

Environment and Housing Board

Agenda

Wednesday 14 March
11.00am

Smith Square Rooms 3 & 4
Local Government House
Smith Square
London
SW1P 3HZ

To: Members of the Environment and Housing Board
cc: Named officers for briefing purposes

www.local.gov.uk

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Environment and Housing Board

14 March 2012

There will be a meeting of the Environment and Housing Board at:

11.00am on **Wednesday 14 March 2012** in the Smith Square Rooms 3 & 4, Ground Floor, Local Government House, Smith Square, London, SW1P 3HZ. A sandwich lunch will be served after the meeting.

A pre-meeting for the Lead members will take place from 09.15am in Conference Rooms 3 & 4.

Please refer to your Political Group office (see contact details below) for group meeting timings.

Attendance Sheet

Please ensure that you sign the attendance register, which will be available in the meeting room. It is the only record of your presence at the meeting.

Apologies

Please notify your political group office (see contact telephone numbers below) if you are unable to attend this meeting, so that a substitute can be arranged and catering numbers adjusted, if necessary.

Labour:	Aicha Less: 020 7664 3263 email: aicha.less@local.gov.uk
Conservative:	Luke Taylor: 020 7664 3264 email: luke.taylor@local.gov.uk
Liberal Democrat:	Evelyn Mark: 020 7664 3235 email: libdem@local.gov.uk
Independent:	Group Office: 020 7664 3224 email: independent.group@local.gov.uk

Location

A map showing the location of Local Government House is printed on the back cover.

LGA Contact

Liam Paul: Tel: 020 7664 3214, e-mail: liam.paul@local.gov.uk

Carers' Allowance: As part of the LGA Members' Allowances Scheme a Carer's Allowance of up to £6.08 per hour is available to cover the cost of dependants (i.e. children, elderly people or people with disabilities) incurred as a result of attending this meeting.

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Environment and Housing Board

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Environment and Housing Programme Board Membership 2011/12

Councillor	Authority
Conservative (6)	
David Parsons CBE [Chairman]	Leicestershire CC
Mike Jones	Cheshire West and Chester Council
Andrew Gravells	Gloucestershire CC/Gloucester City
Clare Whelan	Lambeth LB
Frances Roden	Stroud DC
Eddy Poll	Lincolnshire CC
Substitutes:	
Chris Hayward	Three Rivers DC
Brian Hood MBE	Monmouthshire CC
Peter Hardy	South Bucks DC
Labour (5)	
Clyde Loakes [Vice Chair]	Waltham Forest LB
Tony Newman	Croydon LB
Ed Turner	Oxford City
Tim Moore	Liverpool City
Tracey Simpson-Laing	City of York
Substitute	
Richard Williams	Southampton City
TBC	
Liberal Democrat (3)	
Keith House [Deputy Chair]	Eastleigh BC
Terry Stacy JP MBE	Islington LB
Simon Galton	Leicestershire CC
Substitute	
Angela Lawrence	Vale of White Horse DC
Independent (1)	
Andrew Cooper [Deputy Chair]	Kirklees MBC
Substitute:	
John Taylor	Northumberland Council

Environment and Housing Board

14 March 2012

LGA Environment and Housing Board Attendance 2011-2012

Councillors	14.09.11	16.11.11	11.01.12	14.03.12	16.05.12	25.06.12
Conservative Group						
David Parsons	Yes	Yes	Yes			
Mike Jones	Yes	No	Yes			
Andrew Gravells	No	Yes	Yes			
Clare Whelan	Yes	No	Yes			
Frances Roden	Yes	Yes	Yes			
Eddy Poll	Yes	Yes	Yes			
Labour Group						
Clyde Loakes	Yes	Yes	Yes			
Tony Newman	Yes	Yes	Yes			
Ed Turner	Yes	Yes	Yes			
Tim Moore	Yes	Yes	Yes			
Tracey Simpson-Laing	Yes	Yes	Yes			
Lib Dem Group						
Keith House	Yes	Yes	Yes			
Terry Stacy	No	Yes	Yes			
Simon Galton	Yes	No	Yes			
Independent						
Andrew Cooper	Yes	No	Yes			
Substitutes						
Peter Hardy	Yes	Yes	No			
Angela Lawrence	Yes	Yes	No			

Agenda

LGA Environment and Housing Board

14 March 2012

11.00am

Smith Square Rooms 3 & 4

	Item	Page	Time
Part 1			
1.	Future principles governing sector-led planning guidance, advice and support	3	11.00
2.	Housing Update and future LGA activity	13	11.45
3.	Waste Collection	23	12.30
Part 2			
4.	Update on other Board Business <ul style="list-style-type: none">• LGA Business Plan 2012/13• LGA work on Flooding• PAS Update• Chair's Update Report	43	12.50
5.	Decisions and actions from previous meeting	79	1.00pm

Date of next meeting: 11.00am, Wednesday 16 May 2012

Future principles governing sector-led planning guidance, advice and support

Purpose of Report

For discussion and direction.

Summary

This report provides suggested core principles which are proposed to govern the LGA's approach to sector led planning advice and support and government guidance. The report also considers the LGA's role in supporting the sector via these routes. The report also seeks members' views on suggested next steps.

Recommendations

1. That the members of the Board **agree the key principles outlined in paragraph 2.**
2. That the members of the Board **agree the scope and role of the LGA in the involvement of advice and support** and the principles that should underpin our involvement, as outlined in paragraph 3.1 – 3.3 and 5.
3. That the members of the Board **agree the proposed next steps in paragraph 8.**

Action

As advised by the Board.

Contact officer(s): Clarissa Corbisiero; Russell Reefer

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Background

1. Programme Board members considered the role of planning guidance and sector led support at their meeting in November 2011. Members instructed officers to work with sector groups to develop a series of proposals to inform the LGAs position in relation to government guidance and inform its role in producing advice and support going forward. This paper has been developed following discussions with the Planning Advisory Service and Planning Officers Society and a roundtable discussion facilitated by the RTPi and a range of representatives from the profession and development industry.

Suggested Core Principles

2. The following core principles are suggested as the LGA's position on government planning guidance and to govern the LGA's involvement in the production of future support and advice for the sector.
 - 2.1. The LGA has welcomed the removal of **unnecessary bureaucratic and prescriptive** national guidance.
 - 2.2. **Government guidance should not be the solution to poorly drafted government policy and legislation.** Central government should primarily use the Localism Act 2011, its associated regulations, and the National Planning Policy Framework (NPPF) to clearly set out expectations on councils and key-stakeholders and reduce the need for over-prescriptive reinterpretation.
 - 2.3. When considering the support required to mitigate against the perceived or identified risks **central government and its agencies should consider whether sector led support could mitigate these risks as a first and preferred option.**¹ Government guidance should only be issued where it explicitly mitigates the wider risks, (as described in Paragraph 5), and is perceived to be the only viable route to mitigate those risks.
 - 2.4. Where and when the government and its agencies do issue planning guidance this should be about **clarifying what key stakeholders are required to do rather than how they do it.**
 - 2.5. Central government as a matter of urgency **should clarify what remains in terms of statutory guidance or regulation**, including circulars, guidance notes and statements and; where –if anywhere- it will maintain an interest in resourcing or quality-assuring.

¹ For example in lieu of additional guidance, CLG, LGA and PAS co-sponsor the Gypsy and Travellers National Awareness Training Programme. www.local.gov.uk/travellers

- 2.6. **Central government should make transparent its instructions and advice to the Planning Inspectorate (PINS).** This would provide local authorities in particular greater certainty on the implementation of the planning reforms and reduces the need for additional explanation via guidance.
- 2.7. Best practice toolkits, technical advice and support materials for councils should be **led by appropriate sector groups** and only where it explicitly mitigates wider risks as outlined in Paragraph 5.
- 2.8. Where there is an agreed need for a **common approach amongst stakeholders**, then appropriate sector groups working together should **define and lead on developing** the technical guidance required.²

Key issues for consideration

3. What do we understand by guidance?

- 3.1. Often when we talk about guidance we are in fact referring to best practice toolkits or sector led advice and support materials. There is a need for greater clarity surrounding the description of guidance, advice and support to ensure local authorities, developers, residents and others are clear about the status to be attached to the information.
- 3.2. The range of guidance and support materials can be seen in three tiers:
- 3.2.1. A top tier: focused on legislative requirements, and includes government and their respective agencies and PINs produced / owned information.
- 3.2.2. A middle tier: of (cross) sector developed practice and advice which seeks to address key risks and areas of priority (as outlined in paragraph 5) and;
- 3.2.3. A bottom tier: of regular support, tool kits and opinions from a wide range of practitioners, consultants and others. (See *Figure 1: The Pyramid of Guidance, Advice and Support – appended to this report*)
- 3.3. **It is proposed that the LGA focuses on the middle tier of support.**

² For example, the Local Housing Delivery Steering Group (LHDSG) approach is widely regarded as a useful template where the sector itself is determining the scope, need and rationale for particular forms of guidance.

4. What is the status of sector/cross sector led advice and support?

- 4.1. It is for councils themselves to determine based on evidence and experience what approach is best for them and the planning inspectorate will consider each case on its merits. Sector led or cross sector support and advice should seek to assist councils in determining a suitable approach but it should not prohibit or expose councils who pursue a different approach to increased risk or challenge.
- 4.2. Supplementary Planning Documents (SPDs), which are well evidenced and based on local circumstance are a strong example of this and should be recognised as valuable tools for planning authorities and the development industry.
- 4.3. It is proposed that sector groups develop a self accreditation model and do not seek formal endorsement from government or the Planning Inspectorate. It will of course be important to take informal sounding from (PINS) and/or the relevant government department on the accuracy of sector developed advice and support.
- 4.4. This “self accreditation” model is strongly localist in approach, and also highlights how important it is that government make transparent its instructions to PINS, [See Para 2.6].

5. When should central government and/or local government sector get involved in producing supporting material?

- 5.1. In line with the key principle outlined at 2.3 that Government guidance should only be issued where it explicitly mitigates wider risks, with a presumption in favour of sector led approaches to mitigate these risks, we suggest the key tests should be as follows:
 - 5.1.1. Absence of advice/guidance could introduce a reputational risk to the planning system (i.e. it could lead to significant errors)
 - 5.1.2. Absence of advice/guidance could lead to duplication and additional costs for local authorities;
 - 5.1.3. Absence of advice/guidance could lead to uncertainty in the planning system particularly at Examination in Public (EIP).
- 5.2. We believe the LGA and other sector bodies should challenge itself with the same questions when considering the production of advice and support. Where a sector led / cross –sector approach is deemed to be helpful and necessary it is proposed that where it is appropriate the local government sector should seek to work with cross sector colleagues representing the development industry, the planning

profession and community groups for example in the development of advice.

6. How might a sector led or cross sector approach work?

- 6.1. A basic principle would be to incorporate the views of stakeholders via an independent and unbiased advisory committees, likely achieved by small number of organisations representing a broad spectrum of affected stakeholders)
- 6.2. Final products / outputs are always endorsed as 'advice' or 'good practice' rather than 'guidance'.
- 6.3. Where the final produce / output directly impact on local government, there is clear statement on the importance of the localism³
- 6.4. The production of advice should be transparent with opportunities for groups, individuals and councils to feed in views where practical.
- 6.5. Where appropriate PINS and/or the relevant government department are invited to provide advice on accuracy.

