

Environment and Housing Board

Agenda

Monday 25 June 2012
14.00pm

Vista Suite 2,
Crowne Plaza Birmingham City,
Central Square,
Birmingham,
B1 1HH

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

Travel Directions

Road

From M6 South or North-West

Leave the M6 at Junction 6 and follow the A38(M). Follow signs to 'City Centre, Bromsgrove (A38)'. Do not take any exit to left. Go over 1 flyover and through 2 Queensway tunnels. On leaving the second tunnel, keep in the left hand lane, indicate left and drive down the 'slip road' to the Holloway Circus island. At that island, double back up the dual carriageway (Suffolk Street Queensway) keeping in the left hand lane and take the 4th exit left which is only a matter of yards after the 3rd exit (Holliday Street).

From M5 South-West

Leave the M5 at Junction 3 and travel along the A456 (Hagley Road) for 4 ½ miles to the Five Ways island. Keep in the outside lane and go under the island into Broad Street using the underpass. Turn right into Gas Street immediately before the 4th set of traffic lights after leaving the underpass. At the end of Gas Street, take a 180° left into Holliday Street. Where Holliday Street meets the dual carriageway (Suffolk St. Queensway), turn left and travel up the Queensway for just 20 yards before turning left into the Crowne Plaza forecourt.

From M40 Oxford and South

Arrive on the M42 and travel west towards the M5. Travel north on the M5 leaving at Junction 3. (Read directions "From M5 South West").

From M42 East Midlands

Join the M6 heading towards Birmingham Central and leave the M6 at Junction 6. (Read directions "From M6 South and North-West").

From National Exhibition Centre and Birmingham International Airport

Follow the A45 (Coventry Road) towards the city centre for about 6 miles. At the major island just after the large Citroen Showroom, take the first exit following signs for M5, NIA and Convention Centre. Travel along a short stretch of dual carriageway (Bordesley Middleway) for about 500 yards and at the next island go straight ahead (2nd exit), again following signs to NIA and Convention centre. On coming to the next island just after PC World, take the 3rd exit, still following signs to the NIA and Convention Centre. As you descend down a long, straight stretch of dual carriageway, keep in the left hand lane. After the 1st exit left, get into the left filter lane which takes you up to an island where you go straight ahead (2nd exit). Keep in the middle lane and at the Bristol Road traffic lights turn right into Bristol Street. Stay in the middle lane and after ½ mile, travel through the Holloway Circus underpass, now keeping in the left hand lane. On leaving the underpass, indicate left and take the 2nd left into the Crowne Plaza forecourt (Please note that this 2nd left is only a matter of yards after the 1st left (Holliday Street)).

Rail

The hotel is only a few minutes from New Street Station where there is a regular train service to and from all parts of the country. Trains run every ½ hour from London, Euston, the journey time being about 100 minutes.

Environment and Housing Board
25 June 2012

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

14.00pm on **Monday 25 June 2012** in **Vista Suite 2, Crowne Plaza Birmingham City, Central Square, Birmingham, B1 1HH.**

A buffet lunch will be served at 1.00pm in the restaurant, prior to the meeting.

Pre-meeting for the Board Lead members

The briefing for Lead members will take place from **12.15pm** in the **Vista Suite 2**

Political Group meetings

Political group meetings will take place in the following rooms:

Vista Suite 2 – Conservative Group
Executive Room 9 – Labour Group
Executive Room 10 - Liberal Democrat Group

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 the Crowne Plaza Birmingham City is printed on the back cover. Directions are printed overleaf.

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.

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 |
| 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

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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 | Yes | Yes | |
| Mike Jones | Yes | No | Yes | Yes | Yes | |
| Andrew Gravells | No | Yes | Yes | Yes | No | |
| Clare Whelan | Yes | No | Yes | Yes | Yes | |
| Frances Roden | Yes | Yes | Yes | Yes | No | |
| Eddy Poll | Yes | Yes | Yes | Yes | No | |
| | | | | | | |
| Labour Group | | | | | | |
| Clyde Loakes | Yes | Yes | Yes | Yes | Yes | |
| Tony Newman | Yes | Yes | Yes | Yes | Yes | |
| Ed Turner | Yes | Yes | Yes | Yes | Yes | |
| Tim Moore | Yes | Yes | Yes | Yes | Yes | |
| Tracey Simpson-Laing | Yes | Yes | Yes | Yes | Yes | |
| | | | | | | |
| Lib Dem Group | | | | | | |
| Keith House | Yes | Yes | Yes | Yes | Yes | |
| Terry Stacy | No | Yes | Yes | Yes | Yes | |
| Simon Galton | Yes | No | Yes | Yes | No | |
| | | | | | | |
| Independent | | | | | | |
| Andrew Cooper | Yes | No | Yes | Yes | Yes | |
| | | | | | | |
| Substitutes | | | | | | |
| Peter Hardy | Yes | Yes | No | No | Yes | |
| Angela Lawrence | Yes | Yes | No | No | No | |
| Chris Hayward | No | No | No | Yes | Yes | |
| Neil Clarke | No | No | No | No | Yes | |
| Rob Gordon | No | No | No | No | Yes | |

Agenda

LGA Environment and Housing Board

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2.00pm

Vista Suite 2, Crowne Plaza Birmingham City, Central Square, Birmingham, B1 1HH

| | Item | Page | Time |
|-----------------------|---|-------------|-------------|
| For discussion | | | |
| 1. | The Memorandum of Understanding with the Department of Energy and Climate Change (DECC) | 3 | 14.00 |
| 2. | Waste issues – Red tape challenge and fly-tipping on private land | 11 | 14.40 |
| 3. | Welfare Reform and Housing | 21 | 15.00 |
| 4. | Housing Support offer 2012/13 | 29 | 15.20 |
| 5. | Housing Campaign Update | 39 | 15.30 |
| To note | | | |
| 6. | Update on other Board Business: | 41 | 15.40 |
| | 6a) Flood Risk Management Update | | |
| | 6b) Update on Feed-in Tariffs for Solar Energy | | |
| | 6c) Summary of Climate Summit discussions | | |
| | 6d) Waste Consultations and Landfill tax changes | | |
| | 6e) Response to the Green Deal and the Energy Companies Obligation (ECO) consultation | | |
| | 6f) PAS Update | | |
| | 6g) Impact Assessment of INSPIRE | | |
| | 6h) End of year progress report | | |
| 7. | Decisions and actions from previous meeting | 87 | 16.00 |

Date of next meeting: 11.00am, Tuesday 18 September, Local Government House

The Memorandum of Understanding with the Department of Energy and Climate Change (DECC)

Purpose of Report

The purpose of this report is to present the Board with a revised Memorandum of Understanding with the Department of Energy and Climate Change.

Summary

At the previous meeting of the Environment and Housing Board, members requested that officers draft a new proposal for a Memorandum of Understanding (MoU) between the LGA and the Department of Energy and Climate Change. This report sets out some additional background to the MoU and puts forward a new, simpler, MoU for discussion.

Recommendation

It is recommended that members approve the new approach to the Memorandum of Understanding.

Action

Officers will begin detailed discussions with DECC Officials on the agreed way forward based on decisions made at the Board.

Contact officer: Abigail Burridge
Position: Senior Adviser
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The Memorandum of Understanding with the Department of Energy and Climate Change (DECC)

Background

1. The Memorandum of Understanding (MoU) was signed by the Local Government Group and the Department for Energy and Climate Change (DECC) on 15 March 2011. The aim of the MoU was to enable a better working relationship between the LG Group (now LGA) and DECC, to enable better policy decisions that work for the sector, and to create a voluntary framework for councils to express their ambition on tackling climate change.
2. A report is being independently written by a secondee from local government – the London Borough of Havering – into DECC. Their report will evaluate the success of the MoU, highlighting where the objectives of the MoU have and have not been met, and will set out the achievements of DECC and the LGA against the milestones set out in the action plan. The report is scheduled for completion by the end of July 2012.
3. At the Environment and Housing Board meeting on 16 May 2012 members requested that a draft new MoU be presented at the June Board meeting for members to debate. This paper sets out this new MoU.

Why is the MoU necessary?

4. Experience has demonstrated that DECC struggles to understand how and why local government can and should be involved in policies and programmes that address climate change. Previously, DECC's approach to councils was to give them targets under the national indicators programme to get them to take action, but the policy drivers that the department developed were not designed to allow local authorities to work with them effectively. This meant that councils were given the targets but not the tools to take action. The removal of the national indicators has gives us an opportunity to put the onus on DECC to create policies that actively encourage councils to take action on climate change, rather than relying on targets. The LGA is offering its insight into how councils operate, and their drivers, to help DECC create these policies.
5. An example of how this could work is the drafting of the new statutory guidance under the Home Energy Conservation Act 1995. **A confidential paper on this subject will be distributed at the Board meeting.**

The Memorandum of Understanding 2011-2012

6. A full report into the MoU 2011-2012 is being written by a secondee working in DECC from the London Borough of Havering. The report is due to be finished by the end of July 2012.
7. Reflecting on comments from the Board at the May 2012 meeting, and the subsequent meeting with Greg Barker, whilst the purpose of the MoU was to set out how the LGA and DECC would work together, the content was not specific enough to set out what contribution DECC was making.
8. The emphasis in the negotiations with DECC in formulating the MoU 2011-2012 was very much that DECC wanted councils to set themselves stretching ambitions as DECC sought to continue the target-based regime they had created under the national indicators. This was not underpinned by the understanding that for councils to achieve their ambitions, DECC need to design policies that enable local action.
9. The LGA has progressed with 'Climate Local' as a platform for councils to express their ambitions, share good practice, and demonstrate their progress on climate change, but DECC action on designing their policies and programmes with councils in mind has not been consistent – but it has improved over the year. However, it is not clear whether the improvement has been as a result of the MoU, or as a result of ongoing lobbying by the LGA.

Why is local government action necessary?

10. The recent report published by the Committee on Climate Change at the request of Greg Barker – Minister for Energy and Climate Change - into how local authorities can reduce greenhouse gas emissions and manage risk, stated that “there is a crucial role for local authorities in reducing emissions to meet national carbon budgets”. The report summarised that:
 - 10.1. Local authorities have significant scope to influence emissions in buildings, surface transport, and waste, which together account for 40% of UK greenhouse gas emissions;
 - 10.2. There is an opportunity to reduce emissions in these sectors by 20% in 2020 from 2010 levels and that within this the largest influence that local authorities have is in supporting energy efficiency improvement in buildings; sustainable transport and waste management;
 - 10.3. There is also an important role for local authorities in supporting power sector decarbonisation through their planning powers and in investment in electric vehicle charging infrastructure;

- 10.4. Reducing local authority own estate emissions is important to underpin the wider leadership role of local authorities, and;
 - 10.5. A failure to secure emission reductions across the areas where local authorities have significant influence would leave emissions above the levels required to meet the national statutory carbon budgets.
11. At the launch event for the report, David Kennedy – Chief Executive of the Committee on Climate Change – stated that if action was not undertaken by local authorities, the off-setting the carbon would cost £1 billion.

