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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES**

(HANSARD)

Friday 28 November 2014

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The House met at half-past Nine o'clock

PRAYERS

The Chairman of Ways and Means took the Chair as Deputy Speaker (Standing Order No. 3).

Sarah Teather (Brent Central) (LD): I beg to move, That the House sit in private.

Question put forthwith, (Standing Order No. 163).

The House divided: Ayes 1, Noes 43.

Division No. 98]

[9.34 am

AYES

Rees-Mogg, Jacob

Tellers for the Ayes:

**Jeremy Corbyn and
Mr Philip Hollobone**

NOES

Alexander, Heidi
Blackman, Bob
Blackwood, Nicola
Boles, Nick
Bottomley, Sir Peter
Brennan, Kevin
Brooke, rh Annette
Brown, Lyn
Chope, Mr Christopher
Clark, rh Greg
Cryer, John
Dakin, Nic
Ellison, Jane
Eustice, George
Featherstone, rh Lynne
Fitzpatrick, Jim
Foster, rh Mr Don
Francois, rh Mr Mark
Gardiner, Barry
Gauke, Mr David
Gilbert, Stephen
Harris, Rebecca
Heath, Mr David

Hoey, Kate
Jarvis, Dan
Jones, Mr Kevan
Kirby, Simon
Lancaster, Mark
Lucas, Caroline
Miller, Andrew
Munt, Tessa
Offord, Dr Matthew
Pearce, Teresa
Selous, Andrew
Slaughter, Mr Andy
Stride, Mel
Swayne, rh Mr Desmond
Teather, Sarah
Thornton, Mike
Timpson, Mr Edward
Vaizey, Mr Edward
Williams, Stephen
Wright, Mr Iain

Tellers for the Noes:

**Mr Ben Wallace and
Damian Hinds**

Question accordingly negatived.

Tenancies (Reform) Bill

Second Reading

9.44 pm

Sarah Teather (Brent Central) (LD): I beg to move, That the Bill be now read a Second time.

I want to begin by telling the story of one of my constituents. I do not want to give her real name, so I am going to call her Jo. She and her partner had a pretty horrendous year last year and, in spite of the best efforts of our local citizens advice bureau in Brent, it all went from bad to worse. Jo was living in a studio flat with her partner, but there were real problems with the property. The ceiling collapsed as a result of leaking drains upstairs and, to make matters worse, there was no heating in the flat.

Being a reasonable tenant, and expecting the best of her landlord, Jo reported the problems to her landlord. Rather than trying to fix the problem, as one might hope would be the case, the landlord responded by giving Jo and her partner a basin to catch the water dripping from the collapsed ceiling. Understandably, Jo and her partner continued to press the landlord to get the problems fixed, but the next time the landlord responded, he did so by beginning eviction proceedings. Jo had become a victim of retaliatory eviction.

I dare say that many colleagues in the House will have heard similar stories to Jo's in their advice surgeries over the years, because, sadly, this situation is not as unusual as we might like to think. I hope that there will be time today for colleagues to air some of their stories. Jo's story is also depressingly familiar to organisations such as Citizens Advice and the charity Shelter, whose advisers are all too frequently contacted by people who are facing eviction after making requests for repairs to be carried out in their property. They are the victims of a small minority of landlords who would rather get rid of tenants than bring their properties up to scratch.

It is because of stories like those that I am bringing the Tenancies (Reform) Bill to the House today, and I ask the House to support it. No one should be evicted for asking their landlord to do basic repairs. No one should be frightened to tell their landlord about a problem for fear of losing their home. No one should be forced to put up with poor conditions because their landlord might retaliate if they make a fuss. This is about fairness and decency, and about doing the right thing. It is about upholding the existing law, and it should benefit everyone: tenants, landlords and local authorities.

Caroline Lucas (Brighton, Pavilion) (Green): I congratulate the hon. Lady on securing this important debate. Does she agree that at the heart of the issue is a massive power imbalance between landlords and tenants, and that if we could get that power balance more in equity, tenants would be able to press for the things that they need in order to have a secure roof over their head.

Sarah Teather: The hon. Lady is correct to say that there is a power imbalance. I will talk more about this later, but I do not want to skew the power wholly in favour of the tenant either. This has to be about fairness; both landlord and tenant have to be treated well. The landlord needs to know that they can let their property

[Sarah Teather]

without being exploited by the tenant, and the tenant needs to know that they can live in a decent property without being exploited by the landlord. This is about levelling things out a bit, through a relatively small change in the law.

Nick de Bois (Enfield North) (Con): I support the Bill, but regrettably I shall not be able to vote on it later—should there be a vote—owing to constituency business. Will the hon. Lady acknowledge that not all landlords are bad landlords, and that there are many good ones providing a good service? However, there are many rogues, and I welcome the fact that she is trying to deal with that issue.

Sarah Teather: I agree with the hon. Gentleman. The good landlords are desperate to see the system improve, because they feel that the present situation is damaging their reputation. They do not want rogue landlords in the system; they want them to leave the playing field open to people who are decent and who uphold the law.

Barry Gardiner (Brent North) (Lab): I, too, support the Bill. The hon. Lady will be aware that, since 2010, renting has become £1,020 a year more expensive, on average. It is now the most expensive form of tenure. In the name of fairness, should we not also be addressing that issue?

Sarah Teather: I am going to try to avoid getting into the wider issues today, partly because I am keen to ensure that we have consensus on the narrow points in my Bill. However, the hon. Gentleman has had this opportunity to make his point and it will appear in *Hansard*. Also, the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Bristol West (Stephen Williams) is in his place and he will have heard the hon. Gentleman's point.

I shall be leaving Parliament at the next election, after 12 years as an MP in Brent, and I have put in for private Members' Bill ballots many times over the years and not been successful. It is therefore a huge privilege for me to be selected so high in the ballot this time, particularly in my last few months in Parliament. I recognise that an awful lot of MPs wait for years for an opportunity like this as a Back Bencher, so when I found out that I had come up in the ballot, I was determined not to squander it by pursuing something very party political and divisive which had no chance of getting through. Instead, I wanted to use the opportunity to make a real difference to people's lives by introducing a proposal for improvement that could command cross-party support and had a chance of becoming law.

Mr Andy Slaughter (Hammersmith) (Lab): I congratulate the hon. Lady on this Bill, which has support from Labour Members. Has she been assured that it has Government support? What I hope we are not going to see today is ostensible support from the Government while Government Back Benchers talk out her excellent Bill.

Sarah Teather: I have been assured that the Bill has Government support. Unfortunately, each person in the House will have to follow their own conscience—[*Interruption.*] I shall leave their consciences pricked and hope that they do the right thing.

I have heard about many cases such as Jo's over the years in Brent, and about many others, where fear of eviction has prevented someone from complaining to a landlord about a problem. I know that this issue needs tackling, but I want to place on the record how grateful I am to Shelter for suggesting this topic to me, for all its work in campaigning on this issue, and for supporting me with preparation and drafting of the Bill.

Annette Brooke (Mid Dorset and North Poole) (LD): I congratulate my hon. Friend on introducing her important Bill. I also congratulate the many organisations that have given it their wholehearted support. I wish to reinforce a point that she made: there is a real fear of eviction. I know of people living in damp conditions who dare not put in a complaint. Removing that fear, without putting any extra burden on good landlords, is vital.

Sarah Teather: I absolutely agree with my right hon. Friend about that. The fear of eviction has a chilling impact on the sector, and it also hugely damages the reputation of good landlords and the relationship between tenants and their landlords.

Tessa Munt (Wells) (LD): I congratulate my hon. Friend on this Bill, and she will know that my team and I have been working on this problem. As an MP, it is most distressing when tenants come to us with a problem, the landlord takes advantage of the fact that so many tenants are looking for properties and new tenants move into a property once the first ones have been evicted, and then the new tenants come to the MP with exactly the same problem, and this repeats and repeats itself, sometimes on a six-monthly cycle.

Sarah Teather: That can be extremely frustrating, both for MPs and for those in local councils and in citizens advice bureaux, who may see the same problem in the same property over and over again. I want to place on the record my thanks to the citizens advice bureaux in Brent, which have campaigned on this issue for a long time, and to Generation Rent, which has been very supportive. I also wish to pay tribute to the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Bristol West for all his help and for the support of his officials in championing the Bill across government. I well remember from my time as a Minister that getting cross-government agreement on anything requires sustained focus from a Minister, and I am extremely grateful that the Government will be supporting the Bill today.

Dr Matthew Offord (Hendon) (Con): Although I support the Bill, a lot of emphasis has been put on so-called "rogue" landlords and, having been a landlord, I know that things are not always as they are portrayed. Will the hon. Lady reassure the House, and reassure me, that the Bill will not allow rogue tenants to frustrate the process of eviction when they do not comply with their tenancy agreements?

Sarah Teather: Absolutely; the Bill has been carefully drafted to make sure that spurious complaints cannot be a reason to frustrate the eviction process. In addition to the clauses relating to retaliatory eviction, the Bill contains other clauses about simplifying the process for applying for a section 21 notice to make it easier for

landlords who are operating entirely legitimately to make sure that they comply with the law. At the moment, we often have situations where a landlord may serve a section 21 notice and find that they have fallen foul of a technicality when they were operating perfectly legitimately. So the Bill is not all about skewing everything in favour of the tenant; it contains some simplifying elements, too.

Mr Slaughter: That is the most pernicious use of section 21 notices, but does the hon. Lady agree that the ability to have a no-fault eviction—quickly getting rid of tenants for no reason—is a problem? Will she continue to lobby for tenants' rights, even when no longer in the House, including for longer tenancies and controls on rent increases and proscriptive letting fees? In other words, will she support a future Labour Government on that?

Sarah Teather: I am inclined to say that the hon. Gentleman has made his point and move on.

I want to stress that the Bill is not an outright attack on section 21. Members of the House will have very different and varied views on the future of section 21. Some will think that it should be touched as little as possible, and others will want to reform it significantly or even get rid of no-fault notices. The Bill is not about getting rid of section 21; it is about operating within the current legal structures and trying to protect tenants who, at the moment, find that they cannot uphold their right to live in a decent property. Although it is stated elsewhere in the law that landlords ought to comply, at the moment they do not have to, because they can simply get rid of tenants when they complain. If Members want to remove section 21 notices, they will have to bring in their own Bill, because that is not what this one does. I want to make that clear, as I have done to landlord organisations. This is a relatively moderate change that I hope will protect tenants, not an enormous ripping up of the current legislative framework.

Dr Offord: I thank the hon. Lady for giving way again; she is being very gracious. There is legislation that allows environmental health officers to inspect properties. Does she feel that that offers adequate protection, or is this legislation vital?

Sarah Teather: The problem for environmental health officers—I was going to make this point later—is that, as many of them told Citizens Advice for a report in 2007, they know that the consequence of intervening is often that the tenant is evicted. That prevents councils from making full use of the powers available to them. There really is no point having legislation that gives councils powers to intervene if they are too afraid to use them to drive up standards for fear of ending up with tenants being evicted. Again, this is about trying to ensure, through a small tweak, that the existing law works better.

Mike Thornton (Eastleigh) (LD): Does my hon. Friend agree that that will level the playing field for good landlords who are really interested in helping their tenants, because they will be able to provide decent accommodation that is well looked after without being undercut by rogue landlords who are not interested in their tenants at all?

Sarah Teather: That is a perfectly fair point. Good landlords who make the necessary repairs get very frustrated when rogue landlords who treat their tenants extremely badly undercut them on rent.

Before talking about the context of the Bill, I want to thank the many colleagues on both sides of the House who have sponsored the Bill, spoken in favour of it and lobbied the Government to ask them to support it. I also thank Opposition Front Benchers for their engagement on the issue. Getting the Bill on to the statute book will require Members with radically different views to support it in the Lobby. I am very grateful for the engagement I have had from many colleagues already. I hope that they will support the Bill today in the Lobby and at all subsequent stages.

Mr David Heath (Somerton and Frome) (LD): My hon. Friend is right that Members with very different views will support the Bill, but is not what unites them the fact that this is about preventing those who are strong—economically strong in this case—from bullying those who are weak? That is what Parliament is about, whichever party we belong to: protecting people against bullies.

Sarah Teather: The problem with retaliatory eviction at the moment is that the people who are most likely to fall victim to it are those who have the least agency in being able to help themselves. That relates to my next point, which is on the extent of the problem—how wide it is and who appears to be affected by it.

YouGov conducted a survey on behalf of Shelter and British Gas, surveying 4,500 private renters. It found that one in every 50 tenants had been a victim of retaliatory eviction, having been evicted or served with an eviction notice in the past year because they had complained to their landlord or local council about a problem in their home. With a very large private rented sector across the country, Shelter estimated by extrapolating those figures that 213,000 renters experienced that problem last year. That is a significant number of people, and the problem appears to be much worse for some groups living in areas where housing demand is very high. In London, for example, three in 20 renters surveyed reported being a victim of revenge eviction, and nearly one in five black and minority ethnic families renting in the capital said that they had been affected. Those numbers, particularly in London, explain why we have had support from the Mayor of London for this campaign.

We should be careful of assuming that the problem affects only London. The Citizens Advice report that I mentioned highlights the knock-on effect that the practice of revenge eviction has on renters. The report opens with the story of a woman from Merseyside who had been living alone in her private rented flat for 13 years and who suffered from Crohn's disease. She sought advice from her local citizens advice bureau because the property was damp and the windows did not close. The landlord had recently replaced the gas fire with a two-bar electric fire that was expensive to run and did not sufficiently heat the property anyway. As the woman was receiving benefits, it was becoming increasingly hard for her to survive.

After they were approached for help, the local CAB advisers were able to secure a grant from the Warm Front scheme for gas central heating. It would not cost

[Sarah Teather]

the landlord anything, so initially he seemed to be happy for it to be installed. However, on the day that the workmen came to survey the site, they decided they could not do the work because the gas meter was located in the flat on the ground floor, whereas the woman lived on the third floor. This could cause a massive safety hazard because if there had been a leak, she would have had to travel down two flights of stairs and try to gain access to a neighbour's home to switch off her gas supply. The landlord was told that he would need to pay £800 to have the meter relocated, which he was obliged to do to comply with his duties under the health and safety regulations. However, he refused.

The CAB advisers told the woman that she could take action to force the landlord to deal with the issues, but they also had to tell her that if she did, the landlord would be free to use a no-fault section 21 notice in retaliation, giving the woman two months' notice to leave her home. Despite all the difficulties that she was living with, she decided not to go ahead, as the landlord had been known previously to evict people who had asked for problems to be fixed. As a result, the woman had to continue to live in conditions that were detrimental to her health.

The fear of revenge eviction is just as real as the incidence of it, and it has a chilling effect on the sector, on the powers that environmental health officers feel they can use, and on the relationship between landlords and tenants. It stops people being able to enjoy their right to live in a decent property. It is also a real problem for local authorities, which are not just frightened of the impact on the tenant if they take action, but well aware that if they do take action and the tenant is evicted, they are likely to end up with an extra homeless person on their books, placing additional burdens on councils to rehouse them. It is no wonder that many councils appear reluctant to use all the enforcement powers available to them.

Because of those issues, the Bill has received widespread support. I mentioned Shelter, Citizens Advice and Generation Rent. Further supporters are the Chartered Institute of Environmental Health, the Association of Tenancy Relations Officers, the Electrical Safety Council, the National Union of Students, PricedOut, the Tenants Voice, the Chartered Institute of Housing, the Mayor of London, the Local Government Association and the Local Government Information Unit. Supporters also include many organisations that one would not expect to be on the side of tenants. Nationwide, for example, which is one of the largest providers of mortgages, supports the Bill because it believes that it will have a good effect on those who are providing rented accommodation.

As I said, most landlords want to treat their tenants with respect and with decency. They take pride in doing repairs promptly, and they want to keep good tenants in their property paying rent. In drafting these protections, I have been very mindful of making sure that we can intervene to prevent unfair evictions but do nothing to dissuade law-abiding landlords from operating or to place undue burdens on those who are behaving well.

During the drafting of the Bill, I was extremely grateful to the many landlords' associations and individual landlords who contacted me and to those who engaged

with consultations held by the Department for Communities and Local Government. Comments made during that process fed into the version of the Bill that is now before us. In drafting it, great care was taken to make sure that it impacts only on landlords who are not fulfilling their legal obligations. It should not impact at all on the work of the vast majority who want to provide good-quality, safe homes for their tenants.