7. What are the risks of a sector led or cross sector approach?

- 7.1. Resources and cost pressures: It is important that limited capacity within the LGA is directed towards those issues which are high risk and priority to the sector. **It is proposed that LGA involvement is constrained in the first instance to those issues that meet the tests outlined at paragraph 5.1.**
- 7.2. On certain issues it may be helpful to the sector to develop commonly-accepted technical standards that are easily comparable. This may mitigate the risk of conflating technical and policy arguments and prolonging debate at examination in public. It is clearly crucial that if/when the LGA endorses a common approach (such as on to technical issues to ensure comparability); we do not inadvertently expose those councils who choose not to follow the methodology to additional risk.
- 7.3. **It is proposed that the LGA seek wider views from the local government sector on where this might be appropriate (if at all).**

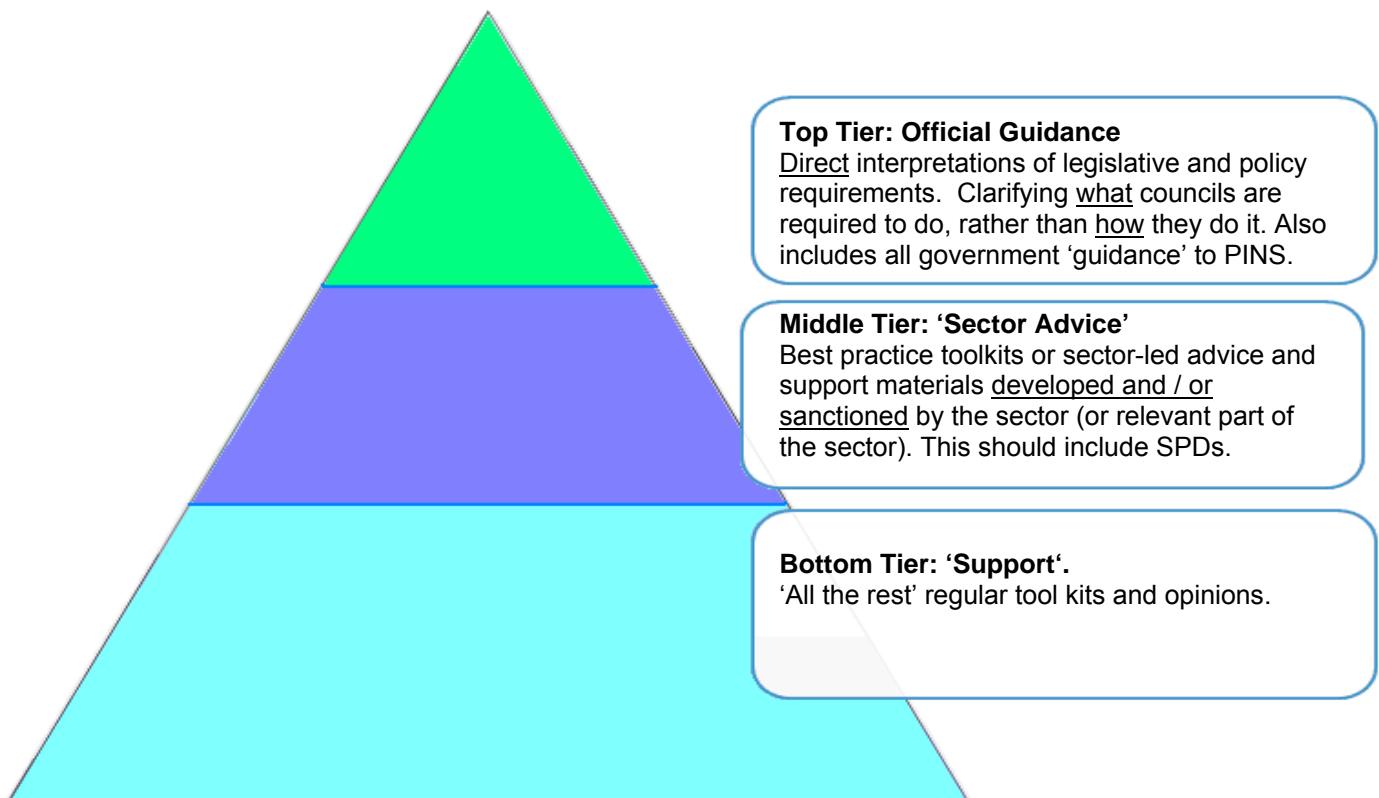
³ For example "there will always be local circumstances and needs to take account of and that Local Planning Authorities are able to exercise local discretion on plan policies and conditions. This advice is intended to provide a framework that outlines the choices and implications of these local policies."

8. Proposed next steps

8.1. The Programme Board Chairman writes to Rt Hon. Greg Clark MP to advise him of the LGAs position.

8.2. Officers work with cross sector bodies to further consider how a cross sector approach might work in practice and bring detailed proposals to lead board members and planning portfolio holders for decision.

Figure 1: The Pyramid of Guidance Advice and Support



Housing Update and Future LGA Activity

Purpose of report

For decision.

Summary

This paper provides Members with an update on recent support and lobbying activity on the housing agenda. The paper also considers a range of key reforms and their likely implications for local authorities and the work of the LGA and sets out some proposed next steps for the Programme Board.

Recommendation

That members consider and agree proposals for future work in paragraphs 6, 14, 18.

Action

As directed by the Board members.

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Housing Update and Future LGA Activity

1. This paper provides Members with an update on recent support and lobbying activity on the housing agenda. The paper also considers a range of key reforms and their likely implications for local authorities and the work of the LGA and sets out some proposed next steps for the Board.

Financial flexibilities to invest in new supply and existing stock

2. The board has been proactively pressing government for the tools and flexibilities to allow local authorities the financial flexibilities to invest in existing or new stock. This work has principally been around three areas:
3. A genuine model of self financing
 - 3.1. Building on a significant parliamentary lobbying campaign during the passage of the Localism Bill the LGA has been heavily engaged in negotiations around the proposals to reinvigorate the Right to Buy to ensure they reflect the principles of the new self-financing system for council housing. The Board's response to the government consultation argued that right to buy receipts should be retained locally and that there should be local discretion over the level of discount because it:
 - will maximise the amount of receipts available to build new homes
 - will help councils to mobilise other resources (eg land other sources of funding) to fund replacement homes
 - avoids wasteful and bureaucratic pooling and bidding processes
 - will make sure the new homes built are of the right type and in the right place to meet local housing need.
 - 3.2. We argued that a nationally set discount cannot take account of local housing market conditions and will be a bad deal for the public purse since in some places the discount will be higher discount than needed to generate additional sales and may not leave sufficient receipt to build replacements.
 - 3.3. These positions have been pursued through official and political channels. It is anticipated that decisions on these issues will be announced in March and implemented at the beginning of the financial year.
4. More flexible use of assets and infrastructure:
 - 4.1. Councillors report that the number one barrier to new housing provision is local opposition and that the provision of appropriate infrastructure and good design is central to alleviating local concerns and making new development more acceptable. Proposals in the Housing Strategy would allow developers

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to compel councils to renegotiate s106 obligations (on viability grounds). This may lead to additional resource demands on planning and legal departments and crucially the loss of important infrastructure contributions important to making the scheme acceptable for the community. The government is also still considering its position in relation to the delegation of a meaningful proportion of CIL receipts to the community level.

4.2. The amount of receipts generated by public sector bodies has fallen significantly in recent years. The Board has made representations to the government and CLG Select Committee to increase join up between capital funding streams, and to devolve as far as possible into a place based pot to allow more effective commissioning of capital projects. Encouraging collaboration between public sector partners which is likely to increase the supply of excess assets will be crucial in light of further likely reductions in public funding.

4.3. The case for more joined-up approach to capital financing, more flexibility for councils in raising finance and attracting private investment in infrastructure is also being pursued through the LGA's Local Growth Campaign, led by the Economy and Transport Board and through joint work with the British Property Federation which Councillor Parsons is involved in.

5. A level playing field with housing associations:

5.1. Councils would be able to do more if they were able to build homes with off-balance sheet borrowing. Councils have demonstrated their ability to borrow prudentially and this would allow local authorities to build more by taking their borrowing for the purpose of house-building out of the public sector borrowing requirement. This would ensure limited funding achieves maximum results for local areas. Moves towards this to date have been resisted by government; the further likely reductions in available public funding means that establishing a level playing field becomes ever more important and it is suggested that this remains a core lobbying position for the Board.

6. Next steps

6.1. It is proposed that the three areas listed above are put forward as **key areas for consideration as part of the forthcoming 'Housing the Nation' corporate campaign** and that a campaign plan is developed for further discussion with the Board and the Leadership Board champion.

6.2. It is proposed that the LGA work with councils to **develop a strong evidence base to demonstrate the importance of supporting infrastructure and the pragmatic and proportionate approach taken by local authorities to the issue of viability**. This will build on the work PAS are undertaking to

collate a series of case studies demonstrating councils work to renegotiate or phase payment of agreements where this makes sense locally.

Raising standards and encouraging investment in the private rented sector

7. Discussions with councils have indicated that many are placing increased importance on the private rented sector as a means of managing increased and changing housing demand. As such relationships with private providers in an area to ensure sustained investment and housing of the right type and quality are becoming ever more important. Flexibility for councils to discharge their homelessness duty in the private rented sector clearly raises both opportunities and challenges for local authorities to help manage demand on services balanced with ensuring vulnerable people are placed in accommodation that is of a suitable type and standard.
8. Two forthcoming reports from government will also add to the debate. The government announced an independent review into investment in the private sector as part of the Housing Strategy. The review, led by Adrian Montague will report in June 2012 and will consider the ability of the private rented sector to respond to future demand, and investigate the interest among institutional investors for long term investment in housing.
9. Secondly, the Ministerial Working Group on homelessness is also planning a future report focussing on prevention and housing support. Officers are working with CLG to feed in views and learning from the community budget pilots on families with complex needs to the review.
10. Next steps
 - 10.1. Officers are working with the LGA's Private Sector Housing Forum to review the use of existing powers and good practice in working with private partners. **Housing Portfolio Holders and lead members have agreed that that this work underpins the LGA's submission to the Montague review into the private rented sector and the work on the Ministerial Working Group** and suggests areas where existing powers could be modified to make them more useable.

A new regulatory framework for social housing providers and the democratic filter

11. *The Localism Act* reforms the way that social housing is regulated. The new regulation framework will mean that local authorities as social landlords are no longer proactively inspected for compliance; however the regulator will retain a right to intervene in cases of 'serious detriment'. The Board has made the case

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for a proportionate approach based on principles of sector led improvement and has called for greater transparency.

12. The Localism Act also amends the way in which a social tenant can make a complaint about their landlord. In future, tenants who have exhausted their landlord's complaints procedure will have to go through a designated person (a councillor, MP or tenant panel) in order to escalate a complaint to the Housing Ombudsman. This will have implications for the role of local authority councillors and the demands placed upon them and their relationships with social housing providers, tenants and MPs.
13. These reforms have implications for the role of the Board in maintaining an overview of the performance of the sector as a whole – drawing on existing data and intelligence in the sector to spot those facing performance challenges and offer support.

14. Next Steps

- 14.1. Members have previously agreed that the housing officer network should consider housing related performance indicators collected by LG Inform and develop a suite of key indicators. A housing template report is now available on LG Inform as a result of this work. **It is proposed that this work is extended to consider how the Programme Board (or a sub set of it) could ensure they are kept appraised of performance challenges and that officers develop a model for further discussion and agreement with lead members and housing portfolio holders.**
- 14.2. It is proposed that the officers work with appropriate partners (such as CfPS and others) to **develop a support offer to councils to raise awareness of the new regulatory framework** and what it means for the management of social housing and their role as part of the democratic filter.
- 14.3. It is proposed that the **Chairman of the Board write to the new Regulatory Committee Chairman** to discuss a proportionate and transparent approach to the new regulatory regime and information sharing to support an approach that is based on the principles of sector led improvement.

The future provision of social and affordable housing

15. The affordable rent programme effectively changes the new supply subsidy from a capital to a revenue subsidy. Key issues include the financial viability of housing associations, variable regional impact (in both high and low rent areas) and the long term sustainability of the scheme.

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16. In line with the Board's workplan research has been commissioned which examines the impact of the affordable rent scheme on:

- 16.1. affordability and accessibility of homes in an area (including scale of likely rent increases in different market areas and local variations and the likely impact of high rents and fixed tenancies on different groups)
- 16.2. implications for the housing offer in an area (including projected balance of property types) and
- 16.3. implications for partnership working between housing associations and local authorities.

17. Wider reforms including those to welfare will also impact on future demands on housing supply and wider council services. Further to discussion at LGA leadership board research is being commissioned on the potential impact and cost of the welfare reforms on local authorities in relation to demand on services and housing provision.

18. Next Steps

- 18.1. It is proposed that officers, working with lead members and housing portfolio holders to consider the results of research into the impact of the affordable rent programme and welfare reforms and **present to the Board a series of options for future advocacy work on a future sustainable model of social and intermediate housing provision.**

Understanding and planning for housing need and demand

19. The Localism Act provides the Secretary of State with powers to abolish Regional Spatial Strategies. The government has indicated it intends to use these powers quickly. In addition the Act places a new duty on local authorities and other public bodies to co-operate together on strategic planning issues (including housing). It also introduces a duty to write a tenancy strategy. The draft NPPF also removes the requirement in Planning Policy Statement 3 which required an affordable housing contribution over a certain threshold – leaving this decision now in the hands of local authorities. These legislative and policy changes place greater emphasis on the local authority role in collating a robust evidence base to understand and properly plan for housing need and to work across boundaries to work with others to meet the needs of each authority.

20. Next Steps

- 20.1. Officers across the Programmes team and Planning Advisory Service (PAS) work to **further develop the strategic and local planning support offer led by PAS with a particular focus on elected members.** This may also include input into a sector led tool to support councils to assess housing need.

Annex A - Update on Housing support programme

1. The Environment and Housing Board agreed a housing support programme at the meeting in September 2011. The Board emphasised that support should be primarily directed at elected members and that the LGA should seek to work in partnership with organisations such as the Homes and Communities Agency to extend the reach of the support programme and to draw on skills and expertise.
2. The LGA has developed and planned a range of support activities within existing programme budgets to take this forward. This includes the following:

Events and workshops

3. Housing continues to feature strongly in the LGA's events programme, including:
 - Countdown to Self Financing, December 2011.
 - Meeting Local Housing Needs: What do the Housing Reforms mean for your area. This dedicated elected member event in January 2012 was attended by over 70 councillors.
 - Planning for Growth: From Rhetoric to Reality in February 2012.
4. A series of free housing and planning master classes for elected Members are scheduled to run throughout March 2012. These events will aim to provide an overview of key changes to housing and the role of local authorities and outline both the opportunities and challenges this will bring for local areas. Events will take place across the country and have been developed in partnership with regional LGA's to ensure that they reflect local issues and concerns. Board members have agreed to Chair the sessions which will be facilitated by a political peer.

