

The scandal of housing injustice in Cornwall and how to put it right

Andrew George - December 2022



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Conclusion

- If the Conservative Government had put the same amount of taxpayers' money it gave to second/holiday home owners in Cornwall over the last decade (ie over £384 million*) into supporting local families in need of a secure first home, Cornwall would be a long way on the road to completely solving its housing problems
- Top-down imposed housebuilding targets have failed in Cornwall for over 60 years. The Government should grant powers to local authorities to set targets to “meet housing need” instead

Summary

- The Conservative Government has invested twice as much taxpayers' money in the last decade supporting second home owners than it has invested in new affordable homes.
- Thousands of local families in rented accommodation fear eviction or have been given notice to quit while private rented homes have been reused as holiday lets/Airbnb.
- After decades of campaigning, the apparent concessions recently promised by the Government to address the housing injustices underlying the support for second homes and holiday lets represent a victory for housing justice campaigners.
- Cornwall has grown faster than almost anywhere else in the UK in the past 60 years, yet the housing problems of locals have got worse. The housing stock is close to three-times its size in 1960. Cornwall is a prime example of the failure of top-down housebuilding targets; which are great for private house builders and land value speculators, but hopeless for locals in need. House building is supposed to be a “means to an end”. It would be a better policy to set targets on the “end” rather than the “means”. Targets to reduce housing need would change the way planning policy works and (to use a phrase I coined over 20 years ago) put need above greed in the planning system. The opposite is the case now.

The following measures are needed as soon as possible:

- Policies which encourage first not second homes
- Stopping the raft of tax loopholes and subsidies which help to drive the demand for second/holiday home investment properties, and to instead invest those funds to produce in perpetuity affordable homes for local families
- The introduction of a register of all second and holiday homes
- Introduction of a new planning use class - non-permanent occupancy - and a requirement that planning permission must be applied for if a home is proposed to be converted to a second/holiday home
- Powers granted to Local authorities and communities through their NDP to introduce a reasonable ‘cap’ on the number/proportion of second/holiday homes
- Powers granted to local authorities to levy tax on second homes at a level which reflects their detrimental impact and which enables that authority to generate funds to deliver more in perpetuity homes for locals
- Restrictions on the entitlement of second home owners to choose where they use their vote
- End top-down housebuilding targets to meet demand for homes (including demand for second homes and holiday lets) and to be replaced with locally set targets to reduce need for affordable homes.

*This is the amount of taxpayer funded benefit has been paid through just one tax loophole (ie the business rate relief & and consequent Covid aid grants) during the decade. There are other tax concessions which would substantially increase this amount.

Second Homes: and the politics of justice (not of envy)

Second Homes have been a cause of controversy in places like Cornwall and the Isles of Scilly for decades. In this report, “Second Homes” refers to those properties which used to be or could be used for permanent occupation, but are purchased/owned by people whose primary residence is invariably not local to the area and who do not use the property for permanent residential purposes (whether to let to a local tenant or used by anyone else (eg family member) on a permanent basis). Some may also be let for holiday use and may be better referred to as a “holiday let”. Whether for recreation, investment, status or other reasons, this trend has increased in many, mostly coastal villages and towns around Cornwall and on Scilly.

This report does not refer to properties which were specifically created purely for holiday letting purposes (and will usually have a planning and/or other legal occupancy restriction on them); often purpose-built holiday chalets etc.

Calculating an accurate number of “second homes” in Cornwall is difficult and even official sources are not entirely reliable, partly because of a phenomenon which has encouraged thousands of second home owners to switch their homes from being registered for Council Tax, to being registered for Business Rates; and then using a generous tax loophole which enables them to apply for rate relief and pay nothing! Latest local authority figures suggest there are about **13,300** second homes (paying Council Tax) and around another **11,000** holiday lets/homes (which are registered for Business Rates – though virtually none pay it). Those figures will not capture all actual second homes, as others will not be recorded for a variety of reasons. That’s a total of **24-25,000 second/holiday homes** in Cornwall, though it is probably more.

Since 2012 I blew the whistle on the newly created tax loophole which permitted second home owners to be handsomely subsidised by the taxpayer. How this works: the Conservative side of the then Government proposed and introduced a Small Business Rate Relief (SBRR) system which entitled small business premises (and which includes most second/holiday homes) to apply for 100% Business Rate relief*. As I suggested at the time, residential properties could have been excluded from this tax subsidy. (* Some were entitled to less than 100%, but were granted a smaller amount).