In short, the Bill seeks to provide tenants with protection from retaliatory eviction by limiting landlords' ability to issue a section 21 notice. Clause 1 would prevent a landlord from issuing section 21 notices on a tenant within six months of the serving of a notice by a local authority in response to a serious problem in the property. The types of notice that would trigger this restriction include improvement notices, hazard awareness notices, and notices of emergency remedial action under the Housing Act 2004.

The clause would make a section 21 notice invalid if, before the notice was served, the tenant had made a complaint in writing to the landlord, the landlord's agent or the local authority about the property, and after the section 21 notice had been issued the local authority had inspected the property, found the problem indeed to be serious, and served a notice on the property. I want to stress that the complaint must have been made prior to the section 21 notice being issued. This is not a charter for people to make spurious complaints and frustrate the process right at the end of eviction. They will need to have made the complaint already. This is about tackling retaliatory eviction.

Stephen Gilbert (St Austell and Newquay) (LD): Is not the six-month sanction in line with six-month sanctions that already exist in legislation where a landlord withholds a deposit from a tenant or fails to license the property properly, and the Bill does not go beyond that in protecting tenants from certain forms of harassment by landlords?

Sarah Teather: There are certainly restrictions on the use of section 21 notices if landlords are not compliant with the tenancy deposit scheme. This is about extending the law by making a similar provision so that a landlord cannot leave their property in a terrible state of disrepair and then, when their tenant tries to get some joy out of them in getting them to repair it, they retaliate by evicting the tenant.

Under clause 1, tenants would be able to defend against a landlord's claim for possession under section 21 by establishing that prior to the service of the notice they had made a written complaint to the landlord or local authority but the local authority had yet to complete the inspection process. To ensure protection for the landlord, clause 2 allows courts to ignore this defence if they decide that the tenant's complaint is completely without merit.

Mr Christopher Chope (Christchurch) (Con): That would involve having to go to court, with all the time taken, expense and uncertainty of litigation. Does not the hon. Lady think that it would be much better to have a similar provision that did not require going to court?

Sarah Teather: In most cases, if an enforcement notice is in place, the accelerated process of eviction would be quashed prior to going to court. However, there will be

cases where it is right and proper that the landlord is able to defend themselves. This is about fairness. There is a balance to be struck in how we structure this. I do not want to skew everything in favour of the tenant so that the landlord is unable also to exercise his rights. Clause 2 also contains other important safeguards for the landlord. For example, it contains a requirement for the issue in question not to have been caused by the tenant. Clause 2 also allows for section 21 notices to be issued when the local authority had served a notice on the property if the landlord is genuinely seeking to sell the property.

I do not wish to go on for significantly longer. If there is a lot more time available later, I would like, with the leave of the House, to make some comments in response to what other Members say. What I will say is that a number of the Bill's other provisions are about clarifying things for landlords and making some things easier for them if they are operating entirely legitimately. Clause 3 in particular clarifies the law following the decision in *Spencer v. Taylor*, a Court of Appeal case pertaining to technical details of how a section 21 notice is served. There are also provisions enabling the Government to produce a prescribed form on section 21 notices, which should clarify things both for tenants and for landlords.

In short, this is a very moderate Bill that would introduce relatively small changes to the law. It is very much in keeping with what many other countries do, including some that one would imagine would have an extremely right wing and libertarian attitude towards housing supply in the private rented sector. Most have protections to stop tenants being victims of revenge evictions, because that is not good for tenants, landlords or society. The Bill proposes a moderate change and I urge colleagues to support it.

10.11 am

Teresa Pearce (Erith and Thamesmead) (Lab): I congratulate the hon. Member for Brent Central (Sarah Teather) on promoting this Bill.

I support the Bill because, in all contracts and business arrangements we enter into, we expect goods that are fit for purpose. We expect the product to do what it says and to get what we pay for. How come, therefore, that when a landlord enters into a contractual arrangement with a tenant and says, "I promise you a dwelling that's fit for purpose and you'll pay me to use it," the law does not afford tenants those basic rights? How is it that if a landlord enters into a contract with a tenant and provides a substandard, unsafe property and the tenant challenges that product's fitness, they can be thrown out on to the street in an act of revenge?

This is an ever-growing problem. The number of people renting properties in the private sector is growing. I am a London MP and over the past 10 years in London alone, the proportion of families renting has increased from one in 10 to one in four. If we take into account population growth, we will see that that is a 119% increase in the number of families in rented accommodation.

In my constituency of Erith and Thamesmead, almost a fifth of all families live in private rented accommodation. That is a lot of people and a lot of landlords. A lot of the landlords in my constituency are good, reputable landlords who provide secure premises for families to

bring up their children, but I have to say that a lot of other landlords are not like that at all. I met a constituent yesterday who is living in a house of multiple occupancy where no one can use the cooker because they get an electric shock every time they touch it, and no one will report the landlord because they are in a house of multiple occupancy—it is temporary accommodation—and they are afraid. It is my job to speak up for those people and that is what I am doing today.

Mr Chope: The hon. Lady raises a serious issue, but surely it is possible for her to refer it to the local authority to deal with under its statutory duties.

Teresa Pearce: Of course, that is entirely proper and it is exactly what I did yesterday. However, both of the local authorities that my constituency covers have had massive cuts to their budgets and the team of officers who usually carry out inspections is now very small. The number of complaints outweighs the facility available to deal with them. That is an issue for another discussion on another day.

I am very concerned about the private rented sector. I held a Westminster Hall debate on housing in London, in which I explained why it is a crucial issue for London and my constituency. As I have said, there are many good landlords who offer their properties in a safe and satisfactory condition, understand their responsibilities and have good relations with their tenants. It is almost because we need to protect the reputation of landlords in general that we need the proposed laws to be introduced.

I have seen at first hand how unscrupulous landlords charge extortionate rates for substandard properties, and families have to uproot more regularly, with no long-term security, which is not good for anybody. I have met families with children under 10 who are in their third primary school because they have had to move consistently. I have spoken to teachers who say that the constant churn in primary schools is making it very difficult for children and classes to achieve their potential. It is not surprising. As Shelter has said, renters are 11 times more likely to move than somebody in a secure property with a mortgage. Frequent moves can have a negative impact on children's education. Government researchers found that frequent movers are significantly less likely to obtain five A* to C GCSE grades, or be registered with a GP. Children from the poorest backgrounds are being failed.

Secure homes make for secure communities and better citizens. In the end we all pay for the consequences. We all pay for the consequences of those whose education is impaired by their overcrowded and chaotic living conditions. We all pay for the health care costs of treating illness from damp and cold properties. We all pay for the consequences of families living in uncertainty and substandard housing.

I have today written to the Chancellor and HMRC to ask for current figures on another way that we all pay for this problem. The most recent figures I could find are from 2012, and they show that HMRC estimates that £550 million of tax on rental income is not declared or paid. That is an enormous tax gap and, for the reputable landlords who do their accounts and pay their tax, it is totally unfair that such people are bringing the whole market down.

[Teresa Pearce]

The hon. Lady discussed the operation of section 21. The Bill will not restrict the rights of landlords to evict tenants who are in rent arrears. Citizens Advice data point to a consistent correlation between inquiries from private tenants not in arrears about possession action or threatened homelessness and inquiries about repairs and maintenance. We should not be swayed by arguments that tenants who seek repairs or better standards are troublesome tenants. These people are just trying to protect their own health and safety and that of their family. They are not the stereotypical tenant who does not pay their rent.

In the past year, Citizens Advice has seen a 38% increase in inquiries about eviction problems in cases where people were up to date on their rent—it was the property that was the source of the problem. Tenants can be helpless if served with a section 21 notice. When tenants seek advice from Citizens Advice about a landlord's failure to address maintenance problems in a property, their advisers inform the tenant that if the landlord responds by serving a possession notice they will be within their rights to do so. Many tenants at this stage choose not to pursue their complaint and continue to live in a place that is not fit for purpose. Many of these people are in work—although some are not—and claiming housing benefit, which is our money. That means that taxpayers' money is being paid to disreputable landlords to house people in conditions that affect their health and the education of their children. We then hear from HMRC that the landlords are not paying tax on their rental income. Many landlords in my constituency insist on the rent being paid in cash. That cannot be right, and it is that behaviour that the Bill seeks to tackle.

The Bill contains protection for landlords. It cannot be used as a last-minute delay to eviction. If challenging an eviction notice, the tenant will have to prove that they made a complaint about conditions before the notice was issued. They will lose their ability to challenge the eviction notice if they do not do so within a two-month period. The Bill specifically prohibits renters from raising issues that are their own responsibility. Environmental health officers are well trained in assessing whether a defect is longstanding and genuine, or exaggerated and manufactured. The Bill does not add a discretionary element to section 21 possession cases. Renters will not be able to use spurious complaints to slow down court proceedings. If an improvement or hazard awareness notice is served, the eviction notice is invalidated. If it is not, then the landlord is free to proceed.

It is unacceptable that private renters are being forced to pay huge rents for properties that are in poor or dangerous conditions. It is worse still that they are reluctant to raise their concerns with their landlords because of the fear of eviction. We have a situation in which many people feel they have to choose between living in unsafe or uncomfortable conditions and losing their home. That cannot continue. The word "home" should mean more than just the roof over our head: it should mean security, a place of safety and a sense of belonging. But for a large percentage of people now living in insecure and unsafe private rented accommodation, their home provides none of those things. The Bill would go some way to redress the imbalance.

There is so much more to be done. We should legislate for longer term three-year stable tenancies; predictable

rent increases through the life of the stable tenancies; a ban on letting agents' fees; and local authority reporting of landlords in receipt of housing benefit to ensure that HMRC can close the tax gap. I support the Bill as a step in that direction.

10.19 am

Stephen Gilbert (St Austell and Newquay) (LD): It is a pleasure to join so many colleagues from so many different parts of the country in this very important debate. I hope to be among so many colleagues from all parts of the House who seek to right a wrong and address injustice. All of us have constituencies to serve, often in far flung parts of the country—were it not for this debate, I would be attending the opening of the refurbished Treverbyn town hall, and I wish my constituents well in that—proving the point made by the hon. Member for Erith and Thamesmead (Teresa Pearce) that this problem affects not only London and metropolitan areas, but constituencies such as mine and more rural parts of our country.

This matter is not just an urban phenomenon. It is often a lazy assumption that private renting is just a city-based phenomenon, but there are more than 18,000 private renters in my constituency. That is the same number of people who live in St Austell, one of the largest towns in my constituency. As hon. Members know, conditions in the private rented sector can be poor. I have had constituents in my surgery in tears because of problems with damp, boilers and hazard notices being served on their property, and, as the hon. Lady said, a lack of legal clout to redress the power balance between tenant and landlord. I am keen to congratulate my hon. Friend the Member for Brent Central (Sarah Teather) on introducing the Bill, because it provides us with the opportunity to debate and address the power imbalance at the heart of the relationship between tenant and landlord.

The private rented sector has expanded dramatically in the past 30 years. There are now 9 million private renters in England, but, as hon. Members have said, legislation has not moved with the times. Demand far outstrips supply, reducing the power of consumers, the renters, and leaving them vulnerable to the malpractice that exists in the industry. Hon. Members have been clear that it is the malpractice of a minority of landlords, but to ensure good standards for everybody we need to address malpractice where we find it. We must also congratulate landlords who respond well to the needs of their tenants, and treat them in a fair and equitable way.

We have ourselves partly to blame: we have been slow to react to the increase in the private rented sector and the problems that have come with it. As my hon. Friend said, more than 200,000 people have been either evicted or served with eviction notices in the past year alone. That is a considerable number. I am sure we have all had tenants with legitimate complaints about their homes coming to see us in our surgeries over many years. The Bill is timely.

As I said to my hon. Friend in an intervention, the Bill is also proportionate. If we consider how tenants are protected in other areas, we see similar levels of protection to those proposed in the Bill. If a landlord withholds a deposit, tenants cannot be issued with a section 21 notice for six months. That is logical and fair. If a landlord has failed to license a property properly,

tenants cannot be issued with a section 21 notice for six months. That, too, is logical and fair. The same should be true when tenants make legitimate complaints regarding the failure of landlords to carry out repairs they are legally expected to carry out. Tenants should not receive a section 21 notice for six months—logical, fair, proportionate and exactly what the Bill proposes.

I congratulate my hon. Friend the Member for Wells (Tessa Munt), who is not in her place at the moment, on securing a motion on this issue at the Liberal Democrat party conference in October. More importantly, I congratulate those from all sides of the House on their support, across parties, for the Bill. Occasions when the House unites to address an injustice show Parliament at its best. I think we should see more of that and less of the partisanship we are sometimes prone to in this place.

Dr Offord: I look forward to the hon. Gentleman voting with us on Monday.

Stephen Gilbert: Well, we can look forward it. [*Laughter.*]

Rogue landlords should not be able to deprive tenants of the fundamental right to enjoy their property in the way we all hope to enjoy the place we live in. However, we should also remember that section 21 notices are not the only possession rights that landlords have; they will retain their section 8 rights as well, meaning that tenants who break their agreement with the landlord—through antisocial behaviour, for example—could still be legitimately evicted. This would instil balance and fairness in the relationship. Good tenants and good landlords would be protected, and landlords who have problems with rogue tenants would still have legal redress.

Landlords would also benefit from the local authority's ability to be an independent judge of legitimate complaints. Colleagues will be perhaps too familiar with improvement and hazard notices. I have come across them many times in my casework, so I am sure others have as well. These notices would act as a fail-safe in respect of perhaps the biggest concern landlords have: whether people can make spurious claims to stay in a property. By ensuring that complaints are verified by the local authority, good landlords will be protected.

Ms Karen Buck (Westminster North) (Lab): I support the Bill and the comments people have made, but does the hon. Gentleman share my concern that environmental health officers, who are the unsung heroes of action against the significant minority of landlords who keep tenants in bad conditions, are under enormous pressure, as local authorities face up to a 50% reduction in their funding; that there is a massive variation in the ability of EHOs to issue hazard notices and take enforcement action; and that none of this is properly recorded either? If we are to make these measures work, it has to be on the back of consistent and properly funded environmental health organisations.

Stephen Gilbert: I do not disagree with the hon. Lady's fundamental point: many EHOs and local authority departments are facing significant pressures. However, there is a plus side to the Bill. At the moment, we cannot track improvements to housing stock, because we are not clear where the poor housing stock is. As renters come forward, challenging their landlords under the provisions in the Bill, and as their complaints are verified by environmental health departments, we will

be able to track improvements across the country and see the general uplifting of standards. I absolutely share her view that we need to resource local authorities properly so that they can perform their statutory duties, and of course EHOs are no exception, but the Bill gives us the opportunity to ensure continued improvement in the housing stock and to ensure that poor conditions cannot endure.

To conclude, it is hard-working people living in poor conditions and too afraid to speak out for fear of eviction who would most benefit from this Bill—we all see them in our surgeries. It would introduce a proportionate and timely system of legal redress to tenants who otherwise would live in fear of unfair eviction by those few rogue landlords across the country. That is why I will be joining my colleagues today in supporting the Bill.

10.28 pm

Jeremy Corbyn (Islington North) (Lab): I hope that the Bill makes good progress today, and I compliment the hon. Member for Brent Central (Sarah Teather) for introducing it and for being very brief. I hope that all other Members will be suitably brief, as it is perfectly possible for someone to say why they support the Bill in 10 minutes, and it is also perfectly possible for those with doubts about it to express those succinctly in less than 10 minutes, so we should be able to conclude these proceedings today. I hope that the House will give the Bill a Second Reading so that we can make some progress on behalf of the many people in this country who are frightened of their living conditions. We should bear that fact in mind today.

I congratulate the hon. Member for Brent Central on securing her position in the ballot and compliment her on her work on many other issues, especially her chairing of the all-party group on refugees. We should all thank her for being an exemplary chair of that effective group.

I think that my constituency has more private renters than almost anywhere else in the country, as more than 30%—27,000 tenants—of the community lives in the private rented sector. As my hon. Friend the Member for Erith and Thamesmead (Teresa Pearce) said, there is a wider debate about the need for significantly more legislation to improve the conditions of those in the private rented sector, including over lengths of tenancies and rent levels. I recognise, however, that the Bill is strictly limited to one aspect of the security of tenure of people living in the private rented sector.

At the moment, someone taking a flat in the private rented sector will normally get it for six months. They have no control over the rent, and in my community, as indeed in many across London, rents are going up far faster than anything else—far faster than the rate of inflation and certainly far faster than wages, and way above the benefit cap level. That means that there is social cleansing in all of central London, and now even in the London suburbs, as people are forced to move away because they can no longer afford to stay in their flat.