Publications and guides

5. The LGA has published a series of publications and guides for elected Members on Housing reforms and the opportunities and challenges for local areas. These include:
 - A series of five Member briefings published in January 2012, exploring the practical implications of the housing reforms.
 - A guide for councillors to support them in the move to self-financing for the Housing Revenue Account has also been published.
 - A joint publication with the HCA aimed at elected Members and Chief Executives, published in January 2012. This publication sets out the key reforms and their implications for local areas through a number of scenarios.

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- A collection of essays on 'Delivering Housing Growth' was published in February 2012. The publication contains a variety of perspectives on the role of councils in promoting growth. Contributions are included from councils, the development industry, the planning profession and the Housing Minister.
6. Further to discussion with housing portfolio holders officers are also developing the following support products:
- Two sets of practice notes or 'how to' guides have been commissioned for development at the end of the financial year on developing tenancy strategies and raising standards in the private rented sector. The guides will offer practical suggestions to help councils overcome some of the challenges of delivering in a tough financial climate. These notes will be developed with the sector via a series of interviews and the master classes.
 - A series of 'quick reference' cards for Members highlighting key messages and facts from the Housing and Planning masterclasses.
 - A councillor workbook on meeting local housing needs which will cover some of the challenges involved in engaging local people in housing growth and development.
 - In collaboration with colleagues in the Planning Advisory Service, a series of podcasts, (recorded MP3 audio files, for downloading and sharing), which will provide support to councillors on working with developers and on engaging local people in discussions about growth. A separate podcast on helping councils navigate the new housing revenue account system will also be produced.
 - Housing Peer Challenges continue to be offered to the sector, alongside a free self assessment tool.

Waste Collection

Purpose of Report

The purpose of this report is to provide information to members of the Board on the current regulatory, policy and initiative landscape that will be affecting councils' waste collection services.

Summary

The report sets out three related issues on waste collection. Firstly the key issues and challenges arising from the consultation on amending the Waste Regulations 2011 that concern the separate collection of recycling.

Secondly, the report provides an overview of the LGA response to the consultation on amending the powers of local authorities regarding presentation of waste for collection.

Finally, the report provides an update for members on the support the LGA is providing for councils seeking to make use of the £250 Million Weekly Collection Support Scheme.

Recommendations

1. That Members comment on the impact of the new Recycling Regulations on councils and provide a steer on influencing the development of the supporting guidance.
2. That Members indicate if there are additional issues that should be considered as part of a 'Technological, Economical and Environmental Practicability' (TEEP) test' and the establishment of recycle quality standards.
3. That Members note the response to the consultation on amending the powers of local authorities regarding presentation of waste for collection.
4. That Members note the support the LGA is developing to assist councils seeking to apply for the £250 Million Weekly Collection Support Scheme.

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Actions

1. Officers will use the steer to focus their lobbying on the new regulations and guidance.
2. Officers will use any steer on powers and penalties in determining next steps.
3. Officers will shape the developing LGA support offer on the £250 Million Weekly Collection Support Scheme based on members' comments.

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Councils' Waste Collection Services

Background

1. Proposals have been put forward to revise regulations that will affect councils' decision making process on how they collect recycling, and the powers and penalties available to them to ensure waste is presented in a way that supports their collection service. In addition, the Department of Communities and Local Government (DCLG) has launched its £250 Million Weekly Collection Support Scheme to promote its position that residual waste should be collected weekly.
2. The LGA has the opportunity to formally respond to the consultations on amending the Waste Regulations 2011 and on amending the powers of local authorities regarding presentation of waste for collection. In both responses we will seek to retain the ability of councils to make local decisions on how their waste collection service is provided and protected.
3. We have also been developing support for councils seeking to take advantage of the £250 Million Weekly Collection Support Scheme.

New Recycling Collection Regulations

4. The Department of the Environment, Food and Rural Affairs (DEFRA) has launched a consultation seeking views on amendments to 'The Waste (England and Wales) Regulations 2011'. The Regulations, which transpose the revised Waste Framework Directive 2008/98/EC, have been subject to Judicial Review. The regulations concern the requirements on local authorities for the collection of recycled materials from 2015. The consultation explains the basis for an amended version of Regulation 13 on which views are sought by **Thursday 12 April 2012**.
5. DEFRA and Welsh Government were subject to Judicial Review during summer 2011 based on a challenge that the regulations failed to correctly transpose the revised EU Waste Framework Directive. The basis of the Claimants case is that EU law requires the various kinds of waste that are commonly recycled to be separately collected or sorted at the kerbside during collection. The existing UK regulations explicitly specify that co-mingled collection is a form of separate collection.
6. The LGA, at DEFRA's invitation, has been an Interested Party in this case and appointed independent legal advisers and Counsel. The LGA objective as an Interested Party was to support DEFRA's position and represent the interests of local government to ensure that councils continue to have the ability to determine

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locally the most appropriate collection methods for their local circumstances - rather than have this predetermined centrally.

7. The LGA and the other interested parties supported DEFRA in seeking and being awarded an adjournment in the case for six months in order to amend the regulations.
8. The key changes to the existing version within the new regulations are:
 - 8.1. **That the requirement to collect waste paper, metal, plastic and glass by way of separate collection by 2015 will be consistently applied to Waste Collection Authorities that retain in-house collection services, those that outsource the service, and the contractor.** This means that the Waste Collection Authority cannot make the contractor solely responsible for determining the local waste collection methodology.
 - 8.2. **The removal of the explicit reference in the regulations that co-mingled collection could be considered as a form of separate collection.**
 - 8.3. **The requirement to collect by way of separate collection will not be required if it is not technically, economically or environmentally practicable (TEEP) or necessary to meet quality standards.**
 - 8.4. **A change from 'appropriate to meet necessary quality standards' to 'necessary to meet the appropriate quality standards'.** This reflects the fact that the specific obligation to collect the four materials by 2015 is subject to Article 10(2) of the Directive in the first instance, which refers to what is necessary to comply.
9. The consultation document states that **production of statutory guidance will follow the laying of the amended regulations.** This will be of paramount importance for determining what is meant by 'technologically, economically or environmentally practicable – being referred to as 'TEEP' - and what is meant by 'appropriate quality standards'. In the consultation, DEFRA states their intention to provide this guidance following on from the publication of the European Commission's guidance and the satisfactory resolution of the Judicial Review. This will be accompanied by an impact assessment, or assessments, as necessary.
10. Officers have been petitioning DEFRA to introduce this guidance as soon as possible after the laying of the new regulations. DEFRA has assured the LGA that this is their intention and that they are planning to work with the LGA and its members to develop guidance that works for councils.

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11. We believe the key issues are around the process for determining whether 'separate collection' is technically, economically and environmentally practicable (TEEP) and what the appropriate quality standards are.
12. The consultation provides additional information on TEEP and quality standards, identifying the following as needing consideration:
 - 12.1. The collection of non-bottle plastics;
 - 12.2. Demography, housing stock, road-width and urban density;
 - 12.3. Current contractual arrangements.
13. There is acknowledgement by DEFRA that these issues will need further consideration. **Please could members of the Board indicate if there are additional issues that should be considered as part of a 'Technological, Economical and Environmental Practicability Test' (TEEP) and the establishment of recycle quality standards.**
14. Officers have also been lobbying DEFRA to make the regulations robust enough to prevent any legal challenges being levelled at councils. We understand that members of the board are concerned that the current ambiguity of TEEP and quality standards could leave councils open to challenge should they determine that separate collection is not practicable or necessary.
15. We propose to continue lobbying DEFRA to make it clear in the guidance that it is the Waste Collection Authority that determines what is practicable and necessary, and not external organisations that are not familiar with the local circumstances. **Officers would welcome any additional steer on the lobbying priorities for our response to the consultation on the regulations and the forthcoming guidance.**

Consultation on changes to the powers and penalties available to councils in the presentation of waste for collection.

16. Lord Taylor of DEFRA wrote to council Chief Executives on 16 January 2012 to proposing interim changes to powers and penalties outlined in section 46 of the Environmental Protection Act 1990 under which councils specify how householders present their waste for collection.
17. At present councils have the option of issuing a fixed penalty notice at a level between £75 - £110 with an ultimate criminal sanction and fine of up to £1000. DEFRA is proposing to reduce the levels of fixed penalties to £60 - £80, with a default level (if not stated by the local authority) of £60 and £40 as a minimum for early payment.

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18. “Harm to local amenity” will also be introduced as a test before such a penalty can be imposed. DEFRA has stated that the purpose of the test is to ensure that penalties are targeted at those who behave in a way which reduces the quality of their neighbours’ surroundings.
19. We have responded to Lord Taylor’s letter (24 February) and the full consultation (9 March). The key elements of our response to the full consultation have centred on:
 - 19.1. The expectation residents have that councils can effectively deal with their neighbours who knowingly present waste without regard for the collection schedule or procedures, and undermine their recycling efforts.
 - 19.2. Our assertion that the reference to the use of the criminal sanction has been over-stated.
 - 19.3. How these changes fit into the bigger picture discussion about improving the quality of recycling under the EU Waste Framework Directive and the new Recycling Regulations.
 - 19.4. That the ‘harm to local amenity’ test should be determined at a local level.
20. Officers will outline the full LGA response (finalised after the deadline for this paper) for members at the Board meeting. **Members of the Board are asked to note the response.**

£250 Million Weekly Collection Support Scheme

21. The Department for Communities and Local Government (DCLG) recently launched the prospectus to its £250 million Weekly Collection Support Scheme. The scheme is available for local authorities to ‘increase the frequency and quality of waste collections and make it easier to recycle’.
22. Bids are invited that include the following, listed in order of assessment weighting:
 - 22.1. a weekly residual collection alongside a weekly recyclables collection;
 - 22.2. a weekly residual collection with fortnightly recyclables collection adding a weekly food waste (or organic) collection to a fortnightly;
 - 22.3. collection of residual household waste.

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23. The bidding process will first involve a non binding expression of interest (to be received by 16 March), followed by an outline bid (by 11 May) and final bid (by 17 August). Successful bidders will be announced in Autumn 2012.
24. Taking forward the direction from the Board at the last meeting to support councils in applying for the £250 Million Weekly Collection Support Scheme, officers have worked across the LGA and with partner organisations to produce a short supporting guide, now available on the LGA website, set out in **Appendix 3a**.
25. Given the tight timescales for the submission of bids and the delivery of projects, particularly in this financial year, the LGA is investigating the scope for providing two workshops to assist councils further in applying for the fund. Officers will provide further information on this work.
26. **Members of the Board are asked to note the guidance document.**

DCLG Weekly Collection Support Scheme

Overview and guidance note

Background

The Department for Communities and Local Government (DCLG) recently launched the prospectus for its £250 million Weekly Collection Support Scheme (Scheme). The Scheme is available for local authorities to 'increase the frequency and quality of waste collections and make it easier to recycle.'

Full details of the Scheme are available at:

<http://www.communities.gov.uk/publications/localgovernment/weeklycollection/prospectus>

Purpose and structure of this document

This document is aimed at local authority officers and members. It is designed to provide an overview of the Scheme and to signpost local authorities that are interested in submitting an expression of interest (EoI) to relevant resources.

The LGA, Local Partnerships, iESE and WRAP, like DCLG, are keen that the £250m fund is utilised by local authorities. However, councils will wish to minimise the costs of bidding (as these are not recoverable), and wherever possible utilise existing resources and tools rather than duplicate efforts. This document therefore contains a summary of some of the resources and tools available that would be useful at the EoI and Outline Bid stage, although it does not, and is not intended to, provide detailed and directive advice.

The following sections provide an overview of the purpose of the Scheme and timescales for bidding, and highlight the key resources available to provide information and data against the different criteria above. The final section acknowledges the importance of procuring goods and services and provides information on existing frameworks and advice.

Overview of the scheme

The aim of the Scheme is to support local authorities to:

- a) introduce, retain or reinstate a weekly collection of residual household waste, supplemented by a separate recyclables collection at least once a fortnight, or
- b) propose improvements to an existing waste service which is already centred around a weekly residual collection, or
- c) add a weekly food waste (or organic waste) service to an existing fortnightly collection of residual household waste, where an authority can credibly demonstrate this represents the preference of local people.

Successful bids to the Scheme will need to provide reasonable evidence that funding will support **additional** activity, rather than activity that would progress anyway.

There will be three core criteria for the assessment of bids:

- cost effectiveness

- collection patterns committed to (although points will be awarded based on a hierarchy as outlined below)
- quantifiable environmental benefits

'Innovation' and the 'feasibility' of bids will also be taken into account as part of the assessment of bids.

Comprehensive collection schemes will tend to score more highly in the assessment process: the prospectus sets out the following hierarchy of collection schemes:

- a weekly residual collection with weekly recycling
- a weekly residual collection and fortnightly recyclables collection
- adding a weekly food waste (or organic) collection to a fortnightly collection of residual household waste

The bidding process will first involve a non binding expression of interest (to be received by 16 March 2012), followed by an outline bid (by 11 May 2012) and final bid (by 17 August 2012). Successful bidders will be announced in Autumn 2012.

Timescales

The table below sets out the timetable for the development and submission of bids to the Scheme, and some of the key activities to be undertaken by bidding authorities and DCLG at each stage. An announcement on successful bids is expected in October 2012.

