

Note of decisions taken and actions required

Title:	Environment & Housing Board
Date and time:	14.00, Wednesday 25 June 2012
Venue:	Vista Suite 2, Crowne Plaza Birmingham City, Central Square, Birmingham, B1 1HH

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
	Cllr Andrew Gravells	Gloucestershire CC / Gloucester City Council
	Frances Roden	Stroud DC
	Tony Newman	Croydon LB
	Tracey Simpson-Laing	York City Council
	Terry Stacy JP MBE	Islington LB
	Simon Galton	Leicestershire CC
Apologies	Eddy Poll	Lincolnshire CC
	Ed Turner	Oxford City Council
	Tim Moore	Liverpool City Council
In attendance	Sandie Dunne	LGA
	Abigail Burrridge	LGA
	Clarissa Corbisiero	LGA
	Dan McCartney	LGA
	Tom Coales	LGA
	Liam Paul	LGA

Item	Decisions and actions	Action by
1.	<p>Memorandum of Understanding with the Department of Energy and Climate Change (DECC)</p> <p>Members were reminded that the previous Memorandum of Understanding (MoU) between the LGA and DECC was signed in 2011. A report into its effectiveness is currently in production by a secondee from LB Havering into DECC. This would be made available to members at the end of July, and inform work on a possible successor for the MoU. Proposals for next steps would be brought to an Autumn meeting of the board.</p>	
	<p>Decision</p> <p>Members of the Board requested that next steps to follow the 2011 MoU be added to the board forward work plan.</p>	<p>Action</p> <p>Abigail Burridge</p>
2.	<p>Waste issues – Red tape challenge and fly-tipping on private land</p>	
	<p><u>The Government's Red Tape Challenge</u></p> <p>The board noted that within the Environment theme of the government's Red Tape Challenge initiative, the regulations surrounding Waste Transfer Notes (WTNs) and Producer Responsibility Obligations (PROs) were under consideration.</p> <p>The proposal from Defra regarding WTNs would remove the requirement for businesses to produce WTNs, and replace them with other forms of 'informal' evidence such as invoices or contracts. WTNs provide a source of evidence in prosecutions for fly-tipping. DEFRA will consult on proposed changes to the Duty of Care regime and WTNs at the end of 2012 / start of 2013.</p> <p>Members were also informed that following recommendations from the Red Tape Challenge, changes to producer responsibility obligations were also under consideration by the Department for Business, Innovation and Skills (BIS) in the areas of Waste Electrical and Electronic Equipment (WEEE) and the Battery Compliance Scheme. A consultation on these matters was also expected at the end of 2012 / start of 2013. Likewise, Defra would be consulting on changes to packaging waste regulations at the end of 2012 / start of 2013. These changes, if implemented, may take some small / medium producers out of the compliance thresholds.</p>	
	<p>Members raised the following points in debate:</p> <ul style="list-style-type: none"> ▪ The removal or weakening of the regulations under discussion could result in more illegal dumping of waste. ▪ The removal of the requirement for small- and medium-sized businesses to comply with the packaging regulations could potentially have a large aggregate impact, as a large part of the business population would no longer need to comply. ▪ A concern that small- and medium-sized businesses exempted from waste transfer notes could become a conduit for the disposal of unregulated waste. ▪ Savings for small- and medium-sized businesses needed to be balanced against the impact on the ability of local authorities to carry out their enforcement role, which is needed to tackle metal theft and other waste infractions. 	

- That there needed to be more incentives for councils dealing with the increasingly large volumes of WEEE for disposal.
- Departments across government and local agencies need to co-ordinate their work and cooperate more effectively with each other and local government to reduce, prevent and tackle fly-tipping and metal theft.

Fly-tipping on Private Land

Members noted that DEFRA have invited the LGA and other stakeholders to take part in a fly-tipping summit to be chaired by Lord Taylor on 26 July, which will examine proposals to remove charges for the removal of fly-tipped waste from private land.

The potential cost implications for councils of clearance and disposal of fly-tipping from private land were estimated at between £50 -100 million. Dialogue with DEFRA had made it clear to the department that any such new burden must be funded.

Members considered supporting the measure, and in discussion, made the following points:

- If councils were to offer a free service for clearance and disposal of fly-tipped waste on private land then system would need to be robust in order to avoid abuse.
- Any focus on fly-tipping on private land should not be exclusively centred on farmland.
- Some members felt that the way to deal with illegal fly-tipping was by strengthening existing powers to aid prevention, deterrence and prosecution of the offence.
- Widespread support for a localist approach and an acknowledgement that practice across the country varies widely in terms of the service offered to land owners by local authorities, due to authorities' legitimate choices about allocating their funding.

Decision

Action

The members of the Board:

1. **agreed** to engage constructively with DEFRA and BIS on the Red Tape Challenge 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.
2. **agreed** to attend the fly-tipping summit with a clear message that any new burden on local government emerging from the discussions must be fully and adequately funded, and not open to abuse.

Dan McCartney

**Dan McCartney /
Cllr Whelan**

3. **Welfare Reform and Housing**

Members' noted the officers' report on the political impact of the government's welfare reforms on housing.

As the reform package would not be fully implemented for some time, it would be premature to draw conclusions on the impact of the reforms, but based on the survey responses of a number of councils

certain key themes had emerged. These included:

- A need to ensure accurate notifications from DWP to implement the overall cap on benefits.
- An increase in demand for social housing in lower-rent areas.
- Increased use of Bed and Breakfast accommodation.
- Little, if any, evidence of rents adjusting downward to reflect the changes in housing benefit.

Following dialogue with the LGA, the DWP were open to councils playing a role in the delivery of the new universal credit benefit and the LGA was working with government to identify 6-12 authorities to pilot the face-to-face delivery of the benefit.

In discussion, members made the following points:

- The idea of a National Voluntary Agreement relating to the use of temporary accommodation had some reputational risks associated with it and a better approach would be to discuss with local authorities whether the LGA could support the development of regional or sub regional agreements.
- Support for the campaign
- The selection of face-to-face delivery pilots should be geographically and demographically diverse.
- LGA work on the impacts of welfare reform on housing needed to recognise the effects on the private rental sector as well as on publicly owned
- The need for the LGA to pro-actively model and test different responses to the housing crisis.
- The possibility of a knock-on effect as large houses are vacated due to unaffordable rents and then turned into Homes in Multiple Occupation (HMOs).
- The need for councils, government and partners to try to align the type of housing stock available in the area with the jobs and type of economy desired in a certain area.
- Concerns that the reforms could expose councils to possible workforce costs; the LGA was in discussion with DWP regarding workforce issues.

Decisions

Action

The members of the Board:

1. **agreed** that the LGA should investigate the feasibility, costs and appetite from councils for a series of regional or sub regional voluntary agreements relating to the use of temporary accommodation.
2. **agreed** that 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 and that the LGA works closely with the NHF and HCA on this agenda.
3. **agreed** that the LGA work with key organisations to promote continued confidence in the financial security of housing providers, including development of a voluntary code for self financing.

**Clarissa
Corbisiero**

**Clarissa
Corbisiero**

**Clarissa
Corbisiero**

4. **Housing Support offer 2012/13**

Members received a report on the housing support delivered to the sector by the LGA over the previous year, together with proposals for the next phase of the housing support programme. It was proposed to keep the programme focused on elected members.

Members were supportive of the offer and offered the following suggestions for areas where the offer could be improved:

- Tailor the programme so that the relevant connections between planning and the health reforms taking place following the Health and Social Care Act 2012 are included: notably the role of Health and Wellbeing boards, and the need for integration and cooperation between departments within authorities and with outside partners to ensure strategic plans for public health, adult social care and planning are aligned.
- Greater support for HMOs (Homes of Multiple Occupation) and the private rented sector could be included.
- Developments arising from the government's Green Deal programme and revisions of the Home Energy Conservation Act (HECA), should be included.
- Officers were urged to advertise upcoming sessions well in advance of the date, to ensure that they gained a high-profile in the sector and could be well attended.

Officers added that the support offer featured a variety of proposed guides and pamphlets on different issues which they would seek to co-produced with partners such as the Chartered Institute of Housing (CIH), the Centre for Public Scrutiny (CfPS) and the Housing Ombudsman.

Decisions

Actions

The members of the Board:

1. **agreed** that the Housing Support offer should continue to focus on elected members.
2. **agreed** the support programme outlined at Annex B to the report.
3. **requested** that officers circulate research undertaken on the impact and response to the 2011/12 housing support programme.

**Clarissa
Corbisiero /
Hilary Tanner**

5. **Housing Campaign Update**

Members received an update on the LGA's housing campaigning activity.

Decisions

The members of the Board **noted** the update.

6. **Update on other Board Business**

Flood Risk Management Update

Cllr Andrew Cooper, Chair of the Inland Flood Risk Management Group at the LGA spoke to this report. He reported that he was talking to Calderdale and other authorities affected by the Summer's flooding

events to provide the LGA with examples of the damaging effects an inability to obtain Flood Insurance could have and to act as case studies for the LGA's lobbying work.

Update on Feed-in Tariffs for Solar Energy

Members queried the logic behind changes to the export tariff. It was also noted by some members of the board that repeated changes to the policy in this area were beginning to deter foreign investment in this type of renewable energy.

Summary of Climate Summit discussions

Members noted the update.

Waste Consultations and Landfill tax changes

Members noted the LGA's response to the consultation.

Response to the Green Deal and the Energy Companies Obligation (ECO) consultation

Members noted the LGA's response to the consultation.

Planning Advisory Service (PAS) Update

Members noted the update and several members of the board stressed the need for councils to be made aware of the advice available for them. Concern was raised as to the state of readiness of those councils without a local plan in place as the deadline to have an NPPF compliant plan was now less than 12 months away.

Members raised an issue concerning those authorities whose local plans predated 2004.

Officers replied that PAS were analysing the readiness of local authorities across the country and were providing free and bespoke support to local authorities without a plan in place. PAS had also produced a NPPF [checklist](#) for those authorities who currently have a plan in place.

Officers outlined that the LGA/PAS was working closely with the Inspectorate and CLG to ensure support was complementary and provide reassurance on the progress local authorities were making to progress local plans.

The Government was further urged to take immediate action on two other planning issues – namely Planning Fees and the abolition of Regional Spatial Strategies (RSS). Officers replied that both official and political channels were being used to lobby for the clarity on both issues and that PAS was involved in a benchmarking project featuring data from 250 councils.

Impact Assessment of INSPIRE

Officers explained that the LGA was currently establishing the nature and extent of any costs to member authorities arising from the EU's INSPIRE environmental data-sharing project.

End of year progress report

Clarissa Corbisiero, Senior Adviser, LGA, outlined the report.

Members briefly discussed the list of outside bodies to which the board wished appoint representatives.

It was agreed that the LGA no longer attend meetings of the Retail Planning council.

Decisions

Actions

The members of the Board:

1. **noted** the update reports provided, and;
2. **approved** the list of outside bodies to which the Environment and Housing board will appoint. The list is attached as **Annex A** to these minutes.
3. **asked** officers to continue to lobby for clarity regarding the abolition of Regional Spatial Strategies.

Liam Paul

**Clarissa
Corbisiero**

6. Note of last meeting

Decision

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

7. Late Paper - The Home Energy Conservation Act 1995 – new statutory guidance

Members received an update. In discussion the following points were made:

- Concern that some authorities were de-prioritising climate change.
- A debate regarding the proper categorisation of emissions /energy savings from the disposal of council assets.
- That the LGA should oppose this new reporting requirement
- The need for any new obligations under a refreshed HECA and guidance to be fully funded, and not via a 'topslice' arrangement on existing local authority budgets.
- A reminder that Parish & Town councils had responsibilities to reduce their emissions under the 2006 Climate Change and Responsibility Act.

Members were of varied opinions regarding the necessity of a statutory duty, and the effectiveness of such a duty in ensuring councils acted to reduce the energy consumption of their area and estates.

Decisions

The members of the Board **noted** the report.

Annex 1 – Environment and Housing Board representation on Outside Bodies

Agreed 25 June 2012

Organisation	Background	Representatives
National Planning Forum	<p>The National Planning Forum (NPF) is the principal cross-sector 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>
National Fly-tipping prevention group	<p>The National Fly-tipping Prevention Group (NFTPG) is a group of organisations working with a common aim: coming up with solutions to the problem of fly-tipping. Chaired by the Environment Agency, membership includes regulatory bodies, Government departments and organisations with a wide membership of landowners and land managers.</p>	<p>(One representative)</p> <p>Clyde Loakes (Labour)</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. 3 meetings are held in London each year for 2-3 hours.</p>	<p>(One representative)</p> <p>Mike Jones (Conservative)</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>

Climate Local Steering group*	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.	(Two representatives) Tim Moore (LAB) / Andrew Cooper (Independent)
Canal & River Trust Council	<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>	(One representative) Cllr Ken Hudson (Rural Commission – Conservative)

Appointments to LGA bodies

LGA body	Background	Representatives
Urban Commission Steering Committee	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.	(One representative) Andrew Gravells (Conservative)
Inland Flood Risk Management Group	<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>	(Four representatives) Conservative: Eddy Poll Labour: Tim Moore Lib Dem: Simon Galton Independent (and Chair): Andrew Cooper