

Levelling-up and Regeneration Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS HAYMAN OF ULLOCK

Clause 1, page 1, line 6, after “missions” insert “within 10 days of this Act being passed.”

Member's explanatory statement

This amendment means that the Levelling Up missions must be published within 10 days of Royal Assent.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 1, line 14, at end insert –

“(2A) A statement may apply to one or more region or nation of the United Kingdom.”

Member's explanatory statement

This probing amendment means that a statement can be directed at a specific region or nation.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 1, line 14, at end insert –

“(2A) The levelling up missions must include missions which relate to –

- (a) pay, employment and productivity;
- (b) research and development;
- (c) public transport connectivity;
- (d) broadband and 4G and 5G coverage;
- (e) primary school attainment;
- (f) skills and training;
- (g) life expectancy;
- (h) wellbeing;
- (i) pride in place;
- (j) home ownership;
- (k) violent crime;

(l) devolution.”

Member's explanatory statement

This inserts the Government's levelling up missions into the Bill.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 1, line 14, at end insert –

“(2A) The levelling up missions must include a mission which relates to the climate crisis and natural environment.”

Member's explanatory statement

This means that a Mission must relate to the climate crisis and natural environment.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 1, line 14, at end insert –

“(2A) The levelling up missions must include a mission which relates to child poverty.”

Member's explanatory statement

This means that a Mission must relate to child poverty.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 2, line 13, at end insert –

“(za) a Minister of the Crown has consulted representatives of each devolved administration,”

Member's explanatory statement

This means that a statement only comes into effect once a Minister of the Crown has consulted representatives from each devolved administration.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 2, line 15, after “Crown” insert “and agreed by a resolution of each House following consultation with representatives from each devolved administration”

Member's explanatory statement

This means that the statement must be approved by Parliament, in consultation with devolved administrations.

BARONESS HAYMAN OF ULLOCK

Clause 1, page 2, line 20, at end insert “and also publish a statement of whether they will be renewing each mission.”

Member's explanatory statement

This means that the Government must publish a statement confirming whether they will be renewing each Mission before it ends.

Clause 2

BARONESS TAYLOR OF STEVENAGE

Clause 2, page 3, line 2, at end insert –

“(d) include an estimate of the impact of the plans under paragraph (c) on emissions.”

Member's explanatory statement

This means that the reports must include an estimate of the impact on emissions.

BARONESS TAYLOR OF STEVENAGE

Clause 2, page 3, line 2, at end insert –

“(d) include separate chapters which consider the variances in delivery between different nations and regions.”

Member's explanatory statement

This means that the reports must include separate chapters which consider the variances in delivery between different nations and regions.

BARONESS TAYLOR OF STEVENAGE

Clause 2, page 3, line 25, at end insert –

“(8) A Minister of the Crown must appoint an independent advisory council with representatives from each nation and region of the United Kingdom to monitor progress and report to both Houses of Parliament.”

Member's explanatory statement

This means that a Minister must appoint an independent advisory council with representatives from each nation and region of the UK to monitor progress and report to both Houses of Parliament.

BARONESS TAYLOR OF STEVENAGE

Clause 2, page 3, line 31, at end insert “or 10 days before the next general election, whichever is sooner.”

Member's explanatory statement

This means that a report must be published before every General Election.

After Clause 2

BARONESS TAYLOR OF STEVENAGE

After Clause 2, insert the following new Clause—

“Reports: local authorities

A Minister of the Crown must publish guidance for county councils, unitary authorities and combined county authorities to publish annual reports on the delivery of levelling up missions.”

Member's explanatory statement

This means that a Minister of the Crown must publish guidance for county councils, unitary authorities and combined county authorities to publish annual reports on the delivery of levelling up missions.

Clause 3

BARONESS TAYLOR OF STEVENAGE

Clause 3, page 3, line 29, at end insert—

“(1A) Each report must also be given to the devolved legislatures of Scotland, Wales and Northern Ireland within the period of 120 days beginning with the first day after the period to which the report relates.”

Member's explanatory statement

This means that the report must be given to the devolved legislatures of Scotland, Wales and Northern Ireland.

After Clause 3

LORD KENNEDY OF SOUTHWARK

After Clause 3, insert the following new Clause—

“Levelling-up missions: leasehold reform

- (1) Within 90 days of the Minister of the Crown laying a statement of levelling-up missions for the first time which contains missions that relate to housing, a Minister of the Crown must publish a report in accordance with this section.
- (2) The report must consider whether new legislation on leasehold reform would have any effect on the delivery of the mission which relates to housing.
- (3) The report must recommend whether the government should introduce legislation relating to leasehold reform for the purposes of delivering the missions, including to—

