

Note of decisions taken and actions required

Title: Environment and Housing Board
Date and time: 11.00, Tuesday 18 September 2012
Venue: Smith Square Rooms 1&2

Attendance:

Position	Councillor	Council
Chairman	Mike Jones	Cheshire West and Cheshire UA
Vice chair	Clyde Loakes	Waltham Forest LB
Deputy chair	Keith House	Eastleigh BC
Deputy chair	Andrew Cooper	Kirklees MBC
Members	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 Council
	Brian Williams	Shropshire Council
	Tony Newman	Croydon LB
	Ed Turner	Oxford City Council
	Tim Moore	Liverpool City Council
	Barbara Cannon	Allerdale BC
	Gwen Hassall	Stoke-on-Trent City Council
	Terry Stacy JP MBE	Islington LB
	Simon Galton	Leicestershire CC
Apologies	John Williams (substitute)	Northumberland Council
In attendance	Cllr Rock Feilding-Mellen	Kensington & Chelsea RB
	Cllr Clare Pritchard	Hyndburn BC
	Paul Raynes	LGA
	Caroline Green	LGA
	Abigail Burrridge	LGA
	Clarissa Corbisiero	LGA
	Kamal Panchal	LGA
	Dan McCartney	LGA
	Tom Coales	LGA
	Lee Bruce	LGA
	Liam Paul	LGA

Item	Decisions and actions	Action by
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1. **Focus of the Board’s work and key objectives**

The Board noted the report and welcomed the proposal to structure future work around four areas of focus: Growth (including Housing, Planning and Green Growth); Waste; Sustainability and Carbon Reduction; and Flooding.

Members raised the following points in discussion:

- It is vital to set LGA policy and lobbying positions in light of the wider growth agenda.
- The LGA should campaign for further financial freedoms from a position of strength, highlighting local government’s record of reducing expenditure in comparison to the rest of the public sector and challenging perceptions about local government financing in Whitehall.
- Additional responsibilities and freedoms over housing stock will require council staff to be equipped with new skills - notably in long-term business planning and procurement - and will emphasize the need for good knowledge of the planning process amongst elected members.
- The LGA must continue to press the Government to make sure that the Green Deal is beneficial for local communities.
- Housing issues extend beyond the issue of new supply to issues such as investment in existing stock and the legacy of projects such the Pathfinder Housing Market Renewal scheme.

Decisions

Members of the Board:

1. **confirmed** the suggested areas of focus for the Board and also agreed the objectives and deliverables in each area of focus as set out in the report;
2. **agreed** that the Inland Flood Risk Management group will continue to take forward delegated responsibility for the elements of the work plan which are flooding issues, reporting back to the main Board at each meeting on progress against their objectives;
3. **confirmed** that the LGA’s campaigning on the use class system should continue, as part of the wider LGA narratives on Growth and local decision-making.
4. **requested** that officers produce a paper to evidence that housing market finance issues are the main barrier to growth and proposals for how to improve access to mortgage and development finance will help unlock supply.
5. **agreed** to continue lobbying the Department for Communities and Local Government (DCLG), and HM Treasury regarding councils’ financial freedoms, particularly the local authority borrowing cap. Officers to provide a briefing demonstrating local authorities’ track record of sound financial management.
6. **requested** that officers provide briefings on the Board’s priority areas of work for councillors attending political party conferences.

Actions

Clarissa Corbisiero

Paul Raynes / LGA Finance team

LGA Finance and Housing teams

Caroline Green / Tom Coales / Senior Advisers

2. Government Housing and Planning announcements

Members were reminded of the LGA's recent work in response to the Government's announcements in early September. The LGA's key messages received significant coverage across the media and on the day briefings had been provided for member authorities to inform their reactions.

Officers summarised the measures announced, the process for their implementation and related issues for consideration, highlighting in particular the following:

- Two pieces of primary legislation would likely be necessary to give effect to the proposed reforms: the already published Infrastructure (Financial Assistance) Bill and a further bill required to enable the new powers for the Planning Inspectorate. Both would give the LGA opportunity to influence development of the proposals.
- There was not yet any clarity regarding the metrics for performance to be used by the Government in assessing poor local authority planning performance. Officers are pursuing this issue with CLG.
- A briefing note outlining potential issues and impacts of the proposals regarding permitted development had been produced and would be circulated to councils.

Members were supportive of the approach outlined by officers and then discussed how to achieve the objectives in the report, making the following points:

- The need for the LGA to challenge the figure used by Government to support its policies (e.g. regarding sites stalled due to S.106 contributions).
- Work highlighting the impact of the proposed changes on MP's own constituencies could be effective.
- Support for a 'model' motion for councils to use when debating the Government's plans for permitted development.
- Concern regarding the capacity of the Planning Inspectorate to deliver its proposed expanded role.
- The LGA should continue with its campaign to ensure councils have the necessary flexibility over use classes to correct the market where necessary to facilitate sustainable growth.
- The LGA should continue to support those councils with a local plan not yet in place, both directly and through the Planning Advisory Service (PAS);
- Local Government is best placed to address the problem of empty homes – and could do so if given the requisite powers.
- The implications of the Government's proposals will have varying effects around the country, from potential neighbour disputes, to economically destructive changes of use from commercial to residential in urban areas.
- Any scheme to allow developers to raise debt with a Government guarantee should have safeguards to ensure that sites receiving such support are additional to those sites already planned.