The revised Memorandum of Understanding

12. The purpose of the revised MoU is to set out how the LGA will assist DECC in creating policies and programmes that enable local government to respond positively to the challenge of climate change.
13. The desired outcome of the MoU is that the policies and programmes designed by DECC enable councils to take action on reducing carbon emissions.
14. It is recommended that the revised MoU is simplified. It is proposed that the revised MoU consists of a shared ‘statement’ on the important role of councils in addressing climate change and a detailed action plan that is agreed by both parties. The action plan will set out specific time-limited actions to be undertaken by the various departments within DECC and the LGA.

The DECC and LGA shared statement on Climate Change

15. *The Department of Energy and Climate Change understands that local government has a pivotal role to play in achieving national carbon budgets. The Department understands that the most effective way they can generate local action is for their national policies and programmes to be designed to enable councils to take action.*
16. *The LGA understands that local government has a pivotal role to play in achieving national carbon budgets. The LGA understands that the most effective way they can support their member councils is to assist DECC in creating policies and programmes that make sense at a local level, and to demonstrate to their member councils how taking action on climate change is positive for them and their local communities.*
17. *The Department of Energy and Climate Change and the LGA agree to work together to assist local authorities in releasing the benefits of taking action on climate change. Both parties agree to the principles of:*

17.1. *Sharing information that enables policies and programmes to be developed in such a way as to encourage action by local authorities;*

17.2. *Unlocking sufficient funding to allow local authorities to take action either directly or through incentives;*

17.3. *Local accountability and decision making for determining the most appropriate local response to the challenge of climate change.*

18. *Both parties will agree a clear action plan for this collaborative working with specific actions. The Secretary of State and the Chair of the LGA Environment and Housing Board will review this statement and the action plan annually.*

Example Action Plan

| Theme | Policy Area | Action | DECC | LGA | Timeframe |
|-------------------|--------------------|--|---|--|--|
| Energy Efficiency | | | | | |
| | Green Deal | Enable councils to take advantage of the Green Deal | Provide financial support of at least £11 million as a kick-start fund for councils on HECA | | March 2013 |
| | Green Deal | Enable councils to take advantage of the Green Deal through a new refreshed duty under the HECA | | Deliver a support programme for councils on the Green Deal | September 2012 – March 2013 |
| Localism | Climate Local | Enable councils to share good practice on climate change and demonstrate local action in a localist manner | Second a member of staff from DECC into the LGA to take forward Climate Local for 2013/2014 | | Decision required by November 2012. Seconded to start by 1 April 2013. |

Next Steps

19. It is recommended that members of the Board **agree to the approach to the new Memorandum of Understanding as set out in this report.**
20. It is recommended that members of the Board **agree to directing officers to engage with DECC to take forward this model of the MoU.**
21. It is recommended that members of the Board also take into account the review of the MoU that will be published at the end of July 2012.
22. It is recommended that **a revised MoU be agreed by the end of September 2012.**

Financial Implications

23. Actions agreed with DECC under the MoU action plan may require funding from the LGA.
24. Equally, actions agreed with DECC under the MoU action plan may lever in funding from DECC – e.g. for Climate Local.

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Waste issues – Red tape challenge and fly-tipping on private land

Purpose of Report

To obtain a steer from the Environment and Housing Board on the LGA position in relation to the waste issues within the Red Tape Challenge; and the upcoming Flytipping Summit and the subject of fly-tipping on private land.

Summary

The government has been considering a number of changes to waste related regulations that have been brought about by the Red Tape Challenge (RTC) and the Farming Regulation Task Force.

The RTC proposals include reform to the Waste Transfer Note system which provides the evidence base for the transport of waste as a key means of enforcement of fly-tipping by local authorities. The proposals also cover the producer responsibility obligations concerning Waste Electrical & Electronic Equipment (WEEE), Battery Compliance Schemes and Packaging Waste Regulations, which could in some cases lead to a reduction in responsibility by businesses to reduce and recycle the materials they put on the market.

A Fly-tipping Summit will be hosted by DEFRA in July which will focus on the issue of fly-tipping on private land. This follows the recent Farming Regulation Task Force report to reduce into the burden on farmers. It recommends that farmers are provided with free disposal of fly-tipped materials at local authority household waste and recycling centres.

Recommendations

1. That the Board agree with the proposed engagement with DEFRA on the revision of requirements on Waste Transfer Notes documentation and on the approach to the revision of Packaging Waste Regulations.
2. That the Board agree with the proposed engagement with the Department of Business, Innovation and Skills on WEEE revision and transposition and Battery Compliance.
3. That the Board discuss the issue of fly-tipping on private land and agree a LGA position in advance of the DEFRA Flytipping Summit.

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4. That the Board agrees which Board member should attend the Flytipping Summit.

Action

As directed by members

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Position: Adviser
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1. Red tape challenge – waste related issues

Background

1. The Red Tape Challenge (RTC) was set up by the government via a website. The website lists the relevant regulations and seeks the views of the public and businesses to make suggestions about whether they could be changed or removed.
2. Once each theme closes for comment, suggestions are forwarded to the Department responsible and are reviewed by the Minister in order to determine proposals for regulatory reform – which then go forward to a Reducing Regulation Committee for clearance.
3. The Environment theme – which included regulations on waste - sought comment on 40 regulations. It remains open, but has reported on a number of areas with relevance to local authorities and waste as follows:
 - 3.1. Waste transfer notes and fly-tipping.
 - 3.2. Producer responsibility obligations.

Waste transfer notes and fly-tipping

4. Waste transfer notes (WTN) are required to be completed by anyone that handles waste as part of the Duty of Care regime, which details the nature of the material and its transfer between individuals or businesses.
5. The RTC proposal is to remove the requirement for businesses to produce WTNs in order to alleviate the associated administrative burdens and replace it with other forms of evidence (such as invoices or contracts). This would reduce burdens on businesses by allowing them to maintain evidence in whatever format is convenient to them as long as it meets a minimum level of evidence requirement.
6. DEFRA are currently in the process of deciding whether to go further than the requirements of the RTC and conduct a full review of the information that is required to satisfy the Duty of Care. This may include, for example, changes to the requirement to provide a code (from the European Waste Code) for each type of waste, which can be confusing and time consuming for businesses.
7. WTNs provide a key source of evidence that councils and other authorities can demand in spot checks of vehicles that are suspected of being involved in fly-

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tipping. Without this evidence it could be much more difficult for councils to successfully prosecute fly-tippers or potential fly-tippers.

8. Any changes to the current system would therefore need to ensure the robustness of evidence. This should avoid undermining the system of requirement on request for proof that appropriate arrangements are being made for the transfer of waste material.
9. Furthermore, the recent statements by Her Majesty's Revenue and Customs (HMRC) on the application of landfill tax for certain materials (**see Item 5d for a summary**) may require more stringent recording of evidence on different types of material and its source, in order to take advantage of lower levels of landfill tax. It would be important that any changes do not unduly affect the ability of local authorities and their waste contractors to account for particular types of waste and avoid liability for additional landfill tax.
10. DEFRA will consult on their changes to the Duty of Care regime and WTNs at the end of 2012 / start of 2013.
- 11. We propose to engage constructively with DEFRA on this process in seeking to minimise the burdens on business where it can be shown to have no adverse impact on either the likelihood of successful enforcement action by local authorities, or the level of bureaucracy necessary to bring this about.**

Producer responsibility obligations

12. The RTC has made recommendations on producer responsibility obligations in relation to three areas:
 - 12.1. Waste Electrical & Electronic Equipment
 - 12.2. Battery Compliance Scheme
 - 12.3. Packaging Waste Regulations
13. **Waste Electrical & Electronic Equipment (WEEE)** includes anything from fridges to televisions to mobile phones. The RTC identified a view from producers that the current compliance system can result in excessive costs that do not reflect the true costs associated with the collection and recycling of WEEE deposited at household waste and recycling centres (HWRCs).
14. At present local authorities can register their HWRCs as designated collection facilities for WEEE and must have in place an agreement with a Producer Compliance Scheme (PCS). Local authorities are not permitted to receive a fee

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for contracting with a PCS, although negotiation may include the PCS committing to host a member of staff and carry out communications on behalf of the local authority. Some local authorities have negotiated an income based on the particular types of WEEE they offer to their PCS. However, across the local government sector the picture on achieving value from WEEE varies and can depend on the total volume a council is able to bring forward.

15. The Department of Business Innovation and Skills (BIS), the lead department on WEEE, will consult at the end of 2012 / start of 2013 on options for regulatory change to meet the RTC. At the same time BIS will consult on the transposition of the recast of the EU WEEE Directive (which contains increased targets for producers for recycling of WEEE). In advance of the consultation BIS have issued a request for evidence and also are seeking interim changes to reduce the costs for producers.
16. **We propose to engage with BIS in relation to their request for evidence, where appropriate, and on the interim and longer term changes to ensure that local authorities are better able to receive an income for their collection of WEEE. Any changes should not affect the current contractual arrangements that councils have entered into.**
17. The **Battery Compliance Scheme** will be consulted on by BIS in late 2012 / beginning of 2013 and will look at options to revise the threshold for inclusion of battery producers and reduce reporting burdens. It may also include an increase to the de-minimis level that distributors have to take back waste batteries.
18. DEFRA are responsible for the **Packaging Waste Regulations** for which there is an RTC proposal to reduce the burden on small and medium enterprises. This could see change and increase in the threshold at which packaging producers must comply. This could exempt some smaller businesses from the targets for recycling of material streams (which was increased in the November Budget).
19. These changes will be consulted on in late 2012 / beginning of 2013. At the same time DEFRA will consult on reform to the regulations and the working of the packaging compliance schemes that operate via the packaging recovery note (PRN) system. At present the compliance schemes (e.g. Valpak) retain much of the value of PRN evidence and of the materials that local authorities pass on for reprocessing.
20. This review presents the opportunity for the LGA to pursue its long sought revision to this system to achieve greater transparency within the packaging compliance schemes. Revision should also include much greater recognition of local authorities as crucial players in the material supply stream, and by

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association additional financial reward for the material that they collect, sort and offer for reprocessing.

21. **We propose to continue to engage constructively with DEFRA on reform of the Packaging Waste Regulations and the associated compliance schemes in seeking a better deal for local authorities.**
22. If the outcome of the RTC proposals is the scaling back of the responsibility by businesses on reduction and recycling of packaging and batteries they produce and distribute, then there could be additional costs for local authorities and their waste contractors. **We propose to carry out further and detailed examination of these proposals and their impact on local authorities in order to lobby appropriately in advance and within the associated consultations.**
23. For a summary of all the waste related consultations over coming months see **Item 5d**

2. Flytipping Summit - private land issue

Background

24. DEFRA have invited the LGA and other stakeholders to take part in a Flytipping Summit to be chaired by Lord Taylor on 26 July. The Summit will look at the issue of fly-tipping broadly, but its predominant focus will be on agreeing a response to the Farming Regulation Task Force. The Task Force is chaired by Richard Macdonald (former Director General of the National Farmers Union) and has focussed on ways to reduce burdens on farmers and food processors by reviewing regulations and their implementation.
25. The Task Force has recommended that material that is fly-tipped on farms is reclassified by the Environment Agency as household waste and that farmers can dispose of it at council household waste and recycling centres for free.