- (a) amend the Landlord and Tenant Act 1985 and the Commonhold and Leasehold Reform Act 2002 to limit the right of landlords to recover legal costs in excess of a prescribed scale;
 - (b) make tribunal judgments binding on all leaseholders and to require landlords to account to all leaseholders;
 - (c) amend the Landlord and Tenant Act 1985 to prevent landlords recovering service charges where they have failed to comply with their disclosure obligations under that Act;
 - (d) commence section 21A of the Landlord and Tenant Act 1985 insofar as it is not already in force;
 - (e) require landlords to disclose commissions earned on insurance policies;
 - (f) make provision requiring landlords exercising a right of forfeiture or re-entry in relation to a property subject to a long lease to account to the tenant for the tenant's equity in that property and to hold the tenant's equity on trust;
 - (g) restrict the landlord's right to legal and administrative costs;
 - (h) amend the Landlord and Tenant Act 1985 to provide for service charges to be reduced where they do not reflect the landlord's actual costs in providing goods and services;
 - (i) make fixed service charges subject to reasonableness requirements.
- (4) If the report recommends the introduction of new legislation, a Minister of the Crown must publish draft legislation to implement the recommendations within 90 days of the publication of the report.”

Clause 4

BARONESS TAYLOR OF STEVENAGE

Clause 4, page 4, line 14, after “changed” insert “accompanied by any relevant academic advice”

Member's explanatory statement

This means that the Minister must publish relevant academic advice when revising the statement.

BARONESS TAYLOR OF STEVENAGE

Clause 4, page 4, line 19, at end insert –

- “(4) The Minister may not revise the target date under subsection (2) to a date beyond the latest possible date on which the next general election can be held in accordance with the Dissolution and Calling of Parliament Act 2022.”

Member's explanatory statement

This means that target dates cannot be changed to beyond the next General Election.

Clause 5

BARONESS HAYMAN OF ULLOCK

Clause 5, page 4, line 30, at end insert –

“(3A) An additional review must be published if a Minister deems there has been a significant change in the economic situation.”

Member's explanatory statement

This means that a review must be published if a Minister deems there has been a significant change in the economic situation.

BARONESS HAYMAN OF ULLOCK

Clause 5, page 4, line 33, at end insert –

“(4A) Before any review, the Minister must publish a report which includes the results of a national consultation and any relevant evidence or guidance to support the review.”

Member's explanatory statement

This means that before any review, the Minister must publish a report which includes the results of a national consultation and any relevant evidence or guidance to support the review.

BARONESS HAYMAN OF ULLOCK

Clause 5, page 5, line 18, at end insert –

“(ca) state whether the independent evaluating body considers that pursuing the levelling-up missions in that statement is effectively contributing to the reduction of geographical disparities in the United Kingdom,”

Member's explanatory statement

This amendment would require the report on a review of statements of levelling-up missions to include the assessment of the independent evaluating body.

After Clause 5

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“Levelling Up Fund

If an allocation is made from the Levelling Up Fund, a Minister of the Crown must publish a statement explaining how the allocation supports the levelling-up missions.”

Member's explanatory statement

This means that the Government must explain how allocations from the levelling up fund support the levelling up missions.

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“Levelling-up consultants

Within 120 days of this Act being passed, a Minister of the Crown must publish an estimate of how much local authorities have spent on consultants in relation to this Part.”

Member's explanatory statement

This means that a Minister must publish an estimate of how much local authorities have spent on consultants in relation to Clauses 1 to 6 of the Bill.

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“Levelling-up directors

Within 120 days of this Act being passed, a Minister of the Crown must publish a statement of any levelling up directors who have been appointed and their role in relation to the implementation of the levelling-up missions.”

Member's explanatory statement

This means that a Minister must publish a statement of any levelling up directors who have been appointed and their role in relation to the implementation of the levelling up missions.

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“Rural and coastal metrics

Within 5 years of this Act being passed, a Minister of the Crown must publish an assessment as to whether further legislation should be introduced for the purposes of establishing new metrics for rural and coastal communities.”

Member's explanatory statement

This is to probe whether the metrics are suitable for rural and coastal communities, and whether alternative metrics should be considered.

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“National Planning Policy Framework: levelling-up missions

Within 30 days of this Act being passed, a Minister of the Crown must publish draft legislation for ensuring that the National Planning Policy Framework has regard to the levelling-up missions.”

Member's explanatory statement

This means that a Minister of the Crown must publish draft legislation for ensuring that the National Planning Policy Framework has regard to the Levelling Up Missions.

BARONESS TAYLOR OF STEVENAGE

After Clause 5, insert the following new Clause –

“Impact on local government legislation

- (1) Within 30 days of this Act being passed, a Minister of the Crown must publish a report.
- (2) The report must include –
 - (a) an assessment of the impact of this Part on the implementation of legislation relating to local government, and
 - (b) a strategy to consider the impact of this Part when preparing future legislation relating to local authorities.”

Member's explanatory statement

This means that the Government must publish a report on the impact of the levelling up missions on local government legislation.

Clause 6

BARONESS HAYMAN OF ULLOCK

Clause 6, page 6, leave out lines 13 and 14 and insert –

““geographical disparities” means disparities in economic, social or other opportunities or outcomes between different geographical areas, including regions, counties, councils and council wards;”

Member's explanatory statement

This amendment means that the geographical disparities must consider differences between geographical areas, including regions, counties, councils and council wards.

