

Healthy Homes Bill [HL]

[AS INTRODUCED]

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Schedule – Healthy Homes Commissioner

[AS INTRODUCED]

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B I L L

TO

Make provision for the delivery of healthy homes and neighbourhoods; to set out the principles that define a “healthy home”; to establish the office of the Healthy Homes Commissioner; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty on the Secretary of State

It is the duty of the Secretary of State to secure the health, safety, wellbeing and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings in England.

2 Policy statement on healthy homes principles

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- (1) The Secretary of State must prepare a statement in accordance with this Act (the “policy statement on healthy homes principles”).
- (2) The statement must explain how the healthy homes principles are to be interpreted and applied by Ministers of the Crown in making, developing and revising their policies. 10
- (3) The statement may explain how the principles will be implemented and adhered to in a way that takes account of a building development’s urban, suburban or rural location.

3 Meaning of “healthy homes principles”

In this Act “healthy homes principles” means the principles that—

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- (a) all new homes should be safe in relation to the risk of fire,
- (b) all new homes should have, as a minimum, the liveable space required to meet the needs of people over their whole lifetime, including adequate internal and external storage space,
- (c) all main living areas and bedrooms of a new dwelling should have access to natural light, 20
- (d) all new homes and their surroundings should be designed to be inclusive, accessible, and adaptable to suit the needs of all, with

- particular regard to protected characteristics under the Equality Act 2010,
- (e) all new homes should be built within places that prioritise and provide access to sustainable transport and walkable services, including green infrastructure and play space, 5
 - (f) all new homes should secure radical reductions in carbon emissions in line with the provisions of the Climate Change Act 2008,
 - (g) all new homes should demonstrate how they will be resilient to a changing climate over their full life time,
 - (h) all new homes should be secure and built in such a way as to minimise the risk of crime, 10
 - (i) all new homes should be free from unacceptable and intrusive noise and light pollution,
 - (j) all new homes should not contribute to unsafe or illegal levels of indoor or ambient air pollution and must be built to minimise, and where possible eliminate, the harmful impacts of air pollution on human health and the environment, and 15
 - (k) all new homes should be designed to provide year-round thermal comfort for inhabitants.
- 4 Policy statement on healthy homes principles: process** 20
- (1) The Secretary of State must prepare a draft of the policy statement on healthy homes principles.
 - (2) The Secretary of State must consult such persons as the Secretary of State considers appropriate in relation to the draft statement.
 - (3) The Secretary of State must lay the draft statement before Parliament. 25
 - (4) If, before the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid –
 - (a) either House of Parliament passes a resolution in respect of the draft, or
 - (b) a committee of either House, or a joint committee of both Houses, makes recommendations in respect of the draft, 30
 the Secretary of State must produce a response and lay it before Parliament.
 - (5) The Secretary of State must lay before Parliament, and publish, the final statement, but not before –
 - (a) if subsection (4) applies, the day on which the Secretary of State lays before Parliament the response required by that subsection, or 35
 - (b) otherwise, the end of the period of 21 sitting days beginning with the day after the day on which the draft statement is laid before Parliament.
 - (6) The Secretary of State may revise the policy statement on healthy homes principles at any time (and this section applies in relation to any revised statement). 40
 - (7) “Sitting day” means a day on which both Houses of Parliament sit.

5 Policy statement on healthy homes principles: effect

- (1) A Minister of the Crown must have regard to the healthy homes principles when making, developing or revising policies dealt with by the statement.
- (2) Relevant responsible authorities must have regard to the policy statement on healthy homes principles when discharging their duties under the planning, building, and public health acts. 5
- (3) “Relevant responsible authorities” include but are not limited to—
 - (a) local planning authorities;
 - (b) public health authorities;
 - (c) urban development corporations; 10
 - (d) new town development authorities;
 - (e) the planning inspectorate;
 - (f) Homes England.

6 Annual monitoring

- (1) The Secretary of State must prepare a progress report for each annual reporting period. 15
- (2) A progress report for an annual reporting period is a report on progress made in that period about the extent to which all new homes approved and completed during that period have met the healthy homes principles under section 2. 20
- (3) A progress report must include specific consideration of how the approval and creation of new homes has met the needs of those with protected characteristics under section 4 of the Equality Act 2010.
- (4) A progress report must include consideration of how progress could be improved. 25
- (5) The Secretary of State must—
 - (a) arrange for the progress report to be laid before Parliament, and
 - (b) publish it.

7 Healthy Homes Commissioner

- (1) There is to be an office of the Healthy Homes Commissioner. 30
- (2) The Schedule makes further provision about the Healthy Homes Commissioner.

8 Primary function: securing healthy homes

- (1) The Healthy Homes Commissioner’s primary function is ensuring the promotion and implementation of the healthy homes principles. 35
- (2) The primary function includes promoting awareness of the healthy homes principles in England.

- (3) In the discharge of the primary function the Healthy Homes Commissioner may, in particular—
- (a) advise persons exercising functions or engaged in activities affecting the delivery of homes on how to act compatibly with the healthy homes principles; 5
 - (b) advise the Secretary of State on the effective implementation of the healthy homes principles;
 - (c) consider the potential effect on the healthy homes principles of government policy proposals and government proposals for legislation;
 - (d) bring any relevant matter to the attention of either House of Parliament; 10
 - (e) investigate the availability and effectiveness of complaints procedures so far as relating to the healthy homes principles;
 - (f) investigate any other matter relating to the implementation of the healthy homes principles; 15
 - (g) publish a report on any matter considered or investigated under this section.

9 Duty on local planning authorities to plan for affordable housing needs

In section 19 of the Planning and Compulsory Purchase Act 2004 (preparation of local development documents) after subsection (1E) insert— 20

- “(1F) Development plan documents must (taken as a whole) include policies designed to meet the housing needs of the local planning authority’s area in such a way as to secure the long-term health, safety and wellbeing of residents; and in meeting such needs planning authorities must have particular regard to ensuring that housing is affordable to those on average and below-average household incomes.” 25

10 Extent, commencement and short title

- (1) This Act extends to England and Wales only.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as the Healthy Homes Act 2022. 30

SCHEDULE

Section 7

HEALTHY HOMES COMMISSIONER

Status

- 1 (1) The Healthy Homes Commissioner is to be a corporation sole.
- (2) The Healthy Homes Commissioner is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the Commissioner's property is not to be regarded as property of, or property held on behalf of, the Crown. 5

General powers

- 2 (1) The Healthy Homes Commissioner may do anything which appears to the Commissioner to be necessary or expedient for the purpose of, or in connection with, the exercise of their functions. 10
- (2) In particular the Commissioner may –
- (a) co-operate with other public authorities in the United Kingdom;
 - (b) enter into contracts; and 15
 - (c) acquire, hold and dispose of any property.

Appointment and tenure of office

- 3 (1) The Healthy Homes Commissioner is to be appointed by the Secretary of State.
- (2) Subject to the provisions of this paragraph, a person holds and vacates office as the Healthy Homes Commissioner in accordance with the terms and conditions of appointment as determined by the Secretary of State. 20
- (3) An appointment as the Healthy Homes Commissioner is for a term not exceeding five years.
- (4) A person who has held office as the Healthy Homes Commissioner is eligible for reappointment only once. 25
- (5) The Healthy Homes Commissioner may at any time resign by notice in writing to the Secretary of State.
- (7) The Secretary of State may remove the Healthy Homes Commissioner from office if satisfied that the Commissioner has – 30
- (a) become unfit or unable properly to discharge the Commissioner's functions, or
 - (b) behaved in a way that is not compatible with continuing in office.

Remuneration

- 4 The Secretary of State must – 35
- (a) pay the Healthy Homes Commissioner such remuneration and allowances, and

- (b) pay or make provision for the payment of such pension or gratuities to or in respect of the Commissioner,
as may be provided for under the terms of appointment.

Staff

- 5 (1) The Healthy Homes Commissioner may appoint any staff that the Commissioner considers necessary for assisting in the exercise of his or her functions, one of whom must be appointed as deputy Healthy Homes Commissioner. 5
- (2) During any vacancy in the office of Healthy Homes Commissioner or at any time when the Healthy Homes Commissioner is for any reason unable to act, the deputy Healthy Homes Commissioner must exercise the Commissioner’s functions (and any property or rights vested in the Healthy Homes Commissioner may accordingly be dealt with by the deputy Healthy Homes Commissioner as if vested in him or her). 10
- (3) Without prejudice to sub-paragraph (2), any member of the Healthy Homes Commissioner’s staff may, so far as authorised by the Commissioner, exercise any of the Commissioner’s functions. 15

Pensions

- 6 (1) In the Superannuation Act 1972, in Schedule 1 (kinds of employment etc to which section 1 of that Act applies) – 20
- (a) in the list of “Other Bodies”, at the end insert “Employment by the Healthy Homes Commissioner”;
- (b) in the list of “Offices”, at the appropriate place insert “Healthy Homes Commissioner”.
- (2) The Secretary of State must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Secretary of State may determine in respect of any increase attributable to sub-paragraph (1) in the sums payable out of money provided by Parliament under the Superannuation Act 1972. 25

Funding

- 7 The Secretary of State may make payments to the Healthy Homes Commissioner of such amounts, at such times and on such conditions (if any) as the Secretary of State considers appropriate. 30

Accounts

- 8 (1) The Healthy Homes Commissioner must – 35
- (a) keep proper accounting records,
- (b) prepare a statement of accounts for each financial year, and
- (c) send a copy of each such statement of accounts to the Secretary of State and the Comptroller and Auditor General as soon as possible after the end of the financial year to which the statement relates. 40

- (2) The Comptroller and Auditor General must examine, certify and report on each statement of accounts sent to them under sub-paragraph (1)(c) and must lay copies of the statement and of report before Parliament.
- (3) In this paragraph, “financial year” means –
 - (a) the period beginning with the date on which the first Healthy Homes Commissioner is appointed and ending with 31 March next following that date, and
 - (b) each successive period of twelve months ending with 31 March.

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Evidence

- 9 A document purporting to be duly executed under the seal of the Healthy Homes Commissioner or to be signed by him or her, or on his or her behalf, is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

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Protection from defamation actions

- 10 For the purposes of the law of defamation –
 - (a) any statement made by the Healthy Homes Commissioner in a report published under this Act has absolute privilege, and
 - (b) any other statement made by the Healthy Homes Commissioner or a member of the Commissioner’s staff for the purposes of this Act has qualified privilege.

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Lord Crisp

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