



# House of Commons

Tuesday 20 October 2015

## PUBLIC BILL COMMITTEE PROCEEDINGS

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### WELFARE REFORM AND WORK BILL

*[ELEVENTH AND TWELFTH SITTINGS]*

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Emily Thornberry  
Dawn Butler  
Wes Streeting  
Stephen Pound  
Mr Steve Reed  
Debbie Abrahams

Owen Smith

*Not moved* NC5

To move the following Clause—

**“Entitlement to housing benefit**

- (1) Section 130A of the Social Security Contributions and Benefits Act 1992 (Appropriate maximum housing benefit), is amended as follows.
- (2) After subsection (2) insert—

“(2A) Entitlement to housing benefit shall not be restricted in respect of a maximum number of children or qualifying young persons for whom a claimant is responsible.””

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**Welfare Reform and Work Bill, *continued***

Emily Thornberry  
 Dawn Butler  
 Wes Streeting  
 Stephen Pound  
 Mr Steve Reed  
 Debbie Abrahams

Owen Smith

*Not moved* NC6

To move the following Clause—

**“Entitlement to housing costs under Universal Credit**

- (1) Section 11 of the Welfare Reform Act 2012 (Housing costs), is amended as follows.
- (2) After subsection (5) insert—
  - “(6) Entitlement to an amount under this section shall not be restricted in respect of a maximum number of children or qualifying young persons for whom a claimant is responsible.””

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Stephen Timms  
 Kate Green  
 Emily Thornberry  
 Owen Smith  
 Debbie Abrahams

*Withdrawn* NC8

To move the following Clause—

**“Review of childcare tax credit amounts**

The Secretary of State must at least once a year review the level of the Childcare element of the Working Tax Credit entitlement sums to determine whether it is appropriate to increase or decrease any one or more of those sums.”

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Jess Phillips  
 Hannah Bardell  
 Corri Wilson

*Negated on division* NC10

To move the following Clause—

**“Changes to age of eligible claimants of housing benefit**

- (1) The Social Security Contributions and Benefits Act 1992 is amended as follows.

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**Welfare Reform and Work Bill, *continued***

(2) After section 130(1) insert—

“(1A) The Secretary of State shall not make provision about eligibility for housing benefit in respect of the age of a claimant except by primary legislation.””

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Hannah Bardell  
Corri Wilson  
Dr Eilidh Whiteford

*Not moved* NC11

To move the following Clause—

**“Definition of job quality**

- (1) Within six months of section 1 of this Act coming into force, the Secretary of State must, by regulation, provide a definition of job quality.
- (2) Before issuing regulations under this section the Secretary of State must carry out a public consultation.”

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Hannah Bardell  
Corri Wilson

*Not moved* NC12

To move the following Clause—

**“Entitlement to housing costs element of universal credit for 18-21 year olds**

- (1) Entitlement to the housing cost element of Universal Credit shall not be restricted for those 18 to 21 year olds who fall into the following categories—
  - (a) those who have previously been in work;
  - (b) a person who lives independently;
  - (c) those with a disability or mental health problem receiving Employment Support Allowance or Income Support;
  - (d) those with dependent children;
  - (e) pregnant women;
  - (f) those who are owed a rehousing duty under—
    - (i) section 193 of the Housing Act 1996;
    - (ii) section 9 of the Homelessness etc. (Scotland) Act 2003;
    - (iii) section 73 of the Housing (Wales) Act 2014;
  - (g) those who are homeless or at risk of homelessness who are being assisted by local authority housing teams;
  - (h) those who are living in statutory or voluntary sector homelessness accommodation;
  - (i) those who have formerly been homeless and have been supported by voluntary or statutory agencies into accommodation;
  - (j) those who have formerly been homeless between the ages of 16 and 21;
  - (k) a person without family or whom social services have found that a home environment is not suitable for them to live in;

**Welfare Reform and Work Bill, *continued***

- (l) care leavers; and
  - (m) those leaving custody.
  - (2) Within three months of section [*Entitlement to housing costs element of universal credit for 18-21 year olds*] of this Act coming into force, the Secretary of State must, by regulation, provide definitions of—
    - (a) “a person who lives independently”;
    - (b) “risk of homelessness”; and
    - (c) “a person without family”.
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Owen Smith  
Emily Thornberry  
Debbie Abrahams

*Negated on division* NC15

To move the following Clause—

**“Repeal of Tax Credits Regulations 2015**

- (1) The Tax Credits (Income Thresholds and Determination of Rates) (Amendment) Regulations 2015 are repealed.”
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Emily Thornberry  
Debbie Abrahams  
Owen Smith

*Negated on division* NC16

To move the following Clause—

**“Exemptions to changes in child tax credit and child element of universal credit**

- (1) The limit on the number of children for which child tax credit or the child element of universal credit can be claimed, as provided for clauses 11 and 12 of this Act, do not apply in the following circumstances—
  - (a) where the number of children exceeds two because the third (or subsequent) child was part of a multiple birth at the same time as the second qualifying child;
  - (b) where a third (or subsequent) child becomes a member of a household as a result of being fostered or adopted into that household, or enters the household as the result of a kinship care arrangement;
  - (c) in exceptional circumstances as defined by the Social Security Advisory Committee, including but not limited to—
    - (i) the claimant becoming unemployed;
    - (ii) the death of one of the parents in the claimant household; and
    - (iii) one of the parents in the claimant household leaving the household following a breakdown in relationship.
- (2) No limit shall apply to a household where any child or qualifying young person is disabled.

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**Welfare Reform and Work Bill, *continued***

- (3) No limit shall apply to couples with dependent children who if living in separate households would not be affected by the limit.
- (4) The Secretary of State shall, by regulation, establish an appeals process by which an individual can appeal a decision as to whether an exemption set out in this clause applies in their individual situation.”

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Emily Thornberry  
Debbie Abrahams  
Owen Smith

*Negatived on division* NC17

To move the following Clause—

**“Review of application of sanctions**

- (1) The Secretary of State must before the financial year ending 31 March 2016 provide for a full and independent review of the sanctions regimes attached to working-age benefits, including but not limited to Jobseekers Allowance, Employment Support Allowance and Income Support, to determine whether they are effective and proportionate for meeting the Government’s objectives.
- (2) The terms of reference for the review must include consideration of—
  - (a) the application of sanctions to lone parents with dependent children;
  - (b) the application of sanctions to claimants who are disabled;
  - (c) the effectiveness of sanctions in moving claimants into sustained work; and
  - (d) any other matters which the Secretary of State considers relevant.”

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Neil Coyle

*Not moved* NC18

To move the following Clause—

**“Review of Disability Living Allowance and Personal Independence Payment**

- (1) Part 4 of the Welfare Reform Act 2012 (Personal Independence Payment) is amended as follows.
- (2) Insert new section after section 79—

**“79A Review of Disability Living Allowance and Personal Independence Payment**

- (1) The Secretary of State shall in each tax year review the standard rate and enhanced rate of the daily living (section 78) and mobility component (section 79) of the personal independence payment.
- (2) In carrying out a review under subsection (1) the Secretary of State shall consider the effect on the rates if they were increased by—
  - (a) the percentage increase in the general level of earnings at the end of the period;

**Welfare Reform and Work Bill, *continued***

- (b) the percentage increase in the general level of prices for goods and services, as measured by the Consumer Price Index or by any measurement formally replacing the Consumer Price Index; and
  - (c) 2.5 per cent.
- (3) The Secretary of State shall within three months of this review concluding lay before Parliament a draft order which increases the value of the amount referred to in subsection (1) by the greatest of the three amounts calculated under paragraphs (a) to (c) of subsections (2).””

**NEW SCHEDULE**

Priti Patel

*Agreed to* NS1

To move the following Schedule—

## “FURTHER PROVISION ABOUT SOCIAL HOUSING RENTS

## PART 1

## PROVISION ABOUT LEVELS OF RENTS

*Tenancy of existing social housing*

- 1 (1) This paragraph applies in relation to a tenant of social housing in England if—
- (a) the tenancy begins after the beginning of 8 July 2015,
  - (b) the accommodation was social housing during the period starting with the beginning of 8 July 2015 and ending with the beginning of the tenancy.
- (2) This paragraph does not apply if paragraph 3 applies.
- (3) The registered provider must secure that the maximum amount of rent payable to the registered provider by the tenant in respect of—
- (a) the first relevant year, where the tenancy begins before or at the beginning of the first relevant year,
  - (b) the part of the relevant year in which the tenancy begins, where the tenancy begins after the beginning of the first relevant year and not at the beginning of a later relevant year,
  - (c) the following relevant year, where the tenancy begins as described in paragraph (b), or
  - (d) the relevant year, other than the first relevant year, at the beginning of which the tenancy begins,
- is no more than would be payable if the tenant were paying rent at the higher of the social rent rate and the assumed rent rate in respect of that relevant year or that part of a relevant year.
- (4) The social rent rate, in relation to the rent payable by a tenant of social housing in respect of the first or a subsequent relevant year, is the rate found by—
- (a) determining what would have been the rate of formula rent for that social housing at the beginning of 8 July 2015,
  - (b) determining the rate of that rent when expressed by reference to a period of 12 months (if necessary), and

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- (c) at the beginning of each relevant year (up to and including the relevant year in question), making a 1% reduction in the rate.
- (5) The assumed rent rate, in relation to the rent payable by a tenant of social housing in respect of the first or a subsequent relevant year, is the rate found by—
  - (a) determining the rate of the rent that—
    - (i) was payable to the registered provider by the tenant of that social housing at the beginning of the relevant day, in a case where the relevant day falls after 8 July 2015 and the tenancy that exists at the beginning of 8 July 2015 does not come to an end before the beginning of that later day,
    - (ii) was payable to the registered provider by the tenant of that social housing at the beginning of 8 July 2015, in a case where the relevant day is 8 July 2015 or the tenancy comes to an end before the beginning of a later relevant day, or
    - (iii) is likely to have been payable to the registered provider by a tenant of that social housing at the beginning of 8 July 2015, if there was not a tenant at that time,
  - (b) determining the rate of that rent when expressed by reference to a period of 12 months (if necessary), and
  - (c) at the beginning of each relevant year (up to and including the relevant year in question), making a 1% reduction in the rate.
- (6) If—
  - (a) the tenancy comes to an end after part of a relevant year to which sub-paragraph (3) applies has elapsed, or
  - (b) sub-paragraph (3)(a), (b), (c) or (d) ceases to apply in relation to the tenancy after part of the relevant year in question has elapsed,
 sub-paragraph (3) has effect in relation to the part of the relevant year falling before that time with a proportionate reduction in the maximum amount of rent payable to the registered provider by the tenant.
- (7) The Secretary of State may by regulations define “formula rate”.
- (8) Regulations under sub-paragraph (7) may, in particular, make provision by reference to—
  - (a) standards issued by the regulator under section 194(2A) or 198(3) of the Housing and Regeneration Act 2008 (the powers of the regulator to set and revise standards relating to levels of rent) providing for the determination of social rents, or
  - (b) guidance issued by the Secretary of State relating to the determination of social rents.

*Tenancy of new social housing*

- 2 (1) This paragraph applies in relation to a tenant of social housing in England if—
  - (a) the tenancy begins after the beginning of 8 July 2015, and
  - (b) paragraph 1(1)(b) is not satisfied as regards the accommodation.
- (2) This paragraph does not apply if paragraph 3 applies.
- (3) If the tenancy begins before or at the beginning of the first relevant year, the registered provider must secure that the maximum amount of rent payable to the registered provider by the tenant in respect of the first relevant year is the amount that would be payable by the tenant if the social rent rate applied during that relevant year.
- (4) If the tenancy begins after the beginning of the first relevant year, the registered provider must secure that—

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- (a) the maximum amount of rent payable to the registered provider by the tenant in respect of the part of that relevant year falling after the tenancy begins, where the tenancy begins after part of a relevant year has elapsed,
  - (b) the maximum amount of rent payable to the registered provider by the tenant in respect of the following relevant year, where the tenancy begins as described in paragraph (a), or
  - (c) the maximum amount of rent payable to the registered provider by the tenant in respect of the relevant year, where the tenancy begins at the beginning of a relevant year,
- is the amount that would be payable if the social rent rate applied during that period.
- (5) If—
- (a) the tenancy comes to an end after part of a relevant year to which subsection (3) or (4) applies has elapsed, or
  - (b) sub-paragraph (3) or (4)(a), (b) or (c) ceases to apply in relation to the tenancy after part of the relevant year in question has elapsed,
- sub-paragraph (3) or (4) has effect in relation to the part of the relevant year falling before that time with a proportionate reduction in the maximum amount of rent payable to the registered provider by the tenant.
- (6) “Social rent rate” has the same meaning as in paragraph 1.

*Tenancy of affordable rent housing*

- 3 (1) This paragraph applies in relation to a tenant of social housing in England if—
- (a) the tenancy begins after the beginning of 8 July 2015, and
  - (b) the accommodation is affordable rent housing (see paragraph 4).
- (2) If the tenancy begins before or at the beginning of the first relevant year, the registered provider must secure that the maximum amount of rent payable to the registered provider by the tenant in respect of the first relevant year is the amount found by—
- (a) determining the rate of the market rent for that social housing when the tenancy begins, and
  - (b) determining the amount that is 80% of the amount that would be payable in respect of a year if that rate had applied during the year.
- (3) If the tenancy begins after the beginning of the first relevant year, the registered provider must secure that—
- (a) the maximum amount of rent payable to the registered provider by the tenant in respect of the part of that relevant year falling after the tenancy begins, where the tenancy begins after part of a relevant year has elapsed, or
  - (b) the maximum amount of rent payable to the registered provider by the tenant in respect of the relevant year, where the tenancy begins at the beginning of a relevant year,
- is the amount found by determining the rate of the market rent for that social housing when the tenancy begins, determining the amount that is 80% of the amount that would be payable in respect of a year if that rate had applied during the year and (if necessary) reducing that amount in proportion to the part of that relevant year that elapsed before the tenancy begins.
- (4) If the tenancy begins after the beginning of the first relevant year and not at the beginning of the second or third relevant year, the registered provider must secure that the maximum amount of rent payable to the registered provider by the tenant in respect of the relevant year following the one in which the tenancy



**Welfare Reform and Work Bill, *continued***

begins is the amount determined under sub-paragraph (2) or (3) (disregarding the proportionate reduction) reduced by 1%.

- (5) If—
- (a) the tenancy comes to an end after part of a relevant year to which sub-paragraph (2), (3) or (4) applies has elapsed, or
  - (b) sub-paragraph (2), (3) or (4) ceases to apply in relation to the tenancy after part of the relevant year in question has elapsed,
- sub-paragraph (2), (3) or (4) has effect in relation to the part of the relevant year falling before that time with a proportionate reduction in the maximum amount of rent payable to the registered provider by the tenant.
- (6) The market rent is to be determined using a RICS valuation method.
- 4 (1) This paragraph has effect for the purposes of paragraph 3.
- (2) Affordable rent housing is accommodation identified by regulations made by the Secretary of State as accommodation that may be let as social housing at an affordable rent.
- (3) Regulations under sub-paragraph (2) may, in particular, make provision for identifying accommodation that may be let as social housing at an affordable rent by reference to an agreement or arrangement relating to the provision of social housing by a registered provider.
- (4) Regulations made by virtue of sub-paragraph (3) may, for example, make provision by reference to—
- (a) an agreement relating to the exercise of a power under section 5 or 19 of the Housing and Regeneration Act 2008 (powers of the Homes and Communities Agency as regards the provision of housing or other land and financial assistance);
  - (b) an agreement relating to the exercise of a power under section 30 or 34 of the Greater London Authority Act 1999 (general and subsidiary powers of the Greater London Authority);
  - (c) an agreement between a local authority and the Secretary of State under section 11(6) of the Local Government Act 2003 (agreement about capital receipts payable to the Secretary of State).
- (5) The Secretary of State may by regulations define “affordable rent”.
- (6) Regulations under sub-paragraph (5) may, in particular, make provision by reference to—
- (a) standards issued by the regulator under section 194(2A) or 198(3) of the Housing and Regeneration Act 2008 (the powers of the regulator to set and revise standards relating to levels of rent) providing for the setting of rents at up to 80% of market rent in certain cases or circumstances, or
  - (b) guidance issued by the Secretary of State relating to the setting of rents at up to 80% of market rent in certain cases or circumstances.
- (7) “RICS valuation method” means a method for determining market rent that complies with standards for valuation published from time to time by the Royal Institution of Chartered Surveyors.

PART 2

EXCEPTIONS, EXEMPTIONS AND ENFORCEMENT

*Exceptions*

- 5 (1) Part 1 does not apply in relation to a tenant of social housing if—
- (a) the accommodation is low cost home ownership accommodation;

**Welfare Reform and Work Bill, *continued***

- (b) the accommodation is both low cost rental accommodation and low cost home ownership accommodation (see section 71 of the Housing and Regeneration Act 2008).
- (2) Part 1 does not apply in relation to social housing that consists of or is included in a property if, where the property is subject to a mortgage or other arrangement under which it is security for the payment of a sum or sums—
  - (a) the mortgagee, or a person entitled under the arrangement to be in possession of the property, is in possession of the property,
  - (b) a receiver has been appointed by the mortgagee, by a person entitled under the arrangement to do so or by the court to receive the rents and profits of that property and that appointment is in force, or
  - (c) a person has been appointed under or because of the mortgage or the arrangement to administer or sell or otherwise dispose of the property and that appointment is in force.
- (3) If a registered provider's interest in property that consists of or includes social housing—
  - (a) was mortgaged or made subject to an arrangement other than a mortgage under which the interest in property was security for the payment of a sum or sums, and
  - (b) is sold or otherwise disposed of after the coming into force of Part 1 by—
    - (i) the mortgagee or a person entitled under the arrangement to do so,
    - (ii) a receiver appointed by the mortgagee, by a person entitled under the arrangement to do so or by the court to receive the rents and profits of the interest in property, or
    - (iii) a person appointed under or because of the mortgage or the arrangement to exercise powers that consist of or include the sale or other disposal of the interest in property,

Part 1 ceases at that time to apply in relation to that social housing.
- (4) The Secretary of State may by regulations provide for Part 1 not to apply in cases prescribed by the regulations.
- (5) Regulations under sub-paragraph (4) may in particular make provision about—
  - (a) tenants of a description prescribed by the regulations;
  - (b) tenancies of a description prescribed by the regulations;
  - (c) accommodation of a description prescribed by the regulations;
  - (d) accommodation which satisfies conditions prescribed by the regulations, including conditions relating to the funding of its building or refurbishment;
  - (e) events of a description prescribed by the regulations.
- (6) Regulations made by virtue of sub-paragraph (5)(a) may include provision about tenants whose income exceeds, or whose household's incomes exceed, an amount prescribed by the regulations during a period prescribed by the regulations.
- (7) Regulations made by virtue of sub-paragraph (5)(e) may include provision about periods during a tenancy when the rent payable is temporarily reduced or waived.

*Exemptions*

- 6 (1) The regulator may issue a direction mentioned in sub-paragraph (2) in respect of a private registered provider if—

**Welfare Reform and Work Bill, *continued***

- (a) the condition in sub-paragraph (4) or (5) is satisfied, and
  - (b) the Secretary of State consents.
- (2) The directions are—
- (a) a direction that Part 1 does not apply in relation to a private registered provider specified in the direction;
  - (b) a direction that Part 1 is to have effect in relation to a private registered provider specified in the direction as if paragraph 1(4)(c) or (5)(c)—
    - (i) were omitted,
    - (ii) required the lesser reduction specified in the direction, or
    - (iii) required the increase specified in the direction;
  - (c) a direction that Part 1 is to have effect in relation to a private registered provider specified in the direction as if—
    - (i) in paragraph 3(4), “reduced by 1%” were omitted,
    - (ii) paragraph 3(4) required the lesser reduction specified in the direction, or
    - (iii) paragraph 3(4) required the increase specified in the direction.
- (3) The regulator may specify in a direction—
- (a) the period during which it is to have effect, and
  - (b) the social housing in relation to which it is to have effect.
- (4) The condition in this sub-paragraph is that the regulator considers that complying with Part 1 would jeopardise the financial viability of the private registered provider.
- (5) The condition in this sub-paragraph is that the circumstances of the private registered provider satisfy requirements prescribed in regulations made by the Secretary of State.
- (6) The regulator may publish a document about the measures that the regulator considers could be taken by a private registered provider to comply with Part 1 and to avoid jeopardising its financial viability.
- (7) The Secretary of State may issue a direction mentioned in sub-paragraph (8) in respect of a local authority if the condition in sub-paragraph (10) or (11) is satisfied.
- (8) The directions are—
- (a) a direction that Part 1 does not apply in relation to a local authority specified in the direction;
  - (b) a direction that Part 1 is to have effect in relation to a local authority specified in the direction as if paragraph 1(4)(c) or (5)(c)—
    - (i) were omitted,
    - (ii) required the lesser reduction specified in the direction, or
    - (iii) required the increase specified in the direction;
  - (c) a direction that Part 1 is to have effect in relation to a local authority specified in the direction as if—
    - (i) in paragraph 3(4), “reduced by 1%” were omitted,
    - (ii) paragraph 3(4) required the lesser reduction specified in the direction, or
    - (iii) paragraph 3(4) required the increase specified in the direction.
- (9) The Secretary of State may specify in a direction—
- (a) the period during which it is to have effect, and
  - (b) the social housing in relation to which it is to have effect.

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**Welfare Reform and Work Bill, *continued***

- (10) The condition in this sub-paragraph is that the Secretary of State considers that the local authority would be unable to avoid serious financial difficulties if it were to comply with Part 1.
- (11) The condition in this sub-paragraph is that the circumstances of the local authority satisfy requirements prescribed in regulations by the Secretary of State.
- (12) The Secretary of State may publish a document about the measures that the Secretary of State considers could be taken by a local authority in order to comply with Part 1 and to avoid serious financial difficulties.

*Enforcement*

- 7 The Secretary of State may by regulations make provision about the enforcement of requirements imposed by or under this Schedule, including provision applying Part 2 of the Housing and Regeneration Act 2008 with modifications.

## PART 3

## GENERAL

*Regulations*

- 8 (1) Regulations under this Schedule must be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Schedule is subject to annulment in pursuance of a resolution of either House of Parliament.

*Guidance*

- 9 (1) The Secretary of State may issue guidance about determining, for the purposes of paragraph 1(5)(a)(iii), what rate of rent is likely to have been payable by a tenant of particular social housing at the beginning of 8 July 2015.
- (2) Registered providers must have regard to guidance issued under sub-paragraph (1).

*Interpretation*

- 10 (1) In this Schedule “the relevant day”, in relation to social housing, means—
  - (a) 8 July 2015, or
  - (b) if the Secretary of State consents to the use of a different day (“the permitted review day”) in the case of that social housing, the permitted review day.
- (2) A consent given for the purposes of sub-paragraph (1) may be a consent given for a particular case or for a description of cases.”

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Priti Patel

*Agreed to* **180**

Clause 24, page 23, line 11, after “22” insert “and (*Further provision about social housing rents*), (*Provision about excepted cases*), (*Rent standards*) and (*Interpretation*) and Schedule (*Further provision about social housing rents*)”

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**Welfare Reform and Work Bill, continued**

Priti Patel

*Agreed to*    **129**

Clause 24, page 23, line 22, after “18” insert “and (*Transitional provision*)”

Priti Patel

*Agreed to*    **130**

Clause 24, page 23, line 22, at end insert—  
 “() section (*Expenses of paying sums in respect of vehicle hire etc.*)  
 (expenses of paying sums in respect of vehicle hire etc.)”

*Clause, as amended, agreed to.*

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Priti Patel

*Agreed to*    **181**

Clause 25, page 23, line 27, at end insert—  
 “() section 21;  
 () paragraph 6 of Schedule (*Further provision about social housing rents*)  
 and section (*Further provision about social housing rents*), so far as  
 relating to paragraph 6;”

Priti Patel

*Agreed to*    **182**

Clause 25, page 23, line 43, leave out “to” and insert “, 20 and”

Priti Patel

*Agreed to*    **183**

Clause 25, page 23, line 43, after “22” insert “and (*Further provision about social housing rents*), (*Provision about excepted cases*), (*Rent standards*) and (*Interpretation*) and Schedule (*Further provision about social housing rents*), so far as not brought into force by subsection (1),”

Anna Turley

*Not selected*    **93**

Clause 25, page 24, line 2, at end insert—  
 “(5A) Sections 15(1)(c) and 15(2)(b) comes into force on a day or days as the Secretary of State may appoint by regulation that shall not be before 6 April 2018.”

*Clause, as amended, agreed to.*

*Clause 26 agreed to.*

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Priti Patel

*Agreed to*    **92**

Title, line 3, leave out “social mobility” and insert “life chances”

**Welfare Reform and Work Bill, *continued***

*Bill, as amended, to be reported.*

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