

Environment and Housing Board

Agenda

Wednesday 13 November 2013
11.00am

Westminster Suite
Local Government House
Smith Square
London
SW1P 3HZ

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

www.local.gov.uk



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Environment and Housing Board

13 November 2013

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

11.00am on **Wednesday 13 November 2013** in the Westminster Suite, 8th Floor, Local Government House, Smith Square, London, SW1P 3HZ. A sandwich lunch will be served after the meeting.

Briefing for 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

Stephen Service: Tel: 020 7664 3194, e-mail: stephen.service@local.gov.uk

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The twitter hashtag for this meeting is #lgaehp

Environment & Housing Board

Updated: 18.09.13

Environment & Housing Board - Membership 2013/14

Councillor	Authority
Conservative (7)	
Mike Jones [Chairman]	Cheshire West & Chester Council
Philippa Roe	Westminster City
Clare Whelan OBE	Lambeth LB
Brian Williams	Shropshire Council
Jim Harker	Northamptonshire CC
Deborah Croney	North Dorset DC
Geoffrey Theobald OBE	Brighton & Hove City
Substitutes:	
Rock Feilding-Mellen	Kensington and Chelsea RB
Philip Ham	Mendip DC
Peter Britcliffe	Hyndburn DC
Eric Allen former member	Sutton LB
Labour (7)	
Clyde Loakes [Vice Chair]	Waltham Forest LB
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
Brenda Arthur	Norwich City Council
Substitutes:	
Maureen Cummings	Wakefield MBC
Phil Jones	Camden LB
Liberal Democrat (2)	
Keith House [Deputy Chair]	Eastleigh BC
Terry Stacy JP MBE	Islington LB
Substitute	
Simon Galton	Leicestershire CC
Independent (2)	
Andrew Cooper [Deputy Chair]	Kirklees MBC
John Northcott	Mole Valley DC
Substitutes	
Anne Hawkesworth	Bradford MBC
Adrian Naylor	Bradford MBC
Angela Lawrence	Vale of Whitehorse DC

LGA Environment & Housing Board

Attendance 2013-2014

Councillors	09.09.13					
Conservative Group						
Mike Jones	Yes					
Philippa Roe	Yes					
Clare Whelan OBE	Yes					
Brian Williams	Yes					
Jim Harker	Yes					
Deborah Croney	No					
Geoffrey Theobald OBE	Yes					
Labour Group						
Clyde Loakes	Yes					
Tony Newman	Yes					
Ed Turner	Yes					
Tim Moore	Yes					
Barbara Cannon	Yes					
Gwen Hassall	Yes					
Brenda Arthur	Yes					
Lib Dem Group						
Keith House	Yes					
Terry Stacy JP MBE	Yes					
Independent						
Andrew Cooper	Yes					
John Northcott	Yes					
Substitutes						
Maureen Cummings	Yes					
Phil Jones	Yes					

Agenda

LGA Environment and Housing Board

Wednesday 13 November 2013

11.00 - 13.00

Westminster Suite room 8.1 (8th Floor), Local Government House, SW1P 3HZ

Item	Page	Time
For discussion		
1. LGA work programme: Private Rented Sector	3	11.00
2. Promoting locally-led planning (project update)	9	11.20
3. Energy Efficiency (emerging findings from first stage project)	15	11.40
4. Reducing packaging and getting a better deal for tax payers	19	12.00
5. LGA position on the community benefits associated with shale gas operations (fracking)	25	12.20
6. Environment & Housing Board update	31	12.40
To note		
7. Any other business		12.55
8. Decisions and actions from previous meeting	45	

Date of next meeting: 11.00am, Wednesday 22 January 2014, Smith Square Rooms 3 & 4, Local Government House, SW1P 3HZ.

Item 1

LGA work programme: Private Rented Sector

Purpose of report

For discussion and direction.

Summary

The Environment and Housing Board agreed at its September 2013 meeting to develop proposals to support a modernised legal and regulatory system for the Private Rented Sector (PRS). This paper includes an update on recent policy announcements from the government and opposition and suggests areas for focus for the Board in light of these announcements.

Recommendation

Members are asked to agree the recommendations at 6.1 and 6.3.

Action

As directed by the Board.

Contact officer:

Hilary Tanner / Clarissa Corbisiero

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Adviser / Senior Adviser

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Item 1

LGA work programme: Private Rented Sector

Background

1. The Environment and Housing Board agreed at its meeting in September 2013 to develop proposals to support a modernised legal and regulatory system for the Private Rented Sector (PRS). This paper includes an update on recent policy announcements from the government and opposition and suggests areas for focus for the Board in light of these announcements.

Issues

2. Recent announcements by both the government and the opposition during party conferences have indicated that the PRS will remain a significant issue going into the next election. The Labour Party have established a Housing Commission, chaired by Sir Michael Lyons, to consider wider issues of supply and the PRS and the government has recently announced a package of measures on the PRS via its response to the Department for Communities and Local Government (DCLG) Select Committee's Inquiry into the sector.
3. Key announcements include:
 - 3.1. **New measures to encourage longer tenancies:** The government will develop a model tenancy agreement and a tenants' charter to raise awareness of the rights and responsibilities of tenants and landlords, and enable tenants to ask for longer tenancies. The government will hold a summit with mortgage lenders on the potential for landlords to offer longer tenancies. The Labour Party has also announced an intention to investigate options to enable longer tenancies and predictable rents.
 - 3.2. **Letting and managing agents:** The Enterprise and Regulatory Reform Bill includes a power for the government to require letting and managing agents to join a redress scheme. Local Authorities will be responsible for enforcing the scheme. Labour has also considered letting agents and announced that they would introduce mandatory licensing.
 - 3.3. **Support for investment:** The £1 million build to rent scheme has identified 45 schemes and is open for a second round of applications. The government is offering £10 billion government backed guarantees to attract institutional investment. A government Private Rented Sector task force is facilitating this activity.
 - 3.4. **Licensing:** DCLG have collected evidence from councils on their experience of licensing schemes with a view to updating the current guidance. Labour has announced that they will review licensing conditions, and would be prepared to liberalise them to help councils improve standards and quality of property management.

Item 1

- 3.5. **National register of landlords:** proposed by Labour to help local authorities to identify private landlords and strike off the worst performers.
- 3.6. **Regulatory framework to monitor and enforce:** The government has rejected a widespread review of PRS legislation, but will consult on the effectiveness of the Housing Health and Rating System, the main tool for councils to assess the risk of harm from poor conditions and require improvements from the landlord. DCLG are also considering extending rent repayment orders which would require landlords to repay rent and housing benefit where a property is found to have serious hazards. DCLG will also issue advice for local authorities when presenting private sector housing prosecutions, in response to concerns raised by the LGA and the DCLG Select Committee about the low levels of fines issued by Magistrates.

