

Environment and Housing Board

Agenda

Tuesday 18 September 2012
11.00am

Smith Square Rooms 1&2
Local Government House
Smith Square
London
SW1P 3HZ

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

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Environment and Housing Board

18 September 2012

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

11.00am on **Tuesday 18 September 2012** in the Smith Square Rooms 1 & 2, Ground Floor, Local Government House, Smith Square, London, SW1P 3HZ. A sandwich lunch will be served after the meeting.

Pre-meeting for the Board Lead members

The briefing for Lead members will take place from **09.15am** in the Smith Square Rooms 1 & 2.

Political Group meetings

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

Attendance Sheet

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

Apologies

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

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

Location

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

LGA Contact

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

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Environment & Housing Board

Date: 30.08.12

Environment & Housing Board - Membership 2012/13

Councillor	Authority
Conservative (8)	
Mike Jones (Chairman)	Cheshire West and Chester Council
Clare Whelan	Lambeth LB
Frances Roden	Stroud DC
Eddy Poll	Lincolnshire CC
Eric Allen*	Sutton LB
Jim Harker*	Northamptonshire CC
Geoffrey Theobald OBE*	Brighton & Hove City
Brian Williams*	Shropshire Council
Substitutes:	
Rock Feilding-Mellen**	Kensington & Chelsea RB
Christopher Garland**	Maidstone BC
Burt Keimach**	West Lindsey DC
Chris Pillai**	Calderdale MBC
Labour (6)	
Clyde Loakes [Vice Chair]	Waltham Forest LB
Tony Newman	Croydon LB
Ed Turner	Oxford City
Tim Moore	Liverpool City
Barbara Cannon*	Allerdale BC
Gwen Hassall*	Stoke-on-Trent City
Substitutes:	
Clare Pritchard**	Hyndburn BC
Liberal Democrat (3)	
Keith House [Deputy Chair]	Eastleigh BC
Terry Stacy JP MBE	Islington LB
Simon Galton	Leicestershire CC
Substitute	
Tony Trent**	Borough of Poole
Independent (1)	
Andrew Cooper [Deputy Chair]	Kirklees MBC
Substitute:	
John Taylor	Northumberland Council
Julian German**	Cornwall Council
Peter Jones**	Babergh DC

* new member

**new substitute

Agenda

LGA Environment and Housing Board

18 September 2012

11.00 -13.00

Smith Square Rooms 1&2

	Item	Page	Time
For discussion			
1.	Focus of the Board's work and key objectives	3	11.00
2.	Government Housing and Planning announcements	13	11.45
3.	Resources for Infrastructure Damage from Floods	21	12.15
4.	Judicial Review of Waste Regulations (2011)	25	12.30
To note			
5.	Terms of reference and Remit of the board.	33	12.45
6.	Decisions and actions from previous meeting	37	12.50
7.	Any other business		12.55

Date of next meeting: 11.00am, Wednesday 21 November 2012, Local Government House LGH, Smith Square Rooms 3&4

Focus of the Board's work and key objectives

Purpose

The new Board cycle presents an opportunity for Members to set key areas of focus for its work over the coming year.

Summary

This paper is designed to inform that discussion and suggests key themes, objectives and deliverables in four key areas:

- **Growth** (Housing, Planning and Green Growth), with campaigns to assert the council role in driving growth through housing supply, including affordable housing and investment in green technologies;
- **Waste**, with a proposal for Local Government's own Waste Review;
- **Sustainability and Carbon Reduction**, with a focus on ensuring energy efficiency measures are properly funded;
- **Flooding**, with a focus on ensuring flood defences are properly planned and funded, and that flood damage is funded and insured against.

Recommendation

That Members discuss the suggested areas of focus and deliverables set out at paragraphs 10, 16, 18, 23 and 29, and endorse a role for the Board in setting an assertive agenda on behalf of the local government sector.

Actions

1. Officers to work up lobbying, campaigning and support deliverables and report these back to the Board.
2. The Inland Flood Risk Management group to take forward delegated responsibility for the elements of the work plan which are flooding issues.

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Focus of the Board's work and key objectives

Introduction

1. The Board's remit covers a very broad range of issues. Following the 50% reduction in the LGA's budget and staffing, it is important that our resources are focused on those that present key risks or opportunities for local government, and support the overall objectives of the LGA and the sector. Our aim should be to lead the agenda for local government on these big issues and to be able to demonstrate significant impact and deliver maximum value to councils. This paper suggests areas of focus, key objectives and deliverables to ensure our work can have maximum impact. When members have set priorities, officers will implement these and report on the work programme to ensure those deliverables are achieved.

Context – key issues for local government

2. The Board has a powerful role to play in delivering the priorities that the LGA has identified based on the views of member authorities. The LGA is developing a single narrative for its campaigning activity to ensure that the sector's messages are more powerful, easier to understand and demonstrate that local government can provide solutions to the challenges facing the country.
3. The central message is that local government has managed huge cuts in public spending and is working hard on new ways to deliver services, but the outlook for public spending tells us that more cuts are in the pipeline. That means reforms to big services, like social care are vital, but that a return to growth and growing tax revenues are needed to avoid damaging cuts to vital frontline services in future; councils must therefore play their full part in getting the UK economy back into growth, and must be given the policy levers to do so.
4. The Board's remit covers issues that are clearly central to the core priorities on funding, public service reform and growth which should inform the focus of our work over the coming year.

Proposed areas of focus for the Board

Growth

5. Objective: To promote the positive role that councils play in driving economic growth through their roles on planning, housing and supporting green industries and to present an evidenced case for the powers and flexibilities to allow them to go further.
6. Planning and housing have a key role to play in unlocking development and are at the centre of the debate on how to kick-start growth. Recent government announcements have significant implications for councils' ability to support growth through their housing and planning roles. The proposals include increasing the Planning Inspectorate's powers to take decisions about local development, renegotiate developer contributions

18 September 2012

Item 1

to affordable housing by opening up locally agreed Section 106 agreements and removing controls over householder alterations and extensions (the announcements are subject to a separate item for discussion at the Board meeting). Lobbying against an erosion of councils' powers and against central decision making over section 106 agreements will be an important priority for the Board. There is an immediate window of opportunity to influence forthcoming legislation and further policy consideration in the lead up to the Autumn Statement. In the longer term we should be seeking to influence manifestos in the lead up to the next election.