Flytipping on private land

26. The available data on fly-tipping on private land is limited as many land owners do not report incidents. DEFRA carried out a trial in two regions (the North West and West Midlands) between April 2009 and March 2012 which reported 3,228 incidents. It is not clear what number of these incidents happened on farming land. According to DEFRA landowner estimates suggest that clearance and disposal of fly-tipping from private land may cost £50-100m a year nationally.

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27. Currently the practice across the country varies widely in terms of the service offered to land owners by local authorities. In most cases local authorities ask for incidents to be reported and will investigate, however approaches to clearance and disposal vary. In most cases local authorities target resources on public land due to cost pressures and do not offer a free clearance and disposal service to private land owners.
28. In its response to the Task Force the government recognised the potential cost of free collection and disposal of this material. For the government the Summit will aim to identify and champion affordable solutions and find a holistic approach that is based on communication between affected parties, local authorities and the police.
29. We understand that DEFRA intend to produce a Framework of good practice with supporting guidance for local partnership working to combat fly-tipping on private land. The Framework will be non-prescriptive in tone and encourage co-operation and demonstrated through case studies and good practice.
30. Through ongoing engagement with DEFRA officials the LGA has ensured that there is acceptance that a duty on local authorities to clear fly-tipped material on private land would not be appropriate or affordable unless fully funded. However DEFRA would like the LGA to consider whether it could encourage local authorities to accept fly-tipped material without charge that was cleared by the landowner and transported to household waste and recycling centres.

Considerations

31. In determining whether the LGA could support free disposal of this material there are a number of considerations for members to take into account, namely:
 - 31.1. Whether the LGA could support this in principle in the absence of detailed data on the additional exposure by local authorities to increased disposal costs;
 - 31.2. How a process of free disposal could be established that is both robust in ensuring avoidance of abuse, and without additional bureaucratic burdens for local authorities;
 - 31.3. How consistent an agreement to encourage local authorities to take this material from farmers would be in relation to other private land owners;
 - 31.4. Whether the LGA would seek to take a position nationally on an issue that is currently decided on the basis of local circumstances and priorities.

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32. There may also be the potential to offer a compromise that includes LGA encouragement for:
 - 32.1. the application of a limited charge at the household waste and recycling centre for this material (as some councils have already established, although it should be noted, against the wishes of DCLG);
 - 32.2. the free disposal of fly-tipped material on a single occasion on the basis that the land owner secures their land perimeters in order to avoid further incidents. On repeat occasions the local authority may apply a charge;
 - 32.3. a more consistent and prominent offer for reporting and investigation of fly-tipping on private land as well as the provision of advice on local clearance and disposal contractors.
- 33. The Board is asked to comment on how the LGA should position itself in relation to this issue in advance of the Flytipping Summit.**
- 34. Members are also asked to agree which Board member should attend the Flytipping Summit.**

Welfare Reform and Housing

For discussion and direction.

Summary

This paper provides a summary of key issues impacting on councils and the wider housing offer through the Welfare Reform Act and associated reforms. The paper provides an update on work commissioned by the LGA Leadership Board and suggests a number of areas for further work by the Environment and Housing Programme Board.

Recommendations

1. That officers investigate the feasibility, costs and appetite from councils for a national voluntary agreement relating to the use of temporary accommodation.
2. That officers use the LGA/CLG housing network to scope out the implications and costs and test out the appetite for such an approach with councils.
3. That the Chairman of the Board write to Grant Shapps MP to seek a discussion between the department and authorities on options post 2015 for the affordable rent programme and to jointly consider the impact of welfare reform on the affordable rent model.
4. That the LGA work closely with the demonstration project authorities to draw on experiences and learning to inform lobbying and support work around the trigger point for direct payments to landlords and the impact of direct payment to tenants on the Housing Revenue Account and the financial position of Housing Associations.
5. That the LGA work with key organisations to promote continued confidence in the financial security of housing providers. To include development of a voluntary code for self financing.

Actions

As directed by members.

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E-mail: Clarissa.corbisiero@local.gov.uk

Welfare reform and housing

Background

1. The Government's Welfare Reform Act has now gained Royal Assent. The Act introduces a range of reforms with the objective of making the benefit and tax credit system simpler by:
 - 1.1. creating the right balance of incentives to get more people into work by ensuring that work always pays;
 - 1.2. merging out of work benefits and tax credits to create a single Universal Credit, and;
 - 1.3. reforms to other benefits aimed at reducing the cost of the benefits system.
2. Universal credit (UC) will launch in October 2013 and will be implemented in phases until 2017. A large number of existing benefits such as Housing benefit, income-based jobseekers allowance, income support, income-related employment and support allowance, working tax credit, child tax credit will be subsumed into UC.
3. In addition the Welfare Reform Act will also introduce a cap on the amount of benefit a workless household can receive of £500 for a workless family household and £350 for a single household. Until claimants are in receipt of UC, the benefit cap will be implemented through housing benefit.

Issues and impacts on housing

4. The table at **Annex A** sets out officers' assessment of the key welfare reforms related to, and impacting on the housing offer in local areas. It is not a forecast of what will happen but an assessment tool to support the Board and councils to consider some of the key issues and possible mitigating actions.
5. The LGA Leadership Board considered a range of potential issues and possible mitigating measures at their meeting in February 2012 and further in May 2012. The Leadership Board asked officers to undertake the actions set out on the following boxes:

| |
|--|
| <p>6. The LGA is to pursue a conversation on new burdens with the Government – this includes developing a more complete understanding of some of the cost implications (both direct and indirect) of the reforms.</p> |
|--|

- 6.1. In response to this officers have sought to monitor the impact of current and forthcoming housing benefit changes on councils, residents, and local housing markets and establish the costs to councils of implementing the reforms. A number of councils have responded to our survey but we are

seeking a much wider response. However some consistent themes have emerged:

- 6.1.1. councils will depend on notifications from the Department for Work and Pensions (DWP) to implement the overall cap on benefits and work will be needed to make sure that these are accurate;
- 6.1.2. councils in lower rent areas are expecting, and in some cases believe they are already seeing, increases in demand for social housing as people move from higher-rent areas;
- 6.1.3. use of Bed and Breakfast accommodation is increasing; and
- 6.1.4. there is little, if any, evidence of rents adjusting downwards to reflect the available benefit.

6.2. It remains very early to reach conclusions about the impact of changes which for the most part have yet to take effect, with most measures in the Act not being implemented until April 2013. Nor is it possible to disentangle, at least on the evidence currently available, the effect of welfare changes from those caused by the state of the wider economy. Officers continue to promote the survey to councils to develop a more robust evidence base.

7. Support councils to take the necessary mitigating measures in order to manage the issues they, claimants, and landlords face.

7.1. The LGA and the National Housing Federation have agreed to work together to discuss the key reforms which will impact on housing need, availability and affordability facing councils and housing associations.

7.2. One of the key issues for landlords is the movement to direct payments to tenants. This prompted concerns from many during the passage of the Act regarding the impact of increased arrears and fluctuations for housing providers' income streams and overall financial position. DWP has accepted that there are some people for whom direct payment to landlords of the housing element of universal credit is still appropriate. A number of demonstration projects testing out issues such as appropriate trigger points for direct payment to landlords, the impact of direct payments on claimants and protection for vulnerable groups. The projects will run from June 2012 for 12 months. The demonstration projects are as follows:

- 7.2.1. Southwark Council and Family Mosaic, London
- 7.2.2. Oxford City Council and Oxford Citizens (part of the) Greensquare Group, Southern England
- 7.2.3. Shropshire Unitary County Council and Bromford Group, Sanctuary Housing and The Wrekin Housing Trust, West Midlands
- 7.2.4. Wakefield Metropolitan Borough Council and Wakefield and District Housing, Northern England
- 7.2.5. Torfaen Borough County Council and Bron Afron Community Housing and Charter Housing, Wales

- 7.3. As part of the Board's forward programme on self financing and right to buy officers are working with the Association of Retained Council Housing and others to commission research. The research will include a focus on planned local authority housing capital investment and borrowing and analyse income and revenue expenditure assumptions underpinning capital spending and debt reduction plans and evaluate vulnerability to risk. This information is likely to be helpful in building an evidence base around the impact of direct payments to landlords on the HRA.
- 7.4. The LGA has also supported the CIH publication '*Making it fit: a guide to preparing for the social sector size criteria*'. As requested at the May Board meeting officers are also developing briefing materials for elected members on the welfare changes and their implications for councils, housing need and demand. This will form part of the wider housing offer from the LGA.

8. Promote councils role in the delivery of UC and support DWP pilots.

- 8.1. It had been originally envisaged that UC would be delivered by Job Centre Plus without the engagement of local authorities. DWP has however acknowledged the experience councils have in working with local people in the delivery of housing and council tax benefit, and following discussions with the LGA it is open to councils playing a role in the delivery of the new benefit.
- 8.2. As such the LGA is working with DWP to identify 6-12 authorities to pilot the face-to-face delivery of UC. Thirty-eight bids have been received to date for the pilots. LGA members will recommend a shortlist to DWP consistent with the intention of proceeding with a dozen pilots across the UK. It is hoped to announce the pilot authorities at our [conference on welfare reform](#) which will take place on 20th July 2012.

Next steps

9. It is proposed that the Board takes forward the following key actions to support the key areas for further work identified by LGA Leadership Board. This work will complement wider work being undertaken on welfare reform by the LGA and is particularly focused on the implications on housing need and supply.

Views from elected members are sought on the proposed next steps.

- 9.1. **Investigate the feasibility, costs and appetite from councils for a national voluntary agreement relating to the use of temporary accommodation.** The changes to the benefits regime will come at a time of reduced supply and in high demand areas increased competition from non benefit-recipient tenants. We are also aware that Ministers are taking a close interest in developments in councils' use of Bed and Breakfast accommodation, which creates a potential reputational risk for the sector. There has also been some high-profile media attention given to changes in individual councils' housing policies.

9.1.1. London Councils have operated an inter-borough agreement on temporary placements since 2004 which sets out a series of core principles to ensure that councils in London are able to monitor placements in temporary accommodation across boundaries, ensure that hosting boroughs are appropriately notified of placements in their area and do not offer a landlord or supplier more than the host borough offers for a property in its area. The effectiveness of such a protocol is however dependent on take up from councils.

9.1.2. It is proposed that officers use the LGA/CLG housing network to scope out the implications and costs and test out the appetite for such an approach with councils.

9.2. The impact of welfare reform on the ability to let properties under the affordable rent scheme to particular types of households in receipt of Housing Benefit is something that will need to be taken into account by providers, in particular in high value areas. For stock owning authorities it will also be an ongoing area to monitor in relation to the viability of self financing investment plans.

9.2.1. It is proposed that the Chairman of the Board write to Grant Shapps MP to seek a discussion between the department and authorities on options post 2015 for the affordable rent programme and to jointly consider the impact of welfare reform on the affordable rent model. It is proposed that the LGA seeks to work closely with the National Housing Federation and the Homes and Communities Agency on this project.

9.3. It is proposed that the LGA work closely with the demonstration project authorities to draw on experiences and learning to inform lobbying and support work around the trigger point for direct payments and the impact of direct payments on the Housing Revenue Account and the financial position of Housing Associations. Research to be commissioned as part of the Board's self financing work and referenced in paragraph 7.3 will form a part of this evidence base.

9.4. It is proposed that the LGA work with key organisations to promote continued confidence in the financial security of housing providers. This work will take place primarily through the development of a voluntary code for self financing.