LGA activity

4. The Board agreed at its meeting in September 2013 that the work plan for 2013/14 will include the development of a modernised legal and regulatory system for the Private Rented Sector fit for the 21st century, to be outlined in a Landlord and Tenant's Bill.
5. **In light of the recent announcements outlined in Section 4 which encompass many of the areas likely to have been covered under this project, the Board is asked for its views on the continuation and scope of this project.**
6. Two options are presented below for consideration:
 - 6.1. **Continue on-going engagement with the government and opposition to feed into the policy announcements outlined in paragraph 3. This might include:**
 - 6.1.1. Engage with DCLG to influence its review of the Housing Health and Safety Rating System and licensing to streamline the system and expand flexibility.
 - 6.1.2. Press for the extension of rent repayment orders in cases of a serious hazard.
 - 6.1.3. Influence the proposed DCLG tenants' charter to ensure it is clear and accessible and appropriately reflects the role of Local Authorities.
 - 6.1.4. Provide evidence to the Housing Commission on the role of Local Authorities to support the PRS.
 - 6.1.5. Support investment in the PRS via the Board's agreed project to boost housing supply. This work is being taken forward working with the Improvement and Innovation Board to develop an institutionally funded housing offer for a group of local authorities. The project will also deliver examples of housing investment partnership models and advice for local authorities on options, risks, opportunities and barriers.

Item 1

6.2. This option would ensure that the LGA continued to represent the views of Local Authorities on PRS issues and seek to influence government and opposition planned activity on this agenda but would not involve proactive policy development. This would therefore release capacity for the Board to reprioritise its Housing work programme.

6.3. **In addition to the engagement outlined at 6.1, develop a series of policy proposals to reduce red tape and cost in the current system, increase flexibility and provide effective redress when things go wrong. This should include:**

6.3.1. **Proposals to streamline the current regulatory system:** Working with councils, the LGA will develop a robust evidence base to examine the costs and complexities of the current regulatory system and set out a series of proposals to streamline the system and provide flexibility to respond to local issues. This should include analysis of the operation of the licensing framework for housing and proposals to reduce burdens on landlords and councils, this work would be consistent with the LGA Safer and Stronger Communities Board's work to overhaul licensing in England.

6.3.2. **Proposals to increase the quality of homes in the PRS and tenant confidence in the sector:** Policy development to press for the simplification of the enforcement and assessment system to promote quality housing. This could include work to press for the extension of rent repayment orders in cases of a serious hazard. In addition it should include an examination of the levels of fines levied by Magistrates in PRS prosecutions, and that those fines are returned to local areas rather than absorbed by the Treasury.

Financial Implications

7. This work can be delivered within existing budgets.

Item 2

Promoting locally-led planning (project update)

Purpose of report

For discussion and direction.

Summary

This paper provides an update on work underway on the project to promote a locally-led planning which was agreed as part the Board's work programme in September 2013.

Recommendation

Members are asked to comment on the proposed areas of work and agree next steps proposed at paragraphs 7, 11 and 15.

Action

As directed by the Board.

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Item 2

Promoting locally-led planning (project update)

Background

1. At its meeting in September, the Board agreed a key focus for the LGA's work on planning should be to promote the role that planning plays in supporting growth and ensure that future policy supports local decision making on planning matters.
2. As part of this work the Board agreed to work with councils and the development industry to promote case study evidence of partnership working and fast and effective planning services and identify practice and policy solutions that will support further improvement and simplification of planning processes.
3. Further to discussion with the development industry, members are asked to comment on work to be taken forward in three areas as outlined below.

Promoting effective pre-application services

4. Early engagement between developers, councils and other partners through pre-application services allows issues to be resolved before applications are submitted, increasing the quality of schemes, reducing conflict, and securing community acceptance for applications. However, developers have raised concerns that the quality and cost of pre-application services vary across the country. Councils are keen to work with them to ensure that their services assist in bringing forward development more quickly and add value to all partners saving time and money. The Department for Communities and Local Government (DCLG) have expressed a strong interest in a collaborative approach to improving pre-application services.
5. The LGA is therefore working with the Planning Advisory Service (PAS), councils, developers and statutory consultees to provide a range of support tools and good practice to authorities and developers to drive improvement in and greater use of pre-application services.
6. This work will include:
 - 6.1. A set of principles for effective pre-application services which the LGA and national partner organisations would agree and promote to member organisations.
 - 6.2. PAS is leading work with input from developers on joint guidance highlighting good practice models and signposting further advice covering:
 - 6.2.1 A template for tiered offers of pre-application engagement by a LPA describing elements of good proportionate offer to meet the needs of a range of users.
 - 6.2.2 Planning Performance Agreements – More detailed guidance on how to use these effectively, examples from the sector of where they are being used well, and templates for a PPA suited to a 'small major' and a 'large major' scheme.

Item 2

- 6.2.3 Guide to an appropriate model for recovering costs of pre-application engagement – including principles of cost calculation and relating charges to the tiered service offer models.
- 6.2.4 Monitoring and Evaluation – encouraging councils to self-evaluate the effectiveness of their pre-application service by providing data collection tools to demonstrate the link between effective engagement and performance/value for money.
- 6.2.5 Good practice and principles in the involvement of members in pre-application discussions.
- 6.2.6 Good practice in engaging communities and relevant stakeholders in pre-application discussions

Proposed next steps:

- 7. The work on joint principles and support materials is currently under way. LGA endorsement of the joint principles will be subject to comment and approval from members.
- 8. It is envisaged that it will be launched at an event in December which will showcase case studies of successful partnership approaches.

Improving statutory consultee processes

- 9. Government Agencies as statutory consultees also have a role to play in ensuring that the planning process works quickly and effectively to support growth. Councils and developers are keen to make sure that engagement with statutory consultees does not lead to unnecessary delay to development. Ministers have signalled that they are interested in proposals for improvement to the current regime. In addition, the need to deliver reductions in their budgets means that the statutory consultee agencies are also looking at improving the way they engage in the planning process.
- 10. It is therefore proposed that the LGA produce proposals on how engagement with the statutory agencies could be improved, highlighting good practice and policy recommendations in three areas:
 - 10.1. Front-loading engagement
 - 10.1.1. Maximising engagement at plan-making stage to allow more effective targeting of engagement in applications.
 - 10.1.2. Effective and joined up pre-application advice services.
 - 10.2. Moving towards a single channel of engagement with statutory agencies across different government departments (towards a “one-stop-shop” model).
 - 10.3. Targeting resources to focus on more complex / priority projects and greater use of standing advice for the majority of applications.

Item 2

Proposed next steps:

11. Further to members views officers will develop more detailed proposals on the areas outlined above to be agreed by members and sent to Ministers and Shadow Ministers.

Promoting partnership and good practice in planning

12. Councils and developers share the view that further fundamental reforms to the planning system would not be helpful but there are areas within the current system where we can drive improvement through joint exploration and promotion of good practice.
13. The LGA is therefore working with councils and developers to identify and highlight areas of good practice and partnership approaches which are successfully supporting growth and policy recommendations that emerge.
14. Recent Ministerial announcements have confirmed that government is interested in the potential for reducing delays to development caused by planning conditions.

Next steps

15. LGA officers are working with councils and developers to produce a set of case studies highlighting effective partnership approaches to positive planning.
16. LGA officers are working with councils and developers to explore issues surrounding the use of conditions in further detail (including the extent to which such conditions are required by EU Directives and central regulation) and to present good practice models for proportionate and effective implementation of conditions.
17. It is proposed that this work is used to inform discussions with DCLG officials as they develop proposals on changes to conditions.

Financial Implications

18. This work can be delivered within planned budgets.

Item 3

Energy Efficiency (emerging findings from the first stage project)

Purpose of report

For discussion and direction.

Summary

This paper provides an update on the research activities in place to investigate the experience of councils under the existing arrangements and the impact of the programmes to date. An oral update will be provided at the meeting to report on the findings from the research activities. The paper also sets out the proposed next steps to influence national policy decisions on the delivery and funding arrangements for energy efficiency projects in advance of the Autumn Statement.

Recommendation

The Board is asked to note the research activities and discuss and agree key principles to underpin the next phase of the project.

Action

As directed by the Board.

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Item 3

Energy Efficiency (emerging findings from the first stage project)

Background

1. The Environment and Housing Board agreed at their meeting in September 2013 that the focus for the coming year should be to develop clear, evidence based proposals for change to the policy and delivery of energy efficiency programmes which recognises that councils should have a lead role in commissioning schemes to deliver greater value for money and more effective support to households in need.
2. This paper provides an update on the research phase of this work, to investigate the experience of councils under the existing arrangements and the impact of the programmes to date. Emerging findings from the research programme will be reported via an oral update at the Board meeting to support discussion.
3. Energy prices and the Energy Company Obligation (ECO) and Green Deal have been the subject of media and political focus in recent weeks. The LGA secured recent coverage in the Telegraph highlighting the slow progress in implementation and stressing the importance of joint working with councils to roll out energy efficiency measures to those in need as a matter of urgency.
4. There is a short window of opportunity to influence decision making on the funding and future direction of the government approach to energy efficiency measures in advance of the Autumn Statement and this paper sets out proposed next steps to influence national policy on this agenda.

LGA activity

5. The Board agreed at its meeting in September to undertake an analysis of the value for money and effectiveness of current energy efficiency programmes. The following research activities have been put in place to this end:
 - 5.1. The LGA has surveyed councils in England to develop evidence on the role that councils are playing to increase energy efficiency, opportunities and barriers under the current arrangements and an assessment of their effectiveness.
 - 5.2. A focus group was held on 4 November to develop a detailed understanding of the process, opportunities and barriers experienced by a number of councils who are engaged in delivering, signposting and promoting the Green Deal and Energy Company Obligation (ECO).
 - 5.3. The Climate Local Steering Group considered the delivery of the Green Deal and ECO at its meeting in October.
 - 5.4. A literature review of key published data and research has been undertaken.
 - 5.5. An online case study resource has been established and will be developed over the project to draw on the experience of Councils that have signed up to Climate Local.

Item 3

6. The research has collectively sought to provide further evidence on the following issues:
 - 6.1. Access to the Green Deal and ECO, to understand the ease at which schemes can be accessed by both residents and local authorities.
 - 6.2. The impact of the Energy Company Obligation and the Green Deal to date.
 - 6.3. Unnecessary red tape and costs which may reduce in delay or dis-incentivise take up.
 - 6.4. Funding and finance including the roll out of schemes funded by ECO tariffs to date and the opportunities for local authorities to lever in funding sources.
7. Emerging findings from this work will be presented at the Board meeting.

Next Steps

8. Rising energy bills and the role and effectiveness of ECO and the Green Deal have been placed under increasing scrutiny in recent weeks. The government is currently considering further changes to ECO post 2015 and has indicated it is considering the role of a tariff based model to support energy efficiency work more broadly. The Labour party have also announced a planned price freeze on energy prices and have indicated that they would review the arrangements for the Green Deal and ECO as part of their next manifesto.
9. There is therefore an opportunity over the short term to influence the future design, delivery and funding of energy efficiency projects. It is proposed that the LGA press for reform of the approach to delivering energy efficiency measures in line with the following key principles with a view to influencing decision making in advance of the forthcoming Autumn Statement.

The Board is asked for its views on the proposed principles below:

10. We estimate that energy companies in receipt of ECO tariffs are collectively more than 60 per cent behind their target to deliver warmer, more energy efficient homes. Councils stand ready to work with energy companies but there needs to be a greater impetus behind effective delivery of measures or they may face losing the tariffs to support them.
11. Councils understand their communities and are uniquely well placed to pinpoint the areas where upgrades will do the most good and work in partnership to lever in funding and activity to deliver programmes effectively. Local Authorities need to play a central commissioning role in the delivery of energy efficiency programmes and a locally based and targeted programme would support this.
12. The approach to both the Green Deal and ECO needs to be simpler and more understandable to residents.

Financial Implications

13. This work can be delivered within current budgets.

Item 4

Reducing packaging and getting a better deal for tax payers

Purpose of report

For discussion and direction.

Summary

The Environment and Housing Board agreed at its September 2013 meeting to support the reduction of packaging by encouraging producers and retailers to go above and beyond their existing Courtauld Commitment and for councils to obtain a better deal through the packaging compliance system. This paper sets out proposals for a project to take these recommendations forward for consideration by the Board.

Recommendation

The Board is asked to agree to proceed with the packaging project as outlined.

Action

To take forward the proposed project option as agreed by Members.

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Position: Adviser / Senior Adviser

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Item 4

Reducing packaging and getting a better deal for tax payers

Background

1. In the UK 10.8 million tonnes of packaging was produced in 2011¹ which has risen from about 10 million tonnes in 2006². Around 4.9 million tonnes of this is handled by local authorities³. This includes plastics, glass, paper, card and metals used to preserve and provide protection as well as carry marketing messages for food and drink and other products. Packaging makes up about a fifth of all waste collected by councils and costs tax payers approximately £550 million each year⁴.
2. Packaging waste is subject to EU derived targets for recycling which were recently revised upwards in the UK. Currently the UK is recycling 61 per cent of packaging, but will need to meet a higher target of 72 per cent by 2017. These targets are achieved through a packaging compliance system that applies to obligated producers and retailers of packaged products⁵.
3. To reduce packaging and its impact WRAP established the Courtauld Commitment in 2005 as a voluntary agreement for the grocery sector to reduce food, drink and packaging waste. The commitment is now in its third phase and a summary of key achievements are provided below:
 - 3.1. It has been signed by 92 per cent of grocery supermarkets covering 70 per cent of total grocery packaging.
 - 3.2. To date it has led to a 520,000 tonnes reduction in packaging handled by councils, reductions in supply chain packaging and has also targeted food waste and the carbon impact of packaging.
 - 3.3. The most recent phase sets targets for further reduction of food waste, retail and manufacturing waste and improvements in packaging design.
4. As a voluntary agreement the commitment represents only what the industry is prepared to offer. There may therefore be potential to build on the work to date and press for further activity.
5. The Courtauld targets include a range of actions ranging from reducing tonnage and carbon emissions to increasing the recycled content and recyclability of packaging. Not all of these actions present a saving to tax payers and a number are focused on savings for signatories by reducing their own supply chain packaging and food waste. The actions that do present opportunities for a saving to the tax payer include reducing the tonnage of packaging material in the waste stream, increasing the effectiveness of packaging to reduce food waste and increasing the recyclability of packaging. Improvements in these

¹ Source Defra

² Wastewatch Packaging Information sheet

³ Based on WRAP data for 2009

⁴ LGA Wealth from Waste report 2013

⁵ Applies to companies with a £2 million annual turnover and handling more than 50 tonnes of packaging a year

Item 4

areas would provide a direct saving to councils, and therefore residents, on handling and disposal costs and through increased recycling.