Planning

7. It is simply wrong to assert that the planning system, which the government has already fundamentally reformed, is a barrier to growth. Our focus should be on presenting robust evidence that councils are using their role in planning to support local growth and that the key issue stalling development is lack of finance for development and access to mortgages: the Board has an important role to play in proactively promoting and safeguarding councils' ability to take decisions on development in their area to ensure that it delivers the right outcomes for local people and supports growth in the local economy. The Board could also proactively promote alternative proposals that would be more effective in making the planning system work more quickly, including localising planning fees.
8. In addition to the forthcoming legislation and consultation on recent announcements, councils could face further challenges to their decision making role if they do not have an up to date plan in place by April 2013 when the National Planning Policy Framework is implemented. The Board should seek to mitigate this risk by raising awareness of support available to councils and showcasing councils' progress in plan-making.
9. The government announcements included a review of local and national housing standards to be completed by the end of 2012. Initial feedback from DCLG suggests that there is a risk that national standards could be imposed on local authorities which will undermine their ability to develop standards to fit local circumstances.
10. Suggested deliverables for the Board's work programme for 2012/13 are:
 - 10.1 Forcefully challenge government proposals for to undermine local authorities' role in decision making regarding development, including extension of permitted development rights and secure concessions in forthcoming legislation and consultation to protect that role;
 - 10.2 Make the case to safeguard councils' ability to negotiate contributions to affordable housing and infrastructure required to support new housing development and oppose expansion of the Planning Inspectorate powers to re-examine affordable housing requirements on a site by site basis;
 - 10.3 Present evidence that councils are making good progress in getting up to date plans in place that plan positively for the needs of their communities and local

18 September 2012

Item 1

economies, and through the Planning Advisory Service ensure councils are supported to do that;

- 10.4 Seek to ensure that the review of Local Housing Standards does not result in national standards that constrain councils' ability to ensure the quality of new homes;
 - 10.5 Present evidence for how local authorities could improve effectiveness of the planning system if planning fees were decentralised;
11. Work on these deliverables will need to be progressed during the autumn, in advance of the Chancellor's Autumn Statement.

Housing

12. Investment in house-building boosts the economy, creating jobs in construction and delivering wider benefits to the supply chain. It could also deliver the new homes badly needed in many areas of the country, helping to tackle problems of affordability. Around 400,000 homes have planning permission but have not yet been built. Unlocking development and mortgage finance is crucial to unlocking housing development. A number of councils are helping first time buyers access mortgages through mortgage guarantee schemes.
13. With 1.8 million households on council waiting lists, increasing affordable housing supply remains an important priority for councils. Investment in affordable housing would help meet local housing need at the same time as kick-starting the construction industry. The Board could play a key role in securing more flexibility for councils to invest in housing, particularly affordable housing. This could build on existing campaigning to remove the cap currently placed on council borrowing for housing and for changes to the right to buy model to maximise investment in new affordable homes.
14. There is also an opportunity to influence the debate on future models for social and affordable housing in the next spending review period. There are concerns that the current Affordable Rent model is not sustainable in the longer term and wider policy changes including welfare reform are likely to have a significant impact on councils' housing investment plans. The Board is well placed to lead the debate on future financial models for affordable housing.
15. Welfare reform also has significant implications for private rented sector landlords, access to suitable housing, homelessness and increased demand for local authority housing services that will need to be considered in local housing strategies. The Board has a key role to play, along with the LGA's Finance Panel and the Economy and Transport Board, in monitoring the impacts of welfare reform with a view to developing proposals for change should evidence suggest that these issues are significantly adversely affected or place new burdens on councils.
16. Suggested deliverables for the Board's work programme for 2012/13 are:

18 September 2012

Item 1

- 16.1 Evidence based proposals for how councils could invest more in building affordable homes through removing borrowing restrictions and increased local flexibility on the Right to Buy policy;
- 16.2 Evidence based proposals for a sustainable funding model for social and intermediate housing in the next spending review period;
- 16.3 Support to councils to develop long term business plans for council housing stock; develop skills for innovative models for housing-led growth, and the championing of good practice;
- 16.4 Monitoring the impact of welfare reform on homelessness, access to housing and local housing strategies and councils' ability to invest in affordable housing, with a view to developing proposals for change should the situation worsen.

Green Growth: The Climate Local programme

17. Climate Local provides a platform for local government to champion its leadership in helping communities to live within their environmental means and exploit the benefits for local people by saving money on their energy bills, tackling fuel poverty and generating income from renewable energy, attracting new jobs and investment in 'green' industries, understanding local climate risks and building resilience. The Environment Agency has provided a secondee to support this work. The Board's task now should be to ensure that the programme continues to ensure action can be locally led and results in evidence to support LGA lobbying on energy and green growth.
18. Suggested deliverables for the Board's work programme for 2012/13 are:
 - 18.1 Building on Climate Local, showcase how councils are helping people to reduce energy costs and help people out of fuel poverty and use this evidence to lobby for locally-led initiatives rather than energy supplier-led initiatives;

Waste

19. Objective: To champion local innovation in waste management and lobby for greater local decision making on waste, as the only means of addressing future funding gaps in waste.
20. This Board should seek to proactively lead the future development of waste policy in the light of the slow pace of the government's Waste Review allowing local government to set the agenda for reducing and reusing waste, tackling fly-tipping and other nuisance, and driving innovation in managing waste. This would in effect be the sector's own waste review and we might seek to publish it early in the New Year.
21. This should be informed by the work already underway on modelling and forecasting future spend on waste services to present a coherent case for change. The funding work will identify the significant and uncontrollable cost drivers in waste services – such as the land fill levy; increased demand for services; potential cost if DEFRA is successfully challenged through the Judicial Review; packaging targets – and on the

18 September 2012

Item 1

other hand, potential income streams and savings that can be made from recyclates and energy from waste and from working with the creators of waste on packaging. Building on the findings of this work the Board could develop evidenced lobbying positions on future funding gaps and more local decision making on waste.