Officers clarified that the extension of permitted development rights would be for a period of 3 years and that protected areas were excluded from the measure.

Decisions

Actions

The Members of the Board:

1. **agreed** the objectives (subject to addition of continued campaigning on use class flexibility) and next steps for the LGA in relation to the Government's recent announcements on planning and housing, as outlined in the report.
Clarissa
Corbisiero /
Caroline Green
2. **requested** development of a model motion for councils to use when considering the Government's changes to permitted development;
Clarissa
Corbisiero /
Caroline Green
3. **requested** development of counter proposals to speed up the delivery of housing at local level;
Clarissa
Corbisiero /
Research team
4. **requested** briefing material and supporting evidence to enable local Government to campaign for reform of the process for bringing empty homes back in to use, and for corresponding powers to enable Councils to address the issue;
Clarissa
Corbisiero /
Caroline Green
5. **supported** future LGA work to highlight the lack of democratic legitimacy of the Planning Inspectorate and concerns regarding its staffing levels and expertise, given its increased role necessitated by the proposed reforms.

3. Resources for Infrastructure Damage from Floods

Members noted the LGA's actions in response to the series of flooding events over Summer 2012: in particular the successful lobbying which secured increased funding for local authorities under the Bellwin scheme.

The LGA had also written to the Secretary of State for Transport, outlining the limitations of the Bellwin scheme in providing funds for capital repairs, and urging Government to consider setting up a scheme similar to the Emergency Capital Highway Maintenance fund setup after similar floods in 2007.

Members were invited to discuss proposals to realise a maintenance fund and the report also identified a number of possible sources of cost recovery in addition to central government funding.

In the ensuing discussion, members of the Board made a number of points:

- Problems due to flooding and associated damage often become apparent in the weeks and months following the event. This is after emergency assistance has been withdrawn, and costs often fall heavily on councils.
- The Inland Flood Risk Management group should report back to the Environment and Housing board and duplication of work between the Group and the Board should be avoided.
- Future lobbying with regards to flood defence funding should make clear to HM Treasury that the costs of inaction are higher in the long-term than investment in appropriate measures.

Finally members received an update on work to find a sustainable solution for flood insurance. It was explained that DEFRA and the ABI remained in talks regarding a possible solution and that LGA was urging both parties to come to a viable solution as soon as possible, mindful of councils' and citizens' interests.

Decisions

Actions

The Members of the Board:

1. **agreed** that the LGA's Inland Flood Risk Management group should investigate and pursue options to secure a recurrent source of funding for exceptional flood damage to major infrastructure;
2. **agreed** that the LGA should maintain its pressure on the Association of British Insurers (ABI) and DEFRA, urging all parties to reach a sustainable solution for flood insurance to replace the elapsing statement of principles, and which meets the needs of the public and councils.
3. **agreed** that the Chairman of the Board should write to the Secretary of State for the Environment, Owen Paterson MP, and to Eric Pickles MP, Secretary of State for Communities and Local Government, to reiterate LGA support for a permanent emergency fund for exceptional flood damage to major infrastructure.

Kamal Panchal /
Jo Allchurch /

Kamal Panchal /
Jo Allchurch /

Cllr Mike Jones /
Kamal Panchal /
Jo Allchurch /

4. Judicial Review of Waste Regulations (2011)

The Board noted the update contained within the Agenda papers and received a confidential and privileged update paper on the Judicial Review.

Members urged the LGA to continue to protect the principle that councils should be able to collect waste in the method most suitable for their area, and agreed that the LGA's objective should be to bring the legal case to a quick conclusion.

Decisions

Action

The Members of the Board:

1. **supported** the approach to the Judicial Review taken by the LGA, and **agreed** further steps as set out in the confidential report.
2. **agreed** that the LGA should input into the production of any guidance for councils once the Judicial Review is concluded.

Abigail Burrridge

Abigail Burrridge

5. Terms of Reference and Remit of the Board

Decision

The Members of the Board **noted** and **agreed** the Terms of Reference and Remit of the Board.

6. Decisions and actions from previous meeting

Decision

Members **noted** and **approved** the notes of the last meeting

7. Any other business

Decision

Members **appointed selected** members of the Board to the outside bodies detailed at **Annex A** to these minutes.

Annex 1 – Environment and Housing Board representation on Outside Bodies

Agreed 18 September 2012

Organisation	Background	Representatives
<p>National Planning Forum</p>	<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: Gwen Hassall</p> <p>Independent: Andrew Cooper</p>
<p>National Fly-tipping prevention group</p>	<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>
<p>HCA Rural Advisory Board</p>	<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>
<p>Local Housing Delivery and Standards Group</p>	<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) Rock Feilding-Mellen (Conservative)
Inland Flood Risk Management Group	<p>The group acts as a sounding group for the Environment and Housing 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: Eric Allen Labour: Barbara Cannon Lib Dem: Simon Galton Independent (and Chair): Andrew Cooper