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Housing and Regeneration Bill: Committee Stage Report

This is a report on the Committee Stage of the *Housing and Regeneration Bill* produced in response to a recommendation of the Modernisation Committee in its report on *The Legislative Process* (HC 1097, 2005-06).

Part 1 of this Bill provides for the creation of a new Homes and Communities Agency which will bring together the housing investment and regeneration expertise of the Housing Corporation and English Partnerships. A key aim of this agency will be to secure an increased supply of housing within sustainable communities.

Part 2 of the Bill will create a new regulator of social housing, the Office for Tenants and Social Landlords. Initially at least, this regime will not apply to local authority owned housing.

Part 3 includes various measures including changes to the Right to Buy, tenant empowerment provisions, the introduction of Sustainability Certificates and provisions relating to local authorities' Housing Revenue Accounts.

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SOCIAL POLICY SECTION

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Summary

In July 2007 the Housing Green Paper, *Homes for the Future: more affordable, more sustainable,* set a goal of increasing the supply of housing so that three million new homes are provided by 2020. Baroness Andrews, Parliamentary Under-Secretary of State at Communities and Local Government (CLG), has said that the *Housing and Regeneration Bill* will "enable us to realise those ambitions to build more and better homes and communities."

Part 1 of the Bill will create a new Homes and Communities Agency (HCA) which will bring together the land acquisition and regeneration expertise of English Partnerships with the skill and experience of the Housing Corporation in investment in public housing. The agency will also take over some of the CLG's key delivery functions in respect of achieving decent homes, housing market renewal, the housing PFI, housing growth and urban regeneration. The agency's role has been described as a "one-stop delivery partner for local authorities, supporting them to plan and shape cohesive communities alongside unified and lasting plans for economic development and infrastructure." Another key role of the HCA will be empowering communities by "funding community empowerment and providing employment and training opportunities, support and information."

Relatively few Government amendments to Part 1 were made during the Committee Stage. There was no outright opposition to the creation of the HCA amongst Committee members; debate tended to focus on the extent of its remit and whether it will achieve its stated objectives.

Part 2 of the Bill will create the Office for Tenants and Social Landlords. The Cave report, *Every Tenant Matters – a review of social housing regulation* (June 2007) identified certain drawbacks with the existing system of regulation. The Review proposed a new system of social housing regulation based on the following objectives: a) to ensure continued provision of high quality social housing; b) to empower and protect tenants; and c) to expand the availability of choice at all levels in the provision of social housing. Cave concluded that these objectives should be achieved with a minimum of intervention and with the same regulatory approach applied, where possible, to all social housing providers.

The new Office will take over the Housing Corporation's role of regulating social landlords and will introduce a more 'risk-based' approach to regulation. Initially at least, this new regime will not apply to local authority landlords. The new regulator will be tasked with improving the level of service that social tenants receive and ensuring that they have more choice and influence in matters central to their everyday lives. There is general recognition amongst providers of social and affordable housing of the need to change the foundation and spirit of regulation.

Part 2 of the Bill was heavily amended during the Committee Stage. The clauses that define social housing for the purposes of the Bill and regulation (clauses 67-68) attracted a great deal of attention and comment during the debate on Second Reading and in the Committee's oral evidence sessions. There was a concern that they could be used to "means-test" access to social housing. Government amendments to these clauses have clarified the Government's intentions.

There are still significant concerns surrounding the question of whether the regulator's powers are drafted in such a way as to put at risk the non-public sector status of housing associations. During the debate on this issue the Minister said that the Government is reconsidering the question of the Secretary of State's power to direct the regulator.

Part 3 of the Bill contains a variety of measures, including:

- Regulatory powers to facilitate the mandatory rating of sustainability for new homes in England and Wales.
- Measures to make it easier for tenants of local authorities to exercise their Right to Manage, i.e. take over management of local authority stock or request a transfer of management to an alternative landlord.
- Relatively minor changes to the Right to Buy, the most significant of which will give authorities the power to offer loans to leaseholders in flats (bought under the Right to Buy) on terms other than an interest bearing loan.
- Measures to allow some local housing authorities to opt out of the Housing Revenue Account (HRA) system. Initially at least, this will allow the six HRA pilot authorities to carry out further work to establish the affordability of self-financing schemes both to the councils and to Government.
- Amendments to the *Housing Act 1996* to tackle disadvantage that members of the Armed Forces experience in accessing social housing on discharge because of their lack of a "local connection" in the area in which they are based as service personnel. This fulfils a commitment made by the Minister for Housing and Planning in June 2007.
- An extension to the *Mobile Homes Act 1983* to cover local authority gypsy and traveller sites. This will give residents on these sites the same rights and responsibilities as gypsies and travellers on private sites, and occupants of other types of residential caravan sites such as park home sites. This amendment is being made in response to a judgement of the European Court of Human Rights in the case of *Connors v UK* (2004).

During the Committee Stages the Government added several new measures to Part 3 of the Bill:

- To abolish the low rent test in respect of long leaseholders seeking to enfranchise under the *1967 Leasehold Reform Act.*
- To allow housing associations to grant shared-ownership leases that do not allow 100% stair-casing to full ownership in certain circumstances and to enable the Secretary of State to designate areas in which any affordable housing provided must be provided in perpetuity.
- To extend the exemption that applies to the Right to Buy where a demolition notice has been served so that the exemption will still apply if the property is transferred or sold to another landlord.
- To give local authority and registered social landlords power to buy a share (an equitable interest) in flats which they hold on long leases. The aim is to assist owners who cannot meet their service charge commitments – the measure fulfils a Government undertaking made in March 2007.

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I Introduction

The *Housing and Regeneration Bill* (Bill 8 of 2007-08) was presented to the House of Commons on 15 November 2007 and received a Second Reading on 27 November 2007. The Committee Stage began with evidence taking sessions, of which there were four in total, on 11 December 2007 and continued to 31 January 2008. On completion of the Committee Stage the Bill was reprinted as Bill 54 of 2007-08. Full background to the Bill can be found in Library Research Paper 07/79, *Housing and Regeneration Bill.*[1] Other documents relating to the Bill, including Library publications, are available on the Library's Bill Gateway pages.[2]

II Second Reading Debate

The *Housing and Regeneration Bill* was given its Second Reading in the House of Commons on 27 November 2007.[3] The Bill was introduced by the then Minister for Housing, Yvette Cooper. In her opening speech she said that the Bill would "help turn our ambitions for 3 million new homes by 2010 into a reality" but she also emphasised that the Bill was not simply about building more homes:

> …it is about building better homes, underpinning the new timetable for all homes to be zero-carbon and building stronger communities by better linking housing and regeneration. The Bill is also about delivering a better deal for tenants in social housing, giving them greater choice and a stronger voice in decisions on how their homes are managed. [4]

The Conservatives opposed the Bill's Second Reading. Grant Shapps, the Shadow Minister for Housing, described the aims of the new Homes and Communities Agency (HCA) as "laudable" but criticised the Government's "top-down" and "centrally controlled" approach to the housing challenge. He moved the following motion:

> That this House declines to give a Second Reading to the Housing and Regeneration Bill because it creates a top-down, centrally-driven approach to development and regeneration, allows the unaccountable Homes and Communities Agency, in conjunction with the unelected regional development agencies, to ride roughshod over local communities, takes further powers away from democratically-elected local authorities and places them in the hands of politically-appointed Homes and Communities Agency officials, does not extend to social tenants proper rights to buy or part-buy their homes, fails to address the growing problems with the Housing Market Renewal and Thames Gateway regeneration schemes and provides insufficient measures to promote genuine brownfield regeneration, choice for social tenants, wider home ownership and the raising of environmental standards in house building.[5]

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1 www.parliament.uk/commons/lib/research/rp2007/rp07-079.pdf
2 http://hcl1.hclibrary.parliament.uk/parliament/bills/gateways.asp?session=2007-08&billid=318
3 HC Deb 27 November 2007 c145
4 *Ibid*
5 HC Deb 27 November 2007 c156

The Liberal Democrats supported the Bill in principle. Paul Holmes argued that it contained too little "on sustainability, on affordability and on social housing to rent." He said that the requirement for housing to be built to eco-standards should be introduced from 2011 rather than 2016 and raised the issue of "locking in" affordability in respect of low-cost housing schemes to ensure that they remain affordable in perpetuity. He also said that the Government should be building a greater proportion of rented social housing.[6]

The House divided on the Conservative motion. Labour and Liberal Democrat Members voted against the motion which was negatived by 339 votes to 151.[7]

III Committee Stage: key amendments and undertakings

A. Part 1: The Homes and Communities Agency

The Committee considered the creation and powers of the Homes and Communities Agency (HCA) during six sittings between 10 January and 17 January 2008. While the role and powers of the HCA were debated at some length, relatively few amendments were made to Part 1 of the Bill.

Government amendments to Part 1 of the Bill are summarised below:

- A technical amendment to Schedule 2 to the Bill (Acquisition of Land) to ensure the correct application of compulsory purchase legislation to the HCA;[8]
- An amendment to Schedule 3 to the Bill (Main powers in relation to land of the HCA) to place a requirement on the Secretary of State when considering whether to make an order to extinguish a public right of way to be satisfied that an alternative right of way has been, or will be, provided, or is not necessary. The stated aim of this amendment is to "make the provision fairer in terms of natural justice and bring it into line with comparable legislative provisions."[9]
- An amendment to clause 13 (Power of Secretary of State to make designation orders) to ensure that where it is proposed to confer local planning functions on the HCA in relation to a designated area, this will include functions under Part 8 of the *Planning Bill*. Part 8 of the *Planning Bill* makes provision for enforcement of development control where a development is, or forms part of, a nationally significant infrastructure project. Part 8 gives the local planning authority various functions such as the right of entry, right to require information and the power to apply for injunctions to stop breaches of development consent.[10] Responding to the debate on this amendment, Iain Wright, the Parliamentary Under-Secretary of State for Communities and Local Government (hereafter referred to as the Minister), said that the Secretary of State would have to consult all local

6 HC Deb 27 November 2007 c167-74
7 HC Deb 27 November 2007 c249
8 PBC Deb 15 January 2008 cc219-223
9 PBC Deb 15 January 2008 c241
10 PBC Deb 15 January 2008 c247

authorities with an interest in an area before making a designation order and that designation "would only emerge in very rare circumstances."[11] Both Conservative and Liberal Democrat members of the Committee expressed concern over the potential for the HCA to override local authorities in terms of planning decisions.

- Technical drafting amendments to clause 14 (The HCA as the local planning authority) to make it clear which non-local planning authority functions may be conferred on the HCA under a designation order.
- An amendment to clause 35 (Duties in relation to social housing) to ensure that where the HCA is the direct provider of housing (this is only expected to happen on rare occasions) when such property is made available for rent the landlord must be "a relevant provider of low-cost rental housing".[12] This will ensure that accommodation provided by the HCA is subject to adequate regulation. The definition of a relevant provider has been extended to include arm's length management organisations and other entities controlled by a local authority. The Government made a commitment to reflect on whether the reference to "a relevant provider of low-cost rental housing" should be changed to "a relevant provider of social housing" in response to points raised by Nick Raynsford.[13]
- Amendments to clause 36 (Recovery etc. of social housing assistance) to give the HCA powers to require the repayment or recycling of Social Housing Grant – thus broadly re-enacting the Housing Corporation's powers in this area.
- A technical amendment to clause 60 (Index of defined expressions: Part 1).

During consideration of clause 2 of the Bill (Objects) various attempts were made to amend the HCA's objectives. One such amendment, moved by Roberta Blackman-Woods, would have included reference to the HCA's role in relation to sustainable development on the face of the Bill; both Conservative and Liberal Democrat members expressed support for the amendment.[14] In response, the Minister agreed to consider the proposal in more detail.[15]

During consideration of clause 19 (Power to enter and survey land) the Minister advised the Committee that a redrafting of the clause may be necessary to provide clarification in regard to notice requirements.[16]

B. Part 2: Regulation of Social Housing

The Committee considered Part 2 of the Bill, which provides for the creation of a new regulator of social housing, the Office for Tenants and Social Landlords (Oftenant), in three sittings between 24 and 29 January 2008. This Part of the Bill was heavily amended; many of these were technical Government amendments. Only amendments to this Part that generated significant debate, or resulted in an undertaking from the Minister, are summarised below.

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11 PBC Deb 15 January 2008 c250
12 PBC Deb 17 January 2008 c305
13 PBC Deb 17 January 2008 c315
14 PBC Deb 10 January 2008 c180
15 PBC Deb 10 January 2008 c181
16 PBC Deb 15 January 2008 c275

Clauses 67 to 69 of Bill attracted a great deal of attention and comment during the debate on Second Reading and in the Committee's oral evidence sessions. These clauses define the term social housing for the purposes of the Bill and regulation. Not all housing owned by registered social landlords is social housing, thus the Bill provides a definition of social housing to make it clear which properties will be covered by the new regulatory regime.[17] A key issue raised in relation to clause 68(c) was that its drafting could result in applicants for social housing being means-tested on the basis of whether they could afford to buy or rent a home at market prices. A further concern was that once a social housing tenancy had been granted, if the tenant's income rose above a certain level they could be asked to leave their accommodation.

The Minister made it clear that this was not the Government's intention:

> I want to clamp down on concerns about that as fast as I can because people should not have the impression that we are saying, "You are allowed a council house or social house, but once you get a to a certain income and have been promoted you will be kicked out because it is all about means-testing and security of tenure." That is not the case. People were concerned that the Bill would allow eviction if tenants reached a certain level of income and I want to reassure the Committee and wider stakeholders that that is not the case. Clauses 67 to 69 have nothing to do with security of tenure; they are meant to provide for social housing for the purposes of regulation.[18]

Both Sir George Young, for the Conservatives, and Andrew Gwynne (Labour) tabled amendments to clauses 67 and 68. The Minister also tabled Government amendments to tackle the concerns raised; his explanation of the Government amendments is reproduced below:

> The amendments in my name try to do things that are similar to what my hon. Friend's amendments would do. The intention of the clauses is to define social housing in respect of its characteristics, a point that I made in debating with the right hon. Member for North-West Hampshire. Those characteristics are that the allocation of new lettings is limited by some mechanism to those who need it most, and lettings are offered at below market prices, at least for low-cost rental, which those who need it can afford. That makes sense: if there is a limited resource—social housing will always be a limited resource because, obviously, there is a finite amount of public money—access must be prioritised.
>
> On that basis, I propose three changes to address the concerns that have been raised. First, amendments Nos. 168 and 170 remove the words "of eligibility" after "rules". Those words are not necessary to define social housing, and the amendments make it clear that the rules referred to are likely to cover allocation rather than eligibility. The word "eligibility" has a particular meaning in the context of social housing allocation legislation, and we did not want to risk further confusion.
>
> Secondly, amendments Nos. 169 and 171 replace the words "occupied by" with "made available to". They clarify that the rules referred to relate to the initial

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17 PBC Deb 24 January 2008 c548
18 PBC Deb 24 January 2008 c542

> allocation of a home rather than the ongoing occupation of it. As I said earlier in response to a point made by the hon. Member for Montgomeryshire, I have always been clear that these clauses have absolutely no effect on tenants' security of tenure or on the grounds on which landlords can seek possession of their homes.
>
> Nevertheless, in spite of that assurance, I think that replacing "occupied by" with "made available to" better captures the point at which the rules would have effect.[19]
>
> […]
>
> My third proposed change is in amendments Nos. 169 and 171, which refer to "people whose needs are not adequately served by the commercial housing market", not "people who cannot afford to buy or rent at market rates".
>
> We recognise that social housing is not just for those who cannot afford market-rate housing. It may also be for people who are vulnerable and need greater security of tenure than is offered by the market, or who need a form of specialised housing. I made that point in the oral evidence sessions last month.
>
> The revised wording is consistent with clause 71, which deals with the Secretary of State making regulations to add to the stock covered by the social housing definition. The effect of the amendments is only to clarify what was always our intention in defining social housing.[20]

The Government amendments were added to the Bill.[21]

During the stand part debate on clause 109 (Eligibility for Registration)[22] Sir George Young and Nick Raynsford probed what obligation there will be on a private sector provider of social housing to register with the regulator. The Minister said that if these bodies want to retain ownership of social homes they will be required to register. He agreed to provide clarification on the position where social housing is provided by private developers as part of a section 106 agreement.[23]

Nick Raynsford tabled an amendment to clause 111 (Profit-Making and Non-Profit Making Organisations) to make provision for re-designation where a not-for-profit body converts into a profit-making body. In moving the amendment he made reference to speculation that an increasing number of housing associations are thinking of such a conversion.[24] Government amendments to clause 111 were also tabled. These amendments, which were agreed, have removed the regulator's discretion to allow not-for-profit bodies to become profit-making. The regulator will be obliged to refuse de-registration where it believes the intention of that body is to distribute its assets (on

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19 PBC 24 January 2008 cc546-7
20 PBC 24 January 2008 c547
21 Now clauses 69 to 72 of Bill 54 2007-08
22 Now clause 113 of Bill 54 2007-08
23 PBC Deb 29 January 2008 c584
24 PBC Deb 29 January 2008 cc585-88

the grounds that these assets will have been funded by the taxpayer). In response Nick Raynsford withdrew his amendment.[25]

Liberal Democrat spokesperson, Lembit Opik, tabled amendments to clause 123 (Directions) to create a level playing field between profit and non-profit making providers in terms of accounts and regulation. The Minister advised that the Government will consider whether it is sensible to extend the regulator's powers in relation to accounting directions to profit-making providers in the interests of transparency. Lembit Opik's amendment was subsequently withdrawn.[26]

Clauses 172, 173 and 174[27] give the regulator power to set standards in relation to registered social housing providers. Amendments to these clauses were tabled during the fifteenth sitting of the Committee; the Minister described these amendments as:

> …potentially the most serious and important group of amendments that we have discussed so far, certainly in terms of the possible consequences if we get things wrong.[28]

One of the most controversial areas of the Bill surrounds the question of whether the regulator's powers are drafted in such as way as to put at risk the non-public sector status of housing associations.[29] Nick Raynsford, when moving amendments to clause 172 said:

> We now reach a critical series of clauses that define the regulator's powers. This is fundamental not just to ensure that we have an appropriate, effective and proportionate regulatory regime, which provides reassurance to tenants and safeguards in respect of public finance, but one that avoids unduly burdensome regulation or red tape. We also need to be absolutely confident that this regime, and specifically the chain of command that runs from the Secretary of State through the regulator to the regulated body, does not put at risk the non-public sector status of housing associations.
>
> I referred to both those issues in my Second Reading speech of 27 November, at column 176, and they came up again on a number of occasions when we were taking evidence in the four evidence sessions on 11 and 13 December. In particular, we heard from David Orr, the chief executive of the National Housing Federation; from Mr. Julian Ashby of Tribal, and perhaps even more importantly, a major contributor to the Cave review; and Lord Best, a well known expert on housing matters—all of whom voiced concerns that the regulatory regime as defined in these clauses of the Bill might have the perverse consequence of putting at risk the non-public sector status of housing associations, so jeopardising their ability to raise finance to supplement the public finance put into social housing provision. The scale of the private finance that is currently available is enormous: between £30 billion and £35 billion has been raised to

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25 PBC Deb 29 January 2008 cc589-92
26 PBC Deb 29 January 2008 c604
27 Now clauses 179-181 of Bill 54 2007-08
28 PBC Deb 29 January 2008 c617
29 For more information on this issue see pages 40-41 of Research Paper 07/79, *Housing and Regeneration Bill* (Bill 8 of 2007-08)

> date, and without that capacity, the whole Government programme for expanding social housing in Britain will undoubtedly be unachievable. We are talking about something hugely important, and an obvious area of risk.[30]

The Committee discussed whether the regulator should be able to set binding standards with which providers of social housing will be obliged to comply, as opposed to setting standards that should be taken into account in assessing whether there has been misconduct or mismanagement. Directly linked to this is concern over the Secretary of State's power to direct the regulator over the setting and content of standards. Alistair Burt, Shadow Minister for Communities and Local Government, commented:

> …there is no guarantee that there may not be other matters – beyond the regulator's stated objectives – that the Government might press on the regulator in order to force direction under clause 177."[31]

Currently the Secretary of State does not have the power to direct the Housing Corporation on standards to be complied with by housing associations.

In response, the Minister advised that the Government is reconsidering the question of the Secretary of State's power to direct the regulator.[32] He stressed at various points that it is not the intention for the Secretary of State to direct the detail of standards to be achieved.[33] There is also an intention to bring forward amendments to ensure that the regulatory regime will focus on raising standards in the areas of rents, physical maintenance of estates and tenant consultation.[34]

The Minister agreed to consider the relationship between social housing providers' rules, memorandums and articles of association and the need to adhere to standards set by the regulator that might be inconsistent with those rules and articles.[35]

During consideration of clause 177 (Direction by the Secretary of State)[36] the Minister again advised of his intention to look "comprehensively" at the public classification issue. He tabled a Government amendment to clause 177 to provide that any directions issued by the Secretary of State should not conflict with the regulator's fundamental objectives (stated in clause 86, now clause 88 of Bill 54 2007-08).[37]

In response to amendments to clause 178 moved by Nick Raynsford, concerning how the regulator might use evidence of a failure to meet set standards as a basis for intervention, the Minister advised that "we are reviewing this matter" and that the wording of this part of the Bill will be discussed with stakeholders.[38]

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30 PBC Deb 29 January 2008 c619
31 PBC Deb 29 January 2008 c622
32 PBC Deb 29 January 2008 c623
33 PBC Deb 29 January 2008 c630
34 PBC Deb 29 January 2008 c622
35 PBC Deb 29 January 2008 c638
36 Now clause 184 of Bill 54 2007-08
37 PBC Deb 29 January 2008 c647-51
38 PBC Deb 29 January 2008 c653

C. Part 3: Other provisions

1. Sustainability Certificates

Clauses 242 to 250 and Schedule 8 were all ordered to stand as part of the Bill, without amendment during the tenth sitting of the Committee on 17 January 2008.

2. Landlord and tenant matters

a. Family Intervention Tenancies

A Government amendment was made to clause 260 of the Bill (Family intervention tenancies: general)[39] to ensure that when a notice is issued to a family before they decide to voluntarily sign up to a family intervention tenancy, it will contain advice as to how and where these families may seek assistance on the contents of the notice. Regulations will specify the type of advice that must be provided.

Lembit Opik tabled an amendment that would have restricted the basis on which a Family Intervention Tenancy could be terminated to reasons associated with anti-social behaviour. He did not press for a vote on the amendment but signalled that the matter may be returned to on Report.[40]

b. Right to acquire freehold: abolition of low rent test

Under the *Leasehold Reform Act 1967* long leaseholders of houses have the right to enfranchise subject to meeting certain criteria, which include having a long lease at a low rent. A series of amendments to the 1967 Act has progressively removed this test as determinant of eligibility for enfranchisement. The Government added a new clause to the Bill during the eleventh sitting of the Committee to remove this test; it will still be used as a basis for valuing freehold interests and where the claim is for a lease extension rather than enfranchisement. It will also still apply to existing leases.[41]

c. Shared ownership leases

Two new clauses were tabled by the Government and added to the Bill in response to concerns expressed by rural stakeholders such as the Campaign to Protect Rural England and the Affordable Rural Housing Commission. The aim of the clauses is to ensure that shared ownership properties are retained for future purchasers. New clause 24[42] will allow housing associations to grant shared-ownership leases that do not allow the purchaser to staircase up to 100 per cent ownership.[43] New clause 25[44] will enable the Secretary of State to make an order designating an area as one where limited land is available for the replacement of affordable housing. Where a designation is

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39 Now clause 283 of Bill 54 2007-08
40 PBC Deb 22 January 2008 cc379-82
41 PBC Deb 22 January 2008 cc411-2 (Clause 285 of Bill 54 2007-08)
42 Now clause 286 of Bill 54 2007-08
43 As a general rule purchasers buy a share of these properties (around 25%) and gradually buy additional shares leading to 100% ownership as their financial situation improves.
44 Now clause 287 of Bill 54 2007-08

made, local authorities will be able to designate specific sites within these areas and require providers of affordable housing operating on those sites to ensure that the housing built is kept affordable in perpetuity. The Minister advised the Committee that criteria on the designation of protected areas would be published "shortly" for consultation with stakeholders.[45]

d. Exclusion of Right to Buy: demolition notices

New clause 26 and new Schedule 1[46] were tabled by the Government and added to the Bill during the twelfth sitting of the Committee. The *Housing Act 2004* added an exemption to the Right to Buy[47] covering properties due to be demolished during the next two years. This was introduced in response to evidence indicating that some tenants were exercising the Right to Buy in order to take advantage of the compulsory purchase compensation rules when notified that their homes were due to be demolished. The 2004 Act also gave landlords the power to serve an initial demolition notice that suspends the Right to Buy. This exemption and power to suspend are not available where the landlord sells or transfers the property to another landlord. New clause 26 and the associated Schedule will allow the relevant notices to remain in effect in these circumstances. The Minister advised the Committee that this clause and Schedule will come into effect automatically 2 months after the Act obtains Royal Assent.[48]

e. Former Right to Buy and other flats: equity share purchases

A new clause was added to the Bill during the eleventh sitting of the Committee, the purpose of which is to fulfil a Government commitment made in March 2007 to give local authority landlords and Registered Social Landlords (RSLs) the power to buy a share, i.e. an equitable interest, in flats which they hold on long leases.[49] This power will be used to assist owners of these flats to meet some or all of the service charges that they are liable to pay. The purchase price of these "shares" will be met by the landlord cancelling part or all of the leaseholder's service charge liability. Regulations will provide for the detail of the scheme; landlords' power to buy an equity share will be discretionary.[50]

Background information on the difficulties faced by some long leaseholders of social landlords in meeting their service charge liabilities can be found in Library note SN/SP/4553, *Social Sector Leaseholders: service charges.*

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45 PBC Deb 22 January 2008 cc412-18
46 Now clause 289 and Schedule 9 to Bill 54 of 2007-08
47 Exemptions to the Right to Buy are set out in Schedule 5 to the *Housing Act 1985.*
48 PBC Deb 22 January 2008 cc423-5
49 Now Clause 293 of Bill 54 2007-08
50 PBC Deb 22 January 2008 cc382-85

IV Committee Stage: significant areas of debate not leading to amendment

A. The Homes and Communities Agency

There was no outright opposition to the establishment of the HCA amongst members of the Committee, and debate tended to focus on scrutinising its remit and questioning whether it will achieve its stated objectives.

During the debate on clause 2 (Objects), amendments were moved to extend the remit of the HCA to ensure an increased supply of accessible homes and to place a duty on it to carry out regular assessments of housing need, including assessments of those who are homeless or housed in inadequate accommodation.[51] Shadow Minister for Housing, Grant Shapps, sought to add a new clause to the Bill to place a duty on the Secretary of State to establish a steering group to review services available to rough sleepers and develop an action plan to provide adequate temporary and permanent accommodation. He criticised the existing statistics on the number of rough sleepers as "inaccurate."[52]

The Minister advised that the HCA will be expected to work in partnership with regional and local bodies to consider housing need in different areas and will also be expected to work closely with local authorities. He defended the Government's record on homelessness and rejected the idea of a steering group on the grounds that it would add an unnecessary layer of bureaucracy.[53] Andrew George pressed his amendments on housing need assessments to a division – they were negatived by 7 votes to 2.[54]

Grant Shapps sought to speed up the development of Community Land Trusts (CLTs) by the insertion of a definition of these bodies on the face of the Bill.[55] The Minister advised that the HCA would have the power to support CLTs but that he did not want to dictate the precise mechanism by which it would fulfil its objectives of improving the supply and quality of housing in England.[56]

Alistair Burt moved amendments relating to the HCA taking over some responsibility for housing and regeneration delivery in the Thames Gateway. He was critical of the lack of consultation over the decision to transfer these powers from CLG and sought to explore what the Government's intentions were. The Minister advised that CLG's Thames Gateway responsibilities would continue until 2009 and that delivery arrangements would be strengthened in the meantime by the establishment of a new management board between the Thames Gateway executive, the three Regional Development Authorities and the regional directors of the three Government offices.[57]

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51 PBC Deb 10 January 2008 cc154-168
52 PBC Deb 10 January 2008 c171
53 PBC Deb 10 January 2008 c173-4
54 PBC Deb 10 January 2008 c179
55 PBC Deb 10 January 2008 c185
56 PBC Deb 10 January 2008 c187
57 PBC Deb 10 January 2008 cc189-202

Grant Shapps sought to add new clauses to the Bill to restrict the power of the HCA to develop on greenbelt land and in areas where infrastructure is lacking; to place additional obligations on the HCA to consult; and consider the desirability of providing industry, business and living accommodation in the same areas.[58] The Minister rejected the new clauses on the basis that additional consultation requirements would slow down the HCA's delivery; he argued that the greenbelt is "already heavily protected."[59] The Minister also provided clarification on the circumstances in which the HCA would provide housing directly:

> The definition of 'provide' in the clause includes improvement or repair. That is to enable the agency to step in to ensure that tenants are not left to suffer in sub-standard accommodation if their landlord fails. As with the direct provision of housing, we do not expect the agency to act as a landlord as a matter of course, but it should not be unable to do so if the need arises.[60]

The Committee debated the issue of whether the HCA will be dominated by the drive to provide additional housing to the detriment of its regeneration role. In response, the Minister emphasised that the key object of the HCA will be to "regenerate communities and support their well-being". He also drew the Committee's attention to clause 33, which relates to the provision of community service facilities.[61]

Margaret Moran (Labour) and Alistair Burt moved amendments in respect of clause 10 (Restrictions on the Use of Land) aimed at ensuring that the HCA would be able to dispose of land for less than best consideration where this would provide a benefit to the community. Committee members from the three parties expressed some support for the direction of these amendments. The Minister argued that it is necessary for the Secretary of State to retain a power to give consent to disposals at less than best consideration "to safeguard the public purse". He said that clause 10 together with clause 50 "provides a good balance between providing assurance to the taxpayer and value for money, while making sure that the agency can achieve its objectives – namely to improve housing supply and regenerate communities."[62] Nick Raynsford called for guidance "that enables the agency to use its powers appropriately to reduce the price at which property is disposed of in appropriate circumstances to further housing development."[63] Alistair Burt pressed his amendment to a division where it was negatived by 5 votes to 9.[64]

During the later debate on clause 50 (Consents of the Secretary of State) the Minister enlarged on the way in which general consents for the disposal of land at less than best consideration are currently approached and provided an illustration of what the HCA will be able to do when disposing of land in this way.[65]

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58 PBC Deb 10 January 2008 cc203-6
59 PBC Deb 10 January 2008 cc207-9
60 *ibid*
61 PBC Deb 10 January 2008 cc210-15
62 PBC Deb 15 January 2008 c233
63 *ibid*
64 PBC Deb 15 January 2008 cc238
65 PBC Deb 17 January 2008 c333-4

The debate on clauses 13 and 14 of the Bill focused on the HCA's planning powers. Conservative and Liberal Democrat members questioned whether the HCA as a planning authority could be in competition with other bodies, such as the London Development Agency, and expressed concern over its potential to override local planning authorities.[66] Grant Shapps moved an amendment to place a requirement on the HCA to consult with local authorities and local community organisations before exercising any planning powers under clause 14. In response, the Minister argued that such a requirement was unnecessary:

> Any development would have to be in accordance with the development plan. I have already set out the level of consultation that would be required for the agency to make changes to the development plan documents. In addition, it would have to publicise any applications for development that were made, including any that it was involved with—that will help to address the potential conflict of interest—so that interested parties could comment, as they can with any other proposed development in any part of the local planning authority's area.
>
> The requirement for additional consultation would be of no benefit to local communities, as it would add no value to existing consultation requirements, and would slow down the regeneration activity that is likely to be desperately needed in such areas. Fewer homes would be built more slowly.[67]

During the stand part debate on clause 22 (Financial Assistance), Committee members probed the level of delegation that the HCA will enjoy in terms of its powers to provide financial assistance and questioned the safeguards that will operate to protect taxpayers' money.[68] The Minister advised that the HCA's power to offer financial assistance is "deliberately wide" and such assistance may be given on "such terms and conditions as the HCA considers appropriate."[69] The Comptroller and Auditor General will be responsible for auditing the HCA's external accounts and the Audit Commission will play a role in ensuring good governance.[70]

Sir George Young and Nick Raynsford questioned the Minister on the possibility of the HCA emerging as a direct competitor to housing associations during the debate on clause 35 (Duties in Relation to Social Housing) given its powers to "acquire, construct or convert any housing."[71] The Minister advised that the HCA will be expected to use its powers in this regard "sparingly".[72]

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66 PBC Deb 15 January 2008 cc245-58
67 PBC Deb 15 January 2008 c269
68 PBC Deb 15 January 2008 c281
69 PBC Deb 15 January 2008 c282
70 PBC Deb 15 January 2008 cc282-3
71 PBC Deb 15 January 2008 cc307-11
72 PBC Deb 15 January 2008 c309

B. The Regulation of Social Housing

1. Single domain regulation

Alistair Burt tabled an amendment to clause 78 (English Bodies) in order to probe the Government's intention to extend the remit of the new regulator to achieve "one domain regulation."[73] He noted that the Local Government Association (LGA) and Chartered Institute of Housing (CIH) had identified "serious risks in not providing for the establishment of domain regulation in the current legislation."[74] Their concerns are based around the difficulty in finding time for additional primary legislation. Responding to the debate on these amendments, the Minister reiterated the intention to move to a single regulatory framework for social housing landlords but argued that acceptance of the amendments "would mean taking a somewhat premature decision on defining the framework under which the future regulation of local authority housing management would operate" and "run the risk of introducing a flawed framework that fails to provide what we want."[75] The expected timescale for introducing single domain regulation is "within two years."[76] Mr Burt withdrew his amendment.

2. The regulator's objectives

Nick Raynsford tabled an amendment to clause 86 (Fundamental Objectives) to probe how social housing providers' "contribution to the environmental, social and economic well-being of the areas in which their housing is situated" will be regulated. He referred to reservations expressed by Martin Cave in his review of social housing regulation[77] over the feasibility of regulating this sort of activity.[78] The Minister accepted that this is one of the regulator's most controversial objectives but argued that it is necessary for landlords' place-shaping function to be taken into account by the regulator. Mr Raynsford withdrew his amendment but advised that he was "not convinced" by the response on the grounds that "he has not provided a basis for an understanding of how this regulatory function can be performed."[79]

3. Fees

Clause 113 of the Bill[80] provides for the regulator to levy fees. Some respondents to the CLG consultation document, *Delivering Housing and Regeneration,* objected strongly to this provision. For example, the National Housing Federation said it would reduce the resources available to housing associations to meet the needs of current and future residents.[81] Housing associations do not currently pay a fee to the Housing Corporation.

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73 Initially at least, the regulator will not cover local housing authorities and arm's length management organisations.
74 PBC 24 January 2008 c553
75 PBC 24 January 2008 c560
76 PBC 24 January 2008 c561
77 Martin Cave, *Every Tenant Matters – a review of social housing regulation*, *June 2007:* www.communities.gov.uk/documents/housing/pdf/320365
78 PBC 24 January 2008 c565-6
79 PBC 24 January 2008 cc568-9
80 Now clause 117 of Bill 54 2007-08
81 NHF response to *Delivering Housing and Regeneration,* September 2007

During the stand part debate on clause 113 the Minister argued that it was fair that the costs of regulation should be borne by those regulated and drew a comparison with the utilities sector.[82]

C. Other provisions

1. Sustainability Certificates

Points of clarification were sought on all the clauses.

Liberal Democrat spokesperson, Lembit Opik, probed what he described as the "schizophrenic nature" of clause 242. The clause makes it mandatory for all marketed new homes in England to have an assessment rating against the Code for Sustainable Homes, but the vendor may opt to issue a zero-rating certificate, at lower cost, stating that the house has not been rated against the relevant standards.

> I have two questions, therefore, for the Minister. First, how can we be sure that the sustainability certificates will not be self-selected by those who want to talk positively about their sustainable house and that there will be no compulsion for those with less sustainable houses to come clean about that. Secondly, how confident can we be that these certificates will make a positive impact, given that the home information packs have everything apart from solid data behind them to prove their efficacy for the housing market and for a potential purchaser?[83]

Responding to his points, the Minister explained that a zero-rating constituted an assessment, indicating to buyers that the home "was probably built, as that zero star certificate indicates, to minimum regulatory standards."[84] He went on to explain that environmental information for purchasers is vital to drive up environmental standards, and will help them to make informed choices.

Sir George Young asked if the Sustainability Certificate was only relevant for the first transaction on the new property, or whether it would be presented as part of subsequent transactions. The Minister responded, saying that the rating for new homes is "a snapshot in time"; subsequent environmental improvements would be recorded in the energy performance certificate in the HIP. [85]

There was some discussion on the clarity of the rating system in terms of consumer understanding. Grant Shapps, Shadow Minister for Housing, was concerned that potential purchasers may be confused by the two rating systems (the CSH uses a 6 star rating scheme whilst EPCs use an A-F rating). He said this would make it difficult to align the systems in future, as suggested previously by the National Housing Federation.

Whilst the Minister was keen to make it clear that the two rating systems served different purposes (one relating to new properties and the other to existing homes) and had been

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82 PBC Deb 29 January 2008 c594
83 PBC Deb 17 January 2008 c358
84 PBC Deb 17 January 2008 c360
85 PBC Deb 17 January 2008 c359

drawn up in consultation with industry, he conceded that an important point had been made and that he would look into creating a consistent message for consumers. However, he maintained that the arrangement should remain. [86]

Nick Raynsford queried the timetable for implementation, which is not set out in the Bill, and alignment with proposed enhancements to the Building Regulations in 2010, 2013 and 2016. The Minister agreed that it was important to give the industry clarity and that they would continue to discuss a timetable for implementation with them.[87]

Grant Shapps queried what a 'reasonable excuse' might be that would preclude a vendor complying with the requirement to offer a certificate under clause 242(8). Subsection (8) states:

> The seller is not required to comply with a requirement imposed by virtue of this section if the seller has a reasonable excuse for not complying.

The Minister explained that the circumstances will need to be judged objectively, in view of what is reasonable in the individual circumstances.

> The onus is clearly on the seller to provide the certificate, or a written statement to that effect. If they do not do so, they must provide a reasonable excuse. That will be tested, perhaps by the enforcing authority or through the courts.[88]

An estimate of the likely cost of certificates was given during discussion on clause 244. The Minister expected the average cost to be about £210 or £220 per home but that forecasts suggested it could be as high as £1,600 for a single home on a single site built in isolation. [89]

Clause 246 relates to enforcement authorities, in this case local trading standards departments. Responding to Lembit Opik's concerns that authorities may not be adequately resourced for the additional burdens, the Minister indicated that the matter will be kept under review with LACORS – Local Authorities' Coordinators of Regulatory Services. Where needed additional resources would be funded accordingly.

During discussion on clause 247 Alistair Burt questioned the Minister closely on why there was a need for powers to ask for sustainability certificates or statements to be produced for inspection when, he asserted, these are only required to be seen by the vendor and the purchaser's solicitor. The Minister replied that a mandatory requirement to produce a statement on the sustainability of new homes needed powers to enforce this when information is not provided: "the approach will be risk-based and prompted by the buyer perhaps complaining to trading standards."[90]

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86 PBC Deb 17 January 2008 c363
87 PBC Deb 17 January 2008 c364
88 PBC Deb 17 January 2008 c365
89 PBC Deb 17 January 2008 c367
90 PBC Deb 17 January 2008 c370

2. Housing Revenue Accounts

During the stand part debate on clause 269 (Exclusions from Subsidy Arrangements)[91] the Minister referred to it as a clause of "real historic significance".[92] Committee members used the debate to probe the Government's intentions over the future of the redistributive nature of the Housing Revenue Account (HRA) subsidy system. For example, Robert Syms pointed out that "in 2006-07 the London Borough of Barking contributed just under £11 million of its tenants' rent to the national subsidy scheme."[93] In response, the Minister referred to the review of the HRA subsidy system announced by Yvette Cooper (the then Housing Minister) on 12 December 2007. The Minister acknowledged the need to address the concerns raised by Members such as Robert Syms, but did not want to pre-empt the findings of the review. He said:

> I agree with the hon. Member for Welwyn Hatfield that the annual subsidy determination process has become more difficult as we balance competing and conflicting interests from tenants, taxpayers, landlords and government. We need a longer-term settlement that is fair, as far as possible, to all of those groups, and the review will help us to achieve that.[94]

The Minister also said that clause 269 "will ensure that council housing can have a direct role in the provision of housing if there is a political will for it to do so and it provides value for money."[95]

3. Mobile home sites

During the clause stand part debate on clause 272 (Protected mobile home sites to include sites for gypsies and travellers)[96] the Minister was asked whether there is an intention to bring mobile home sites under the social housing regulator. The question of whether sites owned by local authorities and registered social landlords should be considered as social housing was also raised. The Minister advised that he was keen to look into the matter to ensure that park home owners feel "reassured" and that "licensing in some form is something we can consider."[97]

D. New clauses moved but not added to the Bill

Numerous new clauses were moved during the Committee Stage in an attempt to extend the coverage of the Bill. A brief summary of the purpose of these clauses, none of which was actually added to the Bill, is provided below:

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91 Now clause 297 of Bill 54 2007-08
92 PBC Deb 22 January 2008 c395
93 PBC Deb 22 January 2008 cc391
94 PBC Deb 22 January 2008 c397
95 *ibid*
96 Now clause 301 of Bill 54 2007-08
97 PBC Deb 22 January 2008 c407

- New Clause 5: moved by Grant Shapps to provide for the abolition of Home Information Packs (HIPs).[98] The clause was negatived on a division of the Committee by 11 votes to 4.

- New Clause 8: moved by Grant Shapps to extend the Right to Buy to assured tenants of housing associations.

- New Clause 22: moved by Andrew George and Lembit Opik to allow individual authorities to take decisions about the level of discount offered under the Right to Buy; currently these are set centrally by Government.[99]

- New Clause 9: moved by Sir George Young to amend Part M of the Building Regulations to improve the minimum standards of accessibility in newly built dwellings. In response to the debate on this clause the Minister said:

> In our response to the public consultation on the code for sustainable homes, we clearly indicated our intended direction of travel and our speed, with lifetime homes standards required at code level 6 from 2008, code level 4 from 2010 and code level 3 from 2013. Moreover, from 2011, all new publicly funded housing will be built to include lifetime homes standards, and many schemes now starting on site will include those standards once they are completed.
>
> […]
>
> We said that by 2012 we would review the uptake of LHS in all sectors to assess whether legislation was required to meet our long-term targets, which brings me on to the subject of possible regulation. In March 2004, a commitment was made to review the feasibility of including LHS in part M of the building regulations. That was done, and one of the findings of the review was that the standards were not in a form suitable to support legislation and that they required updating and refining.
>
> Since then, we have supported steps to address the issues. For example, on 11 January, the British Standards Institution published a draft for development on accessible homes, which will provide the basis for the review and development of the existing lifetime homes standards. We will ask the Building Regulations Advisory Committee to form a working party to contribute to the consultation on the draft for development, and it is envisaged that the working group will include a number of main BRAC members and seconded experts. We are committed to working with stakeholders to develop the most economic and robust way of delivering the benefits of lifetime homes standards.[100]

Subsequently on 25 February 2008 the new Minister for Housing, Caroline Flint, launched *Lifetime Homes, Lifetime Neighbourhoods: A National Strategy for Housing an Ageing Society*.[101]

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98 PBC Deb 22 January 2008 cc428-38
99 PBC Deb 22 January 2008 cc438-49
100 PBC Deb 22 January 2008 cc454-5
101 HC Deb 25 February 2008 c66WS

- New Clause 10: moved by Sir George Young to extend the application of the Disability Equality Duty (DED) under the *2005 Disability Discrimination Act* to the HCA and Oftenant. The Minister advised that the DED will apply to these bodies and that the *Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005* will be amended accordingly.[102]

- New Clause 11: moved by Sir George Young, to place a duty on local authorities to establish choice-based disability housing registers. These registers would gather data on vacant accessible or adapted properties and ensure they are let to people who most need these facilities. The Minister advised that the CLG is committed to examining the role and effectiveness of disabled housing registers within the context of the choice-based lettings policy and that work on this would be commissioned "in the next few weeks."[103]

- New Clause 12: moved by Sir George Young, to prevent assured tenants from being evicted for rent arrears where the cause of the arrears is a failure to pay Housing Benefit. The Minister advised the Committee of efforts to improve Housing Benefit administration and said he would instruct the recently launched review of the private rented sector to look at the matter "closely" and keep the Committee informed.[104]

- New Clause 17: moved by Andrew George, to abolish the concept of the tolerated trespasser.[105] The Minister said that the Government is committed to resolving the tolerated trespasser problem and will consider the introduction of an amendment at a later stage of the proceedings.[106]

- New Clause 20: moved by Andrew George, to allow the Secretary of State to designate certain rural areas as areas where the Right to Buy will not apply.[107]

- New Clause 21: moved by Lembit Opik, to extend the obligation to ensure that a property is fit for human habitation, as defined by section 10 of the *1985 Landlord and Tenant Act*, to all rented accommodation let on short leases of less than seven years. Responding, the Minister referred to the Housing, Health and Safety Rating System that was introduced by the *2004 Housing Act*. Lembit Opik said that he would take advice but may return to the matter on Report.[108]

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102 PBC Deb 22 January 2008 cc457-9
103 PBC Deb 22 January 2008 cc459-464
104 PBC Deb 22 January 2008 cc464-469
105 A secure or assured tenant who is served with a suspended possession order on condition that certain arrangements are kept to becomes a tolerated trespasser, and loses various rights associated with the tenancy, if those arrangements are not observed (e.g. payment of rent arrears). A tenant also becomes a tolerated trespasser if a court issues an outright possession order which the landlord does not enforce on the basis that rent payment are kept up. There are an estimated 250,000 to 300,000 tolerated trespassers in social housing.
106 PBC Deb 22 January 2008 cc469-72
107 PBC Deb 22 January 2008 cc472-476
108 PBC Deb 24 January 2008 cc479-481

- New Clause 29: moved by Roberta Blackman-Woods, to extend the mandatory licensing of houses in multiple occupation (HMOs) to cover additional properties. In moving the new clause she referred specifically to problems resulting from high concentrations of student housing in certain cities. The Minister, in response, advised that consultation would soon commence on changes to the use classes order[109] in relation to HMOs. He said "this will allow the Government to consider whether local authorities need to have more planning control over the future establishment of HMOs and their density." A small working group is also being set up to examine how the relevant agencies can work together better to tackle the "studentification" of these areas. [110]

- New Clause 30: moved by Lembit Opik, to introduce an approved code of practice governing standards of conduct to be followed by private landlords in the management of residential property.[111]

- New Clauses 31, 32 and 33: moved by Lyn Brown (Labour) to amend the statutory overcrowding standard set out in Part X of the *1985 Housing Act.* This standard has not been updated since 1935. In response the Minister advised that it is possible to amend the standard through secondary legislation and that the Government has "made a commitment to update the standard, which I absolutely reaffirm."[112] When pressed on a timescale for implementation the Minister said that he did not want to box himself in but he hoped that the new standard would be introduced in 2009.[113]

- New Clause 59: moved by Andrew Love (Labour), to extend the provisions of the *1977 Protection from Eviction Act* to certain excluded occupiers, such as those living in temporary accommodation provided by a local authority, who can currently be evicted from their accommodation without the need for a court order. The Minister rejected this new clause on the ground that the exclusion of these occupiers from the protection of the 1977 Act "is correct in policy terms and could jeopardise local authorities' practical operation of their homelessness provisions."[114]

- New Clause 61: moved by Andrew Love, to ensure that a person without dependent children who is at risk of domestic violence would be treated as being in priority need under Part 7 of the *1996 Housing Act* (the homelessness provisions). The Minister said that he would consider whether any changes to the legislation are necessary and return to the matter on Report.[115]

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[109] Use class orders set out the type of business/activity that can be carried out at various premises under planning legislation.
[110] PBC Deb 24 January 2008 c485
[111] PBC Deb 24 January 2008cc489-492
[112] PBC Deb 24 January 2008 cc492-504
[113] PBC Deb 24 January 2008 c512
[114] PBC Deb 24 January 2008 cc512-516
[115] PBC Deb 24 January 2008 cc516-520

- New Clause 62, moved by Andrew Love. Currently a child who is subject to immigration control may be disregarded for the purposes of determining whether their homeless parent or guardian (who may not be subject to immigration control) is in priority need under Part 7 of the *1996 Housing Act*. The Court of Appeal has found this position to be incompatible with the European Convention on Human Rights on the grounds that it discriminates against British Citizens who have children that are subject to immigration control. The new clause was aimed at resolving this non-compliance with the Convention. The Minister advised that a remedy would be introduced "as soon as we can, bearing in mind the difficulties that we have in trying to compete with various policy and legal objectives."[116]

- New Clause 6: moved by Grant Shapps, to place a duty on the Secretary of State to introduce a scheme to facilitate moves to and from the homes of social housing tenants in England. The Minister, in response, said that the Government is working with the Housing Corporation and key social landlords and authorities to develop proposals for increasing mobility across the country. He also referred to an announcement made by the then Minister for Housing, Yvette Cooper, on 12 December 2007, concerning investment in 18 new sub-regional Choice Based Lettings schemes to offer people the chance to move across different local authorities.[117]

- New Clause 19: moved by Lembit Opik, to establish a national tenants' voice which would "provide advocacy, support and research services and promote good practice in matters affecting the interests of tenants."[118] The Minister advised that the Government is committed to establishing such a body and is minded to locate it within the new National Consumer Council when it is formed later in 2008 under the *2007 Consumers, Estate Agents and Redress Act.*[119]

[116] PBC Deb 24 January 2008 cc521-523
[117] PBC Deb 31 January 2008 cc691-700
[118] PBC Deb 31 January 2008 cc701
[119] PBC Deb 31 January 2008 cc702

Annex: Membership of the Committee

Chairmen: Mr Joe Benton and Mr Roger Gale

Members
Liz Blackman (Lab)
Dr Roberta Blackman-Woods (Lab)
Lyn Brown (Lab)
Alistair Burt (Con)
Andrew George (LD)
Andrew Gwynne (Lab)
Andrew Love (Lab)
Margaret Moran (Lab)
Lembit Opik (LD)
Nick Raynsford (Lab)
Grant Shapps (Con)
Andy Slaughter (Lab)
Angela Smith (Lab)
Robert Syms (Con)
Iain Wright (Parliamentary Under-Secretary of State for Communities and Local Government)
Sir George Young (Con)

Committee Clerk: Hannah Weston