22. The current Judicial Review of DEFRA's recycling regulations has illustrated variations in councils' approaches to recycling across the country. We should assemble and champion good practice and innovation which the Board could ensure is made widely available to the sector to assist councils in developing future strategies; contracting for recycling services; and making the most of working with partners to reuse collected material.
23. Suggested deliverables for the Board's work programme for 2012/13 are:
 - 23.1 A manifesto for waste management services, based on a robust assessment of future cost drivers (including potential cost of a judicial review decision); income and potential savings (including work with waste creators) to 2020; and a clear set of proposals to ensure sustainable services and effective tackling of fly-tipping and other forms of nuisance.
 - 23.2 In support of that, presentation and dissemination of a collection of good practice models for councils on minimising costs, maximising opportunities to increase revenues, and securing the full value of the recyclable materials collected.

Sustainability and Carbon Reduction

24. Objective: To champion councils as confident leaders of action on carbon reduction and climate resilience to the benefit of local communities and local economies and to ensure they have flexibilities and adequate access to resources available to support local initiatives.
25. Councils are leading action on climate change and green energy at local level and the Board is well placed to draw on that experience and evidence to lead the debate at national level. The focus of our work should be demonstrating that local action on fuel poverty, energy efficiency and reducing the cost of energy has significant benefits at local and national level and it follows that councils must be given the flexibility and access to resources they need to act.
26. Energy bills have risen five times faster than income since 2004 and are set to continue to rise. British domestic housing is amongst the least energy efficient housing in Europe. As a consequence of these two factors 16% of households in England are affected by fuel poverty (spending more than 10% of income on energy). This has significant social and health costs. Councils can tackle fuel poverty through energy efficiency initiatives and reducing the costs of energy as well as action to help their most vulnerable residents to lower their fuel bills. The Home Energy Conservation Act (re-launched in July 2012) requires councils with housing responsibilities to set out plans to improve energy efficiency. The Board is well placed to champion the work that councils are doing to help people out of fuel poverty and to bring that to bear on lobbying for adequate access to resources for energy efficiency.

27. There are a number of national initiatives designed to open up opportunities to invest in domestic energy efficiency, including the Green Deal and Energy Company Obligation (ECO). The Green Deal allows householders to pay off the upfront costs of energy efficiency improvements from savings made on energy bills as a result of the improvements over a period of up to 25 years. The model is yet to be tested and there are concerns about a number of issues that could impact on take up and success of the product. The ECO is an obligation on UK energy suppliers to improve the energy efficiency of new homes and is split into three programmes: the Carbon Target to help householders with expensive measures like cavity wall insulation; the Affordable Warmth Target to help households in fuel poverty; and the Carbon Saving Communities Programme for councils and affordable housing providers to lead area based schemes in deprived areas.
28. There is currently a debate about how accessible this funding will be to councils. DECC is proposing a brokerage scheme which would exclude councils from accessing the funding unless they attain Green Deal provider status. This bureaucratic barrier is likely to inhibit the generation of locally-led schemes that use local labour. The Board could step up its campaigning to ensure that councils can use funding available under ECO freely to fund local energy efficiency and fuel poverty alleviation schemes.
29. Suggested deliverables for the Board's work programme for 2012/13 are:
- 29.1 Campaigning for councils have access to resources from the Energy Company Obligation to invest in local energy efficiency and fuel poverty initiatives.

Flooding – managing flood risk and building resilience

30. Objective: To ensure that flood defences are properly planned for and funded and to make the case for adequate funding for exceptional flood damage, including insurance cover.
31. Flooding is predicted to be the biggest climate risk to the UK and affects more communities each year. This presents significant challenges for councils, not least in dealing with unpredictable cost burdens in a highly constrained financial climate. It also presents a substantial reputational risk to councils under intense scrutiny on their ability to respond and assist. In 2010 counties and single tier authorities were given new responsibilities as Lead Local Flood Authorities.
32. The Board's work on flooding is delegated to the Inland Flood Risk Management (FRM) Group, an elected member body which was set up in 2009 to support councils' transition to the new responsibilities placed on Lead Local Flood Authorities, and which reports to the Board.
33. Current areas of work include:
- 33.1 Long term funding for Sustainable Urban Drainage Systems;
- 33.2 Securing adequate funding for flood defences;
- 33.3 Ensuring householders in flood risk areas can access affordable insurance cover;

18 September 2012

Item 1

- 33.4 Supporting councils to deliver their new role as Lead Local Flood Authorities; and
 - 33.5 Securing funding for exceptional costs from damage to infrastructure caused by flooding.
34. It is proposed that the Board continue to delegate its responsibilities on flooding issues to the Inland FRM group for the coming year; and that the Board ask the group to report back on progress made in the previous year and set out its areas of focus and objectives for the year ahead, for the Board's approval. It would also be useful for the group to report back to the Board at each meeting on progress to enable the Board to add weight on key lobbying issues.

Financial Implications

35. The work programme associated with these areas of focus will be delivered within existing budgets, for 2012-13 and will influence the LGA's budget-setting process for 2013-14.

Government Housing and Planning announcements

Purpose

For decision.

Summary

This report provides an update on the government's proposals on housing and planning announced on 6 September 2012 and the LGA's initial response. It also gives further information on the process and timescale for implementation of the proposals and proposed next steps for the LGA.

Recommendation

That the Board discusses the proposals and agrees the LGA key messages in response, together with proposed next steps to influence implementation of the proposals.

Action

Officers to develop a programme of work to influence further development and implementation of the proposals in line with Members' views.

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Government Housing and Planning announcements

1. The Government announced a package of measures on housing and planning on 6 September. A number of the announcements could have significant implications for councils' ability to support growth through their housing and planning roles and will involve a substantial increase in the powers of the Planning Inspectorate to take decisions about local development. A full LGA briefing setting out the measures and the LGA's initial response is included at **Annex A**.

LGA response to the announcements

2. The LGA believes the evidence is indisputable that, for now at least, planning reform is largely irrelevant to a housing market stalled by blockages to mortgages and development finance.
3. In anticipation of the announcement, the LGA published independent research which demonstrated that there are 400,000 unimplemented planning permissions for new homes in the system and that councils have a strong record of promoting growth through their planning roles: hitting a ten year high of approving 87 % of all planning proposals and processing 93% of applications within three weeks. This provided a good platform for the LGA to respond to the announcements.
4. Our response received high profile media coverage on the day of the announcement and in the days following. This has provided a good position for the Board to lead the debate in the follow up to the announcements and to influence the further design and implementation of the proposals.
5. There is now an immediate window of opportunity to influence forthcoming legislation and consultation on the measures and further policy consideration in the lead up to the Autumn Statement.

Opportunities to influence

6. A number of the proposals will require primary legislation. This is expected to involve two new Bills:
 - 6.1 The Infrastructure (Financial Assistance) Bill which was published alongside the announcements and scheduled for its Second Reading on 17th September will implement the £10 billion housing guarantee scheme.
 - 6.2 A further Bill expected to be published in mid- October will legislate for the required powers for the Secretary of State to allow the Planning Inspectorate to take decisions about local development and review locally agreed affordable housing contributions.
7. Other proposals including the extension of permitted development rights will require consultation but are expected to progress more quickly through secondary legislation.

Summary of measures announced, process for implementation and issues for consideration.

8. **£200 million investment to encourage institutional investment in the private rented sector.**
9. It is not yet clear who will be eligible for this funding, or what the timescales and process for the investment will be, however, it will be important that councils are involved at an early stage in discussions which affect institutional investment at it in housing in their area and how it will relate to existing strategies on private rented sector housing.
10. **A government guarantee scheme worth up to £10billion which will enable developers to raise debt with a government guarantee where they commit to investing in additional new-build rented homes.**
11. This measure will be implemented via the Infrastructure (Financial Assistance) Bill. The guarantee is subject to EU state aid clearance. Councils are not eligible to apply under the scheme. Officers are seeking clarification from DCLG on additional powers required to implement this measure and the timetable for the bidding process.
12. **£300 million to provide an additional 15,000 affordable homes and an extension of the refurbishment programme to bring additional 5,000 existing empty homes back into use.**
13. It is expected that this funding will be channelled through the Homes and Communities Agency's Affordable Homes Programme and distributed through a competitive bid based process based on value for money delivered. As in previous HCA bidding rounds, councils may find themselves at a disadvantage as a result of the current accounting rules which mean local authority borrowing is classified against government debt – thereby scoring lower on value for money grounds.
14. These announcements highlight the importance of LGA arguments for relaxation of financial constraints on council borrowing to allow them to lever in resources to scale up house-building plans.
15. **Developers will be able to ask the planning inspectorate to review sites which they consider are unviable due to Section 106 affordable housing requirements. The planning inspectorate would have the power to remove affordable housing requirements from the existing agreement and set it aside for 3 years in favour of a new agreement.**
16. This will require primary legislation and this is expected to be included in the Bill to be published in October. The proposal could delay or undermine the delivery of much needed affordable housing and would effectively mean decisions about the local contribution to affordable housing would be made centrally. The LGA has argued that the measure will not address core issues stalling development and could lead to further delays whilst legislation and policy are developed and implemented and reassessments of viability take place.

17. Applications to be decided by the planning inspectorate in cases of poor performance in the speed or quality of council decision-making.

17.1 This will require primary legislation and is expected to be included in the Bill to be published in October. The measure would effectively remove decision making from elected representatives and place it in the hands of a government agency in circumstances where a council were deemed to be performing poorly. It also suggests a return to centralised performance targets and monitoring. The government has yet to develop metrics that would be used to define underperformance.

18. There will be a review of local and national standards.

18.1 The review will commence immediately and is expected to produce proposals for consultation by the end of the year, to be followed by a consultation and implementation of the new standards framework by April 2012. There is a real risk that the review could remove councils' flexibility to apply housing standards that are appropriate locally, in favour of a single set of nationally imposed standards. The LGA has already met Sir John Harman, Chairman of the review group and will be attending a meeting of the review steering group in advance of the Board meeting. A further update will be provided at the Board meeting.

19. Changes to permitted development including relaxing permitted development rights for extensions to homes and business premises in non protected areas for three years and allowing change of use from commercial to residential purposes.

19.1 A consultation on these measures is expected imminently with short timescales for response. Officers are seeking further clarification on timescales. The measure will considerably weaken councils' ability to influence small scale development to protect the character and amenity of local areas for the benefit of local communities. It also has the potential to cause significant difficulties within communities.

Objectives and next steps

20. Subject to the Board's discussion under **item 1** of this agenda, the Board's agreed objectives in relation to these announcements are to:

20.1 Forcefully challenge government proposals to undermine local authorities' role in decision making over development, including extension of permitted development rights and to secure concessions in forthcoming legislation to protect that role;

20.2 Make the case to safeguard councils' ability to negotiate contributions to affordable housing and infrastructure required to support new housing development and oppose expansion of the Planning Inspectorate powers to re-examine affordable housing requirements on a site by site basis;

- 20.3 Seek to ensure that the review of Local Housing Standards does not result in national standards which constrain councils' ability to use locally appropriate standards and ensure quality of new homes.
21. Members are invited to comment on the key issues set out above. Subject to those comments, officers will develop a work programme and evidence to support key LGA positions and will identify key opportunities to influence the debate. In particular, we suggest that we should lobby in Parliament for amendments to the proposed Planning Bill.

Financial Implications

22. This activity can be delivered within existing budgets.

Planning for Growth LGA Briefing Note. 4th September 2012

The planning system, subject of significant reform over the past 18 months, is undeniably playing its role in enabling growth and councils are overwhelmingly saying 'yes' to badly needed housing development.

Councils are updating and bringing forward local plans, identifying land for development through their local plans, providing planning permission and working pragmatically to unlock important stalled sites. In 2011/12 this equated to an estimated 2,536 residential schemes granted planning permission¹. Suitable land is of course a scarce resource in some areas of the country and greater local discretion over the approach to Green Belt land would be helpful in a number of circumstances.

To get Britain building again we need to address the lack of liquidity in the finance market and tackle the shortage of mortgages for struggling first time buyers and those who want to increase their house size to match their growing families. The planning system has been massively reformed under this government and it is clear that unlocking frustrated demand, not increasing supply (which is happening), is now the most urgent problem in the housing market today.

This briefing note presents a summary of key data sets and new LGA research to provide a factual analysis of the positive role the planning system is playing to bring forward investment and new housing developments.

- Last year councils hit a ten year high in the percentage of applications approved for all types of development (with 87 per cent of applications receiving approval)².
- There are an estimated three and a quarter years worth of homes in unimplemented units, based on the number of completed dwellings in England and Wales in 2011/12³. This shows local authorities are overwhelmingly saying 'yes' to viable and sustainable residential development through the planning system.
- Gross mortgage lending was 61 per cent lower in 2011 than in 2007 (with a reduction from £363 billion to £141 billion), with the number of mortgages falling by 50 per cent from 1,013,700 mortgages in 2007 to 508,200 in 2011⁴.

¹ Taken from Glenigan research, commissioned by the LGA 'An analysis of unimplemented planning permissions for residential dwellings'

² www.communities.gov.uk/planningandbuilding/planningbuilding/planningstatistics/livetables/ivetablesondevelopmentcontrolst/

³ The estimated three and a quarter years worth of units that could be constructed is calculated by taking the total number of unimplemented planning permissions on 31 December 2011 (399,816) and dividing by data from the most recent CLG housing statistics (see table 209:

<http://www.communities.gov.uk/housing/housingresearch/housingstatistics/housingstatisticsby/housebuilding/livetables/>) for permanent dwellings completed in England and Wales in 2011/12 (123,770 units)

⁴ <http://www.cml.org.uk/cml/statistics>

- The average deposit for a first-time buyer is over £26,000, doubling since 2007 in a period when the average first time buyer income has declined⁵.

Detailed analysis

Planning applications overall⁶

Number of accepted planning permissions for all development types

- Councils made positive decisions in 87 per cent of cases for all development types in 2011/12. This is the highest rate of approval over the last ten years⁷.

Number of accepted residential planning permissions

- An estimated 2,536 housing schemes or 135,179 homes were granted planning permission in 2011/12.

Unimplemented planning permissions⁸

- LGA research demonstrates that at December 2011 there were 6,067 unimplemented residential schemes, or 399,816 homes, in England and Wales. This is equivalent to holding an estimated three and a quarter years worth of homes which could be completed.

Flows of unimplemented residential units against the flow of planning approvals

- At 31 December 2011, the number of unimplemented homes was over six times the number of homes within completed developments and nearly three times the number of planning permissions granted for 2011/12.

Average time taken

- The average time taken to complete a private sector development after obtaining planning permission has lengthened from 20 months in 2007/08 to 26 months in 2011/12.
- The average time for a social sector development has remained broadly the same at 22 months in 2007/08 and 23 months 2011/12.

Housing market overall

Transactions

- The number of residential property transactions have fallen 44 per cent from 1.36 million in 2007 to 762,000 in 2011. Initially dropping to 740,000 in 2009, the figure has remained at around 760,000 for each of the last two years.⁹

Mortgage availability

- Gross mortgage lending was 61 per cent lower in 2010 than in 2007 (with a reduction from £363 billion to £141 billion), with the number of mortgages falling by 50 per cent from 1,013,700 mortgages in 2007 to 508,200 in 2011¹⁰.

⁵ <http://www.cml.org.uk/cml/publications/newsandviews/104?complete=true>

⁶ are taken from Glenigan research, commissioned by the LGA 'An analysis of unimplemented planning permissions for residential dwellings', unless otherwise stated:

<http://www.local.gov.uk/research-housing>

⁷ www.communities.gov.uk/planningandbuilding/planningbuilding/planningstatistics/livetables/livetablesondevelopmentcontrolst/

⁸ Unimplemented permissions are sites with planning approval where building has yet to be started or completed.

⁹ Source HMRC: http://www.hmrc.gov.uk/stats/survey_of_prop/menu.htm

¹⁰ <http://www.cml.org.uk/cml/statistics>

Resources for Infrastructure Damage from Floods

Summary

This report provides a summary of the actions taken to date by the LGA on securing further resources and support for structural damage to local highways infrastructure following recent heavy rainfall and floods. Members are asked for direction on future action.

Recommendations

That the Board:

1. Notes the concerns of affected councils and actions taken to date by the LGA
2. Debates and agrees options for further action
3. Asks the Inland Flood Risk Management Group to follow up and to report back to the Board with any recommended further action.

Action

As directed by the Board.

Contact officer: Kamal Panchal
Position: Senior Adviser
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Resources for Infrastructure Damage from Floods

Background

1. Summer 2012 has been one of the wettest summers on record. In many places this summer's rainfall has resulted in serious flooding and costs to councils. LGA officials and the Chair of the Inland Flood Risk Management Group, Cllr Andrew Cooper, have been in regular contact at official and member level with member councils to offer LGA assistance as necessary.
2. Whilst councils' immediate concerns were with managing the flow of water and ensuring the safety of their communities, their next priority was with making good the damage caused by the heavy rainfall and subsequent flooding. Reports from around the country highlighted not only the immediate challenges of managing emergency situations, but also of the emerging structural damage that would prevent workers, residents and local enterprises going about their usual business, as well as presenting councils with substantial repair bills.

The issues and actions to date

3. On 10 July, the Government activated the Bellwin scheme, which is set up to provide emergency financial assistance to local authorities that incur expenditure on, or in connection with, the taking of immediate action to safeguard life or property, or to prevent suffering or severe inconvenience, in their area or among its inhabitants following an emergency or disaster.
4. Following successful LGA lobbying, the Government increased their funding (above initial local contributions) to 100%. However, many places have suffered from significant and structural highways damage, running into millions of pounds to fix, which the Bellwin scheme does not cover. Councils will have to use money on urgent repairs that was previously earmarked for infrastructure improvements for the local economy. Initial estimates from Newcastle, Devon and Northumberland, for example, indicate costs of £9million, £2million and £1.4million respectively. These are likely to rise as the extent of the damage is uncovered through further council investigation.
5. On 18 July, the Chairman of the LGA wrote to the Secretary of State for Transport, outlining the limitations of the Bellwin Scheme in providing funding for capital repairs and suggesting that the Department for Transport (DfT) consider reintroducing a similar scheme to the Emergency Capital Highway Maintenance Fund set up following the floods in 2007. This proved extremely helpful at the time in supporting local communities and local economies recover as quickly as possible.
6. The Secretary of State for Transport responded by stating that the DfT does not have a specific fund for capital expenditure for exceptional requests for flood damage. This is of course true, but the response failed to engage with the case made by the LGA in support of establishing one. However, in the interests of national and local priority to support investment in growth and jobs the LGA is seeking to continue to represent the interests of local authorities. Every pound spend on fixing roads and bridges damaged

18 September 2012

Item 3

by heavy rainfall and floods is a pound less that can be spent on infrastructure improvements and supporting growth.