6. The Commitment covers organisations producing around 50 per cent of household waste packaging handled by local authorities. There remains over 2 million tonnes of packaging that councils handle that has not been subject to meaningful reduction activities. There is therefore an opportunity to build on the existing agreement and broaden its reach to those organisations not currently engaged.

Packaging project

7. The September Board meeting agreed the outline of a project to seek reduce packaging and obtain a better deal for councils. It sought a reduction in packaging by encouraging producers and retailers to go above and beyond their existing Courtauld Commitment and a better deal for councils through the packaging compliance system.

The Board's views are sought on the proposed project outline below:

- 7.1. To **build on the Courtauld Commitment** by developing proposals that expand the existing Commitment to a larger number of players and offers a better deal for tax payers. This should focus on reducing the tonnage of packaging in the waste stream, increasing the recyclability of packaging and increasing the overall effectiveness of packaging (for example in its ability to reduce food waste).
- 7.2. To **seek reform of the packaging compliance system** by responding to the government consultation to call for increased transparency in the funding within the system and a better deal for tax payers by directly incentivising local authorities to increase their capture of packaging for recycling.

Deliverables

8. It is proposed that the project will develop and deliver the following:
 - 8.1. Detailed research into:
 - 8.1.1. the source of and opportunities to reduce non-grocery packaging waste handled by local authorities.
 - 8.1.2. how a reduction in costs to tax payers can be achieved through reducing packaging, increasing its effectiveness and recyclability.
 - 8.2. Convene a summit in early 2014 of non-grocery packaging producers and retailers to explore the potential for further reductions in packaging and its impact.
 - 8.3. Respond to the DEFRA consultation, expected later this year, on changes to the current packaging compliance system with suggestions on reform to give tax payers a better deal.
 - 8.4. A series of proposals published by spring 2014 to influence government and opposition for consideration within 2015 election manifestos on how the Courtauld Commitment could be evolved to offer a better deal for tax payers through:

Item 4

8.4.1. increased scope with the inclusion of non-grocery organisations.

8.4.2. additional actions and targets on reducing packaging and its impact.

9. This project will begin in January 2014 and be completed by the end of spring 2014.

Financial implications

10. The proposals within this paper can be delivered within the existing programme budget.

Item 5

LGA position on the community benefits associated with shale gas operations (fracking)

Purpose of report

For discussion and direction.

Summary

Following discussion at the last Board meeting the LGA position on the community benefits associated with shale gas operations (fracking) has been subject to further discussion by lead members and revised accordingly.

Recommendation

That the Board discusses and approves the revised position set out at paragraph 10 and agrees the next steps as set out at paragraph 11.

Action

Officers to take forward work as agreed by the Board.

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Item 5

LGA position on the community benefits associated with shale gas operations (fracking)

Context

1. Current Government energy policy states that energy supplies in the UK should come from a variety of sources. Onshore oil and gas (including shale gas) is one part of that energy mix, as set out in the Government's Annual Energy Statement in December 2012¹. Whilst policy on fracking is still developing, Government has made clear its intention to promote its development in the UK.
2. The Environment and Housing Board's previous discussions on fracking have highlighted that decisions about whether fracking projects go ahead should be made at local level through the planning process. In taking such decisions councils will need to consider the environmental and safety impacts of the scheme and benefits that may mitigate impacts and deliver enhancements to communities. It is clear that some political groups and communities in certain places do not agree that fracking is the right option in their areas and these views will be represented in decision making.
3. This paper outlines proposals for an LGA position and proposed lobbying strategy on fracking, with a focus on maximising the benefit to local communities which may host shale gas developments.

Background

4. Ensuring community engagement and representation will be key in considering planning applications for shale gas development since fracking is an emerging industry and a highly emotive subject for communities affected. It is likely that in the absence of community support, successful applications will become increasingly difficult. Communities will need assurances as to the safety of the public and the mitigation required to avoid any significant impact on the environment.
5. Councils wish to ensure that shale gas development delivers long-term benefits to those communities that host development in their area and that any disbenefits and risks are properly mitigated. Therefore, it is vitally important that there should be transparent and significant offsetting benefits available to communities which decide they do wish to agree to permit fracking.
6. Whilst the government is proposing a financial framework that will give shale gas firms the 'most generous tax breaks in the world', the monetary community benefits being proposed for local communities are poor in relation to those elsewhere in the world. International comparisons suggest that a typical benchmark for a local community share of fracking revenues lies between 5% and 10%.
7. It is also a source of concern that the offer of community benefits rests on a purely voluntary commitment by a trade body, the United Kingdom Onshore Operators Group (UKOOG) that has no ability to enforce its terms on producers.

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/65633/7086-annual-energy-statement-2012.pdf

Item 5

8. Other countries use a number of models to manage community benefit levies from petrochemical extraction. It is widely recognised that this revenue represents the one-off use of a natural asset and is not ordinary tax revenue to be substituted for day-to-day government financing. In Norway, for example, oil revenue has been held in the world's largest sovereign wealth fund², the Government Pension Fund, worth £737 billion. A Norwegian fiscal rule limits usage of oil revenues collected to 4 per cent per annum to facilitate long-term, good management of funds in order to benefit both current and future generations.
9. In addition, in relation to existing taxation arrangements, it is important to note that local authorities now retain 100 per cent of the business rates from renewable energy projects (since April 2013). This does not apply to fracking. If it is national policy to create fiscal incentives for fracking, it would make sense for local authorities to retain 100 per cent of business rates for shale gas developments.

Proposed LGA position

10. Members are invited to consider the following approach to an LGA position and proposed lobbying strategy on fracking:
 - 10.1. The LGA position does **not** take a view on whether fracking is the right solution, but that fracking schemes should be a matter for local decision making and therefore be considered through the local planning system.
 - 10.2. Local communities should decide, through their democratically-elected councils, whether or not to host fracking operations in their areas and local attitudes to fracking should not be overridden by national policy.
 - 10.3. The local planning system must be supported and complemented by a robust and transparent regime enforced by the other key regulators for fracking, namely the Health and Safety Executive (HSE), the Department for Energy and Climate Change (DECC) and the Environment Agency.
 - 10.4. Local authorities will need to be assured to enable communities to feel safe that the issues covered by these other regulatory regimes (for example seismic activity, water pollution, disposal of waste water, well construction and integrity) can and will be adequately addressed before they can consider granting planning permission.
 - 10.5. Any financial benefits scheme set up for local communities who accept fracking in their areas should mitigate the adverse impacts of the development and deliver significant benefit to those communities.
 - 10.6. Given the significant tax breaks that are being proposed by government to drive forward shale gas development in this country and the impact of on local communities, the industry should increase its current community benefits offer. That offer should be more in line with those offered elsewhere in the world and should be set at 10 per cent of gross revenues.

² <http://www.swfinstitute.org/sovereignwealthmap.html>

Item 5

- 10.7. The community benefit share should be enforceable, so needs to be put on a statutory footing.
- 10.8. Arrangements for holding community funds need to reflect the fact the revenue is the one-off use of an asset and should not be treated as an ordinary tax revenue for day-to-day financing. Further consideration needs to be given to models for community benefit funds to ensure that they support communities' priorities and deliver lasting benefits in a transparent and accountable way. Options include councils holding the funding on behalf of the community, another is for an arms-length charitable fund jointly administered by local government and local partners. Local government has a central role to play in ensuring the governance arrangements reflect community preferences and offer accountability and should be involved in designing schemes in their areas.
- 10.9. Separately, the local share of business rates from hereditaments relating to fracking projects should be set at 100 per cent.

Next steps

11. In order to promote the LGA's position on fracking we will:
 - 11.1. Write to relevant Ministers (Department for Energy and Climate Change, Department for Communities and Local Government and the Treasury).
 - 11.2. Engage with other MPs with an interest in fracking.
 - 11.3. Engage with key regulators.
 - 11.4. Engage with industry.
 - 11.5. Engage with other key stakeholders including the District Councils Network (DCN) and County Councils Network (CCN).

Environment and Housing Board update

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:

- Housing
- Planning
- Waste
- Climate Local

Recommendation

The Board is asked to note the updates provided.

Action

As directed by the Board.

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

Environment and Housing update paper

New Ministers and Shadow Ministers

1. Following the October re-shuffle Mike Jones wrote to the following new Ministers and shadow Ministers to highlight the board's priority areas of work and invite meetings to discuss the key issues.
 - 1.1. Kris Hopkins MP (Conservative, Keighley) – Minister for Housing (also has responsibility for local growth, cities and regeneration, Thames Gateway, troubled families and planning in relation to wind farms).
 - 1.2. Dan Rogerson MP (Conservative, North Cornwall) - Parliamentary Under Secretary of State for water, forestry, rural affairs and resource management (this includes flooding and waste).
 - 1.3. Stephen Williams MP (Liberal Democrat, Bristol West)- Parliamentary Under Secretary of State for Communities and Local Government (integration and race equality, localism, decentralisation and community rights, building regulations and standards, empty homes, climate change and sustainable development).
 - 1.4. Emma Reynolds MP (Labour, Wolverhampton North East) – Shadow Housing Minister.
 - 1.5. Maria Eagle MP (Labour, Garston and Halewood) – Shadow Environment Secretary.

Planning

2. Our response to the consultation on the outcome of the **housing standards review** supported rationalisation of standards to reduce complexity and duplication whilst highlighting the important role of standards in ensuring good quality housing. It also raised concerns that the proposals could cause complication and delay for councils in getting local development plans in place and makes recommendations for resolving these issues. The response can be found on the LGA website. Cllr Ed Turner also gave oral evidence to the Environmental Audit Select Committee as part of the Committee's inquiry into the 'Code for Sustainable Homes and the Housing Standards Review'.
3. We also submitted a response to the consultation on **greater flexibilities for change of use** which proposes to take forward Government's proposals for extensions to permitted development rights announced earlier this year. Our response set out the agreed LGA position on changes to permitted development which opposes national level extension of rights and supports local determination. Without prejudice to that position our response says that if government are to go ahead with proposals for change of use from retail to residential, this should be subject to prior approval allowing councils to take into account the impact on the local economy and character of an area. We also briefed MPs on the LGA's position on permitted development, change of use and clustering on high streets ahead of an Opposition Day debate on **high streets and change to use orders**. The consultation response and LGA briefing can be found on the LGA website.
4. The Board also responded to the new **national online planning practice guidance** resource which was open for public testing and comment for a 6 week period. Our

Item 6

response was supportive of the progress that had been made to consolidate the existing guidance into a more focused online resource which took on board much of our earlier feedback. We stressed that Government should ensure there is a clear and simple mechanism for councils and others to highlight any issues or unintended consequences of the new guidance and that the impact of the guidance should be evaluated after 12 months to assess its effectiveness in meeting the objectives of the review. The LGA response (sent to the Planning Minister, Nick Boles MP) can be found in **Appendix A**.

5. The Government have responded to the consultation which took place earlier this year on changes to the **Community Infrastructure Levy regulations**. Key changes include the limitation on pooling S106 pooling has been moved back by one year to April 2015, payment in kind has been introduced, the vacancy test has been altered, people building or extending their own homes are exempted from CIL. The Board's had argued for longer transition arrangements and that changes should be based on evidence and avoid excessive administration cost, delay and complexity.
6. Sir Merrick Cockell will be meeting with the Rt Hon Lord Chris Smith of Finsbury, **Chairman of the Environment Agency** on 5 November to discuss the Board's priority areas of work on planning and flooding and opportunities for joint working. Verbal feedback from the meeting will be provided at the Board meeting.

Planning Advisory Service (PAS)

7. Planning Minister, Nick Boles MP, visited the PAS team in November to hear about their work and opinions on the planning system. He seemed duly impressed with the breadth and range of support work being delivered to authorities.
8. The PAS governance board met in November. The Board considered a report of progress towards performance measures. Work is progressing well in most of the priority areas. There will be a further update at the next Board in February.

Housing

9. In line with the Board's priority to support new housing supply the LGA published a set of **good practice principles to support the self-financed Housing Revenue Account**. This guide for elected members sets out important principles and core questions to consider when managing the stock and accounting to tenants for the investment and management decisions the authority makes over the long term. The guide, developed in partnership with CIH and CIPFA is designed to support elected members by sharing good practice and lessons learned from the first year of self-financing.
10. The Board agreed at its September meeting help councils to **secure increased investment in housing** for their area and develop proposals to overcome barriers to private investment. The project is being developed currently and will include detailed discussions with local authorities to develop a series of good practice models and to work with the Improvement and Innovation Board to support its work to develop an institutionally funded housing offer for a group of local authorities. A combination of research activity and soft market testing with both councils and potential funders is planned between October and December, with the aim of more formally engaging both sectors in the New Year.

Item 6

11. **Case study guide on housing supply and growth** – we have published a collection of case studies highlighting how councils are taking action to unlock growth and get housing developments moving. The guide is available on the LGA website and includes sections on meeting housing need in areas of high demand, challenging housing markets and rural areas.

LGA oral evidence to Draft Deregulation Bill Committee

12. On 4 November, Cllr David Simmonds (Chair, LGA Children and Young People Board) and Paul Raynes (Head of Programmes, Environment Localism and Welfare, LGA) [gave oral evidence to the Draft Deregulation Bill Committee](#), on behalf of the Local Government Association. Cllr Simmonds highlighted the largely positive reception which the draft legislation had received amongst local government, drawing on the LGA's position as detailed within our [written submission](#) to the Committee. However, he also used the session to detail the LGA's concerns and where the sector feels the draft legislation could be used as an "exciting opportunity".
13. On **Right to Buy**, Cllr Simmonds called for councils to be given the ability to set the discount locally, and for receipts from sales to be returned directly to local authorities, describing the current model for return of receipts as a "barrier" to housing investment.
14. On the **removal of waste enforcement powers**, he noted the LGA's reservations and stressed that the move must not undo all the positive work councils have undertaken in respect to increasing recycling rates.
15. The **removal of the duty on local authorities to consult** was also raised, in response to which Cllr Simmonds eased concerns within the Committee that local authorities would still consult extensively with their local communities through a variety of means, but that the proposal within the draft bill would bring to an end the unrequired and burdensome tick box system which had emerged.
16. Finally, committee members raised the proposed **growth duty** for discussion. In response, Cllr Simmonds highlighted that generating economic propensity was at the forefront of councillors' minds, and something which was central to the LGA's *Rewiring Public Services* campaign. He went on to note that driving growth locally requires a joined up approach with partners such as LEPs.