Councils may find the timetable challenging and therefore may find it helpful to draw on some of the existing resources highlighted in this document. Local authorities should note that although expressions of interest are being strongly encouraged by the deadline of 16 March, if an authority fails to produce an EoI it will be still be possible to submit an outline bid by the deadline of 11 May.

Activity	Deadline
Issue of DCLG prospectus	3 February 2012
- LA prepares EoI	
Deadline for EoI submission to DCLG	16 March 2012
- LA prepares outline bid	
- LA s. 151 officer approval	
DCLG project team provides overarching feedback	
Deadline for outline bid submission to DCLG	11 May 2012
Technical Advisory Group to review outline bids and DCLG project team to provide bespoke feedback to local authorities	By 22 June 2012
- LA decides whether to submit a final bid	
- LA prepares final bid	

- LA s. 151 officer approval	
- LA full internal approval processes	
Deadline for final bid submission to DCLG	17 August 2012
DCLG announcement of successful bids	By October 2012

Resources relevant to core criteria

The Scheme prospectus sets out a scoring matrix to be used to review bids (page 17), based on four criteria. Listed below are a number of resources that local authorities might find useful in pulling together information against each of the criteria.

Cost effectiveness

Local authorities will need to provide evidence about the costs of their proposed projects, and how it will impact future costs and budgets compared to current projections based on bids not being successful. Assessors will also look at how these costs compare with industry standards / benchmarks and with the performance of similar local authorities. WRAP have produced a number of guides and tools which may be helpful in assessing the comparative costs of different collection regimes:

- Benchmarking report and tool for comparing dry recycling performance (accessed via the image at the bottom of the page)
http://www.wrap.org.uk/local_authorities/research_guidance/collections_recycling/benchmarking.html
- Kerbside recycling: indicative costs and performance
http://www.wrap.org.uk/local_authorities/research_guidance/collections_recycling/kerbside_recycling.html
- Indicative cost guide for communication activities
http://www.wrap.org.uk/downloads/2011_12_16_Indicative_Cost_Guide.54f16b4e.2672.pdf
- Recycle Now communication resources website
http://www.recyclenowpartners.org.uk/local_authorities/index.html

Collection patterns committed to

Authorities will need to specify the type of waste that they are seeking to collect and how they intend to collect it. The more comprehensive a bid is in terms of collections of residual waste and recycling on a weekly basis, the more likely a bid is to score highly.

- Support on analysing current collection scheme performance is available using the WRAP Kerbside Analysis Tool (KAT). This tool can be used to review options for improvements to existing services, particularly by authorities who are familiar with the tool.
http://www.wrap.org.uk/local_authorities/research_guidance/collections_recycling/kerbside_analysis_1.html

- Waste Data Flow information can be found at:
<http://www.wastedataflow.org/htm/datasets.aspx>
- Additional information on food waste is available on the WRAP site:
http://www.wrap.org.uk/local_authorities/research_guidance/food_waste/index.html
- Collection and sorting information is also available on the WRAP site:
http://www.wrap.org.uk/downloads/Choosing_the_right_recycling_collection_system.5b2d699d.7179.pdf

Quantifiable environmental benefits

Local authorities that bid for the DCLG fund will need to demonstrate that their proposal delivers high environmental credentials, particularly in regard to helping reduce CO₂ emissions. To help authorities consider these aspects, the following tools and links could be considered:

- ADEPT - Carbon Sense for Better Waste Management: A guide to Carbon Footprinting and Life Cycle Assessment
<http://www.win.org.uk/site/cms/contentDocumentView.asp?chapter=81>
- Defra guidance for businesses on how to measure and report their GHG emissions
<http://www.defra.gov.uk/environment/economy/business-efficiency/reporting>
- WRAP/Zero Waste Scotland Carbon metric reporting system for recycling performance in Scotland
<http://www.zerowastescotland.org.uk/carbonmetric>
- LWARB Flats Recycling Programme - Financial model and tonnage CO₂ Form 1.2
<http://www.lwarb.gov.uk/page/?identity=flatsrecyclingprogramme>
- Department for Transport guidance to help companies report their work-related travel
<http://www.dft.gov.uk/pgr/sustainable/greenhousegasemissions>
- Carbon Trust information about carbon footprinting for companies, including a carbon footprint calculator
<http://www.carbontrust.co.uk/cut-carbon-reduce-costs/calculate/carbon-footprinting/pages/carbon-footprinting.aspx>
- The Publicly Available Specification (PAS): 2050 provides a method for measuring the lifecycle greenhouse gas emissions from goods and services.
<http://www.bsigroup.com/en/Standards-and-Publications/Industry-Sectors/Energy/PAS-2050/>

- The US EPA created WARM to help solid waste planners and organizations track and voluntarily report greenhouse gas emissions reductions and energy savings from several different waste management practices.
http://www.epa.gov/climatechange/wycd/waste/calculators/Warm_Form.html

Local authorities may also wish to make use of the Environment Agency Waste and Resources Assessment Tool for the Environment (WRATE) model where they have access to this and are already familiar with its application.

Innovation

To deliver a bid that stands out, authorities will need to consider innovative solutions that could be deployed. The following resources show some case studies of collection solutions that could be deemed as innovative.

- The WIN case study library has over 100 case studies with 23 examples of councils deploying innovative solutions in waste collection to achieve efficiencies and improve customer satisfaction:
<http://win.org.uk/site/cms/contentCategoryView.asp?category=414#Col>
- WIN FOCUS reports a suite of documents that provide detailed insight into the areas that local authorities want to focus on, including benefits, considerations and outcomes. Specific reports that might be useful are: '**Collection Contracts: Variations and Mid Term Opportunities**', '**Moving to a 4 day week**' and '**Rewards and Recognition.**'
<http://win.org.uk/site/cms/contentChapterView.asp?chapter=22>

Feasibility: procurement and legal issues

Authorities may need to consider a number of legal and procurement issues in developing their bids to the Scheme: the assessment of bids will include consideration of their feasibility. In terms of procurement, there have been some key decisions in the courts recently that send a note of caution to any local authority seeking to make a contract variation. The key point to emerge is that contracts cannot always be flexed to accommodate an authority's changing needs. Variations may be so material that they create a new contract, triggering the need for a re-tender.

More detailed information about procurement and legal considerations is contained in appendix 1 to this document.

Further information and support

DCLG have prepared a set of frequently asked questions and set up an email address for authorities that have queries or are seeking further information about the Scheme:

<http://www.communities.gov.uk/documents/localgovernment/pdf/2081289.pdf>

weeklycollectionsupportscheme@communities.gsi.gov.uk

Additionally, the LGA and DCLG are exploring the possibility of running roadshows to provide further information and practical support for authorities interested in bidding for the Scheme. Further information about this will be made available as soon as possible.

Other contact details are as follows:

environmentandhousing@local.gov.uk

enquiries@iese.gov.uk

LPEnquiries@local.gov.uk

rotate@wrap.org.uk

Appendix 1 – procurement and legal issues

Authorities need consider whether variations to existing contracts arising from bids to the scheme are so material that they create a new contract, triggering the need for a re-tender.

The courts have held that contract variations will amount to new contract awards if the changes are **materially different** in character **from the original contract** and so demonstrate the **parties' intention to renegotiate the essential terms** of that contract.

When might a contract variation be “material”?

One recent case has identified three situations in which a variation might be “material”.

A variation might be material if it:-

- introduces conditions which, had they been part of the initial tender process, would have allowed for different tenderers to be admitted or would have allowed for a different tender to be accepted
- extends the scope of the contract considerably to encompass services not initially covered, or
- changes the economic balance of the contract in favour of the contractor in a manner which was not provided for in the terms of the initial contract.

Key points to check before agreeing variations

- Check the **OJEU contract notice** and the **tender invitation documents**: how were the local authority's original requirements advertised in terms of scope and overall contract value? Can the contract variation be accommodated within the parameters of the project as originally advertised? Was the possibility of the change made known to tenderers during the competitive phase? If yes, this is likely to show compliance with the principles of transparency and equality of treatment.
- Engage your lawyers to do a thorough review of the terms of the existing contract. Did the parties foresee the need for later changes of the sort now envisaged? Does the contract include a change control procedure that sets out clear and transparent processes for handling changes in a pre-agreed manner? Was this specific change provided for in the terms of the original contract?

- It is always worth engaging lawyers to check whether the authority can rely on any of the exceptional grounds set out in the Regulations for negotiating contract extensions to accommodate additional services without having to undergo an OJEU process¹. These grounds are subject to caveats and tend to have a restrictive interpretation, but are still worth considering.
- Any local authority proposing to make a material change should seek legal advice on the risk of continuing with the contract. If the authority's variation is successfully challenged through the courts as an unlawful direct award, the authority could be fined, have the contract declared ineffective and set aside.

Going to the market

If the local authority decides to run a procurement exercise for its new waste collection requirements, it should note the following:-

With effect from 1 January 2012, if a local authority intends to award a contract with a value meeting or exceeding the thresholds in the table below, a full OJEU process is required:-

Public Contract	Total Contract Value (excluding VAT)
Service Contract	£173,934
Supply Contract	£173,934
Works Contract	£4,348,350

If an OJEU process is followed, the authority will need to identify the most suitable award procedure. This will depend on the complexity of the requirement and is likely to be a choice between the restricted and competitive dialogue procedures.

- The **restricted procedure** is a two-stage procedure in which the authority pre-qualifies candidates and invites them to tender. It is best suited to authorities that can clearly specify their requirements, and in response to which bidders can submit complete tenders without the need for negotiation.
- The **competitive dialogue procedure** is reserved for “particularly complex contracts” where the authority is not objectively able to:
 - define the technical means capable of satisfying its needs or objectives, or
 - specify the legal and/or financial make-up of the project, and

¹ Regulation 14 Public Contracts Regulations 2006

the authority considers the use of the restricted procedure will not allow the award of that contract.

If the authority did not want to undergo a full OJEU process, with the time and cost this entails, it may be able to secure a service provider under a Framework Agreement.

Frameworks are made up of service providers that have been pre-qualified and appointed to the Framework based on their PQQ and tender submissions. On the downside, the Framework may not comprise the full list of candidates that the authority would want to involve in a competitive tender, and so its choice of provider is limited to those on the Framework that take part in the authority's mini competition.

Similarly the authority would need to be comfortable with the terms on which the service providers were appointed to the Framework, ie that there is a good match between the items catered for under the framework and those required by the authority etc., since these should apply at the call off stage without "substantial amendment". Equally it is important to ensure that the framework does not expire before the likely award on contract.

Please see the following web link for potentially useful frameworks you may see as appropriate when developing your bid.

<http://www.win.org.uk/site/cms/contentChapterView.asp?chapter=51>

Update on other Board Business

Purpose of report

Members to note the following:

- LGA Business Plan 2012/13 (**Appendix A**)
- LGA work on Flooding (**Appendix B**)
- PAS Update (**Appendix C**)
- Chair's Update Report (**Appendix D**)
- Any other Business

Recommendation

Members to **note** the reports.

Action

As directed by Members.

Contact officer: Sandie Dunne
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LGA Business Plan 2012/13

Purpose of report

To note.

Summary

1. A **revised** version of the LGA's Business Plan for 2012/13 will be presented **for agreement at the LGA Executive on 15 March 2012**. This follows the draft which was seen by the Executive and programme boards in January. Since January the Business Plan has been amended in the light of feedback from members as follows:
 - 1.1. It focuses on the top priorities for the LGA, rather than including all the priorities for each programme area.
 - 1.2. It includes feedback from the January meetings of the LGA Boards.
 - 1.3. It expresses the LGA's priorities in terms of the outcomes and impact we are seeking to achieve, rather than the activity we will be undertaking.
2. The Business Plan now also includes the LGA's campaign priorities for 2012-13 as agreed by Leadership Board.
3. Regional local government representatives were invited to comment on the draft business plan and the amendments have been made in the light of this feedback.
4. Heads of Programmes have already fed in the known priorities for their area in the light of the Programme Board issues already identified by members
5. The Business plan identifies the following five outcomes which the LGA will focus on in 2012/13:
 - 5.1. **Public Service Reform**
 - 5.2. **Growth and Prosperity**
 - 5.3. **Funding for local government**
 - 5.4. **Efficiency and Productivity**
 - 5.5. **Sector-led Improvement**
6. **Key objectives for the Environment and Housing Board**, as included in the business plan, are working to ensure:

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- 6.1. there are increased planning powers and freedoms for councils to support economic growth
- 6.2. councils lead the delivery of the Green Deal, to improve the local environment and create new employment opportunities.
- 7. **LGA Campaigns for 2012/13** which will be supported by the Environment and Housing team are as follows:
 - 7.1. **Housing the nation** – to win increased housing powers and freedoms so councils can better address the current housing crisis.
 - 7.2. **Local economies, local growth** – promoting councils' leadership of economic development, removing central barriers to local growth and making the case for the devolution of new powers, especially planning.
- 8. A full copy of the final **LGA Business Plan 2012-13** is attached for reference.

Recommendation

To receive and note the LGA business plan for 2012/13.

Action

As directed by members.

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BUSINESS PLAN 2012/13

THE LGA'S PRIORITIES

The LGA's mission is to support, promote and improve local government.

