITIES BILL  
which received  
FIRST READING on MONDAY 22 JANUARY 2008  
in the HOUSE OF LORDS**

1. Standing Order no. 98A of the House of Lords and Standing Order no.169A of the House of Commons requires me to report on this Bill in respect of whether in my view the promoters have undertaken a full assessment of the compatibility of their proposals with the European Convention on Human Rights.
2. In my opinion the promoters have failed to undertake an adequate assessment of the compatibility of their proposals with the European Convention on Human Rights in respect of clause 22. I have reached this view upon the advice of my Department – Communities and Local Government – which has lead policy interest in the following clause of the Bill:

*Clause 22 (Housing Act 2004: Authorisation for enforcement purposes, etc.)*

3. Clause 22 amends section 243 of the Housing Act 2004 in its application to London. The section deals with authorisations for enforcement purposes under the 2004 Act, and requires any authorisation for individual officers to exercise certain powers on a case by case basis (including powers of entry) must be given by an officer of the local housing authority who is at least a deputy chief officer of the authority. Clause 22 would enable such authorisation also to be given to a person who reports directly to a deputy chief officer.
4. Section 243 of the Housing Act 2004 was carefully drafted to take account of the European Convention on Human Rights in terms of intrusion into someone's property or home. A key consideration was the independence of the person authorising the entry to the property, and accordingly section 243 specifically requires a deputy chief officer – a post defined under section 2 of the Local Government and Housing Act 1989 - to provide authorisation. Allowing a person that reports directly to the deputy chief officer to provide authorisation potentially reduces this independence and it may not be compatible with the European Convention on Human Rights.

Conclusion

5. Save for the clause mentioned above, I believe that the promoters' have undertaken a full assessment of the compatibility of their proposals with the European Convention on Human Rights, and I see no need to dispute their conclusions.

Dated this 24 day of January 2008

Signed by

**BARONESS ANDREWS  
PARLIAMENTARY UNDER SECRETARY OF STATE  
COMMUNITIES AND LOCAL GOVERNMENT**