

Environment and Housing Board

Agenda

Tuesday 14 May 2013
11.00am

The Westminster Suite
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
14 May 2013

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

11.00am on **Tuesday 14 May 2013** in the Westminster Suite, 8th 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 **9.15am** in the Westminster Suite.

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:	Group Office:	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 - Membership 2012/13

Councillor	Authority
Conservative (8)	
Mike Jones (Chairman)	Cheshire West and Chester Council
Clare Whelan OBE	Lambeth LB
Frances Roden	Stroud DC
Vacancy	
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
Substitutes:	
John Taylor	Northumberland Council
Julian German	Cornwall Council
Peter Jones	Babergh DC

Environment and Housing Board

14 May 2013

LGA Environment and Housing Board Attendance 2011-2012

Councillors	18.09.12	21.11.12	23.01.13	20.03.13	14.05.13	24.07.13
Conservative Group						
Mike Jones	Yes	Yes	Yes	Yes		
Clare Whelan OBE	Yes	No	No	Yes		
Frances Roden	Yes	Yes	Yes	Yes		
Eddy Poll	Yes	Yes	Yes	Yes	-	-
Eric Allen	Yes	Yes	Yes	No		
Jim Harker	Yes	Yes	Yes	Yes		
Geoffrey Theobald OBE	Yes	Yes	Yes	Yes		
Brian Williams	Yes	Yes	Yes	No		
Labour Group						
Clyde Loakes	Yes	Yes	Yes	Yes		
Tony Newman	Yes	Yes	Yes	Yes		
Ed Turner	Yes	Yes	Yes	Yes		
Tim Moore	Yes	Yes	Yes	Yes		
Barbara Cannon	Yes	No	Yes	Yes		
Gwen Hassall	Yes	Yes	Yes	Yes		
Lib Dem Group						
Keith House	Yes	No	Yes	Yes		
Terry Stacy JP MBE	Yes	Yes	No	No		
Simon Galton	Yes	Yes	Yes	No		
Independent						
Andrew Cooper	Yes	Yes	Yes	Yes		
Substitutes						
Rock Feilding-Mellen	Guest	Yes	Yes	No		
Clare Pritchard	Guest	No	No	No		
Tony Trent	No	Yes	Yes	Yes		
Julian German	No	Guest	No	No		
Chris Pillai	No	No	Guest	Yes		

Agenda

LGA Environment and Housing Board

14 May 2013

11.00 -13.00

The Westminster Suite

Item	Page	Time
1. Housing Mark Prisk MP, Minister of State, DCLG will attend.	3	11.00
2. Growth and Infrastructure Act 2013 An update on the progress of the Bill.	7	12.00
3. Local Government Waste Review – emerging findings To receive an update on the progress of the Review and comment upon the draft recommendations.	13	12.15
4. Environment and Housing Board Update An update on other board business progressed since the previous meeting.	15	12.50
5. Any other business		13.00
6. Decisions and actions from previous meeting	29	

Date of next meeting: RESCHEDULED 15.00pm, Tuesday 2 July 2013, Manchester*

*The July meeting will be followed by a special session looking at the evidence and issues arising from the Welfare Reform pilots.

Housing

Purpose

For information.

Summary

The Housing Minister, Mark Prisk MP, will attend the Environment and Housing Board for this item. The Minister will provide an update on the implementation of the Government's housing strategy and the forthcoming spending round. This session will provide an opportunity to discuss key housing issues for councils and the Board's priority areas of work on housing.

The Minister's biography is enclosed at **Appendix 1a.**

Recommendation

That the Board **note** the contents of the report

Action

As directed by the Board.

Contact officer: Clarissa Corbisiero
Position: Senior Adviser
Phone no: 0207 664 3060
E-mail: Clarissa.Corbisiero@local.gov.uk

Mark Prisk, Minister of State, DCLG

1. Mark Prisk MP was appointed Minister of State at the Department for Communities and Local Government in September 2012. He is the Conservative MP for Hertford and Stortford.
2. Mark was educated at Truro School and Reading University, where he studied land management and is a chartered surveyor by profession. After graduating, he worked in the property and economic development markets and ran his own business for 10 years before entering politics. His interests include small business and enterprise, urban planning and regeneration as well as defence and foreign affairs.
3. Mark was elected as the MP for Hertford and Stortford in 2001. He served on the Conservative front bench from 2002, covering Treasury and Business portfolios.
4. The Minister of State is deputy to the Secretary of State across the Department for Communities and Local Government's responsibilities.
5. The Minister is responsible for:
 - 5.1. Housing
 - 5.2. local growth, cities and regeneration
 - 5.3. high streets, town centres and markets
6. Mark was previously the Minister of State for Business and Enterprise from 2010 to 2012

Growth and Infrastructure Act 2013

Purpose

For information and discussion.

Summary

This paper provides an overview of the LGA's lobbying achievements delivered during the passage of the Growth and Infrastructure Act through Parliament. A summary of media coverage achieved throughout the campaign is also included. The paper also outlines further work to influence the implementation of the Act.

Recommendation

That the Board notes the LGA's successes and the next steps set out at **paragraphs 5 - 9**.