We work with councils to achieve our shared vision for local government by focusing our efforts where we can have real impact, being bold and ambitious, and supporting councils to make a difference, deliver and be trusted.

Our vision for local government:

RESPONSIVE - councils are relied on - day in, day out - to deliver excellent services whatever the circumstances. Councillors connect with local people in their daily lives, and local communities depend on what they deliver. They are a safety net, picking up where other services fail and supporting the most vulnerable people in society. It is sometimes the small things that have the most impact and leave the biggest impression. Councils also have the ambition to inspire local communities and change people's lives, now more than ever before. In the current economic climate, it is down to local government and its leaders to play a central role in growth, with the aim of making places distinctive and attractive for people to live and work in, and enjoy.

EFFICIENT - local government remains the most efficient part of the public sector and rightly rests its reputation on this fact. Councils are ambitious in finding ways to do the job within their means - they are wise spenders of public money and effective in helping people and communities. Councils are not afraid to cut costs and be innovative about ways of improving services. They are also prepared to consider radical economies of scale where this helps delivery on the ground. This means focusing relentlessly on performance as well as eliminating cost. To achieve this, councillors are having to make difficult and at times unpopular decisions, while delivering value for money.

ACCOUNTABLE - local government can do this because it is one of the most open and transparent parts of the public sector, handling issues that are important to people's everyday lives. Councillors work hard in a highly accessible environment and are an important resource for the local communities they represent. Increasingly their role is to ensure the deep involvement of communities in shaping priorities, designing services and, where appropriate, commissioning or running services at neighbourhood level. Part of their leadership role is to connect with local people, representing their interests strongly and self-confidently to the wider public, other partners, the media and central government.

LOCAL - local government really can make a tangible, lasting difference to people. It has the ability to inspire and lead communities, and improve quality of life, by creating and contributing to a real sense of place. Key to this is localism - by definition not something which is set out at a national level. Localism means central government letting go, putting more faith in local people, and being confident about local democracy. Councils are often the single most important source of practical advice to local communities who want to take on more responsibility. This means collaboration and partnership, and working across boundaries, actively involving people in the design and delivery of their local services.

The LGA has a major role to play in upholding local government's reputation and supporting real leadership. We are politically led, but independently authoritative, holding unrivalled expertise and knowledge about local government and local government issues. This means that we are able to be proactive and confident, drive change and unlock the economic power and influence of local government.

The LGA is driving the debate on public sector reform, to ensure that councils can bring together local services so they are better for the people who use them and better value for the taxpayer.

As the national organisation representing councils and councillors, we act as a crucial link between central and local government. Because we are based in Westminster, we are able to work face to face with Ministers and senior civil servants on the big issues of the day. Our policy work is based on objective, independent and credible analysis. It is driven by knowledge, not ideology, and by new thinking, not dogma.

The LGA also acts as the key conduit and promoter of the best that local government has to offer, by encouraging councils to develop and share best practice. We do this through our improvement, innovation and productivity programmes.

To deliver our vision for local government, in 2012/13 we will focus on achieving five outcomes:

Public service reform – councils are at the centre, and seen to be at the centre, of public service reform and delivering more effective services for local people

Growth, jobs and prosperity – councils are recognised as central to economic growth

Funding for local government – reform of the public sector finance system so councils raise more funds locally, have confidence their financing is sustainable and fair, and greater ability to co-ordinate local public services

Efficiency and productivity – councils dramatically reduce costs in ways which minimise the impact on the quality of life for their residents

Sector-led improvement – councils are the most improved part of the public sector, and local politicians and senior managers lead the transformation of local places.

This year we will be launching a number of campaigns to make sure we are maximise our impact on behalf of councils and to show we are responding quickly to council concerns. Each of our campaigns will use varying tactics to get our messages across but they will all focus on the issues that currently matter most to councils.

Our work in each of these areas is set out in more detail below as are the measures we are taking to improve our own effectiveness and efficiency.

The LGA has already taken significant steps to reduce its costs, following a 40 per cent reduction in funding from the start of 2011/12. This has included reducing the total number of people employed from 450 to 316. In addition, since June 2011, the operations of the four organisations associated with the LGA – Local Government Improvement and Development (LGID), Local Government Employers (LGE), Local Government Regulation (LGR) and Local Government Leadership (LGL) - have been fully integrated with those of the LGA to ensure that we deliver a focused, effective offer for councils in spite of our reduced funding base.

As a politically-led membership organisation, we invest in support to the elected members who are directly involved in the LGA, as well as providing services to all councillors, whether they are cabinet members or backbenchers. We use our governance arrangements to build strong connections with councils to provide political direction for all our work. We also have strong connections with the regional local government organisations and are working closely with them on our shared priorities.

This business plan focuses primarily on the services and support funded by subscriptions from LGA member authorities, and revenue support grant (RSG) top-slice. We seek additional funding for specific programmes where these fit with our priorities. We also provide services on a cost-recovery basis where councils are prepared to pay for them.

Our priorities

Public service reform

Councils are at the centre, and seen to be at the centre, of public sector reform and delivering more effective services for local people.

This includes working to ensure:

- government policy continues in a localist direction and councils embrace new powers
- councils are supported in developing new models of local public service delivery and commissioning including community budgets
- the anticipated White Paper on the future funding of adult social care offers scope for a fairer, clearer system, with councils retaining lead responsibility
- national workforce agreements are seen as relevant and fit for purpose by councils
- a reformed pension scheme is delivered without further serious industrial disruption or significant opt out rates for implementation in April 2014
- local government demonstrates its commitment to its new public health responsibilities
- police and crime panels are established without the need for intervention by government
- councils are supported in their role in school place provision, fair admissions, driving school improvement and supporting vulnerable pupils
- the anticipated White Paper on the care system for children offers scope for a more streamlined approach, reducing delays and bureaucracy and recognising the role of councillors
- future EU regulation minimises burdens and maximises opportunities for councils.

LGA campaigns for 2012/13

Keep it REAL: responsive, efficient, accountable local services – promoting the role of elected councillors in ensuring communities get the services they want, and creating a debate about codifying the relationship between central and local government

Securing the future of adult social care – setting out a clear overall message about the need to reform and fund adult social care and support.

Growth, jobs and prosperity

Councils are recognised as central to economic growth.

This includes working to ensure:

- business and residents are able to rely on councils and their partners including Local Enterprise Partnerships (LEPs) for excellent services to stimulate growth and new jobs
- national services such as skills, transport and employment, are localised so that councils can support economic recovery more effectively
- councils are able to develop new innovative funding, such as local authority bonds and tax increment financing, including a shift in attitudes to investment in infrastructure on the part of local authority pension funds
- there are increased planning powers and freedoms for councils to support economic growth
- councils are provided with the financial flexibilities and tools to be able to invest in housing in their area and negotiate crucial infrastructure with developers
- councils play their part in a successful 2012 Games, to ensure benefits for the whole country
- councils lead the delivery of the Green Deal, to improve the local environment and create new employment opportunities
- councils are able to reduce red tape and regulatory burdens at a local level.

LGA campaigns for 2012/13

Local economies, local growth – promoting councils' leadership of economic development, removing central barriers to local growth and making the case for the devolution of new powers, especially planning

Housing the nation – to win increased housing powers and freedoms so councils can better address the current housing crisis

Hidden Talents – demonstrating that councils are best placed to identify and support the one million young people not in education, training or employment.

Funding for local government

Reform of the public sector finance system so councils raise more funds locally, have confidence their financing is sustainable and fair, and have greater ability to co-ordinate local public services.

This includes working to ensure:

- councils have the freedom they need to raise revenue in the ways they determine are appropriate
- an accurate assessment of spending pressures facing local government is maintained and used in discussions with government about future funding settlements
- a business rates retention scheme is ready for implementation in April 2013 that provides councils with stability and predictability, the ability to retain the proceeds of local growth, and adequate safeguards for councils starting with lower tax bases
- the Public Health Grant is sufficient to meet local authority public health responsibilities and allocated on an equitable and transparent basis
- councils have a customer-facing role in the delivery of universal credit
- a full review is carried out of the funding arrangements for the countries of the Union, to ensure an equitable, needs-based approach that is fair to all parts of the UK
- all fees and charges for local authority services are decentralised including those for services like planning
- the new EU budget includes significant investment in the UK which is locally delivered.

LGA campaign for 2012/13

Sustainable funding for local government – highlighting the financial pressures on local services.

Efficiency and productivity

Councils dramatically reduce costs in ways which minimise the impact on the quality of life for their residents.

This includes working to ensure:

- councils save at least £160 million over the next three years by supporting pathfinder programmes, productivity master classes and good practice
- councils reduce expenditure and promote economic growth through the next round of the Capital and Assets Programme
- councils achieve efficiencies in waste management and increase recycling rates, with regulations that work for councils
- at least 95 per cent of councils access Local Government Inform (LG Inform) to benchmark costs and performance information against other authorities
- at least 15 councils each year are able to explore new ideas, test out new ways of working and share the lessons through a range of innovative pathfinder programmes including the Creative Councils programme
- councils share and develop new, innovative ways of reforming public services through a 25 per cent increase in the use of the LGA's Knowledge Hub
- councils strengthen their approach to people management, with at least 50 councils using the LGA's workforce planning self assessment tool
- councils and fire and rescue authorities respond effectively to civil emergencies through support with implementing the National Strategic Resilience Governance arrangements.

Sector-led improvement

Councils are the most improved part of the public sector.

Local politicians and senior managers lead the transformation of local places.

This includes working to ensure:

- councils welcome peer challenge and support, with over 100 peer challenges being delivered in each of the next three years for councils and fire and rescue authorities
- the number of councils that government intervenes with remains small, by maintaining an overview of the performance of local government and providing tailored support to councils that face significant challenges including support from the Centre for Public Scrutiny
- sector-led improvement is established in children's services, through support for self-assessment and peer challenge including 36 peer reviews, targeted support to councils, and practical approaches to policy implementation
- sector-led improvement is established in adult social care, through self-evaluation, peer support and challenge, targeted support to councils, and support with sharing and analysing performance
- all councillors are better able to lead their communities, by providing a range of development programmes for elected members with one subsidised place for every council for each of the next three years
- the profile of councillors better reflects the diversity of their local communities, by working with the national parties and others through our Be A Councillor programme
- elected members and officers work together constructively, by providing development programmes such as Leeds Castle
- new talent is attracted into local government through the National Graduate Development Programme
- international practice is used to benchmark our services and advance our campaigns.

Our own effectiveness and efficiency

The LGA is the national voice of local government, representing every local authority and locally democratically elected representatives across England and Wales.

This includes working to ensure:

Delivery

- we bring a local perspective to the emerging policy debate, representing local authorities to central government
- we secure amendments to emerging legislation and run effective campaigns that deliver real change and improvements for our membership
- we support councils in taking responsibility for their own improvement
- our suite of communications provides clear, relevant and up to the minute information that councils value and use.

Membership

- membership levels amongst local authorities in England and Wales are maintained by enhancing the benefits and reducing the costs of membership
- we develop an attractive membership offer for police and crime commissioners
- we develop strong, productive relationships with councils, groupings of councils and councillors themselves including backbenchers – this will be the focus of a member scrutiny review and we will be carrying out a customer survey
- the LGA and regional bodies work together effectively on lobbying and support for councils.

Financial Sustainability

- we have effective programme and financial management, and regular and robust performance review
- our outsourced back-office services are efficient and effective, with 80 per cent satisfaction levels achieved in all areas, and we achieve at least a 12 per cent reduction in our overheads – this is also the focus of a member scrutiny review
- we have an agreed approach to eliminating our pension deficit and make progress with this
- we secure core funding for the LGA beyond 2014/15.

People Management

- we support our employees through regular appraisal and investment in their development including a development programme for front-line managers, effective induction and comprehensive e-learning materials.

LGA budget 2012/13

			Total £m
Subscriptions			9.8
RSG England			25.7
RSG Wales			0.2
Specific grants and other ring-fenced funding			15.7
Other income (conferences, seminars, sponsorship)			2.2
Rental income			1.1
Interest and other income			0.9
Total income			£55.6m
	Pay £m	Non-Pay £m	Total £m
Policy and delivery	10.7	6.1	16.8
Strategy and communications	2.1	2.4	4.5
Organisational governance	2.5	1.3	3.8
Total operational costs	15.3	9.8	25.1
Specific grants and other ring-fenced funding	3.0	11.2	14.2
Finance and resources	1.2	0.4	1.6
Liberata shared service		6.8	6.8
Accommodation		2.8	2.8
Other running costs (includes vacancy provision)	(0.7)	1.2	0.5
Pensions - past employees		0.9	0.9
Pensions - additional contribution		3.7	3.7
Other costs	0.5	15.8	16.3
Total expenditure			£55.6m

Performance framework

We will review the impact of our work and our delivery against the priorities in this business plan, through robust performance management including regular reports to members on the LGA's Leadership Board and the Audit and Scrutiny Panel. To support this, we have developed a robust performance framework with information on the key milestones and deliverables for each area of work.

In addition, we will review our own efficiency and effectiveness through the corporate indicators set out below:

	Target 2012/13	Baseline
Membership	March 2013	March 2012
Total membership	Maintain or increase	422
Councils on notice to withdraw after 1 year	Reduce	9
Councils on notice to withdraw after 2 years	Reduce	25
Financial sustainability		
Employees - core posts	Maintain or reduce	260
Employees - grant-funded posts	Maintain or increase	22
Employees – total headcount (from a baseline of 480 employees in 2011)		282
Debtors	March 2013	March 2011
0 – 2 months	80%	56%
3-12 months	20%	10%
13-24 months	0%	14%
Over 24 months	0%	20%
	100%	100%
Shared services contract		
Liberata customer satisfaction	Survey Nov 2012	Survey Nov 2011
HR and Payroll	80%	78%
Finance and accounting	80%	70%
ICT	80%	45%
FM	90%	85%
Print and design	90%	89%
Overall	80%	54%

People management	Ongoing	March 2012
Average sick days per employee for 12 months	Maintain or improve	4.5 days (public sector average 9.6 days; local government average 10.3 days)
Workforce profile		
BAME employees % of the workforce		17%
BAME - proportion of employees Grade 8 and above	Increase % of BME employees grade 8+ in line with workforce	5.9%
Employee engagement	Survey during 2012	Survey July 2009
Satisfied with their job	Maintain or improve	79%
Good place to work		66%
Kept well-informed		80%
Line manager helps them achieve their potential		61%
Organisation is committed to equality and diversity in its services		69%
Organisation is committed to equality and diversity in its employment practices		66%
Carbon emissions	March 2013 reduce by 6% from 2007/2008 baseline of 1,450 CO2 tonnes	March 2011
	1,363	1,373

LGA work on flooding

Purpose of report

For information.

Summary

This report updates members on discussions at the meeting of the Inland Flood Risk Management Group on 16 January and work on flood insurance, Sustainable Drainage Systems (SuDS), and the development of a flood risk management 'portal' for practitioners. Future work areas are also outlined.

Recommendation

To note the update on LGA work on flooding.

Action

As directed by members.

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Position: Adviser

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LGA work on flooding

LGA Inland Flood Risk Management Group meeting - 16 January 2012

1. This was a joint meeting held with the Inland FRM Group and the LGA National Partners Group on flooding, which includes key stakeholders including Defra, Environment Agency, London Councils and the National Flood Forum.
2. Main agenda items included the Environment Agency's role in the planning system on development in flood risk areas; direction of travel on flood insurance and the Sustainable Drainage Systems (SuDS) consultation.
3. More information on flood insurance and SuDS can be found below.

Flood insurance

4. At the meeting elected members expressed their frustration and concerns with the current rate of progress being made on the future of flood insurance coverage. It was decided that the LGA should write to Defra and also to the Association of British Insurers (ABI) to raise these concerns. Since the meeting, Richard Benyon MP, the Minister for Natural Environment and Fisheries, has written to Cllr Clare Whelan on the matter of flood insurance.
5. Rather than separate replies, a joint response was sent on behalf of the LGA with the Inland FRM Group. This raised members concerns and included key LGA asks and an offer of help from the LGA. A separate letter was sent to the ABI. Copies of the letters can be found in the appendix.
6. Members of the Inland FRM Group helpfully provided local examples where flood insurance is a problem and has had a negative impact on communities and individuals – for example, through affordability, lack of coverage or any examples of inflexibility of insurers.
7. The press release (27 February) from the LGA on floods insurance had widespread coverage, with national and local coverage in the Express, Telegraph, i Newspaper, Metro, BBC website and 150 regional newspaper and trade publication websites.

Sustainable Drainage Systems (SuDS) consultation

8. The LGA is currently responding to the consultation on Standards for Sustainable Drainage Systems (SUDS). The approval and adoption of SuDS will be a new responsibility for all Lead Local Flood Authorities (LLFAs).
9. LGA officers are still gathering information to help inform our position, but early feedback suggests that council capacity, the transition period to the start of new

role, links with planning, viability and long-term funding are issues that are of concern to councils.

10. The LGA are working with Defra to ensure that any solution for the source and mechanisms for long-term funding for the maintenance of SuDS works for councils.
11. The LGA will also seek to ensure that LLFAs are able to access the resources and skills needed to manage implementation.

Other information - LGA resources on Flood Risk Management

12. The LGA has started development of a flood risk management 'portal' to meet the information and support needs of local authorities to help them undertake their new responsibilities under the Flood and Water Management Act.
13. This will be a service offered through refreshing the existing LGA flooding web pages and the transfer of the existing FlowNet Community of Practice over to the new Knowledge Hub platform. The transfer has now taken place and there are now more than 950 members. Knowledge Hub is in essence, a professional networking tool for people working in and supporting local authorities and is a central part of the integrated online offer from the LGA.
14. The portal aims to be a 'one-stop-shop' of information, good practice, knowledge and sharing for local authority practitioners and elected members, together with the wider flood risk management community, to help them in their role of managing flood risks. The 'portal' will be launched in Spring 2012.
15. The LGA continue to send out a monthly Flood and Coastal Erosion Risk Management Bulletin which more than 600 people subscribe to.

Looking ahead – Upcoming work in 2012

16. Development of local flood risk management strategies by LLFAs
17. Partnership funding for flood and coastal erosion defences
18. Transfer of regulatory powers (consenting and enforcement of ordinary watercourses) to Lead Local Flood Authorities
19. Section 18 reporting under the Flood and Water Management Act. This requires the Environment Agency to report on flood and coastal erosion risk management to the Minister
20. LLFA development of flood hazard and flood risk maps for local flood risk identified (e.g. flood risk from surface water) in Flood Risk Areas (need to be produced by December 2013 under the Flood Risk Regulations)

Text of Letter to Richard Benyon MP

Dear Richard,

Future of flood insurance

Thank you for your letter dated 2 February 2012 in which you provided an update on the future direction of flood insurance in the light of the Government's December update. The LGA welcomes the invitation to help Defra and the insurance industry in bringing together councils to look at the role they could play in developing new and creative **local** approaches to securing affordable insurance - especially for low income groups. We have already had interest from some councils to be involved in this work.

The recent Climate Change Risk Assessment (CCRA) publication provided a timely reminder to us all that an increase in flooding events is likely to be one of the greatest consequences of climate change. This reports that the Expected Annual Damage (EAD) to properties from river and tidal flooding is to rise to between £1.8 billion to £6.8 billion by the 2050s if there were to be no further investment in defences or adaptation measures (a not insignificant sum). Coupled with the existing difficulties that householders are having getting and/or affording flood insurance (which will be exacerbated once the Statement of Principles comes to an end), it is unsurprising that this is causing some concern nationally.

The LGA recognises that identifying a future solution for flood insurance is a complex issue requiring everyone involved to play a role. It is imperative that Defra continue to show strong leadership in ensuring both the long-term availability and affordability of flood insurance. This is particularly important for the most vulnerable communities and those living in the most deprived areas which are also at the highest risk of flooding.

We support Defra's view that the Government must be mindful of and potentially prioritise vulnerable and low income households living with a significant risk of flooding and provide appropriate support. However, it is important to keep in mind the large number of households which might not fit within these groups but who are still facing **unaffordable** premiums or excesses.

The LGA agrees that investing limited public funds into flood defences and increasing the capacity of Lead Local Flood Authorities to manage flood risk (helping to reduce the risk of flooding and associated non-monetary health and wellbeing impacts of flooding) realises significantly higher cost-benefit ratios than using funds to effectively provide a taxpayer-funded subsidy to the insurance industry.

However, the LGA is concerned that the Government has not taken fully into account the 6% **cut** in Government funding for managing flood and coastal erosion risk in this current spending period, especially in light of the Environment Agency's estimates that an average annual **increase** of £20 million needs to be invested in flood

defences between 2010 and 2035, to sustain current levels of protection. If the extra £20 million was invested each year of this spending review period, it would equate to an overall percentage **increase** of 9% (*Flood Risk Management in England report - National Audit Office, 2011*).

The LGA acknowledges that the new model of partnership funding for flood defences is one mechanism by which Government hopes to enable more flood defences to go ahead (by securing increasing levels of **external** contributions).

We recognise that this new model can work in areas where there are high levels of inward investment and where multiple outcomes can be achieved. We acknowledge that there are a number of examples of this happening. However, there are many areas which will not have the ability to raise the funds they need. The recent Public Account Committee's report agreed with this. It found that many councils and local partners are having difficulty raising and securing partnership contributions, particularly in the current economic climate and accompanying significant budget restraints.

The LGA would like Defra to ensure that councils and others continue to be supported in the development and improvement of flood defence projects. In addition, we request that Defra makes a commitment to monitor the impact of the new partnership funding arrangements and that Defra should seek to fund any evidential shortfalls once public finances improve by feeding this into the next spending review.

The LGA asks Defra to put pressure on the insurance industry to:

- Use and share the most accurate and up to date data available in making risk assessments to ensure that premiums reflect most accurately the known risks, taking into account *all* resilience measures in place. It is vital that there is a **shared understanding** of risk for flooding from **all** sources (including surface water) and an **agreed approach** to determining risk based policies based on all available information.
- Ensure that any new model of flood insurance **takes into account and provides incentives** for householders to reduce their own flood risk through resistance or resilience measures, so that cover is specific to the property - not dissimilar to car insurance that is based on specific information about the car and the driver.
- Ensure that any new model of flood insurance allows homeowners/businesses to **flexibly use insurance payouts** to **resiliently** reinstate and refurbish their homes/businesses to reduce future flood risk, rather than restoring to "pre-flood" conditions.
- Ensure that there are **clear transition arrangements** in place between the end of the Statement of Principles on 30 June 2013 and any new model for flood insurance cover.

The LGA has written separately to the Association of British Insurers (ABI) to stress the important role that the insurance industry has to play in identifying a future

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solution for flood insurance and how they might help local communities more. (Copy of letter attached for reference).

We would also like to take this opportunity to invite you to attend the next meeting of the LGA Inland Flood Risk Management Group and National Partners Group on 22 May 2012 to talk through some of the concerns and possible solutions.

Yours sincerely,

Cllr Andrew Cooper
Chair, LGA Inland Flood Risk
Management Group

Cllr Clare Whelan
Member, LGA Environment and Housing
Board

Text of Letter to Association of British Insurers

Dear Otto,

The Local Government Association (LGA), which represents English councils, is aware of the dialogue and work that has taken place across central government and the insurance industry to address what will happen after the current Statement of Principles regarding flood insurance expires, and in particular work that Defra and HM Treasury are currently leading on.

At our recent Inland Flood Risk Management (FRM) Group meeting, elected members expressed frustration with the current rate of progress being made on the future of flooding insurance coverage. The LGA's Inland FRM Group is made up of local councillors from around the country, and they represent the views of councils and their communities on issues relating to flood risk.

We have continued to urge central government officials and ministers to continue to show leadership in bringing a sustainable solution to availability and affordability of flood insurance cover.

However, the LGA also feels strongly that the insurance industry should also play a fuller role on the future direction of flood insurance in the light of the Government's December update.

The recent Climate Change Risk Assessment (CCRA) publication provided a timely reminder to us all that an increase in flooding events is likely to be one of the greatest consequences of climate change. This reports that the Expected Annual Damage (EAD) to properties from river and tidal flooding is to rise to between £1.8 billion to £6.8 billion by the 2050s if there were to be no further investment in defences or adaptation measures (a not insignificant sum). Coupled with the existing difficulties that householders are having getting and/or affording flood insurance (which will be exacerbated once the Statement of Principles comes to an end), it is unsurprising that this is causing some concern nationally.

The LGA recognises that identifying a future solution for flood insurance is a complex issue requiring everyone involved to play a role. We ask that the ABI (in representing the insurance industry) shows strong leadership in ensuring both the long-term availability and affordability of flood insurance.

The LGA is in agreement with Defra that investing limited public funds into flood defences and increasing the capacity of Lead Local Flood Authorities to manage flood risk (helping to reduce the risk of flooding and associated non-monetary health and wellbeing impacts of flooding) realises significantly higher cost-benefit ratios than using funds to effectively provide a taxpayer-funded subsidy to the insurance industry.

We are aware of the work that has been done in Morpeth in developing a model proposal for household flood insurance. This is a good example of how local councils are working in partnership with local organisations and communities. The LGA would welcome the opportunity to help Defra and the insurance industry in bringing together councils to look at the role they could play in developing new and creative **local** approaches to securing affordable insurance - especially for low income groups. We have already had expressions of interest from some councils offering to be involved in this work.

Whilst the LGA does acknowledge the shortcomings of the current Statement of Principles and recognises the impacts that it does and doesn't have, LGA asks that the insurance industry ensures that any new model of flood insurance:

- Uses and shares the most accurate and up to date data available in making risk assessments to ensure that premiums reflect most accurately the known risks, taking into account *all* resilience measures in place. It is vital that there is a **shared understanding** of risk for flooding from **all** sources (including surface water) and an **agreed approach** to determining risk based policies based on all available information.
- Is based on a shared understanding of risk for flooding from all sources, including surface water, and an agreed approach to determining risk based policies based on all available information.
- **Takes into account and provides incentives** for householders to reduce their own flood risk through resistance or resilience measures, so that cover is specific to the property - not dissimilar to car insurance that is based on specific information about the car and the driver.
- Enables homeowners/businesses to **flexibly use insurance payouts** to **resiliently** reinstate and refurbish their homes/businesses to reduce future flood risk, rather than restoring to "pre-flood" conditions
- Ensures that there are **clear transition arrangements** in place between the end of the Statement of Principles on 30 June 2013 and commencement of any new model

Our local councillors up and down the country are only too aware of the impact of rising insurance costs on households, especially given the current economic climate. It causes anxiety and frustration amongst communities when they cannot understand why premiums increase when the perceived risk has not changed.

The LGA has written separately to Defra about the important role that Government has to play in identifying a future solution for flood insurance.

We would welcome the ABI, as a member of the National Partners Group, to discuss some of the concerns and possible solutions at the next meeting of the LGA Inland Flood Risk Management Group and National Partners Group on 22nd May.

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Attached as an annex to this letter are a number of examples which serve to act as a reminder of some the concerns facing many householders at this time about whether they will be able to get and/or afford flood insurance in the future.

Yours sincerely,

Cllr Andrew Cooper
Chair, LGA Inland Flood Risk
Management Group

Cllr Clare Whelan
Member, LGA Environment and Housing
Board

Planning Advisory Service update

Purpose of Report

To update on work of Planning Advisory Service (PAS).

Summary

The Planning Advisory Service (PAS) has been active throughout the 2011-12 municipal year delivering events and guidance to help local authorities better understand forthcoming changes to the planning system. This work will continue next year, with added focus on supporting authorities to address the challenges and opportunities resulting from the reforms. Members' feedback is welcomed.

Recommendation

To note the report.

Action

None.

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Position: PAS Programme Manager

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Planning Advisory Service update

Background

1. The Planning Advisory Service (PAS) has been busy. Throughout 2011-12 we have interacted, at some level, with all English local planning authorities. We have delivered 79 individual events, 7 planning peer challenges, a benchmarking club with 250 local authority members, 6 pilots for options appraisal and service improvement work, 45 councillor briefing sessions, 7 leadership academies and 120 pieces of support for plan-making. Satisfaction (good or very good) is high. An evaluation of the longer term impact of the PAS programme will begin soon.

Current highlights

2. Interest remains high in finding out about changes to the planning system. Current work is on strategic planning and the duty to co-operate; one key point coming out of our recent events is around political awareness, buy-in and leadership on the duty to co-operate.
3. We are also working on an NPPF tool which will help authorities to understand the fit between their adopted plan and the NPPF, what the risks are and what they can do about it to ensure a robust plan which sets the framework for local decision making on planning.
4. Benchmarking work to support authorities in preparing for localised fee setting continues. Whilst we wait for a government decision on this we are contributing to an understanding of how councils can set fees transparently and fairly.

Next year's priorities

5. We intend to move on from 'understanding' the range of planning reforms to focus on helping councils tackle some of the challenges resulting from the reforms and exploiting the opportunities. Following feedback from councils and key partners we intend to keep focussed on helping authorities to get up to date plans in place, consider new models of service delivery to drive good value, high quality planning services and broaden our offer around growth, infrastructure and asset management.

Your input

6. We'd like to know what you think. If you have any feedback about this year's work, or priorities for how PAS can support your council next year, please let us know. We will circulate a draft of our proposed work programme for next year to Planning Portfolio Holders in mid March.

Environment and Housing Programme Board – report from Cllr David Parsons CBE (Chairman)

Purpose of report

For information.

Summary

An update on the key engagements and activities undertaken by members of the board on behalf of the LGA in the last month.

Recommendation

Members are asked to note the attached report.

Action

As directed by members of the Board.

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Sandie Dunne

Position:

Head of Programme

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020 7664 3070

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Environment and Housing Programme Board – report from Cllr David Parsons CBE (Chairman)

Waste, Recycling and Localism conference, 02 February 2012

1. In early February Cllr Clyde Loakes chaired the LGA's waste, recycling and localism event. The conference was a great success, was well attended and scored one of the highest satisfaction ratings of any LGA event. Delegates heard a series of distinctive visions of **the future for waste services**, with speakers from public, private and third sectors contributing to a lively debate. Lord Taylor of Holbeach, Parliamentary Under Secretary of State, Defra provided the government's perspective with his keynote address. Documentation is available at <http://www.local.gov.uk/past-events-presentations>.

The LGA and DECC – Meeting with Greg Barker MP

2. Lead members of the Environment and Housing programme board met Gregory Barker, the Minister of State with responsibility for the Green Deal and FITs: two issues where the Environment and Housing board has a keen interest. The meeting was a beneficial **step to establishing a better and closer** working relationship with the Department of Energy and Climate Change (DECC). Lead members set out local government's support for the Green Deal, and our opinions on its future development; communicated members' concern about the conduct of the Feed-in Tariffs (FITs) consultation; and updated the Minister on the LGA's progress on the Memorandum of Understanding.

Metal Theft - Meeting with Lord Henley

3. On 09 February I joined Cllr Mehboob Khan and Cllr Richard Stay from the Safer and Stronger Communities Board in meeting with the Lord Henley, Minister of State for Crime Prevention and Anti-Social Behaviour Reduction. We welcomed the measures the government is introducing **to tackle metal theft**, but took the opportunity to press the case for further change: stressing the need for a **comprehensive package of changes** around the regulation of scrap metal dealers, as well as discussing how councils could introduce tougher local measures in the interim. The LGA has also produced **a toolkit for councils** working with scrap metal dealers based on good practice from the Forest of Dean District Council and Gloucestershire Police.

LGA Planning for Growth Conference – 27.02.12

4. Cllr Simon Galton and I chaired this event which featured contributions from researchers, developers, DCLG, the HCA, local authorities and LEPs. I also launched the LGA's 'Delivering Housing Growth: A series of essays' publication which features contributions from Grant Shapps MP, Royal Institute of British Architects, Lord Taylor, British Property Federation and local authorities.

Open letter to Defra and the insurance industry regarding flood insurance

5. On 27 February, Cllr Andrew Cooper (Chair of the LGA's Inland Flood Risk Management Group) and Cllr Clare Whelan (Environment and Housing board), jointly sent two letters to Defra and the Association of British insurers (ABI), which urged both parties to support risk-based policies based on a shared understanding of risk for flooding from all sources.
6. The letters also urged both parties to ensure that any new model of flood insurance takes into account and provides incentives for householders to implement flood resistance or resilience measures, with the aim of property specific cover, and that in future insurance payouts be able to fund refurbishment of homes/businesses to reduce future flood risk, rather than restoration to "pre-flood" conditions. We also highlighted the need for clear transition arrangements between the end of the Statement of Principles on 30 June 2013 and any new model for flood insurance cover.

Association of North East Councils – Planning Event

7. Attending a session entitled "The Government's Planning Reforms and their Implications" on 07 February, Cllr Eddy Poll gave a well received presentation to the Association of North East Councils. Cllr Poll set out the LGA's perspectives on changes to the planning system and the role for local members in engagement, mediation, leading and managing expectations, as local plans develop in response to the NPPF and as community planning becomes widespread.

Meeting with Greg Clark MP – National Planning Policy Framework (NPPF)

8. I met with Greg Clark, Minister of State for Decentralisation and Cities on 27 February to put forward the LGA's views on the draft NPPF. In particular I stressed the need for appropriate transition arrangements and highlighted the work the LGA (through the Planning Advisory Service) had been undertaking with authorities to support plan preparation.

Responding to proposed changes to local authority enforcement powers for household waste collection

9. Cllr Clyde Loakes, on behalf of the Board, has written to Lord Taylor of the Department of the Environment, Food and Rural Affairs (DEFRA) in response to the consultation letter that went to council chief executives proposing interim changes to the powers and penalties available to councils covering how householders present their waste for collection. His letter seeks to highlight the public expectation that councils will, and have sufficient powers to, act where bins are put on the street without regard for the collection timetable, causing a local nuisance and affecting the local environment.

Note of decisions taken and actions required

Title: Environment & Housing Programme Board
Date and time: 11am, Wednesday 11 January 2012
Venue: Local Government House, Smith Square, London

Attendance:

Position	Councillor	Council
Chairman	David Parsons CBE	Leicestershire CC
Vice chair	Clyde Loakes	Waltham Forest LB
Deputy chair	Keith House	Eastleigh BC
Deputy chair	Andrew Cooper	Kirklees MBC
Members	Frances Roden	Stroud DC
	Eddy Poll	Lincolnshire CC
	Tony Newman	Croydon LB
	Ed Turner	Oxford City
	Tim Moore	Liverpool City
	Tracey Simpson-Laing	City of York
	Terry Stacy JP MBE	Islington LB
	Andrew Gravells	Gloucestershire CC/Gloucester City
	Simon Galton	Leicestershire CC
	Mike Jones	Cheshire West and Chester Council
	Clare Whelan	Lambeth LB
Apologies	Chris Hayward (substitute)	Three Rivers DC
In attendance	Cllr Richard Williams (substitute)	Southampton City Council
	Cllr Paul Bettison	Bracknell Forest DC
	Ian Hughes	LGA
	Abigail Burrridge	LGA
	Clarissa Corbisiero	LGA
	Dan McCartney	LGA
	Liam Paul	LGA

Item	Decisions and actions	Action by
1	<p data-bbox="284 275 667 309">Current Issues on Waste</p> <p data-bbox="284 342 1209 533">The Chairman welcomed Cllr Bettison (Leader, Bracknell Forest Council), Dr David Greenfield, (Director, Waste Resources, iESE), John Skidmore (Vice President [CIWM] and Steve Lee (Chief Executive Officer, Chartered Institute of Waste Management [CIWM]) who gave presentations to the meeting.</p> <p data-bbox="284 566 1209 869">Cllr Bettison began by giving a brief update on the status of iESE, a former regional improvement and efficiency partnership (RIEP). iESE is now in the process of becoming a (non-political) mutual organisation jointly owned by local authorities, and no longer received central government funding. He stated that RIEPs had been given an initial target of delivering a return on investment of £3 per every £1 spent, but had actually delivered a saving closer to £5 per every £1 spent.</p> <p data-bbox="284 902 1209 1048">As a local Councillor and as iESE's Chairman he foresaw two major challenges in the waste arena: to continue to deliver much-needed efficiency savings; and to take advantage of the localism agenda.</p> <p data-bbox="284 1081 1209 1305">Cllr Bettison urged members of the board to ensure that real, early and local engagement was carried out with communities. This would achieve locally derived and locally accepted waste policies and services. He concluded his presentation by reminding Board members of the £1.1bn year-in-year savings necessary from council's waste budgets countrywide.</p> <p data-bbox="284 1339 1209 1529">David Greenfield then elaborated on iESE's belief that waste services should be treated like a business. Sector-led improvement, through knowledge sharing and often focused on procurement, was a key way to help councils achieve their waste policy aims and save money.</p> <p data-bbox="284 1563 1209 1753">He highlighted the £2.6million savings achieved by Dorset's Waste Partnership as a leading example of how successful waste partnerships could be, whilst reminding Board members of the sovereignty issues which were often were a source of difficulty when adopting a partnership approach.</p> <p data-bbox="284 1787 1209 1933">Current projects included a Waste Partnership Routemap (being developed with DEFRA), and a waste procurement framework for councils in the south east and the west midlands, which would help simplify procurement and make savings.</p> <p data-bbox="284 1966 1209 2022">Steve Lee, of the Chartered Institute of Waste Management (CIWM) gave an introduction to his organisation of over 7000</p>	

individuals. Members fell mostly into the following categories, each of which account for around 25% of total membership: Waste professionals working in the private sector; waste consultants; resource/waste managers in the public sector.

Steve explained that waste is currently the third biggest expenditure for local authorities across the country and his organisation was focused on putting waste to use – through new thinking and efficient systems which treat waste as a resource. He believed waste will continue to be a ‘hot topic’ for councils in future years, and public scrutiny of council’s decision-making and waste strategies will increase.

He offered the LGA a stage at CIWM’s annual conference and exhibition, as part of a developing partnership between the organisation and local government which he hoped would offer CIWM’s technical expertise, new ways of working, and capacity building to the sector.

In response the Board members concurred on a number of points:

- Local councils recognised the opportunities to improve efficiency and that local government must demonstrate its leadership and competency to improve waste services and share success and best practice.
- CIWM, iESE and WRAP were among the organisations recognised as experts in this field.
- The already strong political awareness of local government’s concerns regarding waste should be reflected in upcoming legislation.
- Arrangements for the disposal of organic waste, on a weekly basis, if required by the local authority, remain a high priority for LGA member councils.
- A feeling that councils with areas of high density housing faced particular waste challenges
- Councils should retain the flexibility to choose the best method of recycling for their area – rather than have a single method imposed upon them – with potentially large conversion costs and negative impacts on recycling rates.
- Government needs to make clear whether all councils are eligible for the £250million fund, or simply those who currently do not have weekly collections of waste. The Government should also make clear the limits/scope of the funding available under the offer.

The following issues were also raised by some board members:

- Recognition that local councils could charge higher prices for high-quality recycle, which could in turn

- reduce costs.
- The waste minimisation agenda should not be forgotten.
- Keeping local environs safe and clean through waste enforcement remains a key issue and should be added to the LGA waste priorities for 2012/13.