Waste

17. The LGA responded to correspondence from Lord de Mauley on the issue of separate collection of waste. The LGA has stressed the importance of clear guidance on this issue that reflects the requirement of the Waste Framework Directive. Lord de Mauley's letter and the LGA's response is attached at **Appendices B and C** respectively.
18. The LGA launched its **Reuse Commission** on 31 October. The Reuse Commission was one of the key recommendations of the Wealth from Waste report this summer. The Commission, chaired by Cllr Loakes has had its first meeting discussing demand for reused products including tax breaks for reuse organisations and the development of a reuse standard to provide consumers with increased confidence. The second meeting in late November will concentrate on supply of products and the opportunities for councils to divert more material for reuse. The Commission will report its findings in January.

13 November 2013

Item 6

19. As part of the Commission we have issued a **call for examples and case studies** of council efforts to increase the amount of material reused. Responses to be send to dan.mccartney@local.gov.uk by 29 November.
20. Cllr Jones gave evidence on the recast of the WEEE directive to the **Associate Parliamentary Sustainable Resource Group (APSRG)**. Councillor Jones highlighted the important role local authorities play to help the UK meet its WEEE targets and that it was positive that this role had been acknowledged by the government by enabling councils to manage WEEE streams themselves and ensure local authorities have their WEEE collected with no additional costs. Cllr Jones also stressed the importance of local authority involvement in setting compliance fees and receiving that fee and the opportunity that had been missed by the Government's recent proposals to incentivise reuse.
21. Further to discussion at the Environment and Housing Board, **Cllr Jones met with Caroline Spellman MP** to discuss the LGA's Wealth from Waste report and the Associate Parliamentary Sustainable Resource Group inquiry into waste export. The importance of establishing a level playing field on the compliance regimes was highlighted and was an area that the inquiry was looking at in some detail. Cllr Jones raised the importance of providing capital funding to invest in infrastructure to support ongoing advances in increasing the quality of recycle. The LGA has submitted written evidence to the inquiry setting out the key relevant recommendations from the Wealth from Waste report and to support the inquiry to highlight the findings of the report to the department for Business Innovation and Skills to stress the opportunity to support the waste industry as an advanced manufacturing industry.

Climate Local

22. Climate Local road shows have taken place in Manchester, Birmingham, Exeter and Cambridge. Over 160 people attended the events to find out more about the LGA's initiative and the tools and support available for councils wishing to take action on climate change. Delegates heard from councils who are using the initiative to support local jobs and growth, generate income, reduce energy costs, protect vulnerable communities and increase community cohesion. The number of Climate Local signatories has risen to 79, with the Kent Partnership being the first to publish their first year achievements. Kent's successes include working with 166 SMEs to achieve annual savings of over £2,000 per business, an energy switching scheme which helped 2,500 residents save £255,000 on their energy bills and investment in new sea defences to protect 1,750 homes and businesses from coastal flooding.

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

14 October 2013

Dear Nick

The LGA has been supportive of the recommendations from the Taylor review of practice planning guidance and have long argued that we would like to see a much stronger risk based approach with national guidance focused on issues where the absence of guidance might lead to duplication, uncertainty or additional costs. The aim should be for guidance to support local decision making based on balancing local priorities and risks.

We are therefore encouraged to see the progress that has been made in consolidating the extensive raft of existing guidance into a more coherent and focused body of guidance available as a web-based resource on the government's website (currently in Beta mode).

In addition, we are pleased that government has taken on board much of our earlier feedback including the importance of a document control system so that practitioners can be confident that guidance is up to date and refer back to previous versions where necessary, as well as providing easy access to the guidance and related updates and bulletins.

Ultimately the test of whether the objectives for rationalising the guidance to increase stability and certainty have been met will be in whether it results in fewer challenges to the planning system. That will only be seen once the guidance is formally in place and in use. We would therefore recommend that government evaluate the impact of the new guidance in a years' time to assess its effectiveness in meeting the objectives of the review.

There also needs to be a clear and simple mechanism for councils and others to highlight any issues or unintended consequences of the new guidance if and when they arise over time and to put forward ideas for revised or new guidance. The government should continue to work closely with councils and applicants to ensure that any updated or new guidance is consistent with the principles of the new guidance resource and is light touch and encourages local decision making. This needs to be supported by a clear and transparent protocol for managing change to the site.

There is currently a large amount of guidance owned by other Whitehall departments and agencies which directly impacts on planning but which may not be aligned to the NPPF or the new DCLG guidance suite. The next stage for government should be to subject all of this guidance to a similar process of rationalisation and consolidation to ensure it is coherent, up to date and in line with national planning policy.

I look forward to working with you further on this and other issues in future.

Yours

A handwritten signature in black ink, appearing to read 'C. Loakes', written in a cursive style.

Cllr Clyde Loakes
Vice-Chairman of the LGA Environment and Housing Board



Department
for Environment
Food & Rural Affairs

Nobel House
17 Smith Square
London SW1P 3JR

T: 08459 335577
helpline@defra.gsi.gov.uk
www.defra.gov.uk

October 2013

From Lord de Mauley
Parliamentary Under Secretary

I understand that many local authorities are currently looking at their arrangements for collecting and disposing of waste.

Since 2000 the national household recycling rate has risen from 11% to 43%. This is a massive increase and local authorities should be proud of the part they have played in achieving it. But there is no time for complacency. The increase in recycling rates has slowed. To reach our EU target, recycling 50% of all household waste by 2020, will require sustained effort and, whilst we have seen the amount of recycling increase, this has not been accompanied by an increase in the quality of recyclates coming through.

So we need to push ahead on all fronts, driving up both quantity and quality whilst driving down costs. To build up our local and rural economies we want our domestic glass and paper industries to be able to rely on a consistent supply of a good standard of recyclates produced here, without resorting to imports. Local authorities have an important role to play in achieving this, but they will need good information about what happens to the recyclates they collect.

It is for that reason that we are hoping to publish new regulations this winter, requiring information about the quality of recyclates that our Material Recovery Facilities produce. It is also the reason why we fully support the new requirements for the separate collection of waste paper, plastic, glass and metal.



INVESTORS
IN PEOPLE

The revised Waste Framework Directive (2008/98/EC) in effect requires member states to set up separate collection where necessary and practicable. Supporting European Commission guidance was published in June 2012.

The Government and Welsh Government transposed these requirements through the Waste (England and Wales) Regulations 2011, as amended by the Waste (England and Wales) (Amendment) Regulations 2012.

It appears that some local authorities may be taking the view that co-mingled collections of paper, glass, plastic and metal waste streams will remain permissible in all circumstances after 1st January 2015. I therefore thought it would be helpful now to remind local authorities of the effect of the Regulations.

From 1st January 2015 an establishment or undertaking which collects waste paper, metal, plastic or glass must do so by way of separate collection. These requirements apply where separate collection:

- (a) is necessary, in effect, to provide high quality recyclates, and
- (b) is technically, environmentally and economically practicable.

Where waste paper, metal, plastic or glass has been collected separately all reasonable steps must be taken to keep that stream separate from other waste streams wherever this is necessary to provide high quality recyclates.

It is clear that the intention is that these requirements should represent a high hurdle. I am aware that co-mingled metal and plastic are relatively easy to separate at a MRF. However, at present many of our existing MRFs struggle to keep glass shards out of the paper stream. In addition many MRFs produce low quality mixed glass which needs further sorting and can be uneconomic to re-smelt. I look to local authorities actively to address these problems, by the effective implementation of the new regulations and by tackling problems with operating practices.

Separate collection does not of course mean that each household will need more bins. For example, many areas have kerbside sort systems where materials are sorted before being loaded into the waste collection vehicle. The WRAP website is a useful source of help.

Any local authorities considering new collection or disposal plans should take care to ensure that they are placing themselves in a position to fulfil their legal duties from 2015. This is particularly important for local authorities who may be considering moving away from separate collection, or including glass within a co-mingled stream. Local authorities should consult their own lawyers as necessary, and should keep a clear audit trail given the potential for legal challenge.



I am aware that this is a challenging time for local government as budgets reduce and expectations increase. I would urge all local authorities to work more closely with each other to sharpen procurement practices and share both facilities and services where possible.

I hope this is helpful to you and would be grateful if you could share this message with your members.

Rupert de Manley



**INVESTORS
IN PEOPLE**

Rt Hon Owen Patterson MP
Secretary of State for Environment Food and Rural Affairs
Department for Environment Food and Rural Affairs
Nobel House
17 Smith Square
London
SW1P 3JR

16th October 2013

Dear Owen,

Re: Separate collection of waste.

I write further to correspondence from Lord de Mauley on the issue of separate collection of waste, received by the LGA on the 15th October. I rather feel this letter, which has been published and generated widespread media commentary, is an unhelpful contribution to the debate and will only cause confusion amongst councils and the industry in their interpretation of the legal framework.

The outcome of the recent Judicial Review (JR) demonstrated that the most sensible approach, and indeed the most effective approach to mitigating the risk of legal challenge, is to rely directly on the words of the Waste Framework Directive itself. Attempts to add commentary, views or gloss to this have been proved in the JR case increase confusion and risk and I believe should be avoided as far as possible.

Article 10 of the Directive clearly states that *'waste shall be collected separately if technically, environmentally and economically practicable and shall not be mixed with other waste or other materials with different properties'*

Lord de Mauley's letter of course does not have the weight of statutory guidance. Recent case law has shown that statements by Ministers articulating views on policy have no force in the Court's interpretation of the law. It is therefore crucial that councils understand that the letter records simply the opinion of the Minister, and that it would be legally unsafe to allow it to guide Local Authority decisions in any way. The most useful advice in the letter is that Local Authorities should take their own legal advice, and make decisions in accordance with that advice locally.

We are keen to continue the constructive work that has to date been taking place between our two organisations to develop statutory guidance on this issue that is clear and concise. The most important thing is having in place systems that work locally, encourage recycling and are easy for people to use. It is therefore regrettable that the

published correspondence, which has no legal force or value, is now causing confusion across the sector.

I would be very happy to discuss this matter further.

Yours sincerely,

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

Councillor Mike Jones
Chairman, Environment and Housing Board
Local Government Association

Cc
Rt Hon Eric Pickles MP, Communities and Local Government
Lord de Mauley, DEFRA
Rt Hon Dan Rogerson MP, DEFRA

Note of decisions taken and actions required

Title: Environment and Housing Board
Date and time: 11.00, Monday 09 September
Venue: Smith Square Rooms 3&4

Attendance:

Position	Councillor	Council
Chairman	Mike Jones	Cheshire West and Cheshire
Vice chair	Clyde Loakes	Waltham Forest LB
Deputy chairs	Keith House	Eastleigh BC
	Andrew Cooper	Kirklees MBC
Members	Philippa Roe	City of Westminster
	Clare Whelan OBE	LB Lambeth
	Brian Williams	Shropshire
	Jim Harker	Northamptonshire CC
	Geoffrey Theobald	Brighton and Hove
	Tony Newman	LB Croydon
	Ed Turner	Oxford CC
	Tim Moore	Liverpool City Council
	Barbara Cannon	Allerdale BC
	Gwen Hassall	Stoke-on-Trent City Council
	Brenda Arthur	Norwich City Council
	Terry Stacy	LB Islington
	John Northcott	Mole Valley DC
Apologies	Deborah Croney	North Dorset DC
In attendance	Cllr Maureen Cummings	Wakefield MBC
	Cllr Phil Jones	LB Camden
	Paul Raynes	LGA
	Caroline Green	LGA
	Clarissa Corbisiero	LGA
	Liam Paul	LGA

Item	Decisions and actions	Action by
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1. **Environment and Housing Board work programme 2013 – 14**

Officers introduced the paper outlining the projects in the areas approved by Members at the July meeting, to be delivered over the course of the year within the team’s resources. Members then discussed the work programme, making the following points:

Influencing the debate – Members agreed that the Board should seek to lead the debate in the areas identified and tailor and promote messages to influence manifestos.

Fracking – The proposed project on Fracking was considered under a separate item on the agenda.

Housing (Private Rental sector) – Members agreed the proposals for developing a fit for purpose legal and regulatory framework for the Private Rental Sector and highlighted the importance of ensuring that it does not place off-putting and onerous burdens on prospective landlords.

Housing (Increasing supply) – Members agreed that work in this area should look beyond investment in affordable housing to encourage investment and a diversity of supply across tenure types.

Impact of Universal Credit – Members noted the continued uncertainty regarding the implementation timetable for universal credit, which had implications for councils’ resource and financial planning as the reforms create new burdens for councils.

Waste – The work on packaging should recognise that well-designed packaging has a role to play in reducing food waste, as well as focusing on reduction of packaging in the round.

Decision

Action

Members of the Board:

- i. **agreed** the proposed work programme, subject to the comments above and to separate consideration of the work regarding fracking.
- ii. **requested** that the Board receive future papers relating to LGA work on Welfare Reform as and when they go to the Finance Panel, to allow EH Board Members to contribute their comments.

Caroline Green

**Rose Doran /
Frances Marshall**

2. **Community benefits for fracking**

The Chairman introduced this item by noting that the report does not express a view on whether or not fracking should go ahead as this is a decision that should be taken locally through the planning system. The LGA position is focused on maximising the benefit to local communities where they do agree to host fracking schemes.

In discussion, members raised a number of issues in relation to the proposed position paper:

The LGA's position should not take a view on whether fracking is appropriate locally. Members stressed that the wording of the document should reflect this neutral position throughout. The paper should also make it clear that some communities do not agree that fracking is the right option for their areas and that is a valid local decision.

Subject to the above point, there was broad agreement that the LGA has a legitimate role to play to support councils who have, or potentially could host fracking sites or supporting infrastructure in their area.