Ms Buck: One reason why I was unfortunately slightly late in arriving this morning—I had hoped to hear the hon. Member for Brent Central (Sarah Teather) introducing what I believe is an important Bill—was that I was dealing with the eviction of a nurse working for the

[*Ms Buck*]

Imperial hospital trust whose landlord has just put up the rent on her property, which also had disrepair problems. The local authority has offered her a property that would involve her making a two-hour commute, so she will almost certainly no longer be able to continue working for the hospital. Not only will she have to move yet again, but the hospital is likely to lose a qualified nurse.

Jeremy Corbyn: I thank my hon. Friend for that point. Sadly, it is a familiar story that when families or individuals are evicted and forced to move a long way away, they cannot continue their job. If they are desperate to keep their children in their existing primary school, those children may be forced to undertake journeys that are totally inappropriate for someone of their age. When I get on the train—a very busy one—in the morning at Finsbury Park station to come here, it is depressing to see the number of primary school children coming to the station. They do so because they have been forced to move a long distance away and are making the journey to try to retain their place in the local school and their part in the local community.

We need stability in our London communities, and that will be best achieved through the proper regulation of the private rented sector. The Bill would give tenants protection in respect of the poor conditions in which they are too often forced to live. I have experience of tenants complaining about the conditions in their flat, such as dangerous electrical conditions, inadequate heating, poor-quality windows, badly fitting doors, leaking roofs and excessive damp. Some of the places are so disgusting that they would do credit to *Rachman*, quite honestly.

I agree with what my hon. Friend the Member for Westminster North (*Ms Buck*) said about environmental health officers. They are the unsung heroes of the time through the work that they try to do. However, if people complain to the environmental health service, their landlord may then end the tenancy, meaning that those people are evicted and then have great difficulty finding anywhere else to live. In some cases, they could be declared as voluntary homeless, rather than involuntary homeless.

Some tenants believe that by withholding rent, they can force their landlord to carry out repairs. That might work sometimes, if the landlord decides that the repairs should be done so that they can get the rent in the normal way, but that is not a good system because the tenant does not have the protection they think they do for retaining their tenancy. The issue must be the protection of the tenant where there are bad conditions, and a local authority's ability, through the environmental health service, to enforce decent, safe and sustainable conditions for the tenants, and that is what the Bill is designed to achieve.

This is no small matter. According to Shelter, there were 200,000 evictions over the past year because of complaints about environmental conditions, so I think it is time that we—the House of Commons; Parliament—did something about that and provided protection. A YouGov survey commissioned by Shelter found that one in eight tenants had not asked for repairs to be carried out in their home or challenged a rent increase because of fear of eviction. If one thinks of the size of

the private rented sector in Britain, that means that a very large number of people are so frightened about the security aspect of having somewhere to live that they have not dared to exercise their legitimate rights to complain. One in 50 tenants has been evicted or served notice in the past year because they complained to their local council or landlord about problems in their homes. Certain groups are more likely to suffer retaliatory eviction: 10% of black and ethnic-minority households and 5% of households in receipt of housing benefit have experienced the problem. It is particularly prevalent in London, which is a very high-demand area, but it is not exclusively a London problem.

We need to pass the Bill today and then bring it into law as a sign that Parliament has taken account of the fundamental changes that are taking place in the housing market. The number of people living in owner-occupied accommodation is falling nationally—in my constituency, it amounts to fewer than 30% of households—and unless we offer decent security and good-quality conditions to people in the private rented sector, we pay the price. We pay the price in terms of under-achievement in schools and the disruption of children's lives throughout their educational careers, and because if families are forced endlessly to move, they often, as we heard, lose jobs and opportunities as a result.

Although limited and specific in its requirements, the Bill would mean an awful lot to an awful lot of people. It would give them the security that they need. It would say to bad landlords—not all landlords are bad but, sadly, a considerable number are—“We have noticed what you are doing, we are on your case, and if you are going to make money out of letting a property, you will have to maintain it to a good standard rather than blaming your tenants for your inadequacy in looking after it.” I hope that the House passes the Bill today and we get it through before the end of this Parliament, so that we can say that we have done something for those people. Tenants in the private rented sector, of whom there are 27,000 in my constituency, deserve the same security as those in council and owner-occupied properties. They deserve to be able to live in decent, safe, clean, dry and secure accommodation, and I hope that we can achieve that today.

10.37 pm

Bob Blackman (Harrow East) (Con): Let me begin by drawing the House's attention to my entry in the Register of Members' Financial Interests.

It may seem strange to some of my colleagues that I, as a free-marketeer, should wish to interfere in a market—the private sector housing market is clearly a market—but I support the Bill, and for several reasons. Although its focus is narrow and it does not address the wider implications and concerns that have been raised by Members on both sides of the House, that narrow drafting is deliberate, as is intended to secure support throughout the House. That is one of my reasons for being strongly in favour of it.

There are three sorts of private sector landlords. There are the big landlords who have big organisations behind them and many properties—it is their business. There are also the accidental landlords, who have inherited properties—they often have only one or two—and try to let them, as well as other groups of people with

relatively small numbers of properties. Then there are the bad, rogue landlords, who are the ones whom we should seek to target. There are not many of them, but they often cause misery to their tenants.

To my way of thinking, when a contract is entered into for the supply of a service, be it the occupation of a property in the private rented sector or any other service, there are obligations on both sides. There are obligations on the tenant to pay the rent, to keep the property in reasonable order, not to behave in an antisocial manner, and to allow the landlord access to the property. There are also obligations on the landlord: they should maintain the property in good repair, ensure that people have a decent place in which to live and charge a reasonable rent. That is not unfair or unreasonable, but it is clear that a small set of landlords are causing immense problems.

In the private sector, tenancies are now normally for six months. They may be rolling tenancies and they may be renewed. During that time, landlords can, at their convenience, say, "I want the property back," and serve a section 21 notice, and the tenants then have to leave. Like many Members on both sides of the House, I regularly have families coming to my surgeries or to meetings to say, "We are being evicted by our landlord. We have done nothing wrong. We have had problems. We have complained about mould, damp and the conditions of the property, yet the landlord refused to take proper action and, shortly afterwards, an eviction notice followed." That cannot be right or reasonable. The law should contain a clear protection so that tenants know that they can ask for reasonable repairs to be carried out without the threat of retaliatory action and eviction. That is a reasonable position to adopt, which is why I am strongly in favour of the Bill.

The Bill would not protect unruly tenants who cause trouble, damage properties or fail to pay their rent. The contract has to be two-sided, so the protection should be on both sides. I have been approached by a number of landlords. Across my constituency, there has been a dramatic change in the type of tenure. Harrow East has traditionally been an owner-occupier-type constituency, but many owner-occupiers have moved out and rented their properties. Often those properties are not maintained in a decent, working condition for the tenants, which causes misery not only to the tenants, but to the people who live in adjacent properties. A responsibility flows across the piece. I recognise that the problem is not confined to London—it affects cities and towns throughout the country—but it is affecting London dramatically, and it is clear that action needs to be taken.

As I have said, the Bill is narrowly focused. I ask my hon. Friend the Member for Brent Central (Sarah Teather) to address one point when she sums up because I have a slight dilemma with the Bill. When a notice of disrepair is served on a property, major repairs are often required and the tenants may have to move out to allow the repairs to be effected. Some landlords say, "I'll honour that by evicting the existing tenants, doing the property up and re-letting it to other tenants," but I do not think that the Bill deals with that situation. I agree with the principles of the Bill, but that issue will have to be looked at in some detail in Committee so that we can ensure that the Bill does not have unintended consequences.

The Bill is much needed and there is a strong case for it. The clear issue is to ensure that tenants have rights and that landlords also have protections. My strong view is that bad tenants will not be protected by this

legislative change and that good landlords have nothing to fear from it—those two things come together. The Bill would tweak the market, rather than fundamentally reform it, which is why I strongly support it. I trust that today we can support it in principle so that it receives its Second Reading and we can get it to Committee, where detailed changes may need to be made to strengthen it and to ensure that it does not have unintended consequences.

The Bill sends the fundamental message to good landlords who do a good job of maintaining their properties, providing a decent facility for people to live in and charging a reasonable rent that they will be protected. It sends the message to bad tenants that if they make spurious, stupid or irrelevant complaints, they will not be protected. However, if tenants have a fundamental complaint about a health and safety matter or about the condition of the property, and the local authority agrees that that should be fixed, they will be protected. The Bill strikes the right balance between landlord and tenant. For that reason, I am strongly in favour of it, and I trust that the House will support it today and ensure that it is on the statute book before the general election.

10.45 am

Caroline Lucas (Brighton, Pavilion) (Green): I, too, congratulate the hon. Member for Brent Central (Sarah Teather) on helping to put and keep this important issue on the agenda. I am delighted to hear how much support the Bill has from hon. Members on both sides of the House. No matter what background we approach this from, we all agree that the Bill is an important and proportionate response to a real problem.

I represent a constituency that, by 2021, will have more home renters than home owners, so I welcome the chance to set out my constituents' concerns and to back the Bill. In fact, a number of my constituents feel so strongly about the matter that they have come here to watch the debate. We cannot overestimate the misery and distress that is caused to tenants by the fear of eviction, meaning that they end up living and bringing up their kids in incredibly poor conditions.

Like many colleagues, I have been lobbied extensively about the issue. I echo the concerns of residents in Brighton, Pavilion that far too many people who rent in the private sector are not secure in their homes because of the threat of revenge evictions, and that too many have nowhere else to go, which is one of the things that makes the prospect of a revenge eviction so frightening. With the Government's cruel bedroom tax, attacks on housing benefit and other so-called welfare reforms, for many of my constituents, the risk of homelessness is higher than ever.

In those circumstances, landlords hold all the cards. They wield unreasonable power, and the vast majority of landlords who are reasonable and fair lose out because of an immoral, irresponsible and greedy minority who give all of them a bad name. It is that imbalance of power that I hope we can end today.

I would like to read from an e-mail from one of my constituents, who works for the highly respected Brighton Housing Trust. This is what she says from her experience of working on the issue, day in, day out:

"Each year, I see hundreds of tenants served with a Section 21 notice seeking possession because they have dared to complain to their landlord about disrepair in their accommodation.

[*Caroline Lucas*]

This has ranged from low-level complaints about dirty carpets and broken doors, to the more serious bed bug and rat infestations. One memorable case involved a pregnant woman with a young toddler, prevented from accessing her flat via her front door and reliant upon climbing up unsecured scaffolding with her pram simply to access her property.

Largely, these tenants are deprived and vulnerable, reliant upon housing benefit to pay their rent and terrified of being asked to vacate where so many properties remain completely beyond of the LHA rate, and without the funds necessary to pay deposits, administration fees, and rent in advance. Many weigh up the risks and decide that ultimately, living with even the most serious disrepair is better than facing street homelessness. This is not a choice that should have to be made.”

I completely agree that that is not a choice that anyone should have to make.

Many other cases have been brought to my attention, including by Home Sweet Home in Brighton and Hove, which was in Parliament today to lobby me. I pay tribute to its work and that of local organisations such as the citizens advice bureau and the Brighton Housing Trust, which support tenants when they make a complaint about the standard of their housing and, when that backfires, face the prospect of a revenge eviction.

I want to focus on tenants who are particularly concerned about damp and cold in their homes and the ill health that that causes for their kids. They simply want their landlords to undertake related repairs or to provide basic insulation. I have written to the Chancellor ahead of next week’s autumn statement asking why not one penny of Treasury infrastructure funding is devoted to energy efficiency. That failure is at the heart of why, at the start of the year, more than 2 million children in England were living in fuel poverty. A survey by Netmums found that one in four families have had to choose between heating and eating.

Allocating just 2% of the Government’s annual £45 billion infrastructure budget to retrofitting homes, cutting energy bills and tackling fuel poverty would allow 500,00 low-income homes to be made highly energy-efficient every year. Only that level of investment approaches the scale that is needed to tackle the scandal of fuel poverty.

Giving better protection to private rented sector tenants who ask their landlords to make their homes warm will make an enormous difference, too. A simple clarification of when a section 21 notice cannot be served could help to transform millions of lives and help to ensure that more people live securely in homes that are of a decent standard. The Bill is needed to protect all tenants who currently have to risk eviction or homelessness every time they ask for basic repairs to their home. I am backing it on behalf of the growing number of private rented sector tenants in Brighton, Pavilion.

I could say a lot more, but other Members wish to speak and I want to make sure that we have an opportunity to vote today, because it is clear that the Bill is supported by Members on both sides of the House. Let me end by telling one final story, which was brought to me by a tenant just a few weeks ago. His boiler broke down on 17 December last year. He contacted his landlord, who said he would send one of his people to look at it, which happened the next day. The verdict was that the boiler was dangerous, so the gas was disconnected. Later that same day, he contacted the landlord to ask what was

happening. The landlord said that he was off to Spain for a holiday and that the tenant should instead deal with the letting agent. The letting agent replied, “What do you expect me to do? It’s Christmas.” The agent allowed the situation to go on for three weeks before the boiler was repaired.

When the tenant complained to the agent that he had paid full rent for a flat he could not stay in, he was told that it was nothing to do with the agent and he should take the matter up with the landlord. The landlord said that he could not be bothered with all the hassle and told the tenant to go back to the agent. We can all imagine what happened when my constituent did go back to the agent. The agent said that the landlord had made a response, which was in the post, and it does not take a great deal of imagination to realise that what was in the post was a section 21 notice. The tenant was evicted. It took him months to recover financially, and now he would think twice before raising such concerns again.

That kind of practice is simply unacceptable, and we have the opportunity today to do something about it. The Bill is a proportionate response that has huge backing in the House. I hope that Members will not speak for hours and that we can instead proceed with ensuring that the Bill swiftly gets into Committee.

10.52 am

Mike Thornton (Eastleigh) (LD): As many hon. Members will be aware, I secured a Westminster Hall debate on electrical safety in private rented properties about a year ago. It was only at that point that I discovered, to my shock and horror, not only that there was no protection for people, as there were no proper certificates for electrical safety, but that if anyone complained, for instance to the council, as was their right, there was, as the hon. Member for Brighton, Pavilion (*Caroline Lucas*) said, a very good chance that a revenge eviction notice—a section 21—would come in the post the next day to evict a tenant who was just doing what was legally and properly their duty: protecting their family from danger in their own house.

One of my constituents, Mr Malcolm Parker, came to me with serious concerns about the electrics in his rented house in Eastleigh. He showed me pictures of what looked like a death trap. There was loose and exposed wiring, all in close proximity to water. The problem was evidently not new. If it had been, and if his landlord had immediately taken action to repair it, as a responsible landlord would do—and, I hope, as most landlords regularly do—the situation would not have come to my attention. However, unbelievably, my constituent’s landlord would rather take the risk of his tenants suffering real injury or death and of damage to his property than repair the defects.

My constituent finally complained to the council. The BBC was also involved, and the Under-Secretary of State for Communities and Local Government, my hon. Friend the Member for Bristol West (*Stephen Williams*), listened very carefully to my arguments in Westminster Hall about this case. My tenant was then threatened with eviction by his landlord, which is the very practice that my hon. Friend the Member for Brent Central (*Sarah Teather*) is trying to prevent. I appreciate the support that the Bill is getting from Members on both sides of the House, and I hope that many others will come to support it.

One of my close friends is a landlord. Before he rented his property out—to a very charming Polish couple, by the way, who work extremely hard, do not claim benefits and contribute to the economy—he spent a lot of time ensuring that it was in perfect condition. In fact, I am very jealous of that couple for living in such a wonderful property. If all landlords were like that, we would not be discussing these awful cases of people being evicted just for exercising their legal right to live in a safe, decent and warm property. I am shocked that, until a year ago, I did not know that such a thing was happening. That shows how ignorant I was. I apologise for arriving in this House in such a state of ignorance, but I suppose that we all have to learn sometimes.

I do have sympathy for landlords as things are not always easy for them. It is sometimes hard to deal with difficult tenants. I worked in the sector for quite a while, so I know that there were tenants who took advantage by not paying or leaving their properties in a terrible state. However, the Bill will not change landlords' ability to deal with that. It will still allow them to take decent action against tenants who abuse their tenancies, who do not behave properly, or who refuse to pay their rent. If rent is not paid, the landlord's house could be repossessed by the mortgage company through which the property could be bought in the first place, thus resulting in less accommodation for tenants who need it. Of course, one solution that would help to keep rents down, as the hon. Member for Erith and Thamesmead (Teresa Pearce) mentioned, would be more social housing and more help for housing associations, but that is an argument for another day.

Rogue landlords are as much a danger to good, decent, competent landlords as they are to their tenants, because if the problem keeps happening and some landlords do not behave responsibly, the House will be forced to introduce even more legislation to provide protection for tenants, which would make things even more difficult for decent landlords. I suggest that the House needs to send a message today by voting for the Bill.

Jeremy Corbyn: I compliment the hon. Gentleman on what he is saying. Does he agree not only that there is a

big increase in the number of private sector tenants across the whole country, and with that an increase in concerns, but that important groups such as Generation Rent are helping to put forward a good, sensible case for giving real security and protection, especially as it is likely that, in the very near future, almost a quarter of the UK population will be living in the private rented sector?

Mike Thornton: That should be examined more carefully. It is vital that we continue to consider the private rented sector because otherwise we may have to look seriously in a few years at not having one at all. It is vital that we make things viable and fair, and make living in a private rented property a decent proposition.

Sarah Teather: What is the situation in my hon. Friend's constituency? I was struck by the words of the environmental health officers quoted in the 2007 Citizens Advice report and by how aware they were that almost every case in which they intervened resulted in the tenant being evicted. That makes my council quite nervous about using the full force of its powers.

Mike Thornton: When I brought up the case to which I referred, Eastleigh borough council's housing department explained to me that the situation was difficult. As its main aim is to keep people in accommodation, it was very worried, and it said that it did not want to intervene too often. When I have been asked to get involved in cases, tenants sometimes do not want me to report anything because they are worried about eviction, and I think that that is probably true across the whole country. My hon. Friend makes a good point.

As a Government and as ordinary decent people, we have a duty to tenants. This is about common decency. We should be able to listen to tenants. If, as MPs, we are unable to listen to tenants and act on their behalf because we are worried that we will make their situation even worse, we are put in an incredibly difficult position. I think that most MPs are determined to help their tenants, and that is what they want to do—

Proceedings interrupted (Standing Order No. 11(4)).

Immigration Statistics

11 am

Philip Davies (Shipley) (Con) (*Urgent Question*): To ask the Minister for Policing, Criminal Justice and Victims to make a statement on the latest immigration figures.

The Minister for Policing, Criminal Justice and Victims (Mike Penning): I apologise on behalf of the Minister for Security and Immigration, who is in Rome on ministerial business, and of the Home Secretary, who is in her constituency with the Queen. I am afraid, Madam Deputy Speaker, that you have the oily rag and not the mechanic.

Yesterday the Office for National Statistics published the latest quarterly figures on net migration. Uncontrolled mass immigration such as that we saw under the previous Labour Government makes it difficult—

Kevin Brennan (Cardiff West) (Lab): What is happening now then? It has gone up.

Mike Penning: We will talk about the selective memory loss of the Labour party in a moment.

Such mass immigration makes it very difficult to maintain social cohesion. The Government have set about reforming the immigration system and made it clear that it will be fairer for British citizens and legitimate migrants. These rules are tough. We would like to see net migration reduced to what it was in the 1990s, as the Prime Minister has set out. As successive net migration statistics have shown, where we can control net migration, our reforms are working. Net migration from outside the EU has dropped by 25%, but net migration from inside the EU has grown. It is a really difficult situation and we are trying desperately to control it.

Although net migration from outside the EU is down, net migration from within Europe is up by 75%. It is not just about the figures that were released yesterday—that is the indication in all the recent figures. That is why the Prime Minister is outlining today the action he will take when he becomes the next Prime Minister in his negotiations with the EU on the benefit system for migrants coming to this country.

We have already taken unprecedented action to control benefits for those from the EU and outside the EU. We are continuing to consider how this can be done and how we can control it even better. We have reformed benefits, health care and housing rules to make them among the tightest in Europe and we intend to go further. The reforms we have made, including cutting EU jobseeker entitlements, will save British taxpayers £500 million over the next five years. We are proud of that record, but we need to do more. The shambolic situation we were left by the previous Administration must be addressed, but we inherited it and we are trying to make sure that we get things right.

Mr Kevan Jones (North Durham) (Lab): It is a shambles now.

Mike Penning: By making comments from a sedentary position, Labour Members are showing their selective memory loss about the mess they left this country in. Perhaps they would like to ask me in a moment about the mess they left us in and how we will try to resolve that.

Net migration from outside the EU is down and this morning the Prime Minister has outlined his plans to deal with the high levels of migration from within the EU. We intend to do that and to ensure that this country is a safe place to come for migrants when they need to come here but that it is not a soft touch.

Philip Davies: I am grateful to the Minister for that reply. These latest figures are not just disappointing, they are catastrophic. I do not doubt that when the Government and the Prime Minister pledged to reduce net immigration figures to the tens of thousands they hoped and intended that that would be the case. I also accept that nobody could have predicted that the UK would create more jobs in the year than the rest of the EU put together, acting as a massive pull factor when that pledge was made. However, is not the simple problem that the Government made a pledge that they were in no position to be able to guarantee while we are in the EU and while there is free movement of people within the EU?

Is it not time that the main political parties were honest with the British public and simply admitted to them what they already know—that is, that we cannot control immigration while we remain a member of the European Union. Why is it so difficult for the Government to say what is merely a statement of the bleeding obvious?

Madam Deputy Speaker (Dame Dawn Primarolo): Order.

Stephen Pound (Ealing North) (Lab): Obvious is not a word we use.

Madam Deputy Speaker: Thank you, Mr Pound. I know I can always rely on you for sound advice.

Mr Davies, I think that you need to rephrase that sentence. Using the word bleeding on the Floor of the House is not acceptable.

Philip Davies: I apologise, Madam Deputy Speaker. I meant the blinding obvious.

We know that the EU is not going to budge on the principle of the free movement of people and therefore we need to leave. Will the Minister explain why the part of the immigration figures that the Government can control—non-EU immigration—also went up in the past year and what the Government are doing to bear down on that?

Do the Government agree that these levels of immigration are completely unsustainable? Does the Minister accept that we cannot cope culturally with immigration at these levels? Does he agree that the NHS cannot cope with immigration levels of this magnitude? Does he accept that we cannot provide the school places fast enough and that we cannot build the houses needed for this level of immigration? We would have to build an entire Bradford district every two years to keep up and it is ridiculous to think that that is possible in any way. Does the Minister accept that?

The British public want immigration to be controlled, but more than that they want politicians to be honest and the honest truth is that we can control immigration only if we leave the EU. Does the Minister at least accept that?

Mike Penning: I have known my hon. Friend for many years and his views are well known. I agree with many of his views, but not with some of the views he has made public today. I do not think we can just stand back and say that we will not renegotiate at all and that we will just walk away from the EU. However, the Prime Minister has said today that the changes he has made are quite specific.

The Prime Minister made the statements he made in good faith, as I am sure we would all accept, but he could not have predicted the catastrophic eurozone economic catastrophe—

Mr Kevan Jones: The banking crisis.

Mike Penning: Yet again, from a sedentary position a Labour Member talks about the banking crisis that started under his party.

Madam Deputy Speaker: Minister, I would be grateful if you avoided taking up the challenge of any sedentary comments that are made and simply answer the points being made to you by the person who has had the Floor. If the shouting at you from a sedentary position persists, I will deal with it. I do not think that it is helping.

Mike Penning: Thank you, Madam Deputy Speaker.

The Prime Minister made a promise and a commitment in good faith, and I accepted that, like we all did. When we make a commitment, however, sometimes we do not know what is coming down the line. That promise was made, but we have never seen immigration from the EU at the levels at which it is at the moment, and we must do something about that. If one method does not work, people have to try another. If they are out there trying to negotiate and feel that they are not getting somewhere with one point, they try another. What the Prime Minister has announced today means that we will restrict benefits for people who come to this country for four years when they come here to work. We will prevent them from having social housing for four years. What really winds up my constituents is when people from the EU working here send child benefit and child tax credits back to another country. That will stop under the next Conservative Government.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): I regret that the Minister's first statement was a political attack on the Labour party. The public will question whether he takes this issue as seriously as he should.

"No ifs. No buts. That's a promise we made to the British people. And it's a promise we are keeping."

That was the Prime Minister speaking on net migration in April 2011. That false promise, which was less than one made in good faith than one he knew he could not keep, has now duly crumbled. Net migration, which the Home Secretary and the Prime Minister hand-picked as their measure for their migration target, is going up. It is now 16,000 higher than when they took office and almost three times the target level. It is higher than it was when the Conservatives that it was out of control, that nothing had been done and that it was all Labour's fault.

The truth is that this net migration target is the worst of all worlds. It does not include illegal immigration, where we know enforcement has worsened, yet it has encouraged the Government to target valuable university

students. Their numbers have flatlined even though, as the Government know, they bring billions into Britain and build relationships that contribute to strong trade links in the future. And it is just wrong to include refugees in the target.

The Government have not put in place proper border controls so that we can count people in and count them out in order to enforce the rules. Immigration needs to be controlled and managed, but it is important to Britain and the system needs to be fair. All that this Government have done is ramp up the rhetoric without ever bringing in practical measures to address the impact of immigration or make the system fair. That has deeply damaged confidence in the whole system and proved divisive.

Will the Minister tell us how wide of the mark the Government expect to be on their immigration target? Will he also explain why his Government made this promise, which they could not deliver? Why will he not strengthen our borders with 1,000 more staff, implement stronger enforcement to stop employers exploiting cheap migrant labour to undercut wages and jobs, and pursue European reform to strengthen transitional controls and change child benefit rules? The Government's strategy is failing and their false promises ring hollow. They need to stop taking people for fools and instead set out a sensible debate with practical policies. I look forward to hearing the Minister's response.

Mike Penning: I am absolutely amazed by the response from Her Majesty's Opposition. They seem to have selective memory loss. Not imposing transitional controls in 2004 was a spectacular mistake that left Labour with red faces. That was not the Conservatives, but the right hon. Member for Blackburn (Mr Straw), the former Home Secretary. The mess we are in now with immigration was caused by the previous Administration. That is a fact, and we have not reached anywhere near the peaks of the previous Administration.

The hon. Lady talked about universities. I am proud to say that bogus colleges in my constituency have been closed down by this Government. They were fundamentally wrong, and unfair to students who are in this country legitimately and trying to get a decent education, as well as to our own students.

Let us talk about unemployment. The majority of the growth in unemployment in this country was taken up by foreign nationals. In the last two thirds, it has been taken up by British nationals. That shows the growth in unemployment taken up by foreign nationals under Labour, and the growth now under the Conservative party and the coalition.

Jacob Rees-Mogg (North East Somerset) (Con): Is not the real problem the free movement of people within Europe? It creates a deep unfairness for people coming in who might be family members from outside the European Union. Is there any logic in giving preference to people who might just have left prison in the European Union and who can get in here freely, when husbands and wives from Commonwealth countries that have long-standing relationships with us find it difficult to come here?

Mike Penning: The unfairness of the system, and particularly the benefit system, is there for all to see. That is why the Prime Minister made his speech today.

[Mike Penning]

Let me reiterate what he said. People will have to be here for four years before they are entitled to social housing or in-work benefits, and they will not be allowed to send in-work benefits back to their families outside the UK. That is fairness in the system.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): Does the Minister accept that some of us, at least, do not want our major political parties to get into a competition with UKIP over who can sound the most anti-immigrant? Does he also accept that recent EU immigration has contributed more to our economy than it has taken out? Does he further accept that while everyone, including my constituents who are from early generations of immigrants, wants to see a fair, transparent and effective system of immigration control, they fear a downward spiral of anti-immigrant rhetoric that has the potential to disfigure our politics?

Mike Penning: Speaking as someone who was born and brought up in Edmonton in north London, I grew up with some of the early immigrant families and Afro-Caribbean families. Many of them are still my friends. Their fear is unlimited immigration. It is the same in my constituency today. I met my Kashmiri and Pakistani community only last week and they talked to me about that fear. We have to have controlled immigration. If we control it, we will have a safer system for everybody in this country. At the moment, we are left with an uncontrolled system.

Nicola Blackwood (Oxford West and Abingdon) (Con): The Prime Minister made it clear this morning that he will introduce the toughest rules in the EU to tackle the abuse of free movement, including stronger powers to deport EU criminals and to prevent them from coming back. Will the Minister explain how those important changes will be achieved?

Mike Penning: They are going to be achieved by having a Conservative Government. The Prime Minister made his speech this morning at the JCB factory rather than here because it was obviously a party political speech. All the reforms that he outlined will create a fair system in which we are in control of immigration and our benefits. That is what we should all be looking forward to.

Mr Kevan Jones (North Durham) (Lab): Have we not just heard more false promises from the Prime Minister this morning? One of his proposals is that he will restrict the access to universal credit. Given that there are only 17,850 people on universal credit now, and that it will not be fully implemented until 2028, how will his proposal actually affect EU immigration?

Mike Penning: I was a Minister in the Department for Work and Pensions until a very short time ago, and I can tell the hon. Gentleman that universal credit will be rolled out correctly and it will not be a mess, unlike the IT projects under the previous Administration. What the Prime Minister talked about this morning was post-election; that is exactly what we expect to do when we win the election.

Mike Thornton (Eastleigh) (LD): As the Minister knows, the Deputy Prime Minister is keen to ensure that benefits are fair. Does he agree that the reason people come to this country is to do the jobs that need filling? Industries and public services in large areas of the country would have a severe problem if we did not welcome those people who come here to work hard and contribute to our economy.

Mike Penning: People who want to come to this country to contribute, work hard and study hard are always welcome. But at the end of the day, there was abuse of the system, and we all know that it was taking place in our constituencies on a regular basis. We will not allow that abuse to continue. That was a key part of the Prime Minister's speech this morning, and it is very important.

Caroline Lucas (Brighton, Pavilion) (Green): I refer the Minister again to the research published earlier this month by University college London showing that EU migrants paid £20 billion more in taxes than they received in benefits. That means that they are not coming here to claim our benefits. His measures would be counterproductive and nasty. Instead of trying to outdo each other in being as mean as possible to immigrants with all this rhetoric, we should be looking at the root causes. We need more affordable housing. That is the way forward, rather than demonising a particular group in society.

Mike Penning: I have 16,000 council houses in my constituency and two areas that are in the top 10 areas of socio-economic deprivation. We need more council houses and the Conservative local authority is now building them again, but I do not want them filled with people who come here—until they have been here for at least four years. We have enough of a waiting list already in my constituency and in other constituencies around the country.

Dr Matthew Offord (Hendon) (Con): Does the Minister agree that the only way to control immigration in this country is through the fundamental reform of our relationship with the EU? Only by putting that negotiation to the British people in a referendum will the people be able to decide the immigration policy of this country. Does he also agree that it is only the Conservative party that is offering that at the next election?

Mike Penning: As one of my colleagues sitting next to me has just said, that is absolutely spot on. If we have a Conservative Government, people will get the referendum that everybody in this country deserves. I am 57 years of age, and I have never had an opportunity to vote on our membership of the EU. I look forward to being able to do so.

Heidi Alexander (Lewisham East) (Lab): This September, I asked in a written parliamentary question how many individuals had been granted limited leave to remain with no recourse to public funds in each year of the past decade. I was told that the Home Office could not tell me. In March 2012, in another written parliamentary question, I asked how many people were subject to deportation or removal proceedings, broken down by local immigration team area. I was told by the Home Office that it could not tell me. That is basic information. Why cannot the Home Office give me the answers?

Mike Penning: I will be perfectly honest: I do not know why those questions were not answered. I will find out and the Immigration Minister will write to the hon. Lady.

Caroline Nokes (Romsey and Southampton North) (Con): Does my right hon. Friend agree with my constituents who believe that restricting the benefits going to the children of foreign migrants who are not in this country is not a nasty thing to do but a fair thing to do?

Mike Penning: It is absolutely fair, especially given the limited funds available because of the austerity measures we have had to introduce, because the previous Government left us with such a mess. The welfare system has to be fair. If people are working here in this country, getting in-work benefits and sending those back to their families abroad, I do not think that is fair and I do not think my constituents think it is fair.

Kevin Brennan (Cardiff West) (Lab): Why should we be surprised that net migration is now higher than it was under Labour, given that, as we learn in today's *Daily Mirror*, Tory donor Lord Wolfson's company, Next, recruits en masse in Poland for jobs that it does not advertise in Britain? Why did the Prime Minister not condemn Lord Wolfson and his company's practices in his speech this morning, and will he be keeping the £400,000 that Lord Wolfson has donated to the Tory party?

Mike Penning: The latter part of the question does not even warrant an answer. On the first part of the question, net migration was actually higher when the Labour party was in. When Labour left it was down, but it was higher under the Labour party.

Mr Philip Hollobone (Kettering) (Con): The hon. Members for Hackney North and Stoke Newington (Ms Abbott) and for Brighton, Pavilion (Caroline Lucas) are completely wrong to conflate those of us who are concerned about immigration with feelings against migrants; similarly, those of us who are concerned about immigration in the '80s and '90s were accused of being racists. People in this country feel that the level of immigration is too high and they will never forgive the Labour Government for letting in a net 2.5 million people during their term of office. Will the Minister tell the House why the number of non-EU migrants coming into this country has been increasing in the latest figures? This is not just an EU problem; it is a world problem, which the Government have failed to tackle.

Mike Penning: Net migration from outside the EU is down 25%, because of the measures we have been working on. I accept that in the last figures the level went up, but since this Government came into office it has gone down by 25%. The reason people want to come to this country is the excellent economic prospects as a result of this coalition Government, rather than the mess left by the previous Administration.

Jeremy Corbyn (Islington North) (Lab): Will the Minister for once acknowledge the massive contribution made to our economy and our society by those who have migrated to live here and who have sought and gained asylum in this country, which we are bound to offer under the Geneva convention? Given his rhetoric

about EU and other migration, what would he say if EU countries as a whole decided to stop British people from going there to study and to work? What would he say if they all decided that British people were a drain on their economy and put their shutters up against us? What would the rhetoric be from him and, perhaps more importantly, from his colleagues in the *Daily Mail*?

Mike Penning: I pay tribute, as I have always done, to the commitment of migrants coming to this country. That was ever so important in the part of the world I grew up in, and we had a very cohesive community there then, just as we do in my constituency today. All I can say to the hon. Gentleman is that we are going to go into a negotiation, and if other countries want to put other tariff barriers up or put other problems in the way, that is entirely up to them. We will go into a negotiation with a position that is there, set out today by the Prime Minister. He has said, "This is exactly what will be put to the British people in our referendum", which we will not get if we have a Labour Government.

Stephen Gilbert (St Austell and Newquay) (LD): Will my right hon. Friend recognise the figures from the recent University college London study showing that the net contribution by migrants to the UK economy is £25 billion? If he does not recognise that figure, will he tell me what the Government's estimate of the net contribution is?

Mike Penning: I have said from this Dispatch Box many times, and I have done so again this morning, that migrants who come to this country make a huge contribution. However, I understand that that research did not show the full picture, and we need to look at the full picture rather than just using partial statistics—they are being used time and time again.

Barry Gardiner (Brent North) (Lab): Will the Minister confirm that the extent of the Government's embarrassment over these net migration statistics is best shown by the net migration into this Chamber and on to the Front Bench of 12 Conservative Ministers during a Friday private Members' Bill sitting?

Mike Penning: The hon. Gentleman has been in this House a rather long time. As I am sure he is aware, the Government have duty Ministers and they have to be in this House because it is a sitting day—that is why they are here. The comment he makes is such a silly one.

Rebecca Harris (Castle Point) (Con): Have the Department or the Minister made any assessment of the likelihood of recent EU migrants returning home, either when their own economies improve or as a result of the measures set out this morning by the Prime Minister?

Mike Penning: It would be good for this country and good for the world economy if the eurozone actually grew—this is obvious, and we have seen it before—but people who come here looking for work often return to their country or another part of the EU when the economic situation there improves. So it would be very good for this country if the eurozone got the same sort of growth into its economy as we have.

Stephen Timms (East Ham) (Lab): Did Ministers ever really believe their net migration target?

Mike Penning: Yes.

Simon Kirby (Brighton, Kemptown) (Con): People in my constituency are concerned that those who have never paid into the system can come here almost immediately. Can my right hon. Friend assure me and my constituents that we are putting this situation right?

Mike Penning: The only way that can be done is by making sure there is a renegotiation of the treaties. That is what the Prime Minister set out this morning in his speech, and may I reiterate its three main points? Someone would have to be here for four years before they would be entitled to social housing; they would have to be here for four years before they would be entitled to in-work benefits; and they would not be able to send in-work benefits that they receive from the British taxpayer home to their own country.

Nic Dakin (Scunthorpe) (Lab): My constituents cannot understand why a New Zealander who has lived locally for more than nine years, playing rugby with the local club and working at the local steelworks, is now having to go home because he is no longer allowed to stay. Is it because he is seen as a statistic rather than a person?

Mike Penning: No, it is not. As a rugby man myself, I have played with a lot of New Zealanders and Australians. If the hon. Gentleman writes to me, I will make sure the Immigration Minister responds so as to find out exactly what happened in his constituent's case.

Bob Blackman (Harrow East) (Con): Large parts of our service sector and public sector would collapse but for migrants coming to this country to work. Does my right hon. Friend agree that people who come here to work and earn a living are welcome, but those who come here to exploit our welfare state and our benefits system are not?

Mike Penning: The Prime Minister's speech this morning was a long one, but my hon. Friend has summarised exactly what the Prime Minister was saying.

Mr Christopher Chope (Christchurch) (Con): Will my right hon. Friend assure the House that the Prime Minister's welcome policy announcements today, when implemented, will deliver net migration in the tens of thousands rather than the hundreds of thousands?

Mike Penning: That is exactly why the Prime Minister has made this speech this morning, that is exactly why we need to renegotiate the treaties with the European Union and that is what we will put to the British people, and I expect it to work.

Seema Malhotra: On a point of order, Madam Deputy Speaker. The Minister has said repeatedly in the debate that net migration was higher under Labour, but is that correct, given that we know that net migration now is 16,000 higher than when the coalition Government came to power?

Madam Deputy Speaker (Dame Dawn Primarolo): That is not a point of order for me; it is a point of debate. I am sure that that debate will continue, although not now, because we are returning to the discussion on the private Member's Bill.

Tenancies (Reform) Bill

Proceedings resumed

11.28 am

Mike Thornton: Thank you, Madam Deputy Speaker. I was politely interrupted earlier, but I am now going to continue. Now, where was I?

Kevin Brennan (Cardiff West) (Lab): In the House of Commons.

Mike Thornton: Yes. I was discussing my colleague's important Bill. [*Interruption.*]

Philip Davies (Shipley) (Con): Start again!

Mike Thornton: We will start all over again. As I was saying, our duty to our constituents as MPs is often difficult where there are worries about triggering a revenge eviction by a rogue landlord. It is important to understand why we are introducing this measure.

Jeremy Corbyn: Before the urgent question, the hon. Gentleman mentioned the role of environmental health officers and their concerns. Does he share my concerns that they often work very hard, that their departments are often very understaffed and that they are often placed in a difficult position because of the lack of legal protection for the tenant against retaliatory eviction? They want to do the right thing and enforce a repair order on the landlord but they are frightened of the consequences for the individual tenants. Environmental health officers, too, are good, decent human beings who want to see the right thing done, and this Bill would surely help in that situation.

Mike Thornton: I thank the hon. Gentleman for that intervention, because that is exactly what I think, and exactly why my hon. Friend the Member for Brent Central has introduced the Bill: not only to protect tenants, but to allow our caring and hard-working environmental health officers to do their job in the way they want to do it.

My right hon. Friend the Member for Mid Dorset and North Poole (Annette Brooke) mentioned dampness, and I have mentioned electrical safety, but there are many other problems that can make a house unfit to live in. That is something that this House must look into as the Bill goes through. Evicted tenants might well find that rogue landlords do not return their deposit. We have protections in place for the return of deposits, but it is not too difficult for a rogue landlord to manufacture an excuse not to return it, perhaps by inventing damage that they claim the tenant has caused.

Simon Kirby (Brighton, Kemptown) (Con): Does the hon. Gentleman agree that rogue landlords do a disservice not only to tenants, but to the vast majority of sensible, law-abiding landlords? This Bill is good for everyone. It should help tenants and landlords alike.

Mike Thornton: I thank the hon. Gentleman, who is exactly right. Most landlords are responsible, decent and caring people. We need to protect not only tenants but other landlords, because rogue landlords also damage their reputation and their willingness to carry on as

landlords, without being seen as abusing their tenants. The great friend I mentioned earlier is one of those responsible landlords.

Some rogue landlords manage to manufacture evidence, exaggerate damage or say things that are plainly untrue in order to retain a tenant's deposit. The tenant might then have no money for a new deposit and so cannot easily find another property. My local borough council provides a property bond, which in theory should enable a tenant without a deposit to move in, but most landlords will not accept a property bond. That means it is extremely difficult for anyone evicted and treated in that way to provide a decent home for their family.

I commend the Bill to the House and ask everyone to support it, in order to have a go not at landlords, but at those people who call themselves decent landlords but who are not, and to help tenants and landlords alike to act in a decent, honourable and caring way.

11.32 pm

Barry Gardiner (Brent North) (Lab): The hon. Member for St Austell and Newquay (Stephen Gilbert) expressed the hope that the Bill will receive support from both sides of the House and that we will put aside partisan politics. I think that those who know my relationship with the hon. Member for Brent Central (Sarah Teather) will understand that the fact that I am here supporting a Bill that she has brought forward is extreme testimony to that. But it is the merits of the Bill that I am here to support.

I want to read out a letter from a landlord in my constituency who wrote to me about his concerns about the Bill. I do not know whether he is a good landlord or a rogue one, but these are the sentences he used to express his concerns:

"Surely anyone with an ounce of common sense must know if you are going to give a Tenant a five year contract up front they are not going to behave, respect the Property or be a good Tenant, and if you get struck with the bad one it's a five year problem. All he needs to do is damage your property, run along to the Council and complain about the damage, and the landlord won't be able to use section 21. This is utter nonsense of a Bill."

I disagree with that, but I am confident that many of the remarks that will be made later on in an attempt to talk out the Bill will sound similar. The letter expresses pithily the fundamental worries that landlords, including good landlords, have, because there is abuse not only by landlords, but by tenants. The Bill has its best chance of success because that has been taken on board, while recognising that there has to be greater equity of power between the landlord and the tenant. At the moment, the balance of power is clearly in the landlord's favour, and many tenants are suffering as a result.

One of those tenants is my constituent Mr P, who has been subjected to ongoing leaks and regular ceiling collapses for the past nine years. He is not one of the short-term, complaining tenants that the landlord who wrote to me was referring to, because he has been in the property for nine years. The first collapse occurred eight years ago and produced 20 kg of debris. Most recently, the ceiling gave way in two places, missing my constituent by only a few feet. The landlord is fully aware of the state of the property, but he appears to be very reluctant to carry out repair work.

On two previous occasions, the landlord initiated eviction proceedings against my constituent after he

[Barry Gardiner]

complained about his living conditions. However, I am told that the notices were withdrawn when my constituent threatened to involve Brent council's private housing services. I want to mention Brent private tenants rights group, which is a wonderful organisation, and Jacky Peacock, who is known not only to the hon. Member for Harrow East (Bob Blackman), from his time as council leader—he is nodding in his place—but to my hon. Friend the Member for Ealing North (Stephen Pound) and the hon. Member for Brent Central. Jacky has been sticking up for private tenants in the Brent, Harrow and Ealing areas for many years, and she is wonderful. I understand that on both occasions Mr P's landlord agreed to undertake the repair work on the condition that he accepted rent increases. Those rent increases were imposed, but the repair work was not subsequently carried out.

The landlord whose letter I read out earlier feared that all the tenant needed to do was damage the property and make a complaint, and then section 21 could not be enforced. That is not correct. It is important that Members who support the Bill make it clear that that is not possible. He refers in another part of his letter to the many ways in which the local authority can already get involved. In fact, on 9 April this year, Mr P received a fresh notice to quit, and on that occasion he was rather surprised, because he had not made any recent complaints about the property. He realised that the notice to quit was triggered by the enforcement action that Brent council is now planning to take with regard to the property. Of course, if an officer from the council's private housing service is to visit and make an assessment, it is a requirement that the landlord be notified of an impending visit and assessment. Otherwise, any enforcement decision cannot be taken against the landlord. It is really important that the hon. Member for Brent Central has incorporated into the Bill a reasonableness clause and a reasonableness agenda, because that gives succour to good landlords, reassuring them that they will not be subject to frivolous, vexatious or aggressive action on behalf of tenants. In my dealings with tenants in Brent over the past 17½ years, I have come across fewer than 20 vexatious tenants in that entire period. As for the number of retaliatory evictions—we are probably dealing with 20 such ongoing cases in my office at present. The balance is clearly out of kilter and needs to be rectified.

Stephen Pound (Ealing North) (Lab): I, too, may be divided politically from the hon. Member for Brent Central (Sarah Teather), but I am entirely united with her on this occasion. Does my hon. Friend the Member for Brent North (Barry Gardiner) agree that if a landlord were a vendor and the tenant were a purchaser—a consumer—the existing consumer protection legislation would provide that equity? Why do we have such a fundamental imbalance? Section 21, which was supposed to be a sensible measure, is a great threatening blunderbuss before which many of our tenants, our constituents and our friends and some of our family have to cower. Why this imbalance?

Barry Gardiner: My hon. Friend is right. There is a huge imbalance, part of which the Bill seeks to address. I welcome that. The imbalance exists because power and money usually side together, and that is what we need to pull apart by ensuring that the Bill progresses.

I have a number of other cases which highlight the problem of retaliatory evictions. One tenant had lived in the property for 11 years amid lots of disrepair, the possession order coming once a complaint had been made. I shall not detain the House with further cases because I want to see the Bill progress. It is good, but it is limited. The hon. Member for Brent Central will know that in the House of Lords on 5 November my party introduced an amendment on retaliatory eviction to the Consumer Rights Bill. *Hansard* records who supported that amendment.

My party has also set out plans for a much more fundamental reform of the private sector because of the need to get a fairer deal for those who are renting and to remedy the imbalance identified by most Members who have spoken in the debate. I would very much like to present more cases, but I do not believe that for some of those who will follow me in this debate, more cases will be more persuasive. We need to let them make their remarks and let the House move to a conclusion.

11.42 am

Nicola Blackwood (Oxford West and Abingdon) (Con): I congratulate the hon. Member for Brent Central (Sarah Teather) on introducing this important Bill and explaining so eloquently why it is necessary to end the travesty of revenge evictions. She is right that the Bill is about upholding existing contracts and should benefit landlords, tenants and local authorities. I thank Shelter, Crisis and other campaigners who have worked hard to bring these issues to national attention. I am proud to have co-sponsored the Bill.

The hon. Member for Brent North (Barry Gardiner) mentioned rental costs. There are many league tables that I am proud that Oxford tops, not least the fact that Oxford university medical faculty is now world No. 1, but there is one chart I would rather we did not top. At the beginning of this month, the Centre for Cities published research which found that Oxford has the least affordable housing in the UK. This results from a combination of its having some of the fastest population growth in the United Kingdom and a lack of new homes. It should not be an impossible dream for a nurse or a teacher to own a home, and the only way to address the problem is to increase supply to meet demand, so I am backing my local authorities in their bids to build new homes in the right places and with the right infrastructure.

In the meantime, although we cannot quite compete with Islington North, Oxford West and Abingdon has 17,944 renters, which is more than 23% of my constituents paying exorbitant prices. As the hon. Member for Brighton, Pavilion (Caroline Lucas) mentioned, inevitably such a high demand in the private rented sector has caused an unhealthy power imbalance between tenant and landlord, which removes the usual market incentives for landlords to maintain high-quality properties and behave responsibly. As my hon. Friend the Member for Enfield North (Nick de Bois) and many others have pointed out, the majority of landlords behave well, but for tenants unlucky enough to get rogue landlords, the consequences range from living in unhealthy or even hazardous homes or, as we have heard, facing eviction and potential homelessness if they complain.

In a property market as overheated as Oxford's, landlords find it far easier to re-let a property, possibly even at a higher rent, than to invest in property maintenance,

despite the obvious false economies of this attitude. Student representatives tell me that this is a particular problem for the student population, who are perhaps seen as easy targets by landlords. This is backed up by recent research from Citizens Advice which finds that young people are far more likely than older renters to have problems with private landlords. One in six people in their 20s receiving help from Citizens Advice have an issue with a privately rented home.

I rarely call for more regulation, and I am very proud that my Government have a one-in, two-out deregulation target to cut the burden of red tape, and that they are making this statutory for our businesses and job creators, but in this instance I believe that the measures in the Bill are well targeted and that they will put an end to revenge evictions while not placing an additional burden on good landlords. As the hon. Member for St Austell and Newquay (Stephen Gilbert) observed, there is precedent for these measures. In the United Kingdom, landlords who have not protected their tenants' deposits or who have not licensed the property when required already cannot serve a no-fault eviction notice. This Bill does the same thing in respect of poor conditions. It is modelled on regulations that have been successful in Australia, New Zealand and the United States.

The Bill does not seek to interfere with section 21 possession proceedings in other circumstances. Landlords must meet their legal obligations before they serve a valid notice. It will assist good landlords. At present, fear of revenge eviction stops renters telling their landlord about repair issues, which means that serious hazards can develop in properties, depreciating their value without the landlord having an opportunity to do anything about it. That creates a problem for local authorities, which cannot successfully use existing legislation. Renters' testimonies are crucial in ensuring the successful prosecution of rogue landlords. That is often not possible because renters refuse to give evidence in support of a prosecution for fear of eviction, or they may have already been evicted in retaliation before the case is brought.

The Government have taken steps to try and better protect tenants with the "How to Rent" guide and the model tenancy agreement, but it is clear that existing powers are not sufficient. Tenants in Oxford West and Abingdon and elsewhere with rogue landlords should not have to choose between eviction or living in poor conditions. This Bill will put an end to that catch-22 once and for all. As my hon. Friend the Member for Harrow East said, bad tenants will not be protected by the Bill and good landlords will not be damaged. That is why it is smart legislation and smart regulation that fits well within our deregulation targets. In short, the Bill will make the private rented sector work better for hundreds of thousands of renters across the country. That is why I back the Bill and why I am so pleased that the Government back it too.

11.48 am

Lyn Brown (West Ham) (Lab): It is an honour to be here today and to follow the hon. Member for Oxford West and Abingdon (Nicola Blackwood) and to discuss the Bill introduced by the hon. Member for Brent Central (Sarah Teather). I congratulate her on securing such a high-profile place in the ballot, which I envy, and on her choice of Bill, her excellent speech and her approach to the subject. Her choice of Bill is important

for two reasons. First, it is limited in scope. It recognises the importance of addressing the needs of millions of private renters, a matter of which I am very conscious, given the size of the private rented sector in my constituency—40% of all households in my constituency are in the private rented sector, a massive increase over recent years. That is surely, and very clearly, reflected in the support for this Bill outside this House shown in the large number of e-mails I have had from my constituents urging me to be here today, and the very strong campaigning efforts of various groups at national and local level. I pay tribute to Shelter, which has campaigned on this issue for many years and worked very closely with the hon. Lady on producing the Bill.

Generation Rent must also be congratulated on its vigorous campaigning efforts at national and local level. The Home Sweet Home campaign has been working on the ground in Brighton for many months, backed by Labour's excellent parliamentary candidate and by the hon. Member for Brighton, Pavilion (Caroline Lucas), who is in her place; I agree with much of what she said earlier. It is heartening to hear of tenants and residents taking action, influencing this place, and actively seeking to improve their families' quality of home, education and life chances. Labour has been clear that for too long their needs have been totally ignored. That is why we have set out ambitious plans for reform of the sector, and I will come to those later.

The second reason this Bill is so important is that the issue it seeks to address—retaliatory eviction—is completely unacceptable and must surely be brought to an end. That is why the hon. Member for Brent Central has our support for its passage through the House.

In recent years, the private rented sector has grown massively in size, but also beyond recognition in terms of the demographics and the character of those who rent from private landlords. Nine million people now rent privately—more than those who rent a social home. Over a third have families with children, and nearly half are over the age of 35. Many people who are renting privately are doing so not out of choice but because they cannot get on the housing ladder or secure a socially rented home. Yet private rented accommodation is not the cheapest option—far from it. It is, in effect, the most expensive type of housing. On average, people who rent privately spend 41% of their income on housing. For those in the social rented sector, the figure is 30%, and for owner occupiers, it is 19%. However, the extra expense does not buy greater stability or higher standards. Someone who rents privately is more likely to live in a non-decent home than someone in any other tenure, yet they are spending 41% of their income to do so. A third of privately rented homes fail to meet the decent homes standard.

Two issues are at the heart of these proposals—standards and stability. For too long, renters have had to put up with a choice between keeping their home and accepting the poor conditions they are living in. As we have heard, there is currently no protection from eviction for renters who report poor conditions to their landlord or local authority. Shelter has estimated that over 200,000 renters have been evicted or served notice in the past year because they complained to their local council or their landlord about a problem in their home.

This kind of unacceptable action can have a really damaging impact on renters. It can damage the lives of families and the fabric of communities as people are

[*Lyn Brown*]

uprooted from their homes with as little as two months' notice, disrupting schooling, support networks of family and friends, and even access to health care. It means that renters feel unable to complain and are forced to put up with awful conditions.

Philip Davies: The hon. Lady was bandying about some rather exotic figures earlier. Can she verify those figures in the context of the English housing survey, which goes into detail as to why people are evicted?

Lyn Brown: I am genuinely grateful to the hon. Gentleman, as always with his contributions here on a Friday. I know that he is going to make a fairly long speech—

Stephen Pound: Don't give him any ideas.

Lyn Brown: Trust me—I am not suggesting he does; it is just that I know the hon. Gentleman of old, and I know he will come to those figures in due course. The figures I am using are robust, and he knows it.

It is estimated that one in eight renters have chosen not to ask for improvements or to challenge a rent increase because of fear of eviction. This reduces the incentives for landlords to improve their properties. Rather than pay for repairs, unscrupulous landlords can take a short cut by evicting their current tenants and replacing them.

Mr Chope: The hon. Lady keeps on referring to unscrupulous landlords, but the Residential Landlords Association, which represents good-quality landlords, hotly disputes the extent of the problem as she describes it.

Lyn Brown: I am grateful to the hon. Gentleman for raising that point. I am very clear that there are good landlords and there are bad, and I am talking about the bad. He said to my hon. Friend the Member for Erith and Thamesmead (Teresa Pearce), who is no longer in her place, that he hoped she would have reported the unscrupulous landlord she was discussing to the council or to the environmental health services. Let me tell him that if someone has their complaint referred by an MP, that does not stop them being evicted by a landlord who takes umbrage at being forced to do repairs—as some of my constituents, sadly, know to their cost.

The effects of this shameful practice cannot be overestimated. Over the weekend, I read about the—literally—shocking case of Lela Lewis. Lela suffered a minor electric shock after taking a shower and, having discovered that it was due to faulty wiring, complained to her landlord. Much to her chagrin, the landlord responded by serving her with an eviction notice. There was the case of Greg and Laura Moore and their three children, who were served an eviction notice on their rented home in Norfolk just three weeks after reporting damp.

In the area where I live and which I represent, I have heard about the case of a constituent who I will call Chris. He is an assured shorthold tenant who has been in the same property since 2010. The property has damp, mice and a hole in the roof. His children's health is suffering as a result of those poor conditions. He complained to the letting agent and it visited, along with the council, which agreed that the property was in

a poor state of repair. Shortly afterwards, he received a notice to leave—a section 21 notice. He has been informed by the letting agent that the landlord will not renew his tenancy next May.

Mr Chope: Will the hon. Lady give way?

Lyn Brown: No; I have given way to the hon. Gentleman already.

Despite the innovative and sterling efforts of Newham council to bring some order and better standards to the private rented sector, it cannot prevent such retaliatory evictions. This will happen to more and more people as the housing shortage forces more and more people into private renting.

This Bill is a real opportunity for us to put an end to this unacceptable practice. As I will set out, the private rented sector needs far more radical and sweeping reforms, but the Bill can, and will, make a real difference. It provides protection for assured shorthold tenants against retaliatory evictions where they are suffering from poor or unsafe property conditions. It does that by preventing a landlord from giving a section 21 notice for six months from the date of service of a notice from the local authority regarding conditions in the property, such as an improvement notice, a hazard awareness notice, or a notice of emergency remedial action. It provides the power for the Secretary of State to prescribe legal requirements which, if a landlord were in breach of them, would prevent them from serving a notice.

There are also important safeguards for landlords. They are protected in cases where the poor condition of the property may have been caused deliberately by the tenant, or where they genuinely need to sell the property. The banks and mortgage companies are also protected where they have repossessed a property and need to sell it with vacant possession. We believe that those protections are more than ample to protect the very good landlords in the sector who would not dream of evicting their tenants from their property following a complaint.

Labour is pleased to support the Bill and to help bring an end to completely unacceptable practices, but we also believe that the sector is in need of more fundamental reform. We have set out far-reaching proposals to reform the sector to get a fairer deal for private renters. First, a Labour Government would legislate for three-year tenancies, not short-term tenancies, as the standard for those who rent their homes in the private sector. They will become the norm.

We will build in protections for landlords, which, crucially, will also provide much-needed stability for private tenants. The nature of the sector and the people who rent has changed, and we need to create stability for the growing numbers who live in the sector for longer. They are crying out for a better deal, especially—but not solely—the growing number of families with children who are renting privately and who need and deserve our support. There are now 2 million children living in the private rented sector, and this House and this Government must ensure that their homes, their home lives and their future chances in life are not put in jeopardy as a result of the lack of access to a stable home environment.

Secondly, we will act on unpredictable rent rises, because the new, longer-term tenancies will put a ceiling on excessive rent rises. We will make sure that families have the stability of longer-term tenancies and that they

will no longer have to live with the uncertainty that their rents could jump up from one year to the next. Labour wants to promote as much stability as possible for families. That is what happens in Ireland, Spain and many other European countries, and it gives families and people the peace of mind and stability they need.

The reforms will be good not just for tenants, but for landlords, too. We know that the last thing landlords want is a home standing empty, which means that they are not collecting rent or that there is constant churn where tenants come and go, often costing landlords hundreds of pounds in fees.

Thirdly, we will ban letting agent fees for tenants. Too many letting agents charge extortionate fees every time there is a change of tenancy, and often both landlords and tenants are being charged for exactly the same thing—otherwise known as double charging. It is disappointing that the Government chose once again to vote against our amendments to the Consumer Rights Bill in the other place earlier this week.

Finally, we have set out plans to introduce a national register of landlords and to help make it easier for councils to introduce licensing schemes in their areas. Although the Tenancies (Reform) Bill will help to drive up standards, it will not be enough on its own.

I pay tribute again to the hon. Member for Brent Central for promoting the Bill. Although we believe that reform of private renting must be more far reaching, there is no doubt that this Bill will bring about very real improvements in the lives of thousands of renters. The act of retaliatory eviction is completely unacceptable. It creates a climate of fear and families are afraid to complain about mould, damp and even worse because they may lose their home. It leads to huge instability, as too many who do complain are then served with notice to leave. Moreover, in effect it encourages poor conditions. Unscrupulous landlords take the easy way out, evicting their tenants rather than carrying out needed repairs. We therefore welcome the Bill and will be pleased to support its passage through the House.

12.4 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Stephen Williams): It is always a pleasure to follow the shadow Minister, the hon. Member for West Ham (Lyn Brown), with whom I get on very well. I congratulate my hon. Friend the Member for Brent Central (Sarah Teather) not just on securing a place in the ballot, which is, after all, a lottery, but on her wisdom and good sense in selecting such an important issue as the subject of her private Member's Bill. I also thank her for the constructive way in which she has engaged with me and my departmental officials, to make sure that we would be able to support the Bill's Second Reading, and for securing a cross-party coalition in support of the Bill, even including, as he himself acknowledged, the hon. Member for Brent North (Barry Gardiner).

I thank Shelter for working constructively with me and officials at its head office in London. I have also worked very closely with Shelter officials in my own constituency of Bristol West. I also thank Acorn, a new group that works in Easton in my constituency, for campaigning on improving conditions in the private rented sector in general.

The hon. Member for Oxford West and Abingdon (Nicola Blackwood) has mentioned how the issue affects students, which is important in her constituency and in mine, so I would also like to thank the National Union of Students for meeting me to discuss the private rented sector. It has been a while since I had a constructive and friendly meeting with the NUS, but that was it and I hope it will be a hallmark of how we will go forward from hereon in.

Members have spoken of how important this issue is in their constituencies. The hon. Member for Islington North (Jeremy Corbyn) has said that a large proportion of his constituents rent in the private sector, although his constituency is not in the top 20 in the country in that regard. I thank the House of Commons Library for giving me a table while the urgent question was taken. Several Members who have spoken have clearly done so because of the high proportion of tenants in their constituency who rent in the private rented sector. The constituency of my hon. Friend the Member for Brent Central just makes it into the top 20—it is 20th in the table—with 32% of her constituents renting in the private rented sector. My own constituency of Bristol West comes second after Cities of London and Westminster. More than 40% of my constituents rent in the private rented sector, so this Bill is very important to me and the people I represent.

Philip Davies: I hear what the Minister is saying, but only as recently as last December he said:

“The Department does not, at the moment, have any comprehensive evidence that retaliatory eviction is a widespread problem.”—[*Official Report*, 18 December 2013; Vol. 572, c. 281WH.]

The Minister has just said that a high proportion of his constituents are renting in the private sector, but how is it that his Department used to have no evidence and now, all of a sudden, he seems to have all the evidence in the world?

Stephen Williams: I have just begun. I have not come to all the evidence in the world yet, but I assure my hon. Friend that I will give him some evidence. I acknowledge what he says, but a lot of the evidence is hidden. One of the issues is that people are afraid to make complaints about conditions in their property precisely because they fear receiving a section 21 notice.

The Government are committed to promoting a strong, thriving and professional private rented sector where good landlords can prosper and hard-working tenants enjoy decent standards and receive a service that represents value for money for their rent. After a long period of contraction, the sector is expanding strongly and more than 4 million households rent in the private rented sector. We think that is good for the economy and we want to see that trend continue, particularly as it allows flexibility for young people not only to move around for employment reasons as they develop their careers, but to move up the housing ladder as their income expands. That is what I did when I moved from a one-bedroom bedsit to a two-bedroom bedsit, then to a one-bedroom flat and then finally buying at the age of 31.

We also want to see more purpose-built private rented properties, which is, after all, the norm in our fellow European states. That is why we have invested £1 billion in a build to rent fund, which provides development-phased finance to large-scale private rented sector developments

[Stephen Williams]

that will deliver up to 10,000 new homes for private sector rent. Our housing guarantee scheme will support up to £10 billion-worth of investment in large-scale private rented projects and additional affordable housing.

Jeremy Corbyn: As this development of 10,000 new tenancies is getting a large element of public money, will the Minister tell us what the rent level will be?

Stephen Williams: These are guarantee schemes to enable developments to get off the ground. I am sure we would all agree that many of the problems that have been identified so far in this debate represent a minority of landlords and they are probably in the sort of properties that have been converted from large family houses. That is probably the issue in the hon. Gentleman's constituency, where Georgian houses have been converted into bedsits and small flats; it is certainly the issue in my constituency. We need to deal with the problems in those properties, but more purpose-built private rented accommodation—that investors such as pension or insurance funds see as long-term investments—will ensure higher quality for tenants at an attractive rent.

It is important that we raise standards and improve transparency in the sector. The Government have done a lot and have a good story to tell in this area over the last few months in particular. We have worked with the industry in the development of a code of practice for those managing properties in the sector, including landlords themselves. It was published on 11 September. From 1 October, it has been a requirement for letting and property management agents to belong to any one of three Government-approved redress schemes, so that where standards do not meet expectations, landlords and tenants have an effective means of raising their concerns. The schemes are run by the Property Ombudsman, the Ombudsman Services: Property, and the Property Redress Scheme.

The shadow Minister mentioned the Consumer Rights Bill, which is under consideration in the House of Lords. We introduced provisions requiring letting agents to increase transparency around renting costs by publicising their fees prominently in their office and on their website. We hope that that provision will come into force in this Parliament. That transparency will assist with the problem of double charging that the shadow Minister mentioned, and that of extortionate charging, when agents charge over and above the actual cost of the service. As soon as the fees are transparent to everybody, much of that sharp practice will end overnight. If it does not, it will be down to constituency MPs like us, Shelter, the National Union of Students and other campaigning organisations to expose such practice so that it can be driven out of the sector. That will be a big improvement.

The Government are also committed to ensuring that private tenants know their rights and responsibilities, which is why we published a “how to rent” guide on 10 June. In September, we backed that up with a model tenancy agreement for the benefit of landlords and tenants. That tenancy agreement has been improved as a result of the Westminster Hall debate instigated by my hon. Friend the Member for Eastleigh (Mike Thornton)—he is not in his place at the moment—to which I replied. I was struck by the feeling after that

debate that the tenant and the landlord should both know their rights and responsibilities. The model tenancy agreement now has a tick box so that the tenant and landlord can confirm that they have seen the “how to rent” guide, which includes coverage of safety issues in the property. The use of the agreement is voluntary, but it strikes the right balance between the rights and responsibilities of the parties and both parties can use it with confidence. After all, a tenant wants a home and a landlord wants a good tenant providing a stable income. It is in the interests of both that they embark on the tenancy with confidence on both sides. In particular, the agreement can be used when the parties have agreed to a longer fixed-term tenancy of two or three years; and it contains model clauses protecting the interests of the parties around termination, rent reviews and home business use.

Reference has been made to the resources available to local authorities to deal with the problem of rogue landlords. We have provided £6.7 million of additional resource to help local authorities tackle poor standards in that area. Specifically, £2.6 million has been allocated to deal with the mainly London-based problem of so-called beds in sheds, with a further £4.1 million to help tackle rogue landlords more generally.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): Has the Minister heard of the New Era estate in Hackney which was bought by US private equity billionaires who have a horrible reputation as landlords in New York? Ninety-one Hackney tenants face eviction by landlords who are not interested in providing homes: they are only interested in driving out long-settled tenants so that they can make huge profits.

Stephen Williams: I had not heard about that, but I have now and the hon. Lady has placed the matter on the public record via *Hansard*.

Thirty local authorities have claimed the funding that I mentioned. In 2014, the money has paid for more than 13,000 inspections of properties, resulting in more than 3,000 landlords facing further action or prosecutions, and the demolition of 140 illegal beds in sheds in gardens, in London in particular. Those are outputs over and above what councils were already doing. We will shortly publish revised guidance for local authorities on best practice in tackling poor conditions and unacceptable practice in the sector, which builds on the work of the rogue landlord programme.

My hon. Friend the Member for Brent Central referred to Jo and her collapsed ceiling. She also mentioned other evidence of how the tenant wished to replace an electric fire with a gas fire—to improve home energy efficiency and reduce fuel poverty—and how difficult it was to get the landlord's co-operation for the installation. The hon. Member for Erith and Thamesmead (Teresa Pearce), who is no longer in her place, said that London families in particular had these problems, especially as more are now living in the private rented sector. She also mentioned unsafe cookers. My hon. Friend the Member for St Austell and Newquay (Stephen Gilbert) rightly pointed out that this is also an issue in small rural towns in Cornwall. My hon. Friend the Member for Harrow East (Bob Blackman), who is also no longer in his place—

Mr Chope: On a point of order, Mr Deputy Speaker. Is it not the custom that a Member who has spoken in a debate should be in his place to listen to the Minister's response?

Mr Deputy Speaker (Mr Lindsay Hoyle): That normally happens for the wind-up speeches, but as we did not know when they would happen, I do not think that we need to worry.

Stephen Williams: I forgive them for not being here. I am sure that they will diligently read *Hansard* to see how I responded to the points that they made.

My hon. Friend the Member for Harrow East asked what would happen if a landlord was obliged to make repairs but then tried to evict the tenants in order to get vacant possession. I am advised that the council can issue a prohibition order prohibiting use of the dwelling by someone else while repairs are taking place—

Mr Chope: Will the Minister give way?

Stephen Williams: For the last time.

Mr Chope: Well, this is only the first time. To take up the point made by my hon. Friend the Member for Harrow East (Bob Blackman), does the Minister think that the service of a prohibition notice is sufficient answer to that problem? A significant number of repairs may be needed, and in order to carry out the repairs, the landlord may need vacant possession. Is that not a reasonable position for a landlord to take?

Stephen Williams: These are detailed points and reasonable concerns about the effects of the Bill. That is why the Government's position is that we support the Second Reading of the Bill so that such points can be teased out in Committee. As the hon. Member for Harrow East also said, that is one issue that will need to be tested.

Barry Gardiner: The Minister has indicated that the Government support the Bill, so will he explain why on 24 November the coalition Government voted against an amendment to the Consumer Rights Bill on this exact point?

Stephen Williams: We are trying to be consensual today to get this Bill through. I think the hon. Gentleman knows very well that this Bill was already known about. It is promoted and supported by the cross-section of charities referred to by my hon. Friend the Member for Brent Central. Today is her opportunity to introduce the Bill and for the Government to respond to a substantive debate on it. That is why it was said in another place that the amendment tabled by the Opposition was not necessary, as we would have the opportunity to deal with the matter today. That is what we are now doing.

The Bill is necessary. The Government are very clear that retaliatory eviction is wrong and that its continued practice is unacceptable. No tenant should face eviction because they have made a legitimate complaint about the condition of their home to the landlord. No decent landlord—decent landlords have been referred to, in particular by my hon. Friend the Member for Eastleigh—

would engage in or condone that practice. However, there are a small number of rogue and unscrupulous landlords who think it is perfectly acceptable to evict a tenant for requesting a repair.

The hon. Member for Shipley (Philip Davies) asked for evidence and here it is. An extrapolation from a YouGov survey of more than 4,500 private renters carried out earlier this year found that 480,000 tenants had either not asked for a repair to be carried out or had not challenged a rent increase because they were concerned about being evicted. Some 80,000 tenants had actually been evicted because they had asked for a repair to be carried out. Many of those tenants will have children and partners, so we estimate that about 213,000 people are actually affected by retaliatory eviction every year. There may be 213,000 people affected by the issue we are discussing today.

It has been suggested—I suspect it will shortly be suggested again, but at great length—that there is no need for the Bill because existing consumer protection legislation is adequate. The view of the Government is that that is not correct. The existing law does not provide tenants with sufficient protection against retaliatory eviction. The application of existing consumer legislation to landlord and tenant issues is not clear. The existing consumer law enforcement regime is not specifically geared up to deal with landlord and tenant issues, but applies to traders who offer a wide range of goods and services.

It would be difficult for a tenant to prove that a landlord had acted illegally under consumer law by serving a section 21 notice in retaliation for a complaint. Threatening a tenant with eviction could potentially be considered an aggressive commercial practice, but it is difficult to see how serving a notice that a landlord is contractually and statutorily entitled to serve would be found to be an illegal act. Under section 21, the landlord does not need to give a reason to evict tenants.

Engaging in unfair or aggressive commercial practices is a criminal offence for which a prosecution or other enforcement action can be brought by trading standards officers. We consider that the law needs to be changed to introduce provisions specifically designed to target retaliatory eviction, which will make it clear that where a local authority has issued a statutory notice in relation to a health and safety hazard in the property, the existing restrictions on the use of section 21 notices should be extended to cover those circumstances.

It has also been suggested—I suspect we will hear more about this shortly—that the introduction of the Bill will jeopardise the private rental sector. There are already some restrictions on the use of section 21 notices. Landlords cannot serve a section 21 notice where they have failed to put their tenant's deposit in a Government-approved tenancy deposit scheme, or where they have not obtained a licence for a property that should be licensed. There are therefore already some restrictions on section 21 and the private rental sector has expanded none the less.

I will briefly cover the four main areas of the Bill. First, there is protection from retaliatory eviction where a tenant requests a repair be carried out and the local authority confirms that that repair is necessary. It cannot be a vexatious raising of a spurious point—the local authority would have to confirm that the repair was necessary. If that is the case, the landlord will be

[Stephen Williams]

prevented from evicting that tenant for a period of six months. Under existing legislation the landlord will also be required to ensure that the repairs are completed.

Mr Chope: But surely that does not cover the situation where the local authority does not reach a decision. An application to a local authority would have the effect of staying proceedings. If the local authority does not then reach a decision, the landlord will be left in a very difficult position.

Stephen Williams: The landlord would be left in a very difficult position, but I have not yet seen or heard any evidence to suggest that local authorities do not, or are unable to, reach decisions. That would be quite an extraordinary state of affairs. The Bill provides that when the local authority does reach a decision, the repairs must be carried out.

Secondly, there will be compliance with certain legal requirements. Landlords are currently required to ensure that any property they rent out has an annual gas safety certificate and a valid energy performance certificate. The Bill provides order-making powers, and the intention is that regulations will be made specifying that a tenant may not be evicted where the landlord has failed to comply with these basic legal requirements. The restriction would be lifted as soon as the landlord obtained those documents.

Thirdly, the Bill provides for time limits on the service of eviction notices. There will be no change to the current requirement that a tenancy must be for a period of at least six months. However, the Bill will provide that an eviction notice may not be served during the first four months of any tenancy and that the eviction notice will be valid for a maximum of six months. The purpose of this measure is to deal with an approach adopted by a small minority of landlords: serving an eviction notice right at the start of a tenancy, which can result in a tenant having to vacate a property with virtually no notice.

Fourthly, the Bill makes the eviction process more straightforward. This shows that the Bill is balanced, because it helps the position of landlords as well. The process for evicting tenants in legitimate circumstances—for example, for non-payment of rent—is not as straightforward as it could be. That is exacerbated by the fact that most landlords are not property professionals and frequently do not understand current legal procedures for eviction available to them. As a result, it can sometimes take landlords several months to regain possession of their property. To address that, there will be a standard pro forma which can be used by landlords to serve an eviction notice and will provide that, so long as two months' notice is given, a landlord no longer needs to specify the exact date when the tenancy will come to an end.

In conclusion, the Government support the Bill in principle. We want the Bill to be balanced. We do not want tenants to be able to make vexatious complaints and we do not want to bring in excessive regulation. We wish to give the Bill a Second Reading and for it to proceed to Committee, where some issues will need to be addressed. I commend the Bill to the House.

12.28 pm

Philip Davies (Shipley) (Con): Before I start, I should draw the attention of the House to an interest declared in the Register of Members' Financial Interests. As I have made clear before, I am a landlord, or an accidental landlord as I think it was described by my hon. Friend the Member for Harrow East (Bob Blackman) in his speech. I am also a tenant. In fact, I am a tenant in two places and landlord in one, so I am more of a tenant than a landlord. I thought I should confirm that before I start. I am also delighted to confirm that my tenants seem quite happy with everything and I have certainly never had to even consider evicting them. I have also not been evicted myself. That is probably a good thing all around.

I congratulate the hon. Member for Brent Central (Sarah Teather) on introducing the Bill. She was very lucky in the ballot. Not only has she brought forward a Bill, she has persuaded the Government to abandon everything they have ever believed in up until this point. Her powers of persuasion are clearly very good, although they may not quite have worked on me yet. I have been listening carefully and I note that we have had about two-and-a-quarter hours of contributions to the debate, all from people who are in favour of the Bill. There are about two hours left, so we do not quite have the time to cover all the points, but I will try to go through as many as I can in the time allowed.

Should I ever need to sell my property or move into it myself, I would need to ask my tenants to leave and find another place to live, not out of revenge or retaliation, but for reasons that have nothing to do with them but are a fact of life. The whole point of a tenancy is that one person rents from another person for a period. Some tenancies can last for a long time, but the only guaranteed length of time is that in the contract. That is clear to all parties and is the whole basis of the rented sector.

Should my tenants decide they would like a bigger property or to move out of London, they would not tell me they are leaving. There is nothing I can do about that, apart from trying to find new tenants to take over from them as quickly as possible to maintain the income to cover the costs of the property and hoping very much that the new tenants are as good as my current tenants. So here we have the principle of simple economics, despite there being plenty of regulation doing its best to interfere with it.

I have a property, somebody wants to live in it and for an agreed price and term, we make an arrangement for them to do just that. That is what we are talking about. The legalities, however, can be rather complex. I have taken advice from, and am grateful to, John Midgley, the enfranchisement and property litigation partner at Seddons solicitors. I have also taken advice from other organisations within the private rented sector, because they understand these matters well. I have also seen myriad briefings and reports on the subject.

In law, when a tenant wants to leave a property after the agreed time, they just leave. In theory, they pay their last month's rent, hand over the keys, get their deposit back, or part of it, and walk away. They just abide by the terms of the lease for the term of the notice period, and then they are free to go. In fact, even if they do not pay their rent, they often just leave. It is then up to the

landlord to decide what, if anything, they do to recover the money. The tenant does not have to give any reason for leaving—they just can leave—but that is not the case for landlords. That is a clear example of the already in-built bias in favour tenants.

The tenants have no obligation to say why they are leaving or to give notice months in advance. They can just leave and say goodbye. This leaves landlords at a disadvantage, because they will normally want to re-let the property to maintain their income, in many cases to cover a mortgage, and they might well have had little notice that the tenants planned to vacate the property. Yet landlords have to serve notice on tenants to get them out. In the case of a no-fault situation, under an assured shorthold tenancy, where the landlord just needs to get the property back, for whatever reason, notice under section 21 of the Housing Act 1988 needs to be served by the landlord on the tenant in order to bring the letting formally to an end. Only after that can the landlord instigate possession proceedings if the tenant fails to leave as requested.

Mr Chope: Will my hon. Friend deal with the issue of landlords who find that their tenants not only leave without notice, which is bad enough, but trash the place? I have constituents who say that because of that experience they will never be private landlords again.

Philip Davies: My hon. Friend makes a good point, although, in fairness, the point has been made by others that there are good landlords and less-than-good landlords, and good tenants and poor tenants who leave properties in a terrible state and without paying. I do not see this as a one-sided issue. I do not think it is all in favour of the landlord, as opposed to the tenant. That is not my reading of the picture.

I must say in passing that those who claim there is a terrible bias in the system owing to problems of supply and demand are the same people who do not want to tackle immigration, which is one of the main reasons there is so much demand for property. If they really wanted to tackle the root causes of any imbalance in the market, they might at least be consistent and approve policies on immigration that would do some of the job they want to do through regulation.

Jeremy Corbyn: On the subject of supply and demand, what does the hon. Gentleman think about the vast numbers of properties deliberately kept empty in London as part of land-banking, which denies people somewhere to live and jacks up the price for everybody else?

Philip Davies: I cannot speak for the hon. Gentleman's constituency. He had the opportunity to speak earlier, but he cut himself short; he could have expanded at greater length on the problem of land-banking in his constituency. I do not want to be drawn off course. I am being dragged away and asked to speak at length about something, but I would rather stick as closely as I can to the meat of the Bill. I am sure that everybody would want me to do that.

Stephen Pound *rose*—

Philip Davies: If the hon. Gentleman has other areas he wants me to expand into, I will be happy to indulge him, but I am not sure I want to go down that route.

Stephen Pound: On the subject of meat, the hon. Gentleman is well known for his prodigious appetite for research. Where in his last comment is there any link to the wording of the Bill? I cannot see any connection between his comments and what the hon. Member for Brent Central (Sarah Teather) is seeking to help with.

Mr Deputy Speaker (Mr Lindsay Hoyle): I do not think we have to worry about that.

Philip Davies: I was merely pointing out that others had said there was a problem with supply and demand—that there was too much demand—and therefore that landlords had too much of a whip hand. I was merely pointing out that there were better ways of dealing with the supply-and-demand issue than through this Bill, so my point was very pertinent to the Bill. The hon. Member for Ealing North (Stephen Pound) seems to be slower on the uptake than normal, so I shall repeat that point: there are better ways of dealing with the supply-and-demand issues than by passing the Bill, which makes my remarks very pertinent to whether we need to pass the Bill.

As I was trying to say before I was rudely and repeatedly interrupted, the private rented sector has been a topical issue for many years, and there have always been arguments for greater regulation of the industry. The historical context of assured shorthold tenancies and section 21 notices, which are the subject of the Bill, can be easily traced. The 1987 Conservative manifesto recognised that there was a problem with the shortage of rented properties available, and to help increase the supply of rented dwellings, it pledged to make renting easier for landlords. I will not read out the whole section of the manifesto, under the “Better Housing for All” heading, but the relevant bits read, under the sub-heading, “A Right to Rent”:

“Most problems in housing now arise in the rented sector. Controls, although well-meant, have dramatically reduced the private rented accommodation to a mere 8 per cent of the housing market. This restricts housing choice and hinders the economy. People looking for work cannot easily move to a different area to do so. Those who find work may not be able to find rented accommodation nearby. Those who would prefer to rent rather than buy are forced to become reluctant owner-occupiers or to swell the queue for council houses. Some may even become temporarily homeless. And it is not only these people and their families who suffer from the shortage of homes for rent. The economy as a whole is damaged when workers cannot move to fill jobs because there are no homes to rent in the neighbourhood.”

Many might say we face similar challenges today. It went on:

“The next Conservative Government, having already implemented the right to buy, will increase practical opportunities to rent. We must attract new private investment into rented housing... First, to encourage more investment by institutions, we will extend the system of assured tenancies. This will permit new lettings in which rents and the period of lease will be freely agreed between tenants and landlords. The tenant will have security of tenure and will renegotiate the rent at the end of the lease, with provision for arbitration if necessary. Second, to encourage new lettings by smaller landlords, we will develop the system of shorthold. The rents of landlords will be limited to a reasonable rate of return, and the tenant's security of tenure will be limited to the term of the lease, which would be not less than 6 months. This will bring back into use many of the 550,000 private dwellings which now stand empty because of controls, as well as making the provision of new rented housing a more attractive investment.”

[Philip Davies]

That touches on the point made by the hon. Member for Islington North (Jeremy Corbyn). The reason for the system used today was to bring into use lots of properties that were out of use, because unfortunately the system then was not conducive to encouraging people to rent out their properties.

The figure of 550,000—the number of private dwellings to be brought back into the rental market—is staggering and shows starkly the dangers of too much regulatory interference. The fewer properties on the market, the worse is the supply-and-demand issue, so if people think there is a problem with supply and demand now, I must point out that it can only get worse if we introduce too much regulation into the sector.

Mr Chope: My hon. Friend is accurate in his recollection of the history. Would he like to take this opportunity to pay tribute to the then Member for Bristol West who was the Minister responsible for housing—now the noble Lord Waldegrave. The Department of the Environment at the time, in which I was privileged to serve as a very junior Minister, carried this forward as a really popular piece of legislation.

Philip Davies: I am very grateful. I was not aware of the history that Bristol West has in respect of Ministers from this Department. I would happily praise Lord Waldegrave. I know that my hon. Friend must have been in that Department if it was doing something sensible; I am sure it was more down to him than to the Member for Bristol West. I will leave that to be determined.

The 1987 manifesto also said it would “strengthen the law against harassment and unlawful eviction”. All this was from a Thatcher Conservative manifesto.

The legislation relating to section 21 notices came about because, against this backdrop of the manifesto, the Housing Act 1988 was passed, as my hon. Friend the Member for Christchurch (Mr Chope) will know. Section 21 deals with the landlord issuing a no-fault notice to terminate the contract. This is what today’s Bill is about. It is therefore crucial to understand the section through which this Bill is seeking to ride a coach and horses. The section in the original 1988 Act is titled “Recovery of possession on expiry or termination of assured shorthold tenancy” and it states:

“Without prejudice to any right of the landlord under an assured shorthold tenancy to recover possession of the dwelling-house let on the tenancy in accordance with Chapter I above, on or after the coming to an end of an assured shorthold tenancy which was a fixed term tenancy, a court shall make an order for possession of the dwelling-house if it is satisfied...that the assured shorthold tenancy has come to an end and no further assured tenancy...is for the time being in existence”

and

“the landlord or, in the case of joint landlords, at least one of them has given to the tenant not less than two months’ notice...stating that he requires possession of the dwelling-house.”

In essence, the tenants need to be given two months’ notice in order for the request to regain the property to be valid.

The section continues:

“A notice under paragraph (b)...above may be given before or on the day on which the tenancy comes to an end; and that

subsection shall have effect notwithstanding that on the coming to an end of the fixed term tenancy a statutory periodic tenancy arises.”

If there is a six-month tenancy, say to 31 July, notice can be served any time up to that date. Strictly speaking, the original tenancy ended on 31 July and the periodic tenancy started thereafter. It goes on:

“Where a court makes an order for possession of a dwelling-house by virtue of subsection (1) above, any statutory periodic tenancy which has arisen on the coming to an end of the assured shorthold tenancy shall end”

on the day on which the order takes effect. That means that the periodic tenancy is wrapped up and no further notice is needed. That is basically the point.

Another point is that

“a court shall make an order for possession of the dwelling-house” let on an “assured shorthold tenancy”, which is a “periodic tenancy” if the court is satisfied that at least one of the landlords in the case of joint landlords has given to the tenants a notice stating the last day of the tenancy not less than two months after the date, and the date specified is not earlier than the earliest date on which the tenancy could be brought to an end. So if a notice is not served in the contractual term, and a periodic tenancy has arisen, a further notice is required which must be for a minimum of two months.

The original section of the Act had four subsections and it has been amended in a few ways since its introduction—for example, any notice under section 21 must now be done in writing, which was not in the original Act. This change, other minor amendments, and five new clauses have been added by the Local Government Act 1989, the Housing and Regeneration Act 2008, the Anti-social Behaviour Act 2003, as well as by various statutory instruments.

Today’s Bill seeks to curtail this section and place an additional restriction on landlords. Section 21 applies to an assured shorthold tenancy. On the Government website there is a section called “Tenancy agreements: a guide for landlords”, which explains what an assured shorthold tenancy is, saying:

“The most common form of tenancy is an AST. Most new tenancies are automatically this type. A tenancy can be an AST if all of the following apply: you’re a private landlord or housing association...the tenancy started on or after 15 January 1989...the property is your tenants’ main accommodation...you don’t live in the property”.

It continues:

“A tenancy can’t be an AST if: it began or was agreed before 15 January 1989...the rent is more than £100,000 a year...the rent is less than £250 a year (less than £1,000 in London)...it’s a business tenancy or tenancy of licensed premises...it’s a holiday let...the landlord is a local council”.

Now the Communities and Local Government Select Committee looked at the private rented sector for its first report of the Session 2013-14, pointing out that sector was growing.

“The private rented sector is growing. In 1999, 9.9% of English households rented privately. By 2011/12, the figure had risen to 17.4%, with the number of households renting privately overtaking the number in the social rented sector...In the course of our inquiry, witnesses suggested a number of reasons for this growth including: the deregulation of the private rented sector and changes to tenancies in the late 1980s generating increased investment;...the introduction of new lending instruments in the late 1990s;...constraints on the other two main tenures—social housing and owner occupation—forcing more people to rent privately...and economic,

social and lifestyle factors leading to an increased demand for more flexible forms of housing tenure...Most likely, all these drivers have contributed in some way to the growth."

Mr Chope: Those drivers could collectively be called "supply-side measures". Is that not why it has been successful and has created the flexibility in the market for which there was a latent demand?

Philip Davies: My hon. Friend is absolutely right. Obviously, the more supply there is in the market, the better it is for the tenants—the more choice they have, the more likely it is that prices will be lower than if there was less supply.

Jeremy Corbyn: On a point of order, Mr Deputy Speaker. I have been listening carefully to the speech of the hon. Member for Shipley (Philip Davies), and he does not seem to me to be talking much about retaliatory evictions. He is talking more about the generality of the private rented sector. It is obviously in order to refer to that, but it is clearly not the central factor of the Bill. The Bill is quite specific—it deals with retaliatory evictions.

Mr Deputy Speaker (Mr Lindsay Hoyle): We are going to hear quite a speech. I am sure that the hon. Gentleman will be heading that way, but he is actually in order.

Philip Davies: Thank you, Mr Deputy Speaker. If the hon. Gentleman would let me get on with it, we might get to a conclusion, instead of having him delaying proceedings all the time.

It is interesting to note in that Select Committee report the clear reference to the deregulation of the private rented sector and changes to tenancies in the late 1980s as being reasons for the increase in rented accommodation. That was exactly the point made in the 1987 Conservative manifesto, which I mentioned earlier. The exact figures are interesting, too. The number of private rentals nearly doubled from 1999 to 2012. In 1999 there were 2 million; in 2011-12 there were 3.8 million; whereas the social rented sector declined from 4 million to 3.8 million, but just below the number of the private rentals.

When it comes to understanding the procedure in relation to a section 21 notice for an assured shorthold tenancy, let me tell the hon. Member for Islington North that that is what the Bill is about. I do not know whether he has read the Bill, but that is what it is about. I am sorry to have surprised him by telling him that the Bill is about section 21 notices for an assured shorthold tenancy.

The Department for Communities and Local Government has guidance called, "Gaining possession of a privately rented property let on an assured shorthold tenancy". It is dated 14 November 2012, but is the current online guidance on the DCLG's webspace. It says:

"You cannot use Section 21 to gain possession of your property during the fixed term. You can serve a Section 21 notice on your tenant during that time, providing the date you state you require possession is not before the end of the fixed term. If your tenant paid a deposit, you cannot use Section 21 unless the deposit has been protected in accordance with the tenancy deposit schemes." This idea that landlords can go along willy-nilly using section 21 at any time a tenant decides to complain

about the condition of their property is just for the birds. It is just not accurate. The guidance on the Department's website is perfectly clear about that.

The tenancy deposit scheme is another regulatory burden on landlords, and it is relevant to the Bill because it is a crucial element of the qualifying criteria for a landlord to issue a section 21 notice. However, that is the only respect in which it is relevant, so I do not think that I need to dwell on it any further, which will please the hon. Member for Islington North.

The guidance on the Department's website goes on to say:

"You must give at least 2 months notice in writing. If the fixed term has expired the notice will end on the last day of the rental period and you must explain that you are giving notice by virtue of Section 21 of the Housing Act 1988. You will need to give more than 2 months' notice if the fixed term has expired and the gap between the dates that the rent falls due is more than 2 months (e.g. a quarterly rent)."

Serving the notice is only part of the story, however. Giving notice under section 21 is merely that; it does not constitute a guarantee that the tenants will actually leave. The Department gives a helpful explanation on its website, and I shall set out some quotations from it:

"What do I do if my tenant refuses to leave on the date specified in the notice?"

You will need to apply to the courts for a 'possession order'."

"What do I do if my tenant refuses to leave by the date given in the court order?"

You must apply to the courts for a warrant of possession and the court will arrange for a bailiff to evict the tenant. You will need to use the 'Request for Warrant of possession of Land (N325)...form.'"

"How can I speed up the process?"

You can use the possession claim online service if you are seeking possession of the property together with any rent arrears. The service allows you to access court forms online".

"Where possession is sought under Section 21, an accelerated procedure can be used which is a straightforward and inexpensive procedure for getting possession of your property without a court hearing.

In most cases using this procedure the court will make its decision on the papers, and can order possession to be given up within 14 days unless exceptional hardship would be caused, in which case the maximum time that can be allowed is 42 days.

You can only use this procedure if you have a written tenancy agreement and you have given the tenant the required notice in writing that you are seeking possession. You cannot use this procedure if you are also claiming rent arrears."

The landlord therefore still has plenty of hoops to jump through, even after serving notice, unlike the tenant, who will have no problems at all if he or she wants simply to leave.

Mr Chope: Is it not the case that a fair number of tenants know through the grapevine that they can allow themselves to get into arrears because those cannot be claimed against them if the landlord is able to exercise his section 21 notice?

Philip Davies: My hon. Friend is absolutely right. That is already a big problem for landlords. Many landlords also worry about not being paid for weeks on end and, for example, being unable to have any benefits paid directly to them.

[Philip Davies]

The issue with which we are dealing today is what is described as “retaliatory eviction”. The House of Commons Library says:

“Retaliatory eviction, also sometimes referred to as revenge eviction, is used to describe the situation where a private landlord serves a section 21 notice on an assured shorthold tenant (seeking to terminate the tenancy) in response to the tenant’s request for repairs, or where they have sought assistance from the local authority’s environmental health department.

Retaliatory eviction is said to be a by-product of the fact that private landlords can evict assured shorthold tenants without having to establish any ‘fault’ on the part of the tenant.”

The problem is that unless one knows the specifics of the case, or is in possession of an admission that that is what the landlord has done, it is difficult to know whether an eviction falls into that category. A landlord could, for example, coincidentally need the property back at the same time as the issuing of a complaint or a request for repairs.

I know of an example of a woman who went to Australia with her then boyfriend. They let their property in Clapham to go off on what was supposed to be a three-year secondment. Unfortunately, the woman’s boyfriend decided to end their relationship after just a few months. Her visa was dependent on him, so she had a very short time in which to leave Australia. She was homeless on her return to the United Kingdom, as the property had been let to cover the mortgage while they were out of the country. She had no choice but to give her tenant notice so that she could at least have somewhere to live and regain part of her life back in the UK.

Under the Bill if, by sheer coincidence, the tenant—who had been dealing with managing agents—had given notice of a problem, the woman would have had to wait a further six months. Given that she would be the one moving back into the property, she would hardly have not wanted to do whatever work was needed, because such work would have been to her benefit. The delay would have made an already upsetting situation even more distressing and stressful. Such a situation could well be just one of the Bill’s unintended consequences.

Similarly, if someone wanted to move back into a property to be near an ill or dying relative and to help with that relative’s care, in the event of the same coincidental timing of a notice or complaint, that person could be prevented from regaining his or her property, with the obvious emotional problems that would naturally arise in such distressing circumstances. Moreover, the tenant’s complaint might not be genuine. In the cases cited by the proponents of action, such as the Bill’s proposer, complaints are always genuine rather than bogus or spurious, although such complaints obviously occur from time to time.

Landlords already have obligations in relation to repairs and maintenance under the Landlord and Tenant Act 1985, so they have a legal duty. We are talking about tenants who complain about a landlord who is not carrying out his legal duty. Resorting to evicting tenants would not remove the legal duty in section 11 of that Act, which states:

“In a lease to which this section applies...there is implied a covenant by the lessor...to keep in repair the structure and exterior of the dwelling-house (including drains, gutters and external pipes)...to keep in repair and proper working order the installations in the dwelling-house for the supply of water, gas

and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences, but not other fixtures, fittings and appliances for making use of the supply of water, gas or electricity), and...to keep in repair and proper working order the installations in the dwelling-house for space heating and heating water.”

The Communities and Local Government Committee considered retaliatory evictions as part of its 2013-14 report on the private rented sector.

Stephen Pound: On a point of order, Mr Deputy Speaker. I would never dare for a moment to suggest a course of action that you should take from the Chair, but surely, Sir, you would agree that this is utterly, totally and completely irrelevant. We will be on to episodes of “Rising Damp” next. Is it in order for the hon. Gentleman to seek to read out a list of necessities including “sanitary conveniences” in his pathetic attempt to talk out a good and decent Bill?

Mr Deputy Speaker (Mr Lindsay Hoyle): That is not a point of order, but we have heard the hon. Gentleman’s view and his opinion. My opinion is that the hon. Member for Shipley (Philip Davies) is in order. However, I agree with the hon. Member for Ealing North (Stephen Pound) on one point: we do not want to be given too many more examples.

Philip Davies: I am grateful to you, Mr Deputy Speaker.

I am surprised that the hon. Member for Ealing North has led with his chin by drawing attention to the fact that he has absolutely no idea what the Bill is about. The Bill is about retaliatory evictions. That is the whole purpose of it, and that is what the campaign that resulted in the Bill was about. The moment I mentioned the Select Committee’s report that considered retaliatory evictions, the hon. Gentleman stood up to say that that was irrelevant to the Bill. Either the hon. Gentleman is wasting time himself, or he has not the first idea what he is talking about. I have no idea why he is sitting on the Opposition Front Bench masquerading as some sort of expert on the subject.

Mr Chope: Does my hon. Friend agree that what the Select Committee did was to engage in pre-legislative scrutiny, and that it reached a conclusion that was very different from that reached by the hon. Member for Brent Central (Sarah Teather)?

Philip Davies: My hon. Friend is right. I know that this is very inconvenient, but the whole point of Select Committees is to look at and scrutinise issues in detail and to take evidence, with the Committee then making recommendations on the basis of its expertise. It is a sad day in this House when Members seem not to want to know what that Select Committee, under its Labour Chairman, said about the issue we are debating. Free speech is a long way away from the Labour party. The detailed Select Committee report is a hefty 79 pages long.

Mr Deputy Speaker: Order. I am not sure that I was referring to a Select Committee report, but we are dealing with a Bill. The two must presumably link, but I am not sure how, as I do not have the Select Committee report before me. I know that the hon. Gentleman wants to discuss the Bill and I presume that that is what we are going to do.

Philip Davies: Very much so. The specific point about retaliatory eviction in the Select Committee's report is relatively short but insightful:

"A number of witnesses raised concerns about 'retaliatory eviction', whereby landlords would serve notice on a tenant if they complained or asked for repairs to be carried out. Bradford Metropolitan District Council"—

my local authority—

"stated that one of the consequences of the relative lack of security of tenure in the PRS is the incidence of retaliatory evictions. We have concerns that when some landlords become aware that their tenants have contacted the local authority for assistance with the poor standard of their accommodation, that they then serve notice on their tenants, who are then required to move out."

Retaliatory eviction was said to be a by-product of the fact that private landlords can evict assured shorthold tenants without having to establish any fault on the part of the tenants.

I will come on to what happens in other countries but, sticking to the conclusion that is relevant to the Bill, the Select Committee said:

"We are not convinced, however, that a legislative approach is the best or even an effective solution. Changing the law to limit the issuing of section 21 notices might be counter-productive and stunt the market. Rather, if we move towards a culture where longer tenancies become the norm, tenants will have greater security and also more confidence to ask for improvements and maintenance and, when necessary, to complain about their landlord. Moreover, if local authorities take a more proactive approach to enforcement, they will be able to address problems as they occur rather than waiting for tenants to report them."

The Committee cited the word "perception", as opposed to the reality, and rejected the need for legislation, going as far as to say that that could be "counter-productive". I could not have put it better myself, and I praise all the Committee members who listened to the evidence and reached that sensible conclusion.

The issue of retaliