

Note of decisions taken and actions required

Title: Environment & Housing Programme Board
Date and time: 11am, Wednesday 16 May 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	Mike Jones	Cheshire West and Chester Council
	Clare Whelan	Lambeth LB
	Chris Hayward (substitute)	Three Rivers DC
	Neil Clarke (substitute)	Rushcliffe BC
	Rob Gordon (substitute)	Hertfordshire CC
	Tony Newman	Croydon LB
	Ed Turner	Oxford City Council
	Tim Moore	Liverpool City Council
	Tracey Simpson-Laing	York City Council
	Terry Stacy JP MBE	Islington LB
Apologies	Frances Roden	Stroud DC
	Eddy Poll	Lincolnshire CC
	Cllr Andrew Gravells	Gloucestershire CC / Gloucester City Council
In attendance	Sandie Dunne	LGA
	Abigail Burridge	LGA
	Clarissa Corbisiero	LGA
	Alice Lester	PAS
	Tom Coales	LGA
	Liam Paul	LGA
	Cllr Richard Hobbs	West Midlands Fire and Rescue Authority
	Mr Steve Seaber	BAFSA

1. **LGA Fire Commission – Sprinklers’ Local Campaigns Toolkit project**

Cllr Richard Hobbs of West Midlands Fire and Rescue Authority introduced the item explaining that he sought the Environment and Housing board’s support for the sprinklers local campaign toolkit project. The toolkit sought to enable local authorities to build an evidence base for the costs and economic benefit of installing Sprinklers in HMOs and high-rise, high-density housing, and through this process generate economies of scale and prove the costs of installation. The focus of the project was chosen as these types of housing were generally where the groups most vulnerable to death and serious injury through fire lived (e.g. elderly), although there was read across to other housing types.

Mr Steve Seaber, of BAFSA (British Automatic Fire Sprinkler Association) then outlined the Mount Callow project in Sheffield, set up in response to a fatal house fire in 2009.

He detailed how this project had established clear and reliable benchmarks for both the economic cost of fire, and for the costing and process of retrofitting high-rise buildings with automatic sprinklers. The cost of the project was around £1150 per flat, over the 30 year life cycle of the systems. The installations required the co-operation of residents, and the breaking of myths surrounding the supposed unreliability of sprinklers.

In the absence of willingness from government to regulate in favour of mandatory sprinkler installation, the LGA’s Fire Commission had developed a toolkit based on this data which would allow local planning decision-makers and councillors to take action locally, and contribute to a national campaign.

During the ensuing debate, the following points were made:

- The Kitchen held the highest fire risk – so why not simply install a single sprinkler system in that area;
- At present there was no British Standard for stand-alone Fire Sprinkler installations;
- Some members supported the view that the Government should act to reform building regulations, whilst others ;
- Members commented on the estimated 1 to 2 % cost relative to the cost of building which would be required to retrofit high-rise accommodation. By way of response it was explained that in new builds this cost is smaller because measures to avoid fire spreading are less necessary and rooms can be more spacious as a result

Decisions

1. *The members of the Board **agreed to support the Sprinklers' Campaign working group's campaign** and to work within the LGA and local authorities to disseminate its messages to their colleagues and authorities.*
2. *The members of the Board **agreed to send a letter to Greg Clark MP, the Minister for Planning** which will urge him to consider the case for reforming building regulations to mandate automatic sprinkler systems in new buildings through secondary legislation.*

Actions

- Officers to investigate the possibility and practicality of establishing a British standard for single sprinkler installations (in kitchens) in existing and new build homes.
- Officers to liaise with counterparts from the LGA Commission and relevant politicians across the LGA to write a letter to the minister arguing for reforms to building regulations as set out above.

Eamon Lally

Meenara Islam

2. **Draft LGA corporate campaign plan – Housing the Nation**

Tom Coales, Public Affairs and Campaigns Adviser outlined his report and highlighted the key external messages which will be conveyed to parliamentarians and the wider public through the course of the campaign.

The campaign will highlight the role that councils can play in three key areas, and what government can do to aid them:

- Councils are key to developing places people want to live, work and visit - if government gives councils the powers and ability to better support the sustainable development of housing supply;
- Councils can facilitate construction by investing in new stock and enable development in partnership with the private sector – to do this a genuinely localist model of self-financing must be established;
- Councils can return empty homes into good use – when empowered to do so

Tom explained that as part of the campaign, a Housing survey had been sent to councils and the results of this would be analysed and presented at the LGA's annual conference in June.

In discussion, members made the following points:

- Local Government's ability to act on a housing shortage

caused by a critical *nation* lack of supply should not be overestimated.

- As well as more homes in general, the campaign should address certain types of homes which are needed, such as Rural affordable housing, and social housing for rent in urban areas;
- The campaign's focus on the freedoms and flexibilities that local government requires' particularly regarding housing finance, should be maintained;
- The public must also be a key target audience – for example on the issue of empty homes;
- Families around the country face a variety of cost and other pressures which are stopping them living in their local area;
- The campaign must address the need for the Housing shortage to gain prominence in the media, as an agenda which is key to growth and which if left unaddressed has serious implications for the public;
- A way of ensuring that 'land-banked' land and empty houses are taxed to dissuade owners from holding land and homes out of productive use.
- The campaign should be realistic in its aims, and seek to improve existing regulations and legislation where possible.

Decision

*The members of the Board **agreed** that officers may proceed with the Housing the Nation campaign, which will complement the LGA's mainstream lobbying activity on Housing issues. Officers are to use the existing campaign plan and board members' comments whilst developing a final iteration of the plan, including further information on the tactics which will be used. Feedback from the board should also be used to inform LGA lobbying on other housing issues not covered specifically within the campaign.*

Actions

- Officers to consider the comments and suggestions of members voiced at the meeting when finalising the Housing the Nation Campaign plan, including the following:
 - a. explicit mention of member concerns regarding Homes of Multiple Occupation (HMOs); the scarcity of affordable housing in rural areas; and the need for local government to have real (financial) freedoms and flexibilities to drive meet local housing need.
 - b. Details of the changes to housing benefit and wider

Thomas Coales
/ Clarissa
Corbisiero

benefit reforms.

- c. Officers to look at ways of mobilising public support in addition to the key stakeholders outlined in the campaign; focusing on Empty Homes and other high-profile issues
- d. Officers to ensure the campaign remains focused and does not turn into a 'shopping list' of all LGA asks on housing.

- As part of the campaign, officers to invite Grant Shapps MP to a future meeting of the Environment and Housing board.
- Officers to investigate the potential and ramifications of a locally levied tax upon 'land-banked' land, and empty homes.

Sandie Dunne

Clarissa
Corbisiero

3. **NPPF Update**

Russell Reefer, Policy Adviser gave a presentation on the National Planning Policy Framework (NPPF). The slides are enclosed as **Annex 1** to these minutes.

He explained that the final NPPF contained important concessions towards the LGA's position. There was a clearer articulation of localism, as the primacy of the local plan was confirmed; there was transitional protection for those local authorities where a plan was being developed and there was also a greater balance between the economic, environmental and social objectives of the framework.

Key areas for councils to watch over the upcoming months were noted as (i) the interpretation of the NPPF in case law and actual practice; (ii) the requirement for councils to maintain a 20% buffer for 5-year housing supply; (iii) the definition of viability in plan making and (iv) the challenge to implement and/or update local plans which are compliant with the NPPF

Future LGA involvement would focus on providing guidance only according to the principles established at the March 2012 Environment and Housing board. There would also be a strategic role for the LGA engaging with the Department for Communities and Local Government (DCLG), and engaging with the sector through a senior officer task group to be established with a membership of chief executives and senior planning officers.

Alice Lester of the Planning Advisory Service, PAS then gave a brief run-through of PAS's support available to councils and councillors as they work on their local plans and adapt to the new planning framework and its implications.

In the following discussion members' contributions focused on a

number of issues:

- Planning Fees – Clarity regarding the future of the planning fees system was long overdue. Officers replied that they had received assurances that finalised plans would be detailed late May / early June.
- Viability Guidance – Cllr Ed Turner advised that the Local Housing Delivery steering group were close to finalising their work on this issue.
- S.106 / CIL contributions – the impact that the incoming Community Infrastructure Levy (CIL) could have upon councils who may have previously used funds from S.106 contributions to support affordable housing.
- Waste Infrastructure Planning – Officers confirmed that dialogue was ongoing with DCLG regarding the transition from PPS 10.
- A need to address the variability in PINs judgements
- The continued need for the LGA to lobby for reform of the use class system in planning.

Decisions

The members of the Board:

1. **agreed** that the LGA establish a senior level reference group established to consider transition post the NPPF and the opportunities and risks associated and remaining barriers (centrally set and cultural) to effective planning.
2. **endorsed** the programme of support outlined by the Planning Advisory Service (PAS).

*Latest briefings and policy notes available at
<http://www.local.gov.uk/planning>*

Actions

Officers to continue the work with partner organisations to address specific areas of concern such as the variability of PINs judgements, uncertainty regarding the government's reforms of the use class system and PPS 10 transition.

Russell Reefer

4. **The Memorandum of Understanding on Climate Change and Climate Local**

Climate Local

Abigail Burrige, Senior Policy Adviser, introduced the LGA's new Climate Local resource, which would replace the Nottingham Declaration. This consisted of the 'Climate Local Commitment' – a suite of commitments, ambitions and actions for councils to voluntarily sign-up to; a web-based framework to

help council's achieve their local aspirations; additional online resources including a community on the LGA's Knowledge Hub, and a national steering board.

Councillors on the board were supportive of the resource, as described and were urged to ensure that their councils signed-up to the Climate Local Commitment as early signatories.

Decisions

The members of the Board:

1. ***approved the design of Climate Local and the establishment of the Climate Local Steering Group to replace the Nottingham Declaration Board.***
2. ***agreed to seek the support of their individual councils to sign up to be early Climate Local signatories.***

Actions

- Officers will take forward actions on Climate Local, as outlined in the report.
- Where Board members express an interest, officers will work with the Board member's council on signing Climate Local.

Abigail Burridge

Memorandum of Understanding (MoU)

Abigail Burridge, Senior Policy Adviser summarised the progress and areas of concern in the LGA's relationship with the Department for Energy and Climate Change (DECC) in the twelve months following the signing of the Memorandum of Understanding (MoU) with the department

In discussion members raised concerns regarding a number of missed opportunities for closer co-operation and also inaction from DECC on several elements of the jointly agreed action plan.

In particular the handling of the consultation on changes to Feed-in-Tariffs (FITs) was cited as an area where local government had been disappointed in the department's continued policy stance.

Members felt that in any future MoU the political commitment between the LGA and DECC to the aims and actions contained should be made more explicit, in order for the MoU to be more meaningful; and also that the MoU should feature clear and tangible outcomes for both sides to deliver and be measured

against.

However it was also noted that the last three months had seen significant improvements in the working relationship with the department and that officers shared their belief that this upward trajectory would continue.

Several members also spoke of the key role of industry, and members were supportive of the idea of establishing a similar MoU with the relevant representatives of industries involved in this policy area.

Decisions

1. *That the Board **defer a final decision** on whether or not to sign up to another Memorandum of Understanding with the Department of Energy and Climate Change (DECC) for 2012-2013, pending refinement of the draft MoU and the inclusion of tangible and measurable outcomes for both parties, accompanied by an action plan.*
2. *To **invite Greg Barker MP** to a future meeting of the board.*

Actions

- Officers to liaise with DECC to feed back members' concerns and opinions on the future of the MoU, as canvassed via email.
- Officers to work with DECC on the annual report of the MoU.
- Officers to investigate the possibility of establishing a MoU with leading industry representatives across the areas covered by DECC.

Abigail Burridge

5. Update on other Board Business

Sandie Dunne, Head of Programmes introduced this item which contained a number of written and verbal updates on areas of interest to the board.

Members discussed the reports and requested that the Chairman of the Olympic legacy company be invited to a future board, given the concern felt by some members regarding the effectiveness of the Commission for Sustainable London.

Regarding the Green Deal, a discussion emerged which focused around the targeting of measures such as the CERT scheme. Members noted the outcome of the Hills Fuel Poverty Review; part of which asserted that the focus of fuel poverty funding should be targeted at those in most extreme fuel

poverty, rather than those who are closest to the acceptable threshold of energy spending. It was confirmed that the LGA would continue its lobbying on the Green Deal and push for clarity regarding the funding of the policy.

On waste related issues, members queried the LGA's engagement on Changes to Section 46 Legislation. Officers replied that Defra and the LGA hold an ongoing commitment to work on the harm-to-amenity test and that the LGA was also involved in co-producing new recycling regulations with the department.

Members also expressed a range of opinions on the merits and risks of Neighbourhood Planning, notably the risks of the process being dominated by certain groups of a given community. It was noted that the Planning Advisory Society were in the process of preparing a document to help equip councillors with the skills and knowledge to run neighbourhood planning groups.

Decisions

1. Members **noted** the updates provided.
2. Members **agreed** that the LGA retain its involvement with the Fuel Poverty Advisory Group.

Actions

2012 – A Green and Sustainable Olympic Games

- To invite the Chair of the Olympic Legacy board to address the board later in the year
- To highlight the positive sustainability and waste work already undertaken by local government in response to the Olympic games

Abigail BurrIDGE

Fuel Poverty

- Officers to continue the LGA's lobbying on the final shape and implementation of the Green Deal, including the design of the CERT scheme.
- Officers to circulate a briefing which updates board members on recent Government changes to the proposed Green Deal.

Abigail BurrIDGE

Neighbourhood planning update

Officers to organise a meeting with interested members of the board and representatives from the frontrunner councils to discuss the progress being made, any common difficulties

Alice Lester

and emerging best practice.

Review of the Housing Support Offer

- Officers to prepare a briefing note and / or short publication regarding the changes to housing benefit and wider benefit reforms.

Clarissa
Corbisiero /
Jackie Leask

6. Note of last meeting

Decision

*Members **noted** the minutes of the last meeting*

Draft

Annex 1 - Update on 'Sheds with beds' / Criminal Landlords programme of work led by DCLG

1. A Cross Whitehall ministerial meeting took place on 30 April 2012 chaired by Grant Shapps MP. Cllr Roden attended the meeting for the LGA.
2. The importance of enforcement powers was noted at the meeting, and evidence demonstrating that local government has been proactive in this area was presented by LB Newham and Cllr Roden. Follow up actions to the meeting include a commitment to establish the scope of the problem, and for the issue to be raised at strategic level with chief officers and leaders. Joint working between organisations is seen as important in tackling the problem, with government action likely to focus on a multi-agency approach. A follow up meeting will be held in about 2 months time.
3. CLG have announced funding for 9 areas to tackle sheds with beds. The allocation was made based on information CLG collected on the scale of the problem in different areas.
4. The receiving councils are as follows:
 - 4.1. Southwark
 - 4.2. Hounslow
 - 4.3. Slough
 - 4.4. Hillingdon
 - 4.5. Newham
 - 4.6. Peterborough
 - 4.7. Redbridge
 - 4.8. Ealing
 - 4.9. Brent
5. London Councils and the LGA are working together to press for more proportionate monitoring arrangements (CLG are suggesting quarterly reporting). We are also pressing for clarity over the source of this funding – there is a suggestion that this has been top sliced from the homelessness grant which would obviously be very concerning. I will keep you updated on the later of these points.
6. CLG have been tasked with gathering a more robust evidence base relating to the scale of the problem. We have guarded against onerous surveys or forms and instead have agreed with CLG that they can use the LGA and London Councils' national and regional networks to fill in the gaps in their knowledge. CLG will also work with UKBA and the Home Office to gather evidence. The intention is to report back to the next cross Whitehall meeting in mid July.
7. CLG are exploring with the sentencing council whether there is a need for additional guidance which would ensure that the new powers to impose higher fines are used by courts. CLG are talking to councils to gather examples and evidence to support this work.

8. CLG are also working on a guide for councils on the enforcement powers available to them. I have stressed that councils are by and large well aware of the powers at their disposal and I have been working with the LGA's Private Sector Housing Forum to press for changes to reduce the bureaucracy and tackle some of the issues with existing powers that prevent their widespread usage. There is reluctance in the department to look at this and I have pressed for them to use the red tape challenge star chambers next month as a way of taking this forward.
9. The LGA's private sector housing forum considered enforcement powers and their usage at its last meeting and I would suggest that we pursue this work through the campaign discussed at the board today in particular around the empty homes and private rented sector aspect of the campaign.

Draft