Members felt that the Government's strong support for fracking means that a clear LGA approach to community benefits is urgently needed to ensure that a fair share of the benefit is retained locally where schemes do go ahead.

However, the LGA position should not be prescriptive about the precise model that local community benefit schemes should take. It should be for councils to decide the best model for their area. The position should be clear that councils can be trusted to make these decisions.

It was noted that there is no fixed definition of a community. Furthermore fracking could potentially affect more than one community, across administrative boundaries, with varying degrees of positive or negative impact.

Some Members also felt there is a need for technical and environmental guidance from Government on certain issues such as water contamination, waste water disposal, methane leakage from wells, and the level of risk of seismic activity to support local decision making. It should be made clear to the public what role local government plays in deciding planning and licensing decisions – explaining which decisions are made locally and which nationally.

Decisions

Actions

Members of the Board:

- i. **agreed** that officers should revise the report following Members' comments and circulate the revised report to lead members for further consideration.
- ii. **agreed** that a further discussion on fracking should take place at the 13 November meeting of the Environment and Housing Board.

**Jo Allchurch /
Caroline Green**

**Jo Allchurch /
Caroline Green**

3. Reuse Commission

Members noted the report and agreed the membership of the proposed commission.

Decisions

Actions

Members of the Board:

- i. **agreed** the proposed form and function of the Reuse Commission, noting the project's timescales.

Dan McCartney

- ii. **agreed** that Cllr Clyde Loakes will be the Labour group representative and Cllr Clare Whelan will be the conservative group representative. Representatives for the other two groups will be confirmed.
- iii. **agreed** that Board Members on the Reuse Commission will discuss and agree the composition of the Commission, and invite such organisations as appropriate.

**Reuse Commission
/ Dan McCartney**

4. **Outside bodies and portfolio holders**

Members noted reports on the Board's appointments to Outside Bodies and its use of portfolio holders.

Caroline Green provided an update on the National Planning Forum (NPF), explaining that Lead Members were reviewing LGA involvement with the NPF.

Decisions

Actions

Members of the Board:

- i. Agreed that the Board would appoint portfolio holders as set out at **Appendix A** and appoint to Outside Bodies as attached at **Appendix B**;
- ii. Noted that the LGA's involvement and financial contribution to the National Planning Forum is under review (under the direction of the Board Lead Members) and an update will be provided at the next meeting of the Board; and
- iii. Agreed that that the LGA membership on the PAS Board to four places (allowing all four LGA Political groups to be represented) and officers to discuss with DCLG.

Liam Paul

Caroline Green

Caroline Green

5. **Environment and Housing Board Update**

Members noted the LGA's policy positions and lobbying work on the items contained within the update paper.

The Chair then provided a verbal update on his 02 September meeting with the Minister for Planning, Nick Boles MP, noting that it was a constructive meeting.

Discussion included the LGA's ideas for improving housing supply; best practice for working with developers; the Government's changes to the change of use scheme; and streamlining the process for statutory consultees.

Members urged the LGA to engage with both large developers and those representing smaller builders on housing issues.

Cllr Cooper detailed the meeting of Board members with Greg Barker MP on 04 September, explaining that Members had reiterated the LGA's concerns with the bureaucracy of the Green Deal and had also highlighted the LGA's call for local government to be given access to the ECO Brokerage.

Decisions**Action**

Members of the Board:

- i. **requested** that Officers to circulate the paper received by the LGA Executive on the New Homes Bonus.
- ii. **noted** the written update and verbal updates on LGA meetings with Nick Boles MP and Greg Barker MP.

**Liam Paul /
Clarissa Corbisiero**

6. **Any other business**

There was no other business.

7. **Board Terms of Reference**

Decisions**Action**

Members noted the Board's membership and approved its Terms of Reference.

None

8. **Decisions and actions from previous meeting**

Members **noted** and **approved** the notes of the last meeting, subject to correction of location to: Staff House Room 8, Staff House Conference Centre, University of Manchester, M1 3BB.

Liam Paul

Portfolio Holders on the Environment and Housing board

Agreed 09.09.13

Proposed Areas for Portfolio Holders:

The table below sets out the names of those board members who volunteered for areas last year, along with new members of the board who have expressed an interest in certain areas:

Portfolio	Conservative	Labour	Liberal Democrat	Independent
Growth - Housing	Jim Harker	Tony Newman	Terry Stacy	Andrew Cooper
Growth - Planning	Philippa Roe	Ed Turner	Keith House	John Northcott
Waste	Clare Whelan	Clyde Loakes	Terry Stacy	Andrew Cooper
Energy Efficiency	Deborah Croney	Tim Moore	Keith House	Andrew Cooper

Representation on Outside Bodies

Current representation

Agreed 09.09.13, updated 26.09.13

The current allocation of seats on outside bodies is outlined below:

Conservative:	4
Labour:	3
Lib Dem:	2
Independent Group	2

List of Outside Bodies

Organisation	Background	Current representation
Planning Advisory Service Board	The PAS Governance Board has been set up to provide sector leadership to ensure the support offered by PAS 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.	(Two representatives) Mike Jones (Conservative) Ed Turner (Labour) John Northcott (Independent)] Keith House (Liberal Democrat)
National Fly-tipping prevention group	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.	(One representative) Clyde Loakes (Labour)
HCA Rural Housing Advisory Board	The Rural Housing Advisory Board's aim is to advise Government on and seek ways to improve delivery of affordable rural housing, promoting join working between key stakeholders through the provision of a forum for sharing good practice and encouraging innovation. Three meetings are held in London each year for 2-3 hours.	(One representative) Jim Harker (Conservative)

Climate Local Steering group	<p>This newly formed steering group will replace the Climate Local / Nottingham Declaration Board and will provide a forum for councils and partners to influence the development of the resource.</p>	<p>(Two representatives) Tim Moore (LAB) / Andrew Cooper (Independent)</p>
<p>Canal & River Trust Council</p> <p>Roger.Hanbury@canalrivertrust.org.uk</p> <p>Brenda.Adams@canalrivertrust.org.uk</p>	<p>Canals and rivers managed by British Waterways in England and Wales, transferred to a charitable trust - now named Canal & River Trust - in April 2012.</p> <p>Within the governance structure of the Trust, a Council has a remit to safeguard the long-term values and purposes of the Trust. The Council will have an important role in helping to shape policy, raising and debating issues, and in providing guidance, perspective and a sounding board for Trustees.</p> <p>The full Council will meet two times a year.</p>	<p>(One representative) Cllr Philippa Roe (Conservative)</p>

Appointments to LGA bodies

LGA body	Background	Representatives
<p>Urban Commission Steering Committee</p>	<p>The Urban Commission provides a forum LGA for member authorities whose areas are wholly or partly urban. The Urban Commission will act in a way that complements the principals of the LGA as a whole.</p>	<p>Terry Stacy (Liberal Democrat)</p>
<p>Rural Commission Steering Committee</p>	<p>The Rural Commission provides a forum LGA for member authorities whose areas are wholly or partly rural. The Rural Commission will act in a way that complements the principals of the LGA as a whole.</p>	<p>Deborah Croney (Conservative)</p>

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

Car parks

- 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

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