Further action

7. Members may wish to consider the following options for continuing to pursue the interests of affected local authorities.
8. A number of affected councils have written to the Secretary of State for Communities, to highlight the inadequacies of the Bellwin scheme in supporting significant structural damage. The LGA could consider writing to the Secretary of State in support of affected councils.
9. The Board could ask the Inland Flood Risk Management Group to explore and to recommend options so that councils avoid a situation where they have to campaign on each occasion for funding from government to cover costs of exceptional flood damage to infrastructure. In undertaking this work, the Inland FRM Group may wish to consider:
 - 9.1 the feasibility of proposals that automatically trigger access to a special fund for such situations. For example, each time the government activate the Bellwin scheme, a similar scheme to the Emergency Capital Highways Maintenance Fund is also activated.
 - 9.2 identifying and pursuing possible sources of cost recovery, such as:
 - 9.2.1 those who may bear some responsibility in the integrity of the roads network – for example utility companies;
 - 9.2.2 those who have assets adjacent to road networks that may have contributed to the roads becoming weaker – for example through excessive drainage or poorly maintained/ mismanaged watercourses;
 - 9.2.3 agencies responsible for the infrastructure required to deal with flooding such as water utilities, internal drainage boards (IDBs) and the Environment Agency. Highways authorities also have responsibility for managing flood risk.

Recommendations and next steps

10. Members are asked to:
 - 10.1 Note the concerns of affected councils and actions taken to date by the LGA;
 - 10.2 Debate and agree options for further action;
 - 10.3 Ask the Inland Flood Risk Management Group to scope and report back to the Board with any recommended further action.

Judicial Review of Waste Regulations

Purpose of Report

The purpose of the report is to update the Board on developments relating to the judicial review of DEFRA in *UK Recyclate vs DEFRA*. A further paper will be tabled at the meeting.

Summary

The LGA is an interested party in the judicial review *UK Recyclate vs DEFRA*. The LGA recently wrote to its member councils about a recent article in the Municipal Journal which focused on the judicial review and also gave a short factual update on the judicial review. This correspondence and update is included in this report.

Recommendation

It is recommended that the Board comment on the update and the accompanying paper (to be tabled on the day of the meeting).

Action

Officers will take forward based on comments from the Board.

Contact officer: Abigail Burridge
Position: Senior Adviser
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Judicial Review of Waste Regulations

Background

1. The following information was included in a factual update sent to chief executives and waste portfolio holders in early September.
2. In summer 2011, a consortium of recycling businesses led by Recyclate UK, a business that trades recyclable materials, brought a claim against DEFRA and Welsh Ministers on the grounds that they had failed to adequately transpose the EU Waste Framework Directive into English and Welsh law. The LGA, also representing the WLGA, and the Environmental Services Association (ESA) were named as Interested Parties in the case. The ESA is a membership organisation for waste management companies that supports and promotes the waste and resource management industry.
3. The LGA became an interested party in the proceedings because the outcome of the case will have implications for all local waste collection authorities.
4. The EU legislation states that separate collection must take place where it is practicable. The original legal dispute turned on whether co-mingled collection could be regarded as a form of separate collection. The original English and Welsh regulations explicitly said that it was. The claimants disputed that this was a correct interpretation of the Directive.
5. The initial hearing was set for December 2011 but was adjourned by the Court because DEFRA decided to revise its regulations. Revised regulations were issued for consultation in February, laid in July, and come into force in October. The revised regulations say that from 2015, separate collection of recyclable materials must be undertaken where it is necessary to facilitate or improve recovery of the materials; and where it is technically, economically and environmentally practicable. The revised regulations are intended to allow for co-mingled collection where separate collection is not necessary to aid recovery of materials, or while necessary, is not practicable.
6. This reflects in the June 2012 EU guidance on the Waste Framework Directive. The guidance states that "*the aim of separate collection is high-quality recycling, the introduction of a separate collection system is not necessary if the aim of high-quality recycling can be achieved just as well with a form of co-mingled collection*".
7. The claimants have not accepted that the revised Waste Regulations adequately transpose the Directive and have notified the court of their intention to proceed with a challenge to both the 2011 and 2012 regulations. No hearing has taken place, pending discussions between lawyers for the two sides about the procedural implications of the claimants' wish to challenge both sets of regulations. The LGA will be considering the proposed timetable for a hearing and the grounds of the claimants in determining our next steps.
8. A further paper will be tabled at the meeting to provide information on future milestones and key decision points.

Item 4

Municipal Journal Article

9. The claimant's lawyers placed an article about the case in the Municipal Journal on 23 August. A copy of the article is in **Appendix 4a**. The article contained inaccuracies and was misleading. As such, the LGA wrote to chief executives and waste portfolio holders in England and Wales. Copies of the letters are in **Appendix 4b**.

Financial Implications

10. There are no financial implications associated with this paper.

Waste strategy thrown into confusion

Hilary Harrison says local authorities need new regulations to end the state of limbo which exists in recycling



The past decade has seen the UK undergo a transformation in the way it views waste. While 10 to 15 years ago, we threw everything in the same bin without a second thought, we are now – correctly – encouraged and, indeed, often required, to recycle our refuse.

Yet, while the improvement in our recycling rates has been nothing short of extraordinary, it remains the case that things could be better.

However, a recent judicial review concluded that the Waste (England and Wales) Regulations 2011 failed to comply with European law and, as a result, local authorities have been left in limbo while the Department for Environment, Food and Rural Affairs (DEFRA) and Welsh ministers look to draw up new regulations which do comply.

Our client, UK Recyclate, sought the judicial review because it was concerned about the quality of recycling. About half of councils in England and Wales collect recyclable materials through co-mingling, where waste streams – such as paper, glass, plastic and metal – are collected together and then separated later.

But this approach does not guarantee high-quality waste which can then be recycled, and it does not greatly improve the UK's true rates of recycling.

Given that situation, it is vital DEFRA and the Welsh ministers act swiftly to ensure amended regulations comply with Europe-wide rules on recycling, to give councils clarity over how they should act. UK Recyclate represents some 80% of

the UK's reprocessing industry, which handles both domestic and commercial recyclable waste. Clearly, it is in a good position to judge the quality of the waste that is collected for recycling.

After UK Recyclate sought the judicial review in December 2011, the defendant – DEFRA and the Welsh ministers – conceded that current regulations did not comply with the European Directive. They then subsequently announced a consultation and plans to amend the English and Welsh regulations which

The view is that co-mingling does not achieve the high-quality recycling needed

bind local authorities.

However, in April, during the consultation process, we were forced to challenge the amended regulations because we believed they still failed to comply with European law. At the time of writing, UK Recyclate has just received further-amended regulations. DEFRA and the Welsh ministers have been put on notice that the further-amended regulations are still not compliant.

The upshot of this is that local authorities have been left in a tricky situation. As mentioned earlier, about half the coun-

cils in England and Wales currently use co-mingling, rather than asking people to separate their own waste or separating waste at the kerbside. The majority of those who use co-mingling are in England, and it is they which face the largest potential financial liabilities.

Clearly, it is likely that in order to comply with European law, DEFRA and the Welsh ministers will need to amend regulations in a way that makes continued co-mingling impossible for hundreds of local authorities. That could mean huge financial implications for many councils as they make the changes needed to switch to the separate collection of the different waste streams.

Nevertheless, it is important to stress that this is not unnecessary meddling by a trade consortium. The view of many in the recycling industry, of which UK Recyclate is the main representative body, is that co-mingling does not achieve the high-quality recycling that is needed for the UK to both meet strict targets and ensure that recyclable items can be reused or reprocessed and not lost to landfill.

Unfortunately, because the Government and Welsh ministers are struggling to amend their regulations to comply, local authorities are currently in a state of limbo. They need to begin putting in place procedures to comply with the requirement to introduce separate collections by 2015, but it is uncertain – and, indeed, unlikely – that they will be able to continue to opt for co-mingling.

Furthermore, those local authorities

which do decide to continue collecting streams of recyclable waste together, rather than separately, open themselves up to further challenge by another judicial review.

Those councils currently tied into waste collection and recycling contracts, whether co-mingling agreements or otherwise, are being forced to watch nervously from the sidelines as DEFRA and Welsh ministers work to comply with European standards.

Worse, however, is that those local authorities without contracts in place are unable to specify the service needed for fear of being locked into recycling practices which contravene the European Directive.

Bidders from the waste collection industry may be keen to accept broad brush mechanisms to permit changes in the service once a contract is in place.

All of this is impacting on the UK's reputation as a place which takes recycling seriously. If we expect our citizens to be diligent in separating waste then authorities should be equally rigorous in ensuring regulations are compliant with the EU.

Local authorities need clarity to operate within the law and to recycle effectively. We look forward to hearing back from DEFRA and the Welsh ministers to resolve the situation in a way that suits all parties. ■

Hilary Harrison is a partner at Anthony Collins Solicitors

18 September 2012

Item 4b

Letter from the LGA Chief Executive

Municipal Journal article "waste strategy thrown into confusion"

Dear Chief Executive,

It has been brought to my attention that an article printed in the Municipal Journal (MJ) on 23 August 2012 contains a number of factual inaccuracies and misleading statements. It appears to be intended to influence the behaviour of councils in advance of the outcome of a judicial review between UK Recyclate and others (claimants) and Defra and the Welsh ministers (defendants) with regard to the Waste (England and Wales) Regulations 2011.

What is at issue in the judicial review is whether the English and Welsh Regulations on collecting recycling are unlawful, and should be amended to require every council to impose separate source collection on householders. Changing the collection approach in this way would have significant cost implications for many councils.

As you will know, it is unusual for parties to litigation to run their arguments outside the courtroom while the case is still ongoing. The MJ article therefore appears to be an attempt by the claimants to stir up local authority concern before the case even gets to a hearing, and suggests that they are arguing from a position of weakness.

The Government has recently amended the Regulations in order to make the law clear and put the position beyond any doubt. Those Regulations continue to allow for co-mingled collection where appropriate for local circumstances. They are the law of the land unless a court says otherwise.

The LGA believes that councils and the Government should act in line with the existing law, and with the decision of the court when it is made, rather than being influenced by arguments made by one of the litigants with a commercial agenda.

The following are examples of some of these factual inaccuracies and misleading statements in the MJ article:

- The statement that the "judicial review concluded that the Waste (England and Wales) Regulations 2011 failed to comply with European law" is factually incorrect. The judicial review has not been concluded. In fact there has been no hearing so far, and the court has made no findings in the case. The litigation has been inactive for some time because a six-month adjournment was granted to Defra and the Welsh ministers to redraft and consult on the amended Regulations, which were only laid on 19 July 2012.
- The statement that "in April, during the consultation process, we were forced to challenge the amended regulations because we believed they still failed to comply with European law" is misleading. The claimants responded to the consultation along with other stakeholders. They did not legally challenge the draft regulations set out in the consultation.
- The assertion that "Defra and the Welsh ministers have been put on notice that the further-amended regulations are still not compliant" is misleading. This simply means that ministers have received a letter from the claimants objecting to the amended Regulations. The court has not considered those Regulations. In fact, because the Regulations were amended, the claimants now require the permission of the court to amend their grounds of claim in order to

18 September 2012

Item 4b

continue their challenge. They do not yet have that permission, and have not yet applied for it. I appreciate that you may wish to be more active in resolving this situation. The LGA is a party to the case and if you would like to follow events more closely and contribute, should the need arise, to developing evidence further; please do put an officer in contact with Abigail.burridge@local.gov.uk.

I hope this information has been useful in helping you draw your own conclusions about how to respond to the arguments made in the article in advance of the case being decided by a court.

Yours sincerely



18 September 2012

Item 5

Membership, Terms of reference and Remit of the board.

Purpose of report

To ask the Environment and Housing Board to note its Membership, Terms of Reference and Remit for 2012/13.

Summary

The Board's Membership is **enclosed at the front of Agenda papers**, the Terms of Reference and Remit are attached as **Appendix A**.

Recommendation

That the Environment and Housing Board note its Membership, Terms of Reference and Remit for 2012/13.

Action

No further action necessary.

Contact officer:

Liam Paul

Position:

Project Support Officer, Member Services

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020 7664 3124

E-mail:

Liam.paul@local.gov.uk

LGA Environment and Housing Programme Board

Terms of Reference

The purpose of the Environment and Housing Programme Board is to provide strategic oversight of all the LGA's policy, regulatory and improvement activity in relation to the sustainability of the environment, including issues of housing, planning and waste, in line with the LGA priorities.

Programme Boards should seek to involve councillors in supporting the delivery of these priorities (through task groups, Rural and Urban Commissions, Special Interest Groups (SIGs), regional networks and other means of wider engagement); essentially operating as the centre of a network connecting to all councils and drawing on the expertise of key advisors from the sector.

The Environment and Housing Programme Board will be responsible for:

1. Developing a thorough understanding of council priorities and performance in the areas of responsibility, using strong networks and robust information.
2. Helping to shape the LGA Business Plan by ensuring the priorities of the sector are fed into the process.
3. Overseeing a programme of work to deliver the strategic priorities set by the LGA Executive, covering lobbying/campaigns, research/policy, good practice, improvement support and events – as specified in the business plan, taking into account linkages with other policy boards where appropriate.
4. Representational and lobbying activities on behalf of the LGA and responsibility for the promulgation of activity through public statements in its areas of responsibility.
5. Building and maintaining effective relationships with key stakeholders.

The Environment and Housing Programme Board may:

- Appoint members to relevant outside bodies in accordance with guidance in the Political Conventions.
- Appoint member champions where appropriate (who must be a current member of the Board) on key issues, with responsibility for liaising with portfolio holders on key issues that require rapid response/contact with councils.

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

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.

Actions

**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

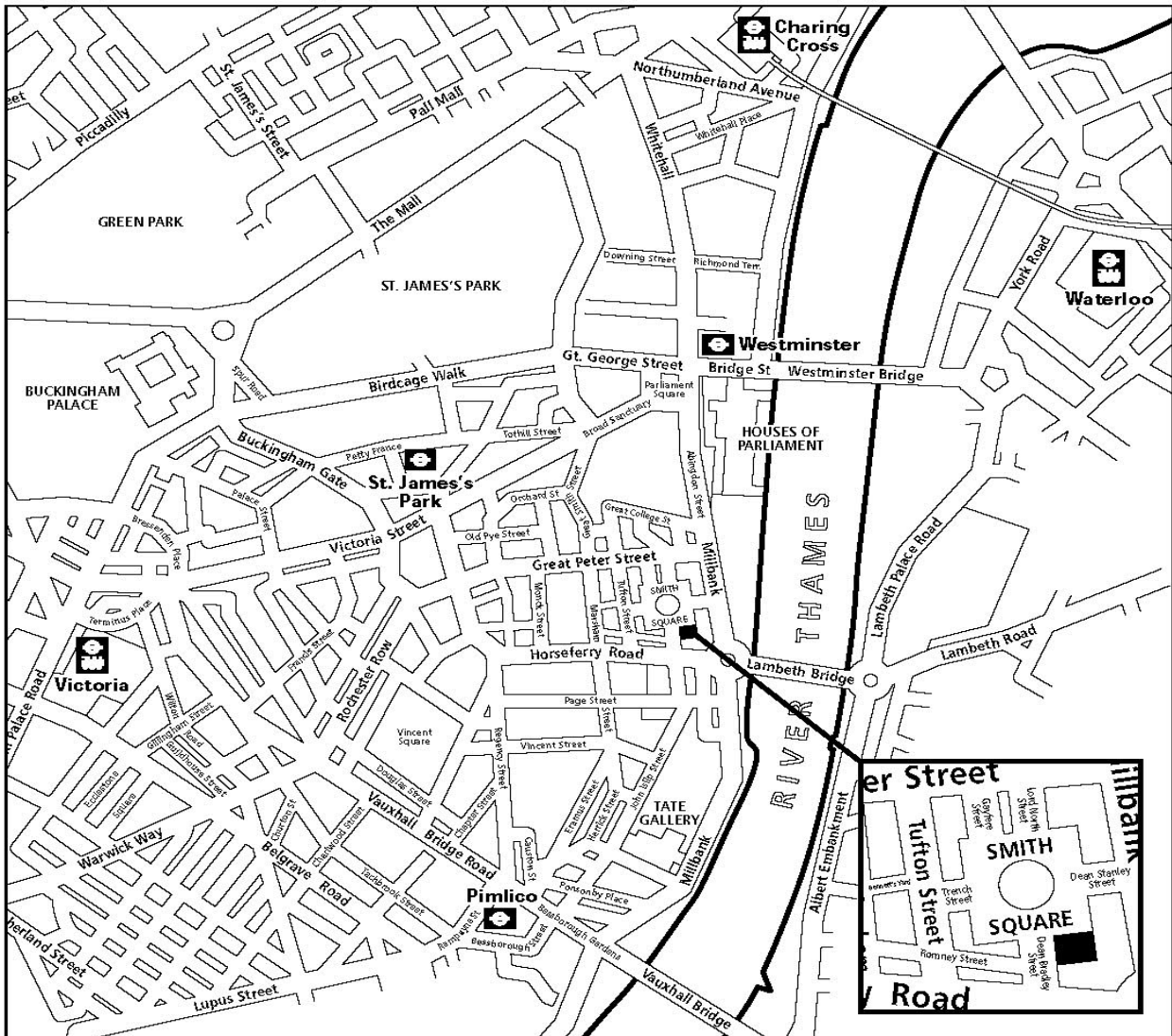
Organisation	Background	Representatives
National Planning Forum	<p>The National Planning Forum (NPF) is the principal cross-sector voice on planning issues and aims to be recognised as a key agent for change in delivering a better planning service.</p> <p>Members are expected to attend four Forum events 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

LGA Location Map



Local Government Association

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 Email: info@lga.gov.uk
 Website: www.lga.gov.uk

Public transport

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

Victoria

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

Bus routes - Millbank

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

Bus routes - Horseferry Road

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

Cycling Facilities

Cycle racks are available at Local Government House. Please telephone the LGA on 020 7664 3131.

Central London Congestion Charging Zone

Local Government House is located within the congestion charging zone. For further details, please call 0845 900 1234 or visit the website at www.cclondon.com

Car Parks

Abingdon Street Car Park
 Great College Street
Horseferry Road Car Park
 Horseferry Road/Arneway Street