Action

As directed by the Board.

Contact officer: Tom Coales / Clarissa Corbisiero
Position: Senior Public Affairs and Campaigns Adviser / Senior Adviser
Phone no: 0207 664 3110 / 0207 664 3060
E-mail: Thomas.Coales@local.gov.uk / Clarissa.Corbisiero@local.gov.uk

Growth and Infrastructure Act 2013

Background

1. The Growth and Infrastructure Bill was introduced to Parliament on 18 October 2012. The Bill has now progressed through both its Commons and Lords stages and received Royal Assent on 25 April.
2. The Bill has been a priority piece of work for the LGA. This report provides an overview of the LGA's work and achievements in influencing during the passage of the Bill. The paper also details the next steps that officers are taking following Royal Assent.

LGA achievements

3. The LGA has recorded a number of successes through our work on the Growth and Infrastructure Bill. These include:
 - 3.1. Ministerial agreement that going forward those councils deemed 'poorly' performing under Clause 1 of the Bill will be informed of their performance issues at least 12 months in advance of designation. We have agreed with government new governance arrangements for the Planning Advisory Service (PAS) to ensure a sector-led offer of support is available to councils at risk of designation;
 - 3.2. Ministerial agreement that the criteria for measuring performance under Clause 1 will be subject to parliamentary approval. The LGA will ensure parliamentarians are briefed on local government's position when considering the draft criteria;
 - 3.3. On Section 7 (which allows developers to appeal to PINs to renegotiate the level of affordable housing with their s106 agreement), the LGA secured the insertion of a sunset provision, with the intention that the Clause will expire in April 2016;
 - 3.4. The LGA secured the insertion of a new clause to strip away the bureaucracy surrounding Local Development Orders. Section 5 removes centrally set monitoring requirements and the requirement to seek the Secretary of State's approval for draft Orders;
 - 3.5. The LGA robustly, and successfully, defended the merit of reforming the system for registering town and village greens, against formidable opposition. Sections 14 -16 align town and village green registration with the planning system, simplifying the process for councils. Crucially they will prevent the system being abused as a tool to prevent much needed development and ensure the primacy of the Local Plan;
 - 3.6. The LGA also proposed an amendment to remove of the housing borrowing cap, which is currently imposed on stock owning councils. Removing this centrally set cap could allow councils to invest in up to 60,000 new homes. We secured cross-party support for this proposal and will continue to press for financial flexibilities to allow councils to play their full part in meeting rising housing need. For instance, this is one of our core asks of central Government in the run up to the next Spending Round in June; and

3.7. The Bill was a forum for debate of Government's controversial plans to increase the size of single storey household extensions under permitted development. The LGA and its members campaigned strongly against the government's proposals. In the face of significant opposition, Government brought forward revised proposals through which neighbours can raise concerns. Councils have continuing concerns with the revised approach, which we will be discussing with Government in advance of secondary regulations being brought forward.

Media Activity

4. The LGA secured extensive high profile media coverage to promote local government's position and our core lobbying objectives for the Bill. Over a period of several months, stories were placed with national newspapers and media outlets to coincide with key votes and debates as the Bill made its passage through Parliament. We secured significant coverage for five of our key lobbying aims in the national media, including:
 - 4.1 Our call for the Bill to revise Government's plans to allow larger home extensions achieved significant coverage in the national press, particularly in the Daily Mail and Telegraph. The LGA's lobbying in support of a local opt-out amendment generated five consecutive days of coverage in the Daily Mail and featured in the Daily Telegraph Guardian, Times, Mirror and BBC Online. Almost all national coverage of the permitted development issue quoted LGA figures that showed almost 90 per cent of applications for home extensions were approved by councils;
 - 4.2 The Daily Telegraph ran a supportive front page story in January about our opposition to extending the Nationally Significant Infrastructure Planning Regime, meaning that applications to build large offices, warehouses and factories could bypass councils. The story also ran in the Financial Times;
 - 4.3 The Daily Telegraph ran stories in November and February based on our argument that proposals to change the siting requirements for broadband cabinets and overhead lines did not come with necessary safeguards and were in effect far broader in scope than presented by the Government;
 - 4.4 Our concerns about proposals to remove planning powers from councils deemed slow in making decisions were quoted by LGA Vice President Baroness Eaton in a front page Daily Telegraph story in January. She quoted LGA lines that the planning system was not the barrier to growth and that the measure represented a dangerous move away from localism; and
 - 4.5 Our efforts to lobby for a new clause in the Bill to remove the housing borrowing cap were backed up by national media work. The Financial Times and Daily Star ran stories in March about the LGA's call for the cap to be removed to help fund the construction of up to 60,000 new homes over five years.

Next steps

5. Cllr Jones wrote an article in First magazine on the LGA's achievements on the Growth and Infrastructure Act. Lead members have written to thank members of the House of Lords who actively supported local government and led on LGA amendments.