Financial Implications

10. A national voluntary agreement is likely to have additional financial and resource implications and Officers will scope likely costs against options for consideration by lead housing members following discussion with local authorities.



| Key Measure – description | Possible implications on housing |
|---|---|
| <p>The introduction of an overall benefits cap (£500 for workless families and £350 for singles) which will be delivered through Housing benefit pending the full introduction of Universal Credit in 2017.</p> <p>The cap does not take account of household size.</p> | <p>The household benefit cap (coupled with the earlier cap on LHA) may make it difficult for many households to afford to rent in the Private Rented Sector under the ‘affordable rent’ model – this may impact on the viability of the model in high value areas.</p> <p>DWP’s impact assessment warns of an increase in rent arrears which will require expense and effort by landlords and the courts to evict and seek to recoup. Stock owning authorities will wish to keep the level of arrears under review given the potential impact on self financing business plans.</p> <p>Councils will also wish to monitor any increases in the numbers of people presenting themselves as homeless. This is likely to have implications on the use of temporary accommodation – where this is affordable under the cap and migration where it is not. In addition it is possible that the temporary accommodation costs for families, no longer able to afford permanent accommodation due to the benefit cap could fall as an addition demand on resources from the responsible authority. Whilst the government has made provision in the early years for enhanced Discretionary Housing Payments (DHP), only time will tell if this will be sufficient.</p> <p>DWPs impact assessment estimated that the size criteria was likely to affect 670,000 claimants across Britain. DWP estimates that the majority under-occupy their homes by one bedroom.</p> <p>The highest percentage of affected claimants as a percentage of working age Housing Benefit claimants in the social sector can be seen in the North East², North West³ and Wales⁴.</p> <p>The government has increased funding for DHP by £30m in 2013/14 to cover this. Of this, £25m is targeted towards those who live in properties adapted for people with disabilities and £5m towards foster carers.</p> <p>This measure will have a particular impact depending on the stock profile of available homes in the area. Social landlords have long had an interest in tackling under-occupation in order to achieve the best use of their housing stock however a shortage of smaller properties in some areas may mean that Councils consider negotiating with RSLs/HAs to enable tenants to remain over accommodated while paying rent at the entitled rate.</p> |
| <p>The size criteria measure is the only element of the Welfare Reform Act which will affect social landlords alone. The Act will introduce criteria to bring treatment of those in the social rented sector in line with those living in the private rented sector. The measure comes into effect from April 2013 – those who are assessed as under-occupying for housing benefit purposes will have their housing benefit reduced by a percentage rate of their eligible rent¹.</p> | |

¹ 14% for one extra bedroom and 25% for two or more extra bedrooms.
² 46% affected claimants as % of working age HB claimants in social sector
³ 43% affected claimants as % of working age HB claimants in social sector
⁴ 42% affected claimants as % of working age HB claimants in social sector

| Key Measure – description | Possible implications on housing |
|--|---|
| <p>An expectation that at least 80% of UC applications or changes will take place online, with benefit payments paid monthly direct to bank accounts. Rent will only be paid directly to landlords in exceptional circumstances.</p> | <p>Councils currently administer housing benefit and receive £462m (2011/12) in administration grant for housing and council tax administration. The merger of housing benefit into UC may lead to a rundown of council capacity, possible redundancy/pension strain costs. The LGA will continue to argue for an element of face to face delivery and councils' crucial role in delivering this.</p> <p>Transaction costs would increase as a result of the number of transactions from the direct payment to tenants and the costs associated with direct debits, standing orders and other payment methods.</p> <p>Payment direct to tenants could increase the risk of arrears with an impact on rental income streams. As before stock owning authorities will wish to monitor the implications for the self financing investment plan and access to preferential borrowing rates. All authorities will be mindful of the possible impact on rental income streams for housing associations and private landlords.</p> |
| <p>Linking the up-rating of local housing allowance (LHA) to the lower of either rent officer determination or Consumer Price Index (CPI) (rather than the Retail Price Index).</p> <p>From April 2013 the government is planning to freeze existing Local Housing Allowance (LHA) rates and then only up-rate them by the Consumer Price Index (which does not include housing costs) rather than the rates being based on the real rental market evidence.</p> | <p>This will break the link between the support people receive and the rent they pay. This may result in the 30% of the market that is theoretically available to tenants decreasing as LHA fails to keep pace with rent inflation.</p> <p>CIH estimate that by 2023 two bedroom houses in 34% of local authorities outside London will be unaffordable for people claiming LHA.</p> <p>Councils may wish to encourage private housing providers to inflate rents by no more than the rate of CPI although initial evidence indicates no impact on rent levels to date. This may be particularly challenging in high demand areas.</p> |

Housing Support offer 2012/13

For discussion and direction.

Summary

This paper sets out a broad programme for the next phase of the housing support programme for direction and decision from the Programme Board.

Recommendations

1. That the Housing Support offer continues to focus on elected members.
2. That members consider and agree the support programme outlined at **Annex B**

Action

As determined by the Programme Board.

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Housing support offer 2012/13

Background

1. The Environment and Housing Board oversaw a programme of housing support aimed at councillors over 2011/12. The programme included a number of briefings, practice notes, pod casts, guides, master classes, conferences and publications. A number of the support tools were delivered in partnership with the Planning Advisory Service (PAS) and the Homes and Communities Agency (HCA).
2. This paper scopes out options for the next phase of the support programme over 2012/13. The proposals build on feedback from support on offer over the last 12 months alongside Member and officer advice and requests. Officers are also undertaking a series of telephone interviews with elected members on support required to inform the detail of the support on offer from the LGA.

Feedback and scope of the 2011/12 programme.

3. The 2011/12 programme was focused on elected members and sought to deliver the following outcomes.
 - 3.1. Elected Members and senior officers have a good understanding of the housing reform agenda and what it means for the choices they make locally.
 - 3.2. Local Authorities share good practice and learn from each others experiences in an accessible way.
 - 3.3. Local Authorities experiencing specific performance issues are able to access bespoke support and advice.
 - 3.4. Local Authorities benchmark and assess their performance to drive improvement.
4. A summary of the support provided is attached at Annex A. The support included a mix of events, masterclasses, publications, practice notes, pod casts and briefings on a range of housing reform issues. Feedback included
 - 4.1. 93% of those attending the housing masterclasses were satisfied with the content and format of the sessions.
 - 4.2. Issues raised for consideration as part of a future support programme included affordable housing in rural areas, new build, HMOs, empty homes, the strategic housing role and health and housing.

2012/13 support programme

5. **It is proposed that the LGA retain its focus on elected members.** The LGA will continue to support its officer networks (CLG/LGA strategic housing network, private sector housing and housing finance) which have both a support and advocacy role.
6. It is proposed that the LGA focus on the following outcomes when designing and delivering its housing support programme:
 - 6.1. **Elected members understand the housing reforms** and are better equipped to consider their implications and the options available to them.
 - 6.2. **Elected members are supported to further develop key skills** to support them in their work to:
 - 6.3. Leverage appropriate housing growth (both new build and investing in existing properties)
 - 6.4. Work in partnership across boundaries and with other landlords (including neighbouring councils, the private rented sector and Housing Associations).
 - 6.5. Facilitate, lead and mediate in their discussions with residents and tenants on housing issues.
 - 6.6. **Councils have access to examples of innovative practice** and are provided with tools to benchmark and assess their performance to drive improvement.
 - 6.7. **Councils are provided with tools to support them to understand and meet local housing needs**, mitigate risks and exploit opportunities.
7. The table at **Annex B** outlines a proposed support programme for 2012/13.
8. **Members are asked to agree the support programme and in particular provide views on the following issues:**
 - 8.1. Does the proposed support programme focus on the priority areas for local authorities?
 - 8.2. In particular are the issues identified for detailed work through the housing and planning masterclasses, practice notes and action learning sets the right ones?

Financial Implications

9. The support programme outlined at **Annex B** can be delivered within existing budgets and officers will seek to work in partnership where appropriate to secure greater value for money and avoid duplication.

Annex A: Details of 2011/12 Housing support programme

Events

Housing featured prominently in the LGA's events programme, including:

- *Countdown to Self Financing*, December 2011, attended by 45 delegates.
- *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, attended by 49 delegates.
- A series of free housing and planning master classes for elected Members were delivered in March 2012.

Publications

The LGA has produced 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, 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.
- A collection of essays on 'Delivering Housing Growth' was published in February 2012.

Online resources

The following new online resources have been developed:

- Two sets of practice notes or 'how to' guides on developing tenancy strategies and raising standards in the private rented sector.
- A podcast on the new housing revenue account system has been produced and is available on the website.

Other support materials

- Housing Peer Challenges continue to be offered to the sector, alongside a free self assessment tool.
- All Communities of Practice have now been migrated to the Knowledge Hub, including the Strategic Housing group and the Private Sector Housing group. These forums facilitate effective information sharing between group members on emerging practice.
- The LG Inform service which gives easy access to relevant data and information enabling councils to evaluate services performance. A standard housing report has been developed with LA practitioners and is available online.

| Outcome sought | Support on offer | Timescale (indicative) | Comments |
|--|--|--|---|
| <p>Elected members understand the housing reforms and are better equipped to consider their implications and the options available to them.</p> | <p>Free Housing and planning masterclasses</p> <ul style="list-style-type: none"> • Overview of housing and planning – challenges and opportunities <p>Housing plenary session as part of LGA new members events series.</p> <p>Resources pack for council members services teams</p> | <p>November 2012 – March 2013</p> <p>July 2012 – September 2012</p> <p>July 2012 and ongoing</p> | <p>These events will be delivered jointly with PAS. Involvement will also be sought from a range of partner organisations including HCA, CLG, CIH and others.</p> <p>Part of a larger series of events being delivered by the LGA for new elected members</p> <p>This will consist of briefings, template presentations and reports for member services officers to use as part of internal training.</p> |
| <p>Elected members are supported to further develop key skills to support them in their work to:</p> <ul style="list-style-type: none"> • Leverage in appropriate housing growth (both new build and investing in existing properties) • Work in partnership across boundaries and with other | <p>A series of free half day themed masterclasses focusing on the following issues:</p> <ul style="list-style-type: none"> - Attracting housing investment and working in partnership. - Welfare reform and housing - Working with housing providers in your area (partnership working with Housing Associations and working with the private rented sector) - Making use of existing stock (empty homes, Decent homes, retrofitting) - Housing numbers and evidence base – working in partnership <p>Conference – Financing housing investment</p> | <p>July 2012 – March 2013</p> | <p>Number and content of events may be rationalised. Views are sought on priority areas for focused events.</p> |
| | | December 2012 | Part of LGA commercial |

| Outcome sought | Support on offer | Timescale (indicative) | Comments |
|---|--|--|--|
| landlords (including neighbouring councils, the private rented sector and Housing Associations). | Conference – private rented sector and empty homes | February 2013 | conference programme Part of LGA commercial conference programme |
| Facilitate, lead and mediate in their discussions with residents and tenants on housing issues | Conference – planning for growth | February 2013 | Part of LGA commercial conference programme |
| | Practice notes series <ul style="list-style-type: none"> • Strategic Housing • Fuel poverty • HMOs • Homelessness • Allocations • Tenant scrutiny • Empty Homes (via refreshed publication) (note this list may be rationalised) | September – February 2013 | Number and content of practice notes may be rationalised. Views are sought on priority areas for focused events. |
| Councils have access to examples of innovative practice and are provided with tools to benchmark and assess their performance to drive improvement | Right to buy and housing finance advice note | August/September 2012 | The note will profile approaches councils are taking towards the right to buy and broader investment models following the shift to self financing. |
| | Case studies to be collected under the following themes: <ul style="list-style-type: none"> • Working with the private rented sector • Empty Homes • Investment and delivery models • Approach to self financing • Homelessness prevention services | Ongoing | |
| | Support and template reports to allow councils to use LG inform to benchmark | Already on offer to councils will be further refined | |

Item 4 – Annex B

| Outcome sought | Support on offer | Timescale (indicative) | Comments | |
|---|---|-------------------------------|---|---|
| Councils are provided with tools to support them to understand and meet local housing needs, mitigate risks and exploit opportunities. | Housing and planning peer reviews | Already on offer to councils | Planning peer reviews are subsidised by PAS. | |
| | Social housing regulation <ul style="list-style-type: none"> • checklist • worked examples | December - April | This will include support for councillors to prepare to respond to the forthcoming democratic filter (April 2013) | |
| | Facilitated action learning sets investigating barriers and opportunities to investing in housing in a range of scenarios (this is likely to involve delivering rural affordable housing, encouraging investment in areas of high and low land prices/demand). Development of series of advice notes based on discussions. | | | Action learning sets are to be facilitated by member and officer peers and include both elected members and officers. |
| | Housing needs assessment tool | TBC | Being developed currently in partnership with POS, Shelter, PAS and others | |
| | Viability advice note | June 2012 | Developed in partnership with development industry and others | |
| | Mediation/Facilitated sessions support cross boundary working | TBC | To be delivered primarily through the Planning Advisory Service support offer around the duty to cooperate and strategic planning | |

Housing the Nation – Campaign update

1. The Housing the Nation campaign was launched on 7 June with press work around the LGA's latest housing survey, which revealed that public opposition is the single biggest barrier to the building of new homes.
2. A dedicated campaign web page has also been launched on the main LGA site.
3. Officers met with LGA President, Lord Richard Best (Crossbench), on 28 May to update him on the forthcoming campaign, which builds on the work his LGA Housing Commission undertook in 2010. Lord Best was supportive of the campaign, expressed interest in being involved as it progresses, and was happy to reference the LGA's asks during the annual conference fringe *Housing the Nation* taking place on 26 June, which he is due to chair.
4. A private letter was sent to Chief Secretary to the Treasury, Rt Hon Danny Alexander MP, from the Chair of the Board during the week commencing 18 June. This letter highlighted the campaign's specific housing finance asks for Government, and was prompted by trade press reports that Treasury were considering action to stimulate housing development.
5. **A confidential table of campaign activity will be circulated to Board members in attendance on 25 June.**
6. For further information and any queries on the campaign, please contact Tom Coales, Senior Public Affairs and Campaigns Adviser.

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Update on other Board Business

Purpose of report

Members to note the following:

- 6a) Flood Risk Management Update
- 6b) Update on Feed-in Tariffs for Solar Energy
- 6c) Summary of Climate Summit discussions
- 6d) Waste Consultations and Landfill tax changes
- 6e) Response to the Green Deal and the Energy Companies Obligation (ECO) consultation
- 6f) PAS Update
- 6g) Impact Assessment of INSPIRE
- 6h) End of year progress report
 - Any other business

Recommendation

Members to **note** the reports.

Action

As directed by Members.

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Flood Risk Management Update

Purpose of Report

The purpose of this report is to update members.

Summary

The report gives details of LGA lobbying work on flood insurance and also the upcoming launch of a flood risk management portal for local government and other stakeholders.

Recommendation

The Board is asked to note the report.

Action

As directed by members.

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Flood Risk Management Update

1. As part of continuing discussions to safeguard future availability and affordability of flood insurance, members of the LGA Inland Flood Risk Management group met with representatives from the Association of British Insurers (ABI) and Defra on 14 May 2012. Here members raised the concerns that many of their local communities are facing in accessing and being able to afford flood insurance and stressed the importance of government and the insurance industry urgently agreeing on a way forward.
2. In addition, Cllr Clare Whelan and LGA senior advisers, Kamal Panchal met with Defra Minister Richard Benyon, on 21 May to discuss flood insurance. The minister emphasised that he recognised local government's concern to ensure a long-term solution for flood insurance was urgently found. The minister stressed that government as a whole was interested in finding the best solution and that ministers in Treasury, Cabinet Office and CLG are all involved in trying to address this issue. The issue has also engaged the Chancellor and No.10. The minister also stressed that no decision has been taken as yet.
3. Caroline Spelman addressed the ABI conference on climate change and flood risk on 22 May, which gave a direction of travel.
4. As a follow up to both meetings, the LGA will also be writing to Treasury, Cabinet Office and CLG ministers to again raise LGA members concerns.
5. LGA officers will provide a further update at the future Board meetings.

Flood Risk Portal for local government

6. The flood risk management portal being developed by the LGA to meet the information and support needs of local authorities to help them undertake their new responsibilities under the Flood and Water Management Act will be launched at the Chartered Institution of Water and Environmental Management (CIWEM) Surface Water Management conference on 27 June 2012.
7. The portal will be a gateway to information, learning and networking to flood risk practitioners and elected members. The portal will be accessible by clicking on: www.local.gov.uk/floodportal from 27 June.

Update on Feed-in Tariffs for Solar Energy

Purpose of Report

The purpose of this report is to update members on changes to the feed-in tariffs for solar energy.

Summary

We have continued to lobby for an adequate level of feed-in tariffs to allow councils to continue with their local plans for solar energy deployment, and to allow councils to support projects developed by their local communities. This has been supported by a survey to councils on the impact of the changing consultations on the feed-in tariffs and suitable tariff levels for their local schemes.

LGA officers, supported by councils, have been making ongoing representation to DECC and their consultants on the cost envelope taken on by councils when rolling out a solar panel scheme. This report sets out the new feed-in tariff regime for solar that has been announced so far by DECC. We are awaiting a final response which will include the tariff for community projects, which we hope will include council-led schemes.

Recommendation

It is recommended that the Board notes the update report and feeds back any concerns or continued areas for lobbying.

Action

Officers will take forward any actions agreed by the Board.

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Update on Feed-in Tariffs for Solar Energy

1. DECC have released information on how the feed-in tariffs (FITs) levels for solar electricity generation will be set for the future.
2. From 1 August 2012, the generation tariff will be 16p/kWh. The export tariff will rise from 3.2p/kWh to 4.5p/kWh.
3. A multi-installation tariff has been set at 90% of the full generation tariff. This will apply to additional installations where an organisation receives the FITs for more than 25 sites. This means that for the first 25 installations, the full FIT can be claimed, and then the 26th installation and onwards will be at the reduced rate.
4. There are no details yet on the organisations or types of installations that the multi-installation tariff will apply to. We hope to have more information on whether schools, social housing and council-led projects will be required to take the 10% reduction in tariff shortly. DECC officials have stated that if each individual school takes the FITs, then the multi-installation tariff will not apply. Additional information may be available in time for the Board meeting, in which case officers will provide a verbal update.
5. There is scheduled to be a 3.5% reduction in the use-tariff every 3 months. If deployment is below a DECC set threshold, then the degression can be 'skipped' for a maximum of 9 months. If deployment is above a DECC set threshold, then the degression can be increased up to 28%.
6. DECC will release the deployment statistics and the tariff levels will be produced by Ofgem 2 months in advance of any change.
7. Three tariff bands have been identified that will operate independently from each other:
 - 0-10kWh
 - 10 – 50kWh
 - 50kWh +
8. This means that each tariff band may have the degression applied to them at different rates.
9. If a property does not meet the minimum energy efficiency requirements (EPC D) then they will receive 9p/kWh until 1 August 2012, when this will drop to 7.1p/kWh.
10. DECC are aiming for 1 million solar installations by 2015 at the 'consumer end of the market'. They are seeking to integrate solar into the larger policy landscape – for example around CRC and Green Deal.

Purpose of Report

To update members on the LGA and Government Climate Summit which took place on 24th May and was attended by representatives from the LGA, Defra and CLG.

Summary

The meeting was co-chaired by Sir Merrick Cockell and Rt Hon Caroline Spelman MP and attended by communities and local government Minister Andrew Stunnell MP. The LGA was represented by members nominated to attend from the Environment and Housing, Safer and Strong Communities, Health and Wellbeing and Economy and Transport Boards.

Defra Chief Scientist Professor Sir Bob Watson gave a presentation outlining the findings of the first national Climate Change Risk Assessment. LGA members provided local perspectives on the opportunities and challenges posed by a changing climate including examples of existing good practice.

Participants agreed a joint commitment text stating the importance of local and central government working together to manage the impacts of our changing climate. Sir Merrick also invited Professor Sir Bob Watson to address the Councillors Forum on the findings of the CCRA and implications for councils.

Recommendation

Members are asked to note the joint statement.

Action

LGA officers to note and act on any agreed direction from members.

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Summary of Climate Summit discussions

1. The meeting was co-chaired by Sir Merrick Cockell and Rt Hon Caroline Spelman MP and attended by communities and local government Minister Andrew Stunnell MP and Chair of the Government's advisory panel on adapting to climate change Lord Krebs. The LGA was represented by members nominated to attend from the Environment and Housing, Safer and Strong Communities, Health and Wellbeing and Economy and Transport Boards.
2. Defra Chief Scientist Professor Sir Bob Watson gave a presentation outlining the findings of the first national Climate Change Risk Assessment (CCRA). The CCRA confirmed that the global climate is changing and that warming will continue over the next century. Key issues for the local government sector included increased flood-risk, water scarcity and health impacts (both benefits and threats) arising from milder winters and hotter summers. Likely impacts on infrastructure, including road surfaces were noted, as well as higher energy demand for cooling.
3. Rt Hon Caroline Spelman MP outlined the approach that the Government was taking to develop a National Adaptation Programme to respond to the CCRA. This would include the actions that councils could take to build resilience across local estates and services and as leaders of local communities. Andrew Stunnell MP outlined the progress that Government had made to support local decision-making and sustainability in the development of the new National Planning Policy Framework.
4. LGA members provided local perspectives on the opportunities and challenges posed by a changing climate. Examples of local climate change impacts were highlighted as well as good practice by councils, including ways to ensure that the changing climate was taken into account in council decision-making, local plans, and in planning services for vulnerable communities.
5. Cllr David Parsons outlined the LGA's new initiative to drive, inspire and support council action on climate change 'Climate Local'. The initiative will be launched alongside the LGA's Conference in Birmingham. In signing up councils will be asked to agree a set of locally determined actions to reduce carbon emissions and respond to changes in the climate. A key component will be to share with other councils and with national partners their progress and learning.
6. Participants agreed a joint commitment text stating the importance of local and central government working together to manage the impacts of our changing climate. This was agreed by lead members of the Environment and Housing Board on 30th May. (See Annex 1) Sir Merrick also invited Professor Sir Bob Watson to address the Councillors Forum on the findings of the CCRA and implications for councils.

Annex 1 - Climate Summit Commitment

We recognise the importance of increasing resilience to our changing climate. We now know more about what the impacts of climate change will mean for us. The UK's first National Climate Change Risk Assessment identifies the urgent risks we need to act on now including: flood risk, pressure on water supplies and the impacts of higher temperatures on public health, critical infrastructure and energy use.

Councils have a critical role to play in working with partners and communities to plan and ensure the UK is better prepared and resilient to climate change. They can help to increase the resilience of local places and communities, including by:

- building resilience into decisions on buildings, roads, businesses, parks and other public spaces;
- building resilience into key services such as social care, emergency planning and public health;
- making the best use of land, assets, investments and maintenance spending, to manage risk better;
- planning for the long term by reflecting climate risks and sustainable development in Local Plans;
- increasing organisational resilience to extreme weather by building climate change risks into corporate risk registers;
- supporting retrofitting, green-build, the design and management of green spaces;
- encouraging local businesses to be climate ready, to ensure they are resilient and competitive.

Central Government acknowledges the importance of locally-led action on climate change to strengthen resilience to current and future climate risk. Government will work with the Local Government Association (LGA) to develop a framework for action that sets out a clear narrative on ways in which councils can build climate resilience. The National Adaptation Programme will be informed by the local government sector and will showcase examples of council-led action.

The LGA commits to working with partners including Defra, Department for Communities and Local Government and the Environment Agency to support councils to build resilience to climate risks so that timely, far sighted and well informed decisions may be made. Recognising the cross-cutting nature of climate change, the LGA will continue to work with councils to help them build in resilience and promote the economic and financial opportunities and benefits across their key local priorities.

Through the development of the new Climate Local initiative, the LGA will aim to represent and support councils to act on climate risks and to showcase their local commitment, ambitions and achievements. Climate Local will provide a framework through which councils can organise and plan their journey in addressing climate change and a forum for peer-to-peer learning.

Waste Consultations and Landfill tax changes

Purpose of Report

The purpose of this report is twofold - to provide an overview of waste related consultations and an update on the recent changes to Landfill Tax by Her Majesty's Revenue and Customs.

Summary

A number of consultations are planned by the government and the EU over the coming months on the full range of waste related issues with many coming up at the end of 2012 / start of 2013.

Her Majesty's Revenue and Customs recently announced changes to Landfill tax rates for certain materials from recycling facilities, which could have impacts for local authorities.

Recommendation

That members note the report.

Action

As directed by members.

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1. Waste Consultations

Background

1. There are a number of consultations planned by government and the EU on waste related matters over the coming months.

Consultations table

2. The table below provides the information that we have about upcoming consultations on waste related issues.

| Theme | Subject of consultation | Dept | Date |
|---------------------------|---|-------------------|------------------------------|
| UK | | | |
| Waste crime | Duty of Care and Waste Transfer Notes (picking up the Red tape Challenge proposals) | DEFRA | End 2012/ start of 2013 |
| | Harm to local amenity test (following announcement on this course being pursued) | DEFRA | tbc |
| Producer compliance | Material Recycling Facility (MRF) Permitting Regulations (to make the MRF Code of Practice mandatory) | DEFRA | August/ September 2012 |
| | Battery Compliance schemes (picking up the Red tape Challenge proposals) | BIS | End 2012/ start of 2013 |
| | Waste Electrical and Electronic Equipment (Red Tape Challenge revisions and transposition of EU recast WEEE Directive) | BIS | End 2012/ start of 2013 |
| | Packaging Regulations (picking up the Red tape Challenge proposals and overall review) | DEFRA | End 2012/ start of 2013 |
| Waste Regulations | Statutory guidance on implementation (following amendment of regulations post Judicial Review) | DEFRA | Autumn/ Winter 2012 |
| | Joint Municipal Waste Management Strategies (removal of statutory duty) | DEFRA | tbc |
| Planning Policy for Waste | National Waste Management Plan and Annex on Waste Planning Policy | DEFRA and DCLG | End 2012/ start of 2013 |
| EU | | | |
| Waste Directives | Green Paper on Plastic Waste (will feed into the review of Waste Directives with potential for reduction targets for plastic to landfill) | EU Commission | Autumn 2012 |
| | 'Fitness check' on EU Waste Directives (will feed into the review of Waste Directives planned by 2014 by the EU Commission) | EU Commission | 2013 |

2. HMRC changes to landfill tax

Background

3. On 18 May Her Majesty's Revenue and Customs announced a change to the rate of landfill tax for material including rubble and soil, grit, demolition of buildings material, waste facilities residues and other materials used to cover over landfill sites. This material is considered inert i.e. it will not contaminate landfill through degrading and producing methane and does not count towards the EU biodegradable landfill targets.
4. For local authorities this will relate to the residues (or fines) from waste facilities as well as rubble and soil collected at household waste and recycling centres. The threat of an increase in landfill tax for rubble and other material collected by skip operators led to a recent demonstration in parliament square.
5. HMRC issued an order in March 2011 which contained a list of inert materials that are exempt from the full landfill tax rate in 2011. This followed a court ruling in 2008 that landfill tax had been overcharged in some cases, leading to claims for repayment by operators. The announcement on 18 May unexpectedly ups the ante by threatening action against those landfill operators not paying the full tax for non listed materials.
6. Up to now this material attracted a lower rate of landfill tax of £2.50 and there are fears that this change could increase the tax to £64 per tonne across all materials with immediate effect.

Impacts

7. If the changes are implemented as reported there are two potential impacts for local authorities of these changes:
 - 7.1. **Increased flytipping** due to increased costs for disposal of these materials that is passed on to customers.
 - 7.2. Local authorities will be subject to the **increased costs** for disposal of the waste they or their waste contractors are producing. This includes material such as soil and rubble at household waste and recycling centres as well as residues from their waste facilities.

Latest developments

8. HMRC have issued a clarification that re-states the listed materials that are subject to the lower rate, which includes many of the materials from waste facilities. The clarification states that if the necessary evidence (documented in

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Waste Transfer Notes) is produced that establishes a material is included in the list then it will only be subject to the lower rate.

9. A potential consequence of this clarification is that waste managers may be required to carry out more accurate recording of information about different materials and their origin. Also that material eligible for lower rates is kept separate from other non listed material. In cases where these materials are mixed the full landfill tax rate will apply. HMRC have agreed to work with the waste industry to demonstrate how these materials can qualify for the lower landfill tax rate.
10. A further issue of guidance has been promised to clarify the situation, although the timing for this is not clear and has been stated as 'in due course'.

Next steps

11. Officers to monitor the situation and liaise with the National Association of Disposal Officers and Environmental Services Association in order to further determine impacts and liabilities for local authorities.
12. If these changes result in additional unforeseen costs to councils officers will seek to lobby of government for revision or compensation.

Government response to the consultation on the Green Deal and the Energy Companies Obligation (ECO)

Purpose of Report

This report provides an update on the Government's response to the consultation paper on the Green Deal and ECO 1, which was published on 11 June 2012.

Summary

A range of points are covered in the Government's response. Consumer protection has been strengthened, and various operational issues and ways to reduce industry costs are covered and will be of interest to providers.

The total sum of money from the Energy Company Obligation (ECO) is expected to be around 1.3bn per annum. Of this 75% will be allocated to the carbon saving element and the remaining 25% to affordable warmth. The affordable warmth element is only available to poorer householders with a private tenure. The carbon saving element of ECO will be used to tackle harder to treat properties and is available to householders of any tenure.

The final proposals also include a new obligation of the carbon saving element called carbon saving communities, designed to target insulation measures in low-income communities.

Recommendation

That members note the report.

Action

As directed by members.

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Government response to the consultation on the Green Deal and the Energy Companies Obligation (ECO)

Background

1. The government published its response to the consultation paper on the Green Deal and ECO on 11 June 2012. Local councils were the largest group of responders and the LGA also submitted a detailed response. The consultation closed in January 2012.
2. The consultation response highlights the potential for SMEs to get involved in the Green Deal and for the supply chain to create local jobs. DECC have a range of activities for SMEs and suppliers and there is potential for the LGA to add to this by looking at the role of local councils and LEPS to support SMEs. Tools and advice for elected members on this topic will form part of the LGA offer to councils on the Green Deal.
3. More detail has been provided on consumer protection and the assessment process. DECC have also provided high level advice about consumer behaviour, however this is still a gap on raising public awareness at the local level, and what the role of councils in endorsing the Green Deal might be. To avoid potential duplication and to help councils think about the level of control they will have in endorsing a commercial product, a Green Deal communication tool will also be part of the LGA offer to elected members and senior officers.
4. DECC has published a number of documents alongside the consultation response about the operation of the Green Deal. These will be of interest to councils who intend to become Green Deal providers.

Summary of main Points

5. **Consumer protection** has been strengthened. In advance of a visit the Green Deal assessor must declare their status and whether they are receiving any payment or commission. They must also request permission in advance for any additional services being offered, including sales. Further measures are also included to ensure that assessors are not pressured to convert quotes into sales.
6. Cold calling is permitted, but after consultation the government has strengthened the cooling off period. Measures to protect consumers with low energy use are introduced, in response to concerns that they would end up with higher energy bills. Consumers spending more than 10,000 through the Green Deal also have some protection, and the methodology has been revised, which will be of interest to providers.

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7. Interest rates and charges have also been reviewed, and again will be of interest to providers. Further details about handling complaints and the right to appeal are covered.
8. **Reducing industry costs** are covered and the detail of this section including updates on guarantees and warranties will be of interest to providers.
9. **Operational issues** covers the detail of billing arrangements, fees and data sharing. These are back office functions but will be of interest to providers.
10. **Revising the Energy Company Obligation (ECO)** provides further information on announcements about the extension of ECO. These have been trailed in advance of the consultation, notably in a speech by the Deputy Prime Minister.
11. In summary the total sum of money from ECO is expected to be around 1.3bn per annum. Of this 75% will be allocated to the carbon saving element and the remaining 25% to affordable warmth.
12. The **affordable warmth** element is only available to poorer householders with a private tenure, as initially proposed by the government. The measures available under affordable warmth have been extended and “any measure will be eligible for support if it reduces the notional cost of heating the property”. The proposed restrictions to limit availability to poorer household remain in place, reflecting the same super priority group that is used for existing CERT and CESP schemes. The LGA had argued for affordable warmth to be available to all tenures, and with a broader definition of need. This has not been reflected in the final shape of ECO, however there are significant changes to the carbon saving element.
13. The final proposals include a new obligation of the **carbon saving element** called **carbon saving communities**. “This is designed to target insulation measures in low-income communities defined using the bottom 15% of Lower Super Output Areas from the Index of Multiple Deprivation, or equivalent indexes in Scotland and Wales”. Around 190 million per year from ECO will be available to support this element of ECO. To ensure access for rural communities 15% of the carbon saving communities element must be spent in rural areas. The focus is on low income households in settlements with a population lower than 10,000, and meeting eligibility requirements on poverty. A wider range of measure will be available through carbon saving communities, and the government expects loft and cavity wall insulation to form the majority of installations.

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14. The **carbon saving element of ECO** will be used to tackle harder to treat properties and is available to householders of any tenure. In response to concerns through the consultation, the final design has been changed to include solid wall insulation and non-standard cavity wall insulation.
15. A brokerage system will be put into place to ensure “fair and transparent access to ECO subsidy”. A further consultation will be held over the summer on the brokerage scheme. This will be of significant interest to local authorities.
16. The response sets out the outline monitoring and evaluation arrangements with an initial evaluation at 6 months and a first year review in late 2013/early 2014. Timing for the implementation of the Green Deal is not changed and early October is confirmed as the start date. However, the consultation does refer to the complexity of some of the processes need to support the Green Deal, for example the collection of payments and not all of these will be in place by October 2012.
17. Changes to the Home Energy Conservation Act (HECA) are mentioned in the consultation response but no further details are provided. Further details on HECA are still awaited.

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Purpose of Report

To update on the 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

As directed by members.

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Planning Advisory Service update

Background

1. The Planning Advisory Service (PAS) is a grant funded programme within the LGA. This year's grant allocation is £2.65. This report gives an update on activity so far this financial year, and looks ahead to the remaining 3 quarters of the year.
2. PAS consists of a small team of 8 consultants and 2 support officers. We commission most of our work and deliver it via suppliers from a framework, peers and colleagues within the LGA

Activity during April-June 2012

3. Aside from programme planning and scoping up the work for this year, the main items of delivery to date are:
4. On-site councillor or officer briefing sessions on topics ranging from viability to decision making. These have taken place at Loughborough (for Leicestershire Councils), Carlisle (for Cumbria councils), South Oxfordshire, South Staffordshire, Arun, South Somerset, East Sussex, South Cambridgeshire, Dacorum, Lichfield, South Kesteven, Thurrock, West Lancashire, Blaby and Kirklees.
5. A planning peer review took place at Enfield. We also piloted a new planning peer review 'open for business' at Swindon. A review for Fylde is scheduled for August 2012.
6. 'Understanding and responding to the NPPF' events - a series of 10 national events is arranged across the country from May-July, including, on 16 July at LGH, an event specifically for councillors (although councillors are able to attend any of the other events as well).
7. Plan-making support. We have worked with the following councils on different aspects of plan-making: Adur, Brentwood, Broxtowe, Calderdale, Cambridge, Chiltern, Cornwall, Cotswold, Derbyshire Dales, Eastleigh, East Devon, East Riding, Fylde, Greater Nottingham, High Peak, Leeds, Leicester, Liverpool, Maidstone, Malvern Hills, North Devon, North Dorset, Rotherham, South Bucks. South Somerset, Stafford, Torridge, Woking, Warrington, Worcester, Wychavon.

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Looking ahead

8. We are continuing our work to provide direct support to local authorities to support them to get an up to date local plan in place. This includes a combination of direct support to councils, events, a NPPF checklist and may include peer to peer and political level dialogue. We have also worked closely with CLG and PINs to ensure that the support provided is complementary.
9. Our main focus remains working with councils on implementing the NPPF (mainly getting a plan in place). We are also arranging:
 - 9.1. Leadership Academies for the autumn, developing proposals around supporting groups to carry out their 'duty to co-operate',
 - 9.2. developing practice and support to councils on neighbourhood planning,
 - 9.3. another round of benchmarking and improvement work,
 - 9.4. joint work with the LGA on growth and prosperity
 - 9.5. arranging sessions under the Gypsy and Traveller National Awareness Programme
10. If you would like any further information please contact Alice Lester, alice.lester@local.gov.uk

Impact Assessment of INSPIRE

Purpose of Report

For information.

Summary

A short update on the LGA's work on the European INSPIRE directive which regulates the access and sharing of location information to support European member states in implementing environmental policy.

Recommendation

The Board is asked to note the report on INSPIRE and the work that has been conducted to date.

Action

As directed by members.

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Impact Assessment of INSPIRE

Summary

1. The LGA's Improvement Board on 15th May considered an item on the European INSPIRE directive under its remit of local government transparency.
2. The European INSPIRE directive regulates the access and sharing of location information to support European member states in implementing environmental policy. Information covered by INSPIRE includes transport networks, addresses, land use, environmentally protected areas, risk and management zones. The purpose of INSPIRE is to allow data to be comparable across Europe to give decision makers reliable evidence about the environment. The regulation came into force in 2009.
3. The implementation of the INSPIRE regulations across the UK is led by Defra and colleagues in the LGA are working closely with to help implement INSPIRE in local government.
4. Local authorities will benefit from being able to use such location data, mainly in planning and transport but also in other service areas, such as flood risk management. But councils are also responsible for meeting the requirements of the regulation themselves, as local authorities create location information as part of their regulatory function.
5. Publishing environmental location data in accordance with INSPIRE has costs, because it requires organisations to provide information to a high technical specification (for example, using web mapping tools to present the data). Defra commissioned the LGA to carry out an impact assessment of implementing INSPIRE in local authorities. The initial assessment estimates the costs to be up to £9m over eight years depending on whether datasets are published nationally or locally. On the other hand, there also potential costs associated with not meeting INSPIRE requirements which are likely to be passed down to authorities.
6. This report presents the draft findings of the impact assessment and outlines the next steps in relation to INSPIRE. It also covers feedback on this from the Improvement Board meeting on 15 May 2012.

Feedback from the Improvement Board on 15 May 2012

7. The above information was summarised at the Improvement Board and in the discussion that followed, Members made a number of comments and questions, which were responded to by officers, relating to issues including:
 - 7.1. serious concerns were expressed regarding the fact that few local authorities currently have the technical capabilities to meet the INSPIRE requirements and the significant costs to local authorities;

- 7.2. A Member expressed the view that the significant financial implications for councils of implementing this directive underlined the need to undertake a holistic impact assessment of the costs incurred by councils as a result of government regulations relating to data publication. It was suggested that the results of the INSPIRE impact assessment be used as a lobbying platform for this wider issue;
- 7.3. A number of different views were expressed regarding the advantages and disadvantages to local authorities of implementing the INSPIRE directive. Members asked for further clarity on the implications of the directive for local authorities, and specifically that a report be brought to a future Board meeting that set out: the advantages and disadvantages of complying with the directive, the involvement of the Environment and Housing Board in the work around the directive and the role of GeoPlace.
8. LGA will continue to work with Defra to:
- 8.1. review and agree the likely extent of burdens on local authorities;
 - 8.2. minimise those burdens by finding the best possible solutions for implementing INSPIRE in local authorities. Options range from local publishing services, publishing through a regional/partnership, or publishing using central services. A hybrid approach between local, regional and national solutions may be the most likely option to take account of localism and local ownership;
 - 8.3. support local authorities and help them understand INSPIRE. The UK Location Programme together with the LGA will revise guidance to meet local authority needs, and run four regional workshops in spring/summer to inform about INSPIRE and take local authority views. The LGA has also established an expert group from local authorities to consult on proposals and solutions.

End of Year progress report

Purpose of report

For noting and action as set out below.

Summary

This report offers an overview of the issues and work affecting the Board over the last year. It sets out key achievements in relation to the priorities set for the Environment and Housing Board in September 2011, and in the context of policy developments and member requests throughout the year. The paper also looks forward to next year's programme of meetings.

Recommendations

Members are invited to:

- a. Note the achievements against the Board's priorities in 2011/2012; and,
- b. Note the programme of meetings for 2012/13.
- c. Agree the list of Outside bodies to which the board will nominate representatives.
- d. provide direction about future feedback arrangements for Improvement Board representatives on outside bodies/LGA structures.

Action

Officers to action as directed by members.

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End of Year Board Report

Background

1. The LGA's Internal Audit review of Corporate Governance has recommended that all Boards and Panels carry out an end of year review of achievements against the 2011/12 business plan priorities. .
2. This paper summarises key achievements, areas outstanding and the forward programme of meetings for the Board's consideration.

Our focus in 2011-12

3. The four key outcomes for the Environment and Housing board, as identified in the 2011-12 Business Plan were as follows:
 - 3.1. Campaigning for greater local decision making in planning and housing through the Localism Bill, the National Planning Policy Framework (NPPF) and elsewhere.
 - 3.2. Ensuring a strategic role with adequate resources for councils to act on local energy security, carbon reduction and the low carbon economy
 - 3.3. Councils are supported in and better prepared for climate adaptation, including their new roles in flood risk management
 - 3.4. Powers and flexibility for councils to make local decisions on waste

Achievements against the work plan's strategic objectives

4. The Board has been fully engaged in seeking to influence the Government's reform agenda and support councils to exploit opportunities and mitigate risks. Key achievements against the Board's workplan include.
 - 4.1. Securing changes to the Localism Act to ensure the role of elected members was recognised in neighbourhood planning and providing councils with greater flexibility and powers. The Board also lobbied through the passage of the Act for changes to remove the borrowing cap related to self financing. This work will continue and is a key focus of the Housing the Nation campaign.
 - 4.2. The NPPF has now been finalised and the LGA has secured a transitional period of 1-year to allow councils time to prepare for implementation of the new planning system. The LGA also secured concessions relating to the balance of the three pillars of sustainability, the role of local plans and viability.

- 4.3. Following a long standing campaign the LGA supported stock owning councils to transition to a new self financing system. The Board also lobbied hard to influence government policy around the reinvigorated right to buy. The board secured the principle of 100% retention of Right to Buy receipts (subject to conditions), and will continue to lobby the government to review the discount cap.
 - 4.4. The LGA has also provided a housing support offer for elected members and the Planning Advisory Service has provided the sector with direct support on plan making, CIL, neighbourhood planning and a host of other issues. This includes the delivery of six subsidised planning peer challenges.
 - 4.5. The LGA was also vigorous in setting out to DECC the impact of their proposed changes to FITs, and has lobbied successfully for concessions to local government's view in the development of the Green Deal. We have used this experience to help spur closer co-operation between DECC and local government.
 - 4.6. The LGA has also developed and recently launched the Climate Local resource for local councils; signed a joint statement of intent with Defra on climate change; and lobbied the government regarding flood insurance. A support offer for councils who applied for the DCLG £250 million Weekly Collection Support Scheme.
 - 4.7. Board members and parliamentarians have also been supported through media and select committee appearances – for example as part of a high-profile campaign seeking to reform the use-class system.
5. A full table showing the LGA's achievement and impact against the 2011/12 business plan is attached as **Appendix A**.

Wider activity by the board and team

6. There have also been a number of initiatives over the last year to strengthen engagement and communication with member councillors, councils, partner organisations and other stakeholders, through scheduled working groups, relationship-building meetings, officer networks and political meetings. For example; The Environment and Housing team have also recently established regular meetings between Greg Barker MP, DECC and the Board Lead members, on a quarterly basis.
7. The profile of the Board and influence of the Board has remained high and Board members have represented the LGA at over 80 external events since September 2011.
8. Lead members of the board have contributed to a number of select committees across the board's remit, including the EFRA Select committee, the Energy and

Climate Change Committee and the Communities and Local Government inquiry into the Financing of New Housing Supply.

9. The LGA has produced a programme of conferences at Local Government House, to keep elected members up-to-date on legislative changes and their impacts, as well as supporting the Leadership Academy for councillors and a series of Housing and Planning Masterclasses around the country. We have also maintained a presence at all major party conferences

Outside Bodies

10. The Local Government Association currently benefits from a wide network of member representatives on outside bodies across a wide range of the LGA member structures.
11. All Boards are required to agree a refreshed list of outside bodies/LGA structures that the LGA will appoint to for the 2012/13 meeting cycle. Appointments to these bodies/LGA structures will then be formally approved by each Board in September and submitted to the October Executive meeting for approval.
12. Environment and Housing board members are currently contributors to the following outside bodies and arms-length groups:
 - 12.1. LHDSG - The Local Housing Delivery Steering Group
 - 12.2. National Planning Retail Forum
 - 12.3. National Planning Forum
 - 12.4. Climate Local Steering group
 - 12.5. HCA Rural Advisory Board
 - 12.6. Canal & River Trust Council
 - 12.7. Inland Flood Risk Management Group
 - 12.8. Urban Commission Steering Committee
13. A full list of outside bodies, their full function and the Environment and Housing board members who represent upon them, is attached as **Appendix B**.
14. As stated in the LGA Political Conventions, each individual Board has the discretion to decide what approach it takes for selecting representatives, and to ensure that appointments are made in accordance with the LGA's political proportionality, with political group offices have oversight of this process. Members are therefore requested to consider the attached list and to agree whether or not to continue the LGA's representation on these groups.

Financial Considerations

15. All work set out in the board's programme plan has been delivered within existing budget and resource constraints.
16. Additional funding has been secured for the Housing the Nation Campaign, from the LGA's corporate budget.

2012 /13 Board Cycle

17. The following programme of Board meetings is proposed for next year:
 - 17.1. Tuesday 18 September 2012 - 11am, Local Government House,
 - 17.2. Wednesday 21 November 2012 - 11am, Local Government House
 - 17.3. Wednesday 23 January 2013 - 11am, Local Government House
 - 17.4. Wednesday 20 March 2013 - 11am, Local Government House
 - 17.5. Tuesday 14th May 2013 - 11am, Local Government House
 - 17.6. Monday 01 July 2013 - 11am, Local Government House

18. **Members are asked to note the forward programme of board meeting dates.**

Appendix A - Excerpt from LGA Performance report - 2011/12 - Environment and Housing team

| 2011-12 Business Plan | What we delivered | Impact |
|---|--|---|
| <p>Campaigning for greater local decision-making in planning and housing through the Localism Bill, National Planning Policy Framework and elsewhere</p> | <ul style="list-style-type: none"> • Lobbying on how CIL is spent locally • Influenced DEFRA consultation on Town and Village Green registration system • Lobbied on local planning fee setting model. PAS led programme with 250 councils to develop evidence base | <ul style="list-style-type: none"> • Secured appropriate transition arrangements to the new planning system • Secured key changes to NPPF • Secured role for councillors in neighbourhood planning • Secured policy change to a new self financing system and supported transition • Secured the principle of local retention of capital receipts from Right to Buy |
| <p>Provision, allocation and regulation of social housing</p> | <ul style="list-style-type: none"> • Delivery of a housing support programme • Influenced new social housing regulatory framework to include role of sector led improvement • Submitted input to CLG Select Committee on the role councils can play to support housing delivery. • Joint publication with HCA • Support for councils to work with private rented sector via masterclasses, briefings etc. • Submissions to Government on institutional investment in private rented sector | <ul style="list-style-type: none"> • Free masterclasses delivered to over 90 elected members with over 90% satisfaction rating • Principles will underpin new regulatory regime • Good practice and tools available to councils to enable them to promote housing delivery. • Contribution to enhancing reputation of local authorities • Will become a key theme in Housing the Nation campaign |
| <p>Ensuring a strategic role with adequate resources for councils to act on local energy security, carbon reduction and the low carbon economy</p> | <ul style="list-style-type: none"> • Key role of councils on the Green Deal acknowledged and acted upon. • Lobbying of the Energy Bill • Conclusion of the Local Carbon Framework Pilots • Lobbying on the Hills Review of Fuel Poverty • Green Deal Conference • Successful lobbying on feed-in tariffs for solar | <ul style="list-style-type: none"> • Council-led finance models for delivery of Green Deal developed • Council-specific questions in consultation on Green Deal. • Local Authorities Green Deal forum. • Committee on Climate Change commissioned by DECC investigate role of councils. |

Item 6h – Appendix A

| 2011-12 Business Plan | What we delivered | Impact |
|--|---|--|
| | <ul style="list-style-type: none"> energy for councils Successful lobbying on the Carbon Reduction Commitment (CRC) Successful lobbying on new EU Energy Efficiency Directive | <ul style="list-style-type: none"> Significant references to councils during debate on Energy Bill. The Energy Act retaining HECA but avoiding local carbon budgets. Learning from local carbon framework pilots shared Reporting on fuel poverty being reviewed. Community installation' tariff being proposed for councils and social housing providers Simplification of CRC. Review into inclusion of schools. On course to avoid council targets on energy efficiency in EU legislation. More funding to councils from energy suppliers on energy efficiency measures for domestic properties. |
| <p>Councils are better prepared for climate adaptation</p> | <ul style="list-style-type: none"> Funding from EA and DEFRA to provide web-based support | <ul style="list-style-type: none"> Defra continue to offer capacity building programme Widespread media coverage/MP meetings National recognition for role of LAs in managing drought and water resources |
| <p>Powers and flexibility for councils to make local decisions on waste</p> | <ul style="list-style-type: none"> Interested Party on the Judicial Review of DEFRA into Recycling Regulations Close working with DCLG on new funding for councils on more frequent waste collection services Lobbying of DEFRA to retain local powers on the presentation of waste for collection Lobbying on more funding to councils to manage increased recycling from packaging Lobbying on improving quality of recycling Successful conference on Waste Influencing 'Red Tape Challenge' <p>Consultation response and joint letter with other organisations asking for powers to be retained.</p> | <ul style="list-style-type: none"> Judicial Review adjourned for 6 months whilst DEFRA re-write regulations £250 million available to councils to improve collection frequency of waste. LGA influencing meant that the eligibility criteria gave councils greater flexibility to support local decisions. 180 bids received, 5 workshops held, LGA on Technical Advisory Group. More positive relationship with packaging industry. LGA involvement in new Responsibility Deal for MRFs and new quality statements. |

Item 6h – Appendix A

| 2011-12 Business Plan | What we delivered | Impact |
|--|--|---|
| <p>Improvement and self-regulation for energy and climate</p> | <ul style="list-style-type: none"> • Memorandum of understanding with DECC • Council secondees into DECC on MOU • Development of Climate Local | <ul style="list-style-type: none"> • Closer working relationship with DECC • £70K funding from Environment Agency to develop the Climate Local commitment, and support tools |
| <p>Support to councils to seize the opportunities from the changes to planning, working through PAS</p> | <ul style="list-style-type: none"> • 234 councils in the benchmark club • Events on strategic planning and the duty to co-operate; neighbourhood planning; planning reform • 6 pilots for different models of delivery • Supporting 14 CiL front runners | <ul style="list-style-type: none"> • Supporting deregulation of planning fees • Authorities understand new responsibilities • Supporting authorities with understanding service costs and making informed decisions on service provision (OPS white paper) |

Appendix B – Environment and Housing Board representation Outside Bodies

As at 01 June 2012

| Organisation | Background | Representatives | LGA Contact Officer |
|--|---|---|--|
| National Planning Forum | <p>The National Planning Forum (NPF) is the principal cross-sectoral voice on planning issues and aims to be recognised as a key agent for change in delivering a better planning service.</p> <p>Members are expected to attend four Forum events each year, each held at Local Government House.</p> <p>One member will also be appointed as the Vice Chair of Forum (representing the Local Government sector) and will be expected to additionally attend 5 Executive meetings in London.</p> | <p>(Four representatives)</p> <p>Conservative: Eddy Poll</p> <p>Liberal Democrat: Keith House [Vice Chair (Local Government)]</p> <p>Labour: Ed Turner</p> <p>Independent: Andrew Cooper</p> | <p>Lara Adekoya Lara.adekoya@local.gov.uk</p> |
| National Retail Planning Forum (NRPF) | <p>The National Retail Planning Forum (NRPF) is a registered charity. The Forum aims to act as a bridge between the different interests involved in retail planning.</p> <p>Forum meetings are held two or three times a year.</p> | <p>(One representative)</p> <p><i>To be filled</i></p> | |
| HCA Rural Advisory Board | <p>The Board's aim is to advise Government on and seek ways to improve delivery of affordable rural housing, promoting joint working between key stakeholders through the provision of a forum for sharing good practice and encouraging innovation.</p> <p>3 meetings are held in London each year for 2-3 hours.</p> | <p>(One representative)</p> <p>Mike Jones (Conservative)</p> | <p>Clarissa Corbisiero Clarissa.corbisiero@local.gov.uk</p> |
| Local Housing Delivery and Standards Group* | <p>This group is a cross-sector working group looking at producing advice for developers and local authorities on viability and local standards in plan-making. The LGA and the House Builders Federation (HBF) are considered core members of this group. The steering group will conclude its work on 22 June. No further meetings are scheduled.</p> | <p>(One representative)</p> <p>Ed Turner (Labour)</p> | <p>Russell Reefer Russell.reefer@local.gov.uk</p> |

| | | | |
|---|---|---|---|
| <p>Climate Local Steering group*</p> | <p>This newly formed steering group will replace the Climate Local / Nottingham Declaration Board and will provide a forum for councils and partners to influence the development of the resource.</p> | <p>(Two representatives) Tim Moore (LAB) / Andrew Cooper (Independent)</p> | <p>Abigail Burridge Abigail.burridge@local.gov.uk</p> |
| <p>Canal & River Trust Council</p> | <p>The Government announced last year that the canals and rivers managed by British Waterways in England and Wales, transferred to a charitable trust - now named Canal & River Trust - in April 2012.</p> <p>Within the governance structure of the Trust, a Council has a remit to safeguard the long-term values and purposes of the Trust. The Council will have an important role in helping to shape policy, raising and debating issues, and in providing guidance, perspective and a sounding board for Trustees.</p> <p>The full Council will meet two times a year.</p> | <p>(One representative) Cllr Ken Hudson (Rural Commission – Conservative)</p> | <p>Kamal Panchal Kamal.panchal@local.gov.uk</p> |

Appointments to LG Group bodies

| <p>LG Group body</p> | <p>Background</p> | <p>Representatives</p> | |
|---|--|---|--|
| <p>Urban Commission Steering Committee</p> | <p>The Urban Commission provides a forum LGA for member authorities whose areas are wholly or partly urban. The Urban Commission will act in a way that complements the principals of the LGA as a whole.</p> | <p>(One representative) Andrew Gravells (Conservative)</p> | <p>Nick Porter Nick.porter@local.gov.uk</p> |
| <p>Inland Flood Risk Management Group</p> | <p>The group acts as a sounding group for the Environment and Housing Programme Board, and the four Members lead on flood risk management in their shaping of LG Group policy positions and improvement activities in relation to the lead role on managing inland flood risk, and the development of expertise, learning and progress in all local authorities.</p> <p>This group meets 3 times a year in Local Government House.</p> | <p>(Four representatives) Conservative: Eddy Poll Labour: Tim Moore Lib Dem: Simon Galton Independent (and Chair): Andrew Cooper</p> | <p>Jo Allchurch, jo.allchurch@local.gov.uk</p> |

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 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 met 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

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