Decisions

1. Members **noted** the discussion.
2. Members **noted** the invitation from the CIWM to attend their September conference.
3. Members **agreed** that the LGA, with active involvement of Chair, to play a co-ordination role on a support offer to ensure successful delivery of the £250m weekly collection fund.

Actions

Dan McCartney

- Officers to liaise with counterparts in DCLG and the Chair of the Board to develop a support offer to ensure the successful delivery of the £250m weekly collection fund.
- On legal issues, the LGA is to keep members informed and to apply as much pressure as possible to ensure DEFRA's revision of regulations does not add new burdens on councils.

2 The Green Deal and Feed-in-Tariffs (FITs)

(Please note: at the Chairman's discretion this item was considered first at the meeting, due to the availability of key speakers)

The Chairman welcomed **Charles Philips**, (Head of the Energy Company Obligation Team, DECC) and **Rachel Solomon-Williams**, (Head of Feed-in Tariff Review, DECC) to the meeting.

Feed-in Tariffs (FITs)

Rachel Solomon-Williams began by explaining that the Department for Energy and Climate Change (DECC), would publish plans for the future of the Solar Industry by the end of January if the department's current appeal against the High Court's decision is successful. The Phase 1 Comprehensive Review of the Feed-in Tariffs (FITs) for Solar consultation sought to halve the tariff for solar installations, with the 12 December 2011 implementation date, earlier than the end date of the consultation. This element of the consultation was deemed not legal by the High Court.

Rachel explained that the minister's vision was for a sustainable future for the Solar industry in Britain. This would involve a move towards a competitive industry without large scale government subsidy. She added that should the government lose the Judicial Review, the level of the Feed-in-Tariffs for solar energy would remain as it is until the 1st March 2012, and it was likely this would trigger high uptake of the scheme in the interim period, and this could lead to the closure of the scheme.

Members were told of a future consultation document which would focus on the definition of community projects: for example whether the definition would include organisations with a certain status / function and/or organisations which were groups of people. The aim of the consultation was to establish ways of helping community groups via higher tariffs and / or other measures, but this would also require a trade-off with other priorities to find funding.

In discussion, members raised strong concerns regarding the effect of the consultation on DECC's reputation and in particular in local government and other partners' confidence in its decision-making. The following key points were made:

- The FITs scheme had been a great success initially, but the problem for Council's was forward planning.
- DECC should be aware of the damage that the mishandling of the consultation on the FITs had done to its reputation.
- Any similar lack of clarity and consistency would limit take-up by local government of future DECC schemes.
- The consultation and subsequent decision-making lacked due consideration of the investments council's had made in projects underway / in planning which then had to be cancelled.
- Insufficient attention was paid to the potential economic / industrial benefits of the scheme.
- Members wished to see a clear ambition for the Photovoltaic (PV) / Solar sector in the UK.
- There was broad agreement that the Programme Board would still like the appropriate minister to attend a meeting of the board to discuss the matter further.

By way of reply Rachel Solomon Williams explained that the government had a moral duty to keep energy bills low. She also drew attention to the disparity between the tariffs for offshore wind (9p per unit) and Solar power (43p per unit).

Rachel also agreed that more clarity and certainty for local government was required in future and to avoid the reputational damage suffered by DECC. Ministers had been mindful of the impact of the decision but the financial imperatives made it unavoidable – the department and its politicians were committed

to Solar power, but the decision to reduce the tariff was determined by budgetary provision.

It was argued that the existing design of the scheme was not set-up to be flexible and rendered the Government unable to respond / adjust as Solar energy costs fall. Any future cost control mechanism would give the requisite flexibility and would be transparent.

Furthermore, it was stressed that should DECC win its legal challenge it would look for a way forward based on the comments received in the consultation.

Green Deal

Charles Philips began his presentation by reminding members of his aspiration for the Green Deal to be a revolution in the way energy efficiency improvements are funded. The Green Deal and the refreshed Energy Company Obligation (ECO) would contribute to the Government's stringent targets for energy efficiency and affordability. It also set out to reform the current Supplier Obligation (SO) model, and move away from a subsidy based model of provision that was considered unsustainable.

Charles stressed the importance of certainty for consumers in a time of high energy prices and explained the 'Pay as you save' [PAYS] principle behind the Green Deal, that the energy efficiency measures available under the scheme would pay for themselves. For the scheme to achieve success, there were huge challenges to overcome regarding consumer appetite and demand.

Two alternative scenarios where the Green Deal would not be the mechanism for offering improvements were outlined:

1. Where the necessary energy efficiency measures are still costly compared to the saving they accrue e.g. Solid Wall Insulation. In such cases the Green Deal aimed to offer, for example, the improvements on a 50% PAYS basis with the Energy Company Obligation contributing the remaining 50%
2. Underheated Households (the Fuel Poor) – in this case the government believed the use of energy company provided subsidies was justified: for such cases the 100% subsidy, supplier obligation model would continue.

Three emerging models for local government involvement were identified as examples of how the Green Deal could operate on a local level:

- Local Government is the Green Deal provider
- Local Government partners with a (National)

- retailer or energy company
- Local Government acts to endorse, publicise and authenticate schemes through partnership working and its knowledge of the housing stock.

However Charles stressed that there was not one model for local authority involvement and furthermore that central government would not suggest or push for a certain type of local provision / partnership working.

It was also stated that the Home Energy Conservation Act (HECA) is to be refreshed, and Charles welcomed future engagement between DECC, the LGA and member councils on the future changes to the act.

In discussion members raised the following points:

- The Green Deal was a welcome initiative, but would have to overcome scepticism generated by the mishandling of the FITs consultation if it were to succeed.
- Although a great number of councils were making progress on the Green Deal, many councils were not doing anything yet, and this should be recognised.
- DECC and leading local authorities should be inspirational and maintain a high-profile to drive through achieve success across the country.
- Board members wished to hear a clear rationale for the exclusion of social housing from the ECO Affordable Warmth element of the Green Deal.
- A broad agreement amongst members that the Affordable Warmth element should be receivable across all tenure types
- The principle that it should be up to local communities to decide what the priorities for the green deal in their local area were.

By way of reply, assurances were given that the Green Deal itself had no tenure restriction and that of the ECO measures (75% carbon-saving measures and 25% Affordable Warmth measures) only the Affordable Warmth measures excluded social housing. Reputational issues after the FITs decision were also noted.

Charles also acknowledged the danger of and invited help from the sector to assist DECC in identifying and improving those councils who were lagging on energy efficiency. It was hoped that the refreshed HECA and possible new legislation aimed at private landlords may assist this process.

Decisions

1. Members **noted** the discussion on the Feed-in-Tariffs and the Green Deal
2. Members **welcomed** the fact that the Green Deal is tenure blind and **recommended** that 100% of the ECO measures should also be tenure blind.
3. Members **agreed** that **the LGA should work with DECC** as appropriate, on any future consultation **on community tariffs**.
4. Members **requested that a minister from DECC attend** the next board meeting to discuss issues raised at the meeting.

Actions

- Officers to produce a brief publication giving legal advice and guidance on the Green Deal scheme once it is finalised.
- Officers to provide an early briefing on Feed-in-Tariffs to members if the policy / legal landscape changes after Friday's court decision.
- LGA to work with DECC officials to ensure a record of members' concerns are set out for the minister.
- DECC and LGA to work on ideas to extend ownership of Green Deal issues in local govt sector.

**Abigail
Burridge**

3 Update on other Board Business

Ian Hughes introduced the reports which updated the Board on the Board on developments in policy, legislation and LGA activity on Housing issues, the framework for developing a local strategy for flood risk management, Climate Change Adaption / Resilience, Metal Theft and also provided the board with an opportunity to comment upon the developing LGA business plan.

Regarding the Housing Update (Item 3 – Appendix A), members requested to be updated on the status of the LGA's right to buy consultation and requested further details on the £50million fund announced as part of the housing strategy.

Members also raised the following issues in discussion about the future development of the LGA's business plan (Item 3 – Appendix E):

- The Red-tape challenge, climate change and waste regulation were missing from Environment and Housing Board's headline priorities.
- The description of planning reform and housing strategy needs to cover both support and challenge.

Decisions

1. Members **noted** the draft LGA Business Plan and **put forward a number of suggested changes**
2. Members **noted** the updates provided

Actions

- Officers to ensure that the views of the Environment and Housing Board members are reflected in the priorities listed for the board in final draft of the Business plan.
- Members to receive an update note on the status of the LGA's right to buy consultation and timescales for sharing this with Housing Portfolio holders and further details on the £50million fund announced as part of the housing strategy.

**Sandie Dunne /
Helen Platts**

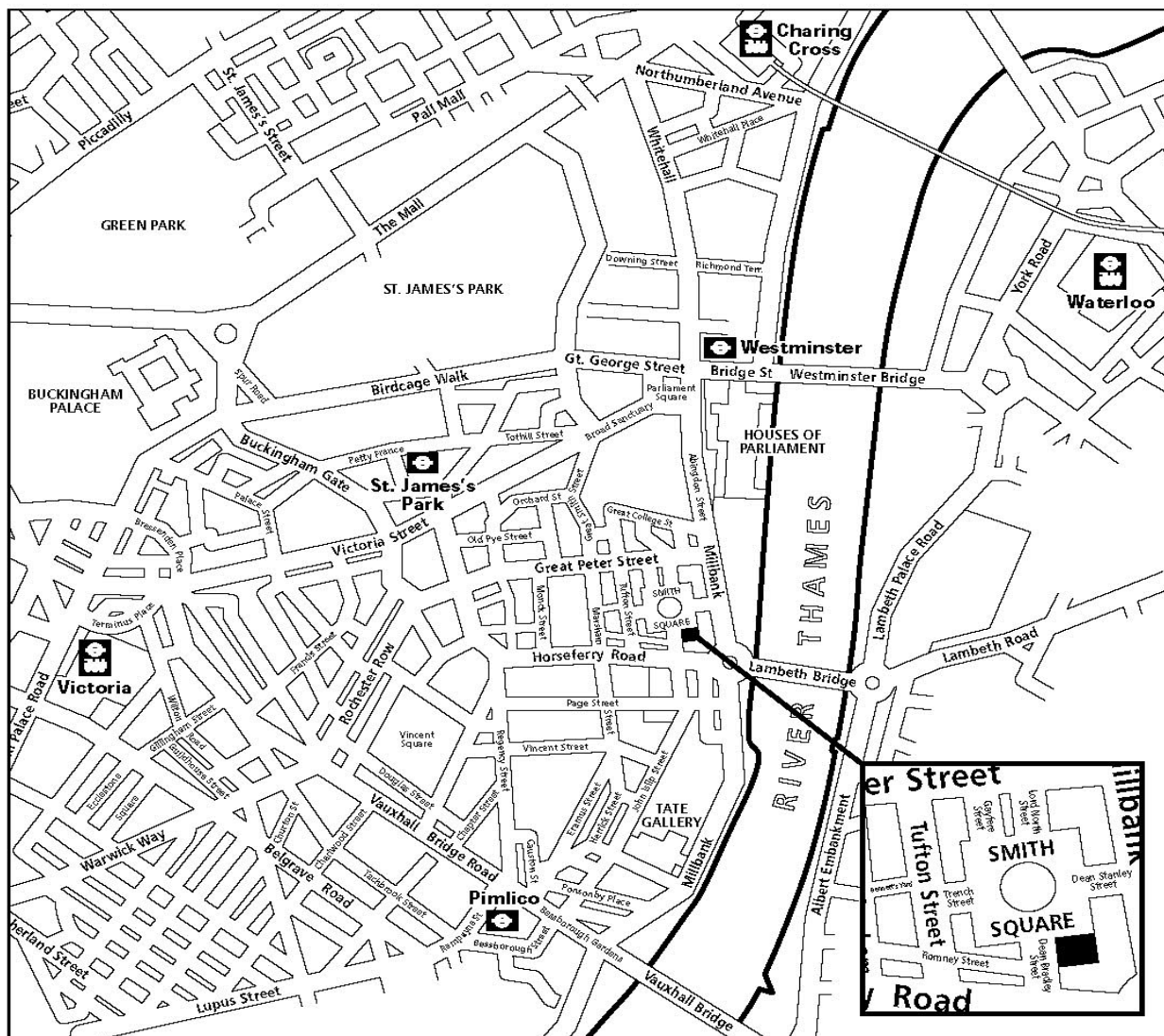
**Clarissa
Corbisiero**

4 Note of last meeting

Decision

Members noted the minutes of the last meeting.

LGA Location Map



Local Government Association

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Public transport

Local Government House is well served by public transport. The nearest mainline stations are;

Victoria

and **Waterloo**; the local underground stations are **St James's Park** (District and Circle Lines); **Westminster** (District, Circle and Jubilee Lines); and **Pimlico** (Victoria Line), all about 10 minutes walk away. Buses **3** and **87** travel along **Millbank**, and the **507** between Victoria and Waterloo goes close by at the end of **Dean Bradley Street**.

Bus routes - Millbank

87 Wandsworth - Aldwych **N87**
3 Crystal Palace - Brixton - Oxford Circus

Bus routes - Horseferry Road

507 Waterloo - Victoria
C10 Elephant and Castle - Pimlico - Victoria
88 Camden Town - Whitehall - Westminster-
Pimlico - Clapham Common

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