14 May 2013

Item 2

6. Cllr Jones is meeting with Planning Minister Nick Boles on 7 May to discuss implementation of key areas of the Act.
7. Officers are in discussion with DCLG officials about the detail of the new measures, and the practicalities of implementation.
8. A package of sector-led support for planning is being developed by the Planning Advisory Service with oversight from the PAS Board which has representation for the Environment and Housing Board.

Financial Implications

9. This work has been delivered within existing budgets.

Local Government Waste Review – emerging findings

Purpose

For information and comment.

Summary

At the last meeting, the Environment and Housing Board discussed an update report on the progress of the Local Waste Review and officers undertook to return to the Board with a document setting out the emerging findings in more detail at a suitable point.

This item will provide an opportunity for members to discuss the emerging findings of the Local Waste Review before they are finalised. A confidential summary of the Review's emerging findings will be circulated prior to the meeting.

Recommendations

That the Members of the Board **comment on** the emerging findings of the Local Government Waste Review.

Action

As directed by the board.

Contact officer: Dan McCartney
Position: Adviser
Phone no: 020 7664 3238
E-mail: dan.mccartney@local.gov.uk

Environment and Housing update paper

Purpose

For information and comment.

Summary

This paper provides an update on LGA activity and recent developments relating to the Board's work programme and priorities in the following areas:

- Spending Review submissions
- Housing and Planning
- Planning Advisory Service (PAS) Governance Board
- Community Infrastructure Levy
- Waste Update
- Flooding, water resources and climate change
- ECO Brokerage
- Events

Recommendations

That Members of the Board **note** the updates provided.

Action

As directed by the board.

Contact officer: Caroline Green
Position: Programme Lead
Phone no: 0207 664 3359
E-mail: caroline.green@local.gov.uk

Environment and Housing update paper

Introduction

1. This paper provides an update on activities undertaken to progress the Board's agreed work programme not covered by other items on the agenda for the meeting on 14 May and covers key policy developments relating to issues within the Board's remit that have taken place since the last Board meeting on 20 March 2013.

Spending Review Submissions

2. The LGA made a submission to Government in advance of the Spending Round for 2014/15 which is expected to be announced at the end of June. The LGA submission included an overview paper and a series of papers on key issues for Local Government, which have also been sent to relevant government departments. Within the Environment and Housing Board's remit, these included submissions on Housing, Waste and Energy. The submissions will be available to view on the LGA website on Thursday 8 May and will be available in hard copy at the Board meeting.

Housing and Planning

3. This month the LGA submitted our response to the Royal Institute of Chartered Surveyors (RICS) Housing Commission, and Cllr Mike Jones gave oral evidence to an evidence session on investment. We stressed that councils are supporting growth and are using the planning system to provide certainty to encourage investment and reiterated opposition to the housing borrowing cap.
4. We have also provided input into the Labour Party's Commission on Infrastructure chaired by Sir John Armitt. Cllr Ed Turner joined attendees from a range of sectors including utility companies and regulators to discuss how Britain can achieve the improvements to infrastructure it needs to remain competitive. Cllr Turner highlighted that infrastructure is crucial to insuring new housing development is sustainable over the long term and governance arrangements for national infrastructure should reflect decision-making at a local level.
5. The LGA also submitted written evidence to the All Party Parliamentary Group inquiry on the Private Rented Sector. The evidence stressed that local authorities work constructively with private landlords to encourage investment and drive up standards. We put forward a range of proposals which would enable current tools and powers to be simplified and streamlined which would enable councils to make better use of limited resources for regulation and enforcement action where this is appropriate.
6. Cllr Mike Jones met with the Chair, Lord Matthew Taylor, and Chief Executive, David Orr of the National Housing Federation (NHF). Their discussion included the potential impact of welfare reforms on local authorities and housing associations. It was agreed that the LGA and NHF should have a board-to-board meeting to consider findings from research and evidence on the cumulative impact of the reforms. The discussion also covered the LGA and NHF's positions ahead of the Spending Review, as well as issues relating to the Green Deal and apprenticeships.
7. Cllr Mike Jones also wrote to Planning Minister, Nick Boles MP to provide an assessment of the impact and implementation of the National Planning Policy

Framework. The letter emphasised the positive progress councils are making to update and put local plans in place and argued that an extension to the transition arrangements would aid this work. Cllr Jones also pressed for certainty in national planning policy going forward to enable the new system to take full effect. The letter is attached at **Annex 4a**.

8. In response to government's announcement that they will establish a local residency test, Cllr Mike Jones wrote to Housing Minister, Mark Prisk MP to stress that a nationally set 'one size fits all' approach to allocations is not appropriate and that it is crucial existing flexibilities established through the Localism Act which enable councils to put in place allocation policies that reflect local priorities and manage pressure on their housing waiting lists are maintained. The letter and the response from Mark Prisk are attached at **Annex 4b** and **Annex 4c**. Subsequently, the Queen's Speech announced a new immigration bill which government intend will bring the residency test into effect.

Planning Advisory Service (PAS) Governance Board

9. Cllr Tony Newman and Cllr Mike Jones attended the first meeting of the new PAS Governance Board on 11 April. The Board has been set up to provide sector leadership to the support offered by PAS ensure it is responsive to councils' needs and supports exchange of good practice. The aim is to support on-going improvement in plan making and decision taking including helping councils to avoid designation on performance on major applications. The Board consists of the LGA, DCLG Directors and representatives of SOLACE, ADEPT and the Planning Officers Society.

Community Infrastructure Levy

10. Amendments to the regulations to the Community Infrastructure Levy came into force on 25 April 2013 to require charging authorities to pass a proportion of CIL receipts to communities where development has taken place (25% in areas with a neighbourhood plan, 15% in areas without a neighbourhood plan).
11. Government have also published a consultation on further reforms to the regulations for CIL which will have implications for those councils in the process of developing their CIL. The LGA will be submitting a response to the consultation which closes on 28th May.

Waste Update

12. Following our work defending councils' interests during the Judicial Review of Defra on recycling regulations, we have urged Ministers to take account of the principle of local determination explicitly supported by the judgment when drawing up the new MRF Code of Practice and in guidance accompanying the regulations. Our consultation response called for proportionate and appropriate measures which will generate both market confidence in the quality of recycle and the certainty which councils need. Cllr Clare Whelan reiterated these points when she attended a roundtable with Lord de Mauley and waste management industry, as did Cllr Mike Jones in his recent meeting with Lord de Mauley.

Flooding, water resources and climate change

13. **Partnership Funding** - Defra have announced a review to evaluate the early impact and delivery of the Partnership Funding policy. The review will investigate local behavioural

responses, capacity issues within those organisations now tasked with delivering these new arrangements, and the impact on local businesses and community relationships on funding for flood and coastal resilience schemes. The evaluation is due to report in September 2013. The LGA is working with councils to develop propositions for how partnership funding could be improved, drawing on experience of the scheme to date.

14. Sir Merrick Cockell met with Lord Chris Smith, Chair of the **Environment Agency** on 23 April, as part of their quarterly series of meetings. Key issues discussed included the implications for the Environment Agency (EA)'s statutory planning role resulting from the Government's red tape challenge initiative and budget reductions, sharing ideas on investment in water infrastructure, the Partnership Funding model for flooding, and the Triennial review of the EA and Natural England. '**Fracking**' was also briefly discussed, with an agreement to stay in close dialogue as policies on fracking develop to ensure that the EA and councils' role in planning and regulating complement each other. A further meeting between Cllr Mike Jones and Cllr Robert Light (Deputy Chair of the EA) is arranged for 16 May.
15. **Climate change and Climate Local** - At his recent meeting with Lord de Mauley, the Parliamentary Under-Secretary for Resource Management, the Local Environment and Environmental Science, Defra, Cllr Mike Jones discussed progress with Climate Local in supporting action on adaptation to climate change. Following the meeting, the LGA provided input to the local government chapter of National Adaptation Programme.

ECO Brokerage

16. The LGA has been working to develop proposals for DECC which will enable local authorities that are not registered as Green Deal Providers to place their energy efficiency projects on the ECO brokerage service. We have this month responded to DECC's consultation on the ECO brokerage by calling for local authorities to have access, setting out how this would contribute to the success of the platform and deliver government objectives by fostering competition, targeting resources to those who need it most and maximising the resource available for projects.
17. In support of this work Cllr Mike Jones met with Angela Knight, Chief Executive of the Energy UK to discuss how we can support councils and energy suppliers to work effectively together. At the meeting we agreed to promote good practice (showcasing a range of examples of effective local partnerships between councils, energy suppliers, and other agencies), explore options to promote action on energy efficiency by Registered Providers, and to organise a joint conference on the theme of local action on energy efficiency in the autumn, in collaboration with the NHF.

Events - Planning for Growth and Private rented and empty homes conferences

18. Cllr Clyde Loakes and Cllr Ed Turner chaired two conferences in April that addressed councils' role in facilitating much-needed housing and growth. Speakers included Shona Dunn, Director of Planning, DCLG and Andrew Stanford, Head of the Private Rented Sector Taskforce, DCLG, as well as experts from local councils around the country. A range of well-attended workshops and panel discussions examined topics such as engaging with landlords, bringing empty homes back in to use, negotiating sustainable growth locally; and how long-term planning can be used to promote growth.

Nick Boles MP
Parliamentary Under Secretary of State
Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU

26th March 2013

Dear Nick,

As we approach the first anniversary of the publication of the National Planning Policy Framework (NPPF) I thought it would be useful to provide an assessment from the LGA on its impact to date to feed into the review you are undertaking within the department.

We believe that the NPPF and the proposals within Lord Taylor's review of planning practice guidance are fundamental reforms that have established a localised, democratically-driven system that gives councils a strong incentive to promote and plan for growth. It will provide them with the tools they need to plan effectively for their place and allows democratic decision making and the housing market to bring forward development locally.

The NPPF is, of course, one part of a wider system to support development. That system is less than a year old and is already having a positive impact, as can be seen in the record number of planning approvals and significant progress with plan preparation. The system places sustainable development at its core and it is crucial that councils retain access to the tools and funding through the planning system to ensure adequate and appropriate infrastructure provision to support development.

Councils have responded positively to the NPPF. Planning approvals hit a decade high last year, again indicating that councils are taking a pro-growth approach and using planning as a mechanism to achieve their wider growth aspirations. Almost all councils are on course to have published their plans by the end of this calendar year and the priority for councils has been to develop thorough, well evidenced local plans which lead to new development that improves people's quality of life, guards against speculative development, helps business, protects areas not ripe for development and enhances areas which are. With this in mind we feel it would be helpful to extend the transition period to provide local authorities with the maximum opportunity to get plans in place.

The new system of neighbourhood planning is operating alongside councils' on-going work to engage local people in planning and I know government are monitoring its implementation. Genuine community engagement takes time and considerable effort from all involved. It is important that developers are encouraged strongly to engage with the community appropriately at an early stage. This is the most effective way of garnering community support for growth and mitigating disputes and challenge within the planning process which risk both undermining government policy and resulting in poor outcomes for communities.

Sector led support continues to have an important role to play to support local plan preparation and to drive wider improvements in planning services. The Planning Advisory Service (PAS) has worked closely with councils to support them to respond to the NPPF and progress their local plans. We have agreed to a changed governance model which I confident will invigorate the programme going forward and ensure that PAS support is credible and led by the needs of the sector. I am pleased that progress has been made to establish and agree this new framework. There are of course challenges. The government decision to abolish Regional Spatial Strategies and the delay in implementing this policy has led in some cases to confusion, uncertainty and delay in setting housing numbers at the local level. I understand that the department are working to secure their abolition expediently however this has in some cases delayed the delivery of the local plan.

There are technical reforms that could remove cost, bureaucracy and burden within the planning system. The red tape challenge into planning administration is well timed and I have appended the LGA's response which sets out changes which would localise permitted development rights, planning fees and improve the tools at authorities' disposal to enable the planning system to deliver efficiently and effectively.

However, further significant reforms to the planning system would be unhelpful; and would undoubtedly lead to delay and pressure on resources at the local level. You will be aware, for example, of our concerns regarding a number of clauses within the Growth and Infrastructure Bill including our concerns regarding proposals to allow the Inspectorate to renegotiate the affordable housing provision within Section 106 agreements, the extension of permitted development rights and expansion of the role of the Planning Inspectorate. Certainty must be the aim going forward and is necessary to embed the positive reform that has taken place and I would urge you to make this case to your colleagues across government.

I hope this is a helpful summary and LGA officers would be happy to provide further details on any of the issues raised above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mike Jones', followed by a horizontal dashed line extending to the right.

Councillor Mike Jones
Chairman, LGA Environment and Housing Board

Mark Prisk MP
Minister of State for Housing and Local Government
Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU

16 April 2013

Dear Mark,

I am writing further to the Prime Minister's announcement regarding the allocation of social housing to migrants.

The Localism Act provides councils with new flexibilities to put in place allocation policies that reflect local priorities and to support them to manage the growing pressure on the housing waiting list. This is the right approach and those powers are being used to good effect by councils. For the small number of councils where this is a particular issue, many are using the powers to give priority to people who have a strong local connection to the area. It is crucial that the government builds on this approach by ensuring that any new guidance does not establish a one size fits all local residency test but instead enables councils to make appropriate decisions based on local circumstances.

It should be for the local authority to determine the approach to allocations rather than a blanket national policy. Clarity is also needed on how this policy links with the wider housing framework. Failing to do so will lead to uncertainty regarding the housing assistance available and who is eligible for it. It will also mean that in some circumstances a local authority may be required to place persons owed the main homelessness duty in appropriate accommodation, regardless of whether they had been a resident in that local authority area and in cases where a local connection to another local authority cannot be established.

I would be happy to discuss these issues further and the LGA would be keen to assist and comment on draft guidance at an appropriate stage of development.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mike Jones', written over a horizontal dashed line.

Councillor Mike Jones,
Chairman, LGA Environment and Housing Board



Department for
Communities and
Local Government

Councillor Mike Jones
Chairman, LGA Environment and Housing Board
Local Government Association
Local Government House
Smith Square
London
SW1P 3HZ

Mark Prisk MP
Minister for Housing

**Department for Communities and Local
Government**
Eland House
Bressenden Place
London SW1E 5DU

Tel: 0303 444 3460
Fax: 020 7828 4903
E-Mail: mark.prisk@communities.gsi.gov.uk

www.communities.gov.uk

Our Ref: MP/MP/012653/13

29/4/13

Dear Hitu

Thank you for your letter of 16 April about social housing and migrants.

The Government is determined to tackle the widespread perception that the way social housing is allocated is unfair and that the system favours foreign migrants over local people and the Armed Forces. That is why we announced our intention to issue new statutory guidance, pressing councils to use their new allocation flexibilities in the Localism Act to ensure that only those with a well-established local residency or local associations qualify for taxpayer-subsidised social housing.

We want councils to retain the flexibility to design schemes which take account of local priorities and local circumstances, and the guidance will make this clear. It will also make clear that we expect councils to take proper account of special circumstances, such as the need to protect those fleeing violence, by making provision for appropriate exceptions.

We plan to issue the guidance in draft for consultation and will, of course, ensure that the Local Government Association has the opportunity to comment.

By giving councils the freedom to end the homelessness duty with private rented accommodation, we have already broken the link between homelessness and social housing.

However, I would like to clarify that the guidance will have no effect on a person's eligibility for homelessness assistance; neither will it change the rules around local connection in this context. Where a homeless applicant has no local connection with any district in Great Britain, the duty to secure accommodation will continue to rest with the housing authority that has received the application.

MARK PRISK MP

Note of decisions taken and actions required

Title: Environment and Housing Board
Date and time: 11.00, Wednesday 20 March 2013
Venue: Westminster Suite

Attendance:

Position	Councillor	Council
Chairman	Mike Jones	Cheshire West and Cheshire UA
Vice chair	Clyde Loakes	Waltham Forest LB
Deputy chairs	Andrew Cooper	Kirklees MBC
	Keith House	Eastleigh BC
Members	Frances Roden	Stroud DC
	Clare Whelan	Lambeth LB
	Eddy Poll	Lincolnshire CC
	Jim Harker	Northamptonshire CC
	Geoffrey Theobald OBE	Brighton & Hove City Council
	Tony Newman	Croydon LB
	Ed Turner	Oxford City Council
	Tim Moore	Liverpool City Council
	Gwen Hassall	Stoke-on-Trent City Council
	Barbara Cannon	Allerdale BC
	Tony Trent (substitute)	Borough of Poole
	Cllr Chris Pillai (substitute)	Calderdale MBC
Apologies	Terry Stacy JP MBE	Islington LB
	Simon Galton	Leicestershire CC
	Eric Allen	Sutton LB
	Brian Williams	Shropshire Council
In attendance	Paul Raynes	LGA
	Caroline Green	LGA
	Rose Doran	LGA
	Piali DasGupta	LGA
	Dan McCartney	LGA
	Tom Coales	LGA
	Liam Paul	LGA

Item	Decisions and actions	Action by
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1. **Growth and Infrastructure Bill**

Members received a short verbal update on LGA influencing work and key areas where LGA amendments have been accepted.

In discussion the following points were made:

- *LGA Lobbying Focus* – Members thanked officers and fellow Members of the Board for their work on the Bill and noted the success of LGA representations regarding Clause 1 (prior notification for authorities deemed to be performing ‘poorly’), Clause 6 (this clause which allows developers to appeal to PINs to renegotiate S.106 agreements will be ‘sunsetting’ and expire in 2016), vigorous defence of clauses reforming the town and village green representation and the insertion of a new clause on Local Development Orders.
- Further briefings on the Bill reiterate opposition to elements of the Bill which will not benefit growth and highlight that the LGA has suggested improvements that have not been taken on board.
- *Lifting the cap on councils’ borrowing for social housing* – Members of the Board highlighted the Government’s continued opposition to lifting the housing borrowing cap as a missed opportunity for growth and that it should remain a lobbying priority. Officers responded that this issue would continue to be pursued through the LGA’s work ahead of the forthcoming Spending Round and thereafter.

Decision

Members of the Board **agreed** that the LGA should continue to engage with Parliamentarians in pursuing the amendments and new clauses laid out in the report.

Actions

Tom Coales

2. **Welfare Reform: housing implications**

Members of the Board received a verbal summary of the report on the housing implications of welfare reform which had been requested at the previous meeting.

The Chair highlighted that responsibility for setting the LGA’s policy position on Welfare rested with the LGA’s Leadership Board and Finance Panel. The Chairman and officers would ensure that the Board’s discussions will be fed back to these bodies when they consider the item. Members of the Board welcomed the fact that Welfare Reform is one of the LGA’s five top priorities within the Business Plan for the 2013-14 financial year.

In the ensuing discussion Board Members made a number of points which are summarised below:

- *New burdens on councils* – It was felt that administering the new benefits system and helping claimants adjust will create a new

resource and financial burden on councils. Certainty is needed from Government regarding the future of relevant grants and reimbursements for the costs of establishing the new system.

- *Review of the impact of the Government's policies* – Members discussed the potential and appropriate timing for a review of welfare reform policies.
- *Principles, costs and savings of the reforms* – Members discussed the potential impact the reforms will have on achieving savings and on local economies.
- *Social housing size criteria* – The reforms will impact on the type of housing needed and adaptations to existing council housing stock will be necessary in many areas to meet demand.
- *Cross-cutting housing issues* – Licensing and enforcement regimes for Homes of Multiple Occupancy (HMOs), and the regulatory system for letting agents and estate agents will be important in managing the housing impacts of Welfare Reform.

Decisions

Actions

The Members of the Board:

- | | |
|---|------------------------------|
| 1) Noted the LGA's welfare reform programme and supported the proposed research programme to quantify the impact of the reforms; | Rose Doran |
| 2) Requested that officers produce a summary of Board Members' contributions to the debate at the meeting, which can be used to inform discussion of Welfare Reform with the LGA Finance Panel; | Rose Doran |
| 3) Agreed that existing information on the Government Direct Payment and the 8 LGA supported pilots will be circulated to Board Members and Lead Members will consider whether or not to hold an extra-ordinary meeting of the Board based on this data; and | Rose Doran /
Lead Members |
| 4) Agreed that officers will organise a meeting involving the Chairman of the finance and E & H Boards with other senior LGA members to discuss issues arising from out of area placements and local government's response. | Clarissa
Corbisiero |

3. **Waste Judicial Review and Local Waste Review update**

Waste Judicial Review

Members noted a brief verbal update on the Judicial Review and thanked all officers and Members who had contributed to a successful outcome in the case.

Members noted that work remained for the LGA and local authorities to ensure that DEFRA's forthcoming guidance for councils and the MRF Code of Practice reflected the Judgment. Local flexibility should be retained in order that councils can make recycling as simple as possible for their residents. Members also commented upon the value of working in partnership with DEFRA to achieve the successful outcome.

Local Waste Review

Cllr Clyde Loakes gave a verbal update on the second meeting of the Challenge Group, which he had chaired, noting that the event retained

the participation of a large number of organisations across the waste management system who contributed their views and expertise. The following key themes were emerging from the meetings and call for evidence:

- The highly significant existing and potential role of the sector in generating growth, and also jobs across a wide skill range.
- Local determination of waste services is effective.
- Funding
- The need for fit for purpose regulation and enforcement
- Infrastructure

Members made the following key points in discussion:

- Councils have a significant opportunities to maximise the value they extract from waste streams such as Waste Electrical and Electronic Equipment (WEEE);
- The Review must challenge and examine both local authorities and the rest of the waste management sector;
- The importance of waste reduction and the waste hierarchy should be reflected in the review;
- The review should investigate methods of reducing waste miles and the associated benefits in terms of jobs to local economies;

Cllr Loakes added that recommendations of the Waste Review would be pertinent to both local authorities, central government and others in the sector. Certain recommendations would be suitable for local government to implement itself and others would require agreement with partners or government. The Chair added that the Waste Review was an example of the LGA providing strong leadership for the waste management sector.

Decisions

Actions

The Members of the Board:

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|---|--|
| <ol style="list-style-type: none"> 1) Noted the work of LGA officers and Members in support of the Waste Judicial Review which helped achieve a significant victory for local government; 2) Agreed to write to DEFRA Ministers highlighting that the forthcoming guidance on Waste Regulations should reflect the outcomes of the Judicial Review and that officers should work with DEFRA to inform the guidance; 3) Agreed that officers should draft a response to the MRF code of practice; and 4) Noted the progress of the Waste Review and requested to be kept informed as the project continues. | <p>Dan McCartney</p> <p>Dan McCartney</p> <p>Dan McCartney</p> |
|---|--|

4. **Locally-led action on fuel poverty**

Members received a short verbal summary of the report and then discussed the recommendations for the LGA's future work programme in this area.

There followed a short discussion during which the following key points were made by Members of the Board:

- Councils' need for clarity on procurement in regards to collective switching.
- Not all those classified as living in Fuel Poverty are in receipt of benefits – many are in employment. The design of the affordable warmth element of the ECO scheme is limited to those on benefits and thus large numbers of those in need will be ineligible.
- Future work on Fuel Poverty by LGA officers should include the experience and schemes underway in smaller district councils, in addition to the large-scale schemes underway in metropolitan areas.
- Local authorities should be given equal access to funding mechanisms such as the Energy Companies Obligation (ECO) brokerage scheme.
- DECC should rationalise the grants system for local authorities to reduce the amount of officer time spent bidding for a number of relatively small amounts of funding.

Decisions

Action

Members of the Board:

- | | |
|---|------------------------|
| 1) agreed the key themes underpinning the LGA's work to support locally-led action on Fuel Poverty, supported the recommendations to be directed towards Government and proposals set out in the report; and | Piali DasGupta |
| 2) requested that officers update the Board on the LGA's offer of support to councils on collective switching | LGA Productivity Teams |

5. Tackling long term empty homes

Members noted existing powers for bringing empty homes back into use and the LGA's analysis of their effectiveness. Members' made the following comments:

- Incremental improvements to existing legal mechanisms are not the only way of tackling the majority of empty homes and LGA's position should build on what is working at a local level;
- The existence and ability for councils to issue an Empty Dwelling Management Order was a deterrent;
- Taxation and other economic penalties can be effective in deterring home owners from keeping homes empty;
- A proportion of the homes which are listed in national statistics will be empty as a result of probate/will disputes.

Decision

Members of the Board **agreed** that the LGA should develop proposals on Compulsory Purchase Order powers and Empty Dwelling Management Orders outlined in the report, building on councils' good practice and experiences of what approaches are effective.

**Clarissa
Corbisiero**

6. Environment and Housing update paper

Members noted the LGA's policy positions and lobbying work on the items contained within the update paper. The revised governance arrangements for the Planning Advisory Service (PAS) were also noted. The LGA will be represented by Chairman of the Environment and Housing Board and one further member of the Board.

Decisions

Members of the Board **noted** the updates within the report.

7. Any other business

None.

8. Decisions and actions from previous meeting

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

LGA location map

Local Government Association

Local Government House
Smith Square
London SW1P 3HZ

Tel: 020 7664 3131

Fax: 020 7664 3030

Email: info@local.gov.uk

Website: www.local.gov.uk

Bus routes – Millbank

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

For further information, visit the Transport for London website at www.tfl.gov.uk

Cycling facilities

The nearest Barclays cycle hire racks are in Smith Square. Cycle racks are also available at Local Government House. Please telephone the LGA on 020 7664 3131.

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 (Circle and District Lines), **Westminster** (Circle, District and Jubilee Lines), and **Pimlico** (Victoria Line) - all about 10 minutes walk away.

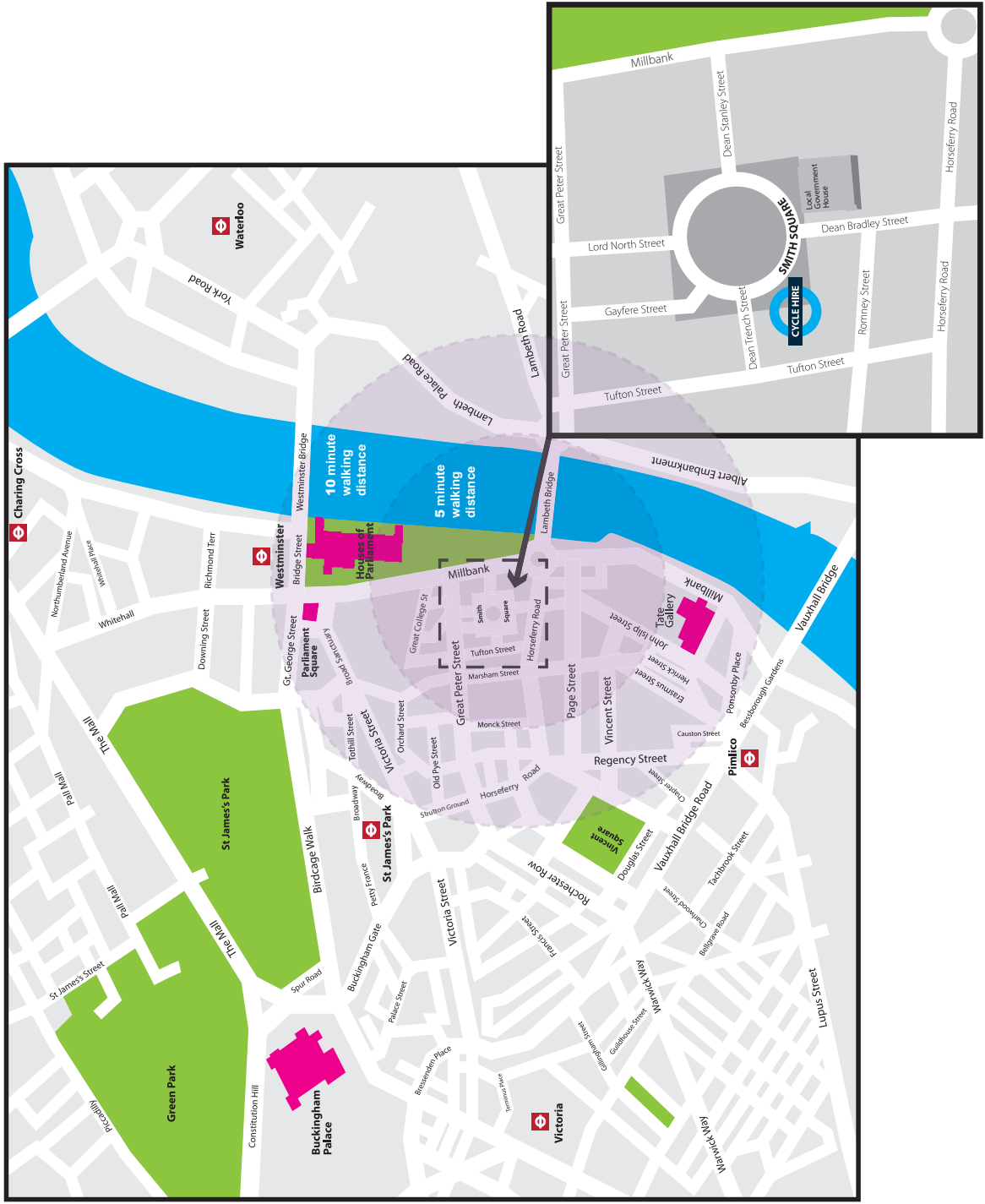
Buses 3 and 87 travel along Millbank, and the 507 between Victoria and Waterloo stops in Horseferry Road close to Dean Bradley Street.

Bus routes – Horseferry Road

507 Waterloo - Victoria

C10 Canada Water - Pimlico - Victoria

88 Camden Town - Whitehall - Westminster - Pimlico - Clapham Common



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Abingdon Street Car Park (off Great College Street)

Horseferry Road Car Park
Horseferry Road/Arneway Street. Visit the website at www.westminster.gov.uk/parking