The cost to the taxpayer at the early stage was not immediately known, though I obtained figures within the first few years (2012-2015) which suggested it was growing from around £6.5million to around £13million as more second homers ‘flipped’ their investment properties to take advantage of the loophole.

All any second home owner who switched to Business Rates needed to confirm was that they would make their home available for holiday letting for at least 140 nights a year. There were scores of local lettings agencies which could offer a service to manage and look after the home during those dates, if indeed any bookings were made.

I had led the Parliamentary campaign to remove the previous expensive tax benefit for second homers which was introduced by the Conservatives when they introduced the Council Tax system in the early 1990s – ie the 50% Council Tax rebate for second homes. I started in May 1997 and secured the agreement of Labour Ministers in 2000, after pointing out that “each year hundreds of millions of taxpayers’ money was spent subsidising people to have a second home when there were hundreds of thousands of families without a secure first home”. The then Local Government Ministers, Labour MPs Chris Mullin and the late Michael Meacher, deserve especial commendation for their receptiveness and support.

Impact

There are about 25,000 second/holiday homes in Cornwall and on the Isles of Scilly. Perhaps coincidentally, this is a little more than the number of families registered on Cornwall's housing need waiting list – Homechoice register – ie 20,200, though this is widely acknowledged to be an underestimate of actual need.

Some commentators (including in some national newspapers) have argued that second homeowners bring investment and life to communities and boost the local economy “in ways that just wouldn't be possible without them”. That second homeowners are usually wealthier than the majority of local residents, who depend on local wage rates for their income, is unarguable. Though, whether their wealth helps to boost the local economy or to syphon wealth and opportunities from the communities in which they own property remains a subject of contention and debate. Other than the investment second home owners bring to the properties they acquire and the local services which may benefit from their investment, it is asserted they also cause numerous detrimental impacts.



Andrew George is also Chief Executive of a community-led charitable housing provider - Cornwall Community Land Trust - which is a registered provider of social housing. Andrew has decades of experience and a successful housing professional and housing justice campaigner. Pictured here earlier this year with Jenny Agutter celebrating another successful housing project for locals on the Lizard.

Second and holiday homes blight many parts of our villages and towns which used to function as living communities. Where local people remain, they live in relative isolation with few neighbours. Because there is no consistent community, local services - like shops, schools and community clubs - struggle and close.

However, above all, the increasing demand for investment properties by second home purchasers have a detrimental impact on the housing choices and chances of local families, as they fuel significant inflation in local house prices. It was not unusual for me to find that local estate agents reported there being 8-10 times as many homes sold to 2nd home buyers than to first-time buyers, when, as local MP, I undertook a regular review of the local housing market.

Since I ceased the production of those reports, the situation has, if anything, become even more challenging for local first-time buyers. Indeed, in recent years there has been increasing evidence of large numbers of local families being given notice to quit to vacate their private rented home in order to make way for holiday lets. This has added to what is now widely referred to as the “housing emergency”.

Between mid 2020 and 2022 Cornwall Council reported that in Cornwall there had been:

- 42% fall in availability of rented homes
- 1 in 4 private renters fear eviction
- 18+% increase in rents
- Increase from 100 to 250 renters given notice to quit per month

Second Homes – Affordable Homes

During the last decade Cornwall has been one of the most successful local authority areas for the delivery of affordable homes. **7,872** have been delivered 2011/12 – 2021/22. Of course, most of these homes would not have been delivered without some taxpayer funded aid, whether in the form of Homes England (the Government’s affordable homes investment agency) grant, local authority grant or other sources including “planning gain” contribution (from profits generated from the granting of planning permission). Taking an average of £25,000 per home¹ in financial contribution, this amounts to **£196,800,000** (See Appendix 3). This represents a very substantial amount of aid for the affordable homes sector.

However, during the same period second home owners in Cornwall have received more taxpayer aid from central Government. The total taxpayer-funded contribution as a consequence of entitlement to Small Business Rate relief (SBRR) alone (there are other subsidies and tax-efficient benefits²) is **£384,855,600**. This is made up of 10 years of SBRR for which holiday lets have been eligible since 2012 amounting to **£142,573,600** and **£242,281,855** of Covid aid (approx. £20k+ per property) for which Holiday let owners were also eligible. (See Appendices 1 and 2).

If the funds spent subsidising second/holiday homes in Cornwall had been expended on first homes for locals in housing need it would have nearly tripled the number delivered – ie an increase of **15,394**, making a total of 23,266 homes for locals. Cornwall’s official housing waiting list – the Cornwall Homechoice Register – has between 20-21,000 eligible applicant households accepted by the Council as in need. If social housing providers were able to deliver an extra 15,000+ affordable homes Cornwall would be well on its way to solving the local housing crisis here.

TABLE 1

Comparison - taxpayer funding for holiday lets and affordable homes in Cornwall - 2012-2022

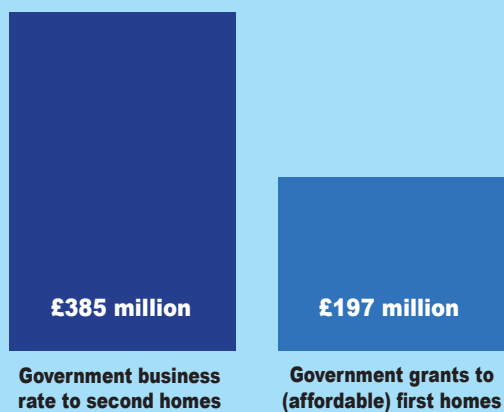
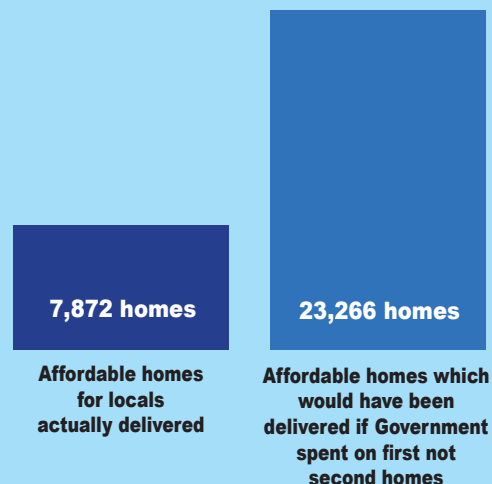


TABLE 2

Affordable homes actually delivered v homes which could have been delivered in Cornwall if Government money spend on first homes rather than second homes - 2012 - 2022



1. This assumes central Government grant for EVERY home delivered, when in reality many would have been delivered with private sector contributions as a condition of planning permission or through a section 106 agreement, and through local authority contributions.

2. There are many other tax deductions (loopholes) available to holiday lets than to those letting to permanent residents. This includes that furnished holiday lets can claim mortgage interest as tax deductible (unlike buy-to-lets). The initial costs of furnishing the home can be deducted from pre-tax profits. Its income can be diverted to the owner’s pension and entrepreneurial relief can be used to minimise capital gains tax.

Proposals

For more than the past 30 years the Liberal Democrats and I have consistently campaigned for measures to put right the injustices of the current housing and planning system.

Amongst these have been measures to:

- Introduce planning law which ensures that any person intending to convert a property from permanent residence to non-permanent residential use should first apply for and secure planning permission – through the introduction of a new “use class” (non-permanent occupancy) in the planning Use Classes Order;
- Provide powers to local authorities to set higher business rates and council tax on second on holiday homes, and which better reflects the impact they have on the local community and limited housing opportunities of local people;
- Introduce a register of second and holiday homes to ensure that they are properly regulated.

When I sought to advance the proposed planning reforms Labour Ministers (1997-2010) had sympathy but found it difficult to persuade civil servants of the technical challenges of introducing such a change. When Conservative Ministers controlled this policy area in the Coalition Government they strongly opposed any such methods. I remember well a private meeting with the then Housing Minister, Grant Shapps (in 2010), in which he flatly dismissed the policy proposal.

As the housing problems in areas of high second home ownership have become more acute, the injustice of the system more evident and the publicity of severe housing problems of locals given more prominence, Conservatives have been forced to review their attitude.

Whilst I'm of course pleased that we've won the argument and encouraged even Conservative MPs to accept the need for measures to address these problems, action and policy change has been very slow and minimal. But welcome nonetheless.



I recently had published the following blog which summarises these matters:

Fellow housing justice campaigners and I can celebrate a campaign success – a boost for those who have been fighting to put first homes before second homes. It's taken decades and won't happen for another two years - but the prospects of success look encouraging.

The proliferation of second homes, holiday lets and Airbnbs have come at a significant cost to local communities, families evicted to make way for them, taxpayers who've been forced to subsidise them and a housing market which now functions more to serve property investors than it does to meet housing need.

Over twenty years ago I celebrated the success of a campaign I'd led in Parliament to reverse the then Conservative policy of spending hundreds of millions subsidising second home owners through the then 50% council tax discount.

I also campaigned for Labour and then Conservative planning & housing ministers to introduce planning measures to require all second homes to need planning permission to convert from 'permanent' to 'non-permanent' accommodation. Labour ministers had sympathy but ran out of time. Conservatives laughed in my face.

Then in 2012 came the introduction by the Conservatives of a brand-new tax loophole to benefit second home owners. Thousands flipped their properties from council tax to business rates, applied for a new rate relief and paid nothing. Taxpayers picked up the tab!

The injustice was evident. I campaigned again. To begin, no one listened. But eventually the penny dropped. Those in the media I was trying to take notice, began to understand. But many couldn't quite believe it.

The realisation grew stronger. Others joined the campaign. Then the public astonishment grew. Even Conservative MPs and Ministers felt uncomfortable when presented with the shameful facts; that thousands of owners of second homes in places like Cornwall paid neither council tax or business rates, while the rest of us subsidised them. This cost about £14m each year in Cornwall alone. Cornwall Council recently confirmed that holiday lets in Cornwall have cost £142.6 million in tax relief since I first blew the whistle on this a decade ago. The Council also now confirmed to me that holiday lets received another £242.2m in Covid aid. That's £384.8 million of taxpayers' money which should be invested in first homes, given to wealthy second homers in the last decade in Cornwall alone!

I'm relieved that, because of this campaigning, the Conservatives have been shamed into finally doing something about it. Reluctant and slow, but credit should be given nevertheless.

They're accepting some of the proposals I've campaigned for: new regulations which make it less easy to claim the tax rebate; provisions to double council tax; and, crucially in my view, adopting the planning policy I described above. There's still more to do and it needs to be speeded up. I continue to have concern about much of the detail. But the basic building blocks are there. And credit should be given to Cornwall's housing portfolio holder, Olly Monk who is doing a good job.

Second home changes vindicate housing justice campaigners

FELLOW housing justice campaigners and I can celebrate a campaign success – a boost for those who have been fighting to put first homes before second homes. It has taken decades and will not happen for another two years – but the prospects of success look encouraging.

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Over 20 years ago, I celebrated the success of a campaign I'd led in Parliament to reverse the then Conservative policy of spending hundreds of millions subsidising second home owners through the then 50% council tax discount.

I also campaigned for Labour and

Former St Ives Lib Dem MP **Andrew George** – now a Cornwall councillor – says the change in rules on second homes is a long-fought victory for campaigners like him



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There's still more to do and it needs to be speeded up. I continue to have concern about much of the detail, but the basic building blocks are there – and credit should be given to Cornwall's housing portfolio holder, Olly Monk, who is doing a good job.

The failure of top-down Housebuilding targets

The political discourse on how best to meet the still high and growing levels of unmet housing need has been drawn into a two-dimensional vortex which primarily suits private house builders and those who speculate on the massive speculative land value gains of a planning system which is fuelled more by greed than by need. So, my criticism is aimed at all political Parties - including, I'm afraid my own.

There is a better response to both nimbys and promoters of more homes suitable to meet need. That is to replace house BUILDING targets with targets to MEET HOUSING NEED. After all building houses is just a "means to an end" - ie meeting unmet housing need. It would make more sense to set targets aimed at the ends rather than the means. After all, this approach has significantly failed in places like Cornwall where the housing stock has almost trebled in the last 60 years, yet housing problems of locals has got worse. I have long asserted that, rather than getting drawn into the facile macho bidding war of who can promise to build more houses (in the lead up to the next GE - and which is always music to the ears of property developers and land-value speculators) it would be sensible to offer a different narrative.

This certainly doesn't mean we don't carry on building homes. But it would tip the planning system to deliver to meet need rather than to fuel greed. Such a system would need to be based on a more robust baseline of assessed unmet housing need than can currently be provided by the local authority housing waiting list (Homechoice Register here in Cornwall) and would set targets to reduce that identified need each year during the plan period by a pre-agreed amount. Planning proposals which contribute to that target would enjoy a significant presumption in favour over plans which do not. The planning system would thereby be better directed at meeting need rather than satisfying land value speculators and property investors.

Proposed amendment to the Government's Levelling up Bill

It's been suggested that a recent proposed amendment from Conservative backbenchers to the Government's Levelling-up Bill would help to address these problems (See Appendix 4). However, this would only apply to those property owners which sought to convert a permanently occupied home to one which might be used for holiday letting. It would not cover all second and investment/holiday potential uses and is drafted in such a manner that it could be easily sidestepped by a property investor with a good lawyer.

It is a long way short of what is needed.

Of course, I was pleased when the Conservatives finally acknowledged the evident unfairness of the millions of pounds which were being spent subsidising second homeowners through the holiday letting tax loophole which they set up in 2012. They've acknowledged this in 2018 but they have achieved nothing to close this loophole. Their announcement that they will introduce a new control on entitlement to claim the holiday letting discount has come too late and is unlikely to have any impact anyway. Their proposal that second home owners must demonstrate they have actually let their property for at least 70 days will have precious little impact. 70 days out of 365 is not especially onerous and the holiday letting system has never been easier to sub-contract.

If hundreds of millions of pounds of taxpayers' money were being spent subsidising asylum seekers or benefit recipients you can be sure that the Conservatives and their cheerleaders in the right-wing media would have insured that those benefits would've been shut down straight away.

Of course, the way the other measure (possible application of higher rates of Council Tax on second homes from 2024) has been drafted by the Conservatives, this may well have the counterproductive impact of driving still more of them to switch to the business rating system or do deny their homes are second homes at all, thus making their regulation more challenging.

More recently the Minister, Michael Gove MP, has suggested the Government may accede to the planning changes we've been campaigning for and which is referred to above. If this is implemented fully and supported by robust registration and planning permission which only last the lifetime of the ownership/occupation (otherwise the process would risk becoming counterproductive) then this is a significant change and could provide the basis of a sounder policy to deliver stronger housing justice.

Conclusions

Securing housing justice in areas with high second homes:

- Policies which encourage first not second homes
- Stopping the raft of tax loopholes and subsidies which help to drive the demand for second/holiday home investment properties, and to instead invest those funds to produce in perpetuity affordable homes for local families
- The introduction of a register of all second and holiday homes
- Introduction of a new planning use class – non-permanent occupancy – and a requirement that planning permission must be applied for if a home is proposed to be converted to a second/holiday home
- Powers granted to Local authorities and communities through their NDP to introduce a reasonable ‘cap’ on the number/proportion of second/holiday homes
- Powers granted to local authorities to levy tax on second homes at a level which reflects their detrimental impact and which enables that authority to generate funds to deliver more in perpetuity homes for locals
- Restrictions on the entitlement of second home owners to choose where they use their vote
- End top-down housebuilding targets to meet demand for homes (including demand for second homes and holiday lets) and to be replaced with locally set targets to reduce need for affordable homes.

Appendix 1.

Small Business Rate Relief to Holiday lets in Cornwall since first eligible in 2012

Minutes - Cornwall Council – 21st September 2022, page 9:

“The amount of Small Business Rates Relief that has been awarded to properties registered as Holiday Lets in the Business Rates list since 2012 is **£142,573,599.80** All small business rates relief granted by the Council is in accordance with the legislation and is fully reimbursed by the Government.

I have also looked at what the total amount of Small Business Relief was and the total (including Holiday Lets) awarded for the same period was £395,767,850.97”

Appendix 2.

Extent of Covid Aid provided to Holiday let/Second home owners in Cornwall 2020-2022

From: Linsey Nathan <Linsey.Nathan@cornwall.gov.uk>

Sent: 05 October 2022 11:44

To: Cllr Andrew George <cllr.andrew.george@cornwall.gov.uk>

Subject: Council Meeting of 21 September 2022 - written response from Cllr Harris.

Information Classification: CONTROLLED

Dear Cllr George

At the Full Council meeting of 21 September 2022 the following action was requested. Please see below for the written response from Cllr Harris.

Second home owners

Councillor Harris to provide a written response to Councillor George on the final figure for Covid housing aid, including how much of the total went to addresses outside of Cornwall, and any information on the potential impact of the proposed legislative change in relation to 70 day letting.

Dear Cllr George

I can confirm that a total of £242,281,885.19 has been paid in Covid Grants to eligible properties that are classified as Holiday Lets in the Non-Domestic Rating List and of this, a total of £129,022,114.28 was paid to ratepayers whose correspondence address is outside of Cornwall.

Regarding the impact of the change for Holiday lets to evidence that they have actually let for a minimum of 70 days, the initial determination of this will be led by the Valuation Office Agency (VOA) who will make required changes to the Non Domestic & Council Tax lists as part of administering this change (and then inform the Council) which comes in from April 2023. As things stand, the Council has received no analysis or information from the VOA regarding the impact of this intended change.

Regards

David

David Harris
Cornwall Councillor,
Gloweth Malabar and Shortlanesend Division

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Appendix 3.

Estimate of central Government contribution towards delivery of affordable homes in Cornwall – 2012-2022

The latest Cornwall Council annual housing delivery Monitoring report 2021/22 can be found here: <https://www.cornwall.gov.uk/media/lzuiiglg/cornwall-annual-monitoring-report-2021-2022-update.pdf>

From Page 42 of the 117 page report can be found the analysis of progress in respect of delivery of affordable homes. The report confirms there have been “6,298 affordable completions since 2014/15”. Taking that as representative of delivery during the two undocumented years before (2012/13 & 2013/14) the annual average is 787.25 per annum making a 10-year total delivery of about 7,872 homes.

Total central Government investment in affordable homes in Cornwall would be difficult to extrapolate from all Registered Social Landlords/Registered Providers operating in Cornwall because many (LiveWest, Aster, Guinness Trust, Sanctuary, Hastoe etc) also operate in other areas outside Cornwall. Although a significant proportion of the 7,872 homes will have been delivered without taxpayer funded grant aid (through Section 106 contributions, private developer planning obligations and local authority support) I’ve taken a reasonable average assumption that each delivered home would have received £25,000 in taxpayer aid. This assumption has been cross-correlated with fellow professionals working in the sector during this period (I am a CEO of a Registered Provider (RP) of Social Housing (ie equivalent to a Housing Association), so am conversant with the grant levels available in the sector and those of fellow RPs).

This gives a figure of **£196,800,000** of taxpayer support across Cornwall for the 2012-2022 period.

Appendix 4.

Proposed amendments to the Levelling-up and Regeneration Bill (report stage – Commons)

Theresa Villiers

New Clause 22

Supported by 27 MPs

To move the following Clause -

“Planning permission required for change of use to tourist rental

(1) The Town and Country Planning Act 1990 is amended as follows.

(2) In section 55 (meaning of “development” and “new development”), after subsection (3)(a) insert—
“(aa) the use as a tourist rental market property of any building previously used as a primary residence involves a material change in the use of the building;””

Theresa Villiers

N C 23

Supported by 26 MPs

“Registration of tourist rental properties

To move the following Clause -

(1) Section 17 of the Development of Tourism Act 1969 (registration of tourist accommodation) is amended as follows.

(2) After subsection (1) (registration of hotels, etc.) insert -

“(1A) His Majesty must by Order in Council make provision for the registration by the Tourist Boards in England of tourist rental properties at which sleeping accommodation is provided by way of trade or business.””



Andrew George Liberal Democrat MP for West Cornwall and Isles Scilly Constituency of St Ives 1997-2015; Housing campaigner prior to his election as MP and since; Cornwall Councillor (Liberal Democrats) for the ward of Heamoor, Gulval, Ludgvan, Madron, Zennor, Morvah since 2021; Chief Executive of Cornwall Community Trust (CCLT) since 2015 - a charity with a successful record of delivering community-led affordable homes around Cornwall and the Isles of Scilly - nearly 300 across 27 projects and a healthy pipeline of community based projects throughout Cornwall and Scilly. CCLT is also a Registered Provider of social housing. Andrew is also the prospective Liberal Democrat Parliamentary candidate for the St Ives constituency for the next General Election.