BARONESS HAYMAN OF ULLOCK

Clause 6, page 6, line 13, after “economic,” insert “health,”

Member's explanatory statement

This amendment means that geographical disparities include health outcomes.

Clause 86

LORD LANSLEY

Clause 86, page 94, line 27, leave out “strongly”

Member's explanatory statement

This amendment would retain the approach in section 38(6) of PCPA 2004.

LORD LANSLEY

Clause 86, page 94, line 28, after “any” insert “significant”

Member's explanatory statement

This amendment would mean that insignificant conflicts in terms between the development plan and NDMPs need not be resolved in favour of the latter.

Schedule 7

LORD BEST

Schedule 7, page 290, line 3, at end insert –

“(ha) the assessments of need for older people’s housing carried out in respect of the authority’s area, and”

Member's explanatory statement

This amendment would ensure that local authorities consider the needs for housing for older people when preparing local development plans.

LORD LANSLEY

Schedule 7, page 293, line 13, at end insert –

“(2A) The local plan must identify the strategic priorities of the local planning authority for meeting housing needs and for addressing the economic, social and environmental issues affecting the authority’s area.”

Member's explanatory statement

This amendment would require plan-making to include the strategic priorities of the authority.

LORD LANSLEY

Schedule 7, page 293, line 33, at end insert –

- “(d) strategic policies to address the local planning authority’s strategic priorities for the development and use of land in its area;
- (e) policies which support and encourage sustainable economic growth, including the identification of suitable sites for the growth and expansion of businesses and to meet anticipated needs for local and inward investment.”

Member's explanatory statement

This amendment provides that the local plan may include strategic policies to meet the strategic priorities of the authority; and policies to promote economic growth.

LORD LANSLEY

Schedule 7, page 293, line 38 at end insert –

- “(6A) The local plan must be designed to secure that the supply of housing through development in the local planning authority’s area meets or exceeds the requirement for housing during the plan period which would be derived from the housing targets and standard method prescribed in guidance by the Secretary of State as applicable at that time.”

Member's explanatory statement

This amendment would require a local plan to meet or exceed the housing need for the authority’s area.

LORD LANSLEY

Schedule 7, page 294, line 30, at end insert –

- “(ca) any housing target for England, specifying the planned supply of housing for any given period, which is issued by the Secretary of State,
- (cb) any method of calculating the housing need for an authority’s area as specified in guidance issued by the Secretary of State,”

Member's explanatory statement

This amendment would specify that local planning authorities should have regard to the Government’s housing target and standard method for calculating housing need.

LORD BEST

Schedule 7, page 295, line 12, at end insert “and which must include a housing needs assessment in respect of older people’s housing;”

Member's explanatory statement

This amendment would enable the Secretary of State to include older people's housing needs assessments in documentation related to local plans.

After Clause 123

LORD RUSSELL OF LIVERPOOL

After Clause 123, insert the following new Clause –

“Developer contributions: childcare

- (1) This section applies where a local authority is making a consideration under –
 - (a) section 106(1)(d) of TCPA 1990 in relation to a “major development”, or
 - (b) Part 4 of this Act.
- (2) When this section applies, the local authority in question may have regard to –
 - (a) the current availability and affordability of childcare services in the local area,
 - (b) the impact that any new development will have on the availability and affordability of childcare services in the local area, and
 - (c) the need to promote high-quality affordable childcare in line with sections 6 and 7 of the Childcare Act 2006.
- (3) When setting obligations to which this section applies, the local authority must publish a statement setting out the reasons underpinning their decision to allocate the level of funding or support they have to early years or childcare services and settings.
- (4) Nothing in this section prevents a local authority from having regard to any factor not mentioned in this section when making a relevant consideration.
- (5) “Major development” here has the same meaning as in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (S.I. 2015/595).”

Member's explanatory statement

This amendment would make clear that local authorities are empowered, but not required, to use developer contributions to fund childcare services and settings. It would also require them to publish a statement explaining why – in relation to large developer contributions – they did or did not direct any funding towards childcare services and settings. This would only apply to major developments, as is currently the case for affordable housing considerations.

BARONESS MCINTOSH OF PICKERING

After Clause 123, insert the following new Clause –

“Sustainable drainage

The Secretary of State must make provision under section 49 of the Flood and Water Management Act 2010 so as to bring Schedule 3 to that Act (sustainable drainage) into force in relation to England before the end of 31 December 2023, insofar as it is not already in force.”

Schedule 11

LORD BEST

Schedule 11, page 347, line 25, at end insert “which must require the charging authority to take account of evidence of the viability of different types and different natures of development including, but not limited to, older people’s housing,”

Member's explanatory statement

This amendment would enable the Charging Authority to consider additional evidence, to allow them to determine the viability of different types of development including older people’s housing.

Levelling-up and Regeneration Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

31 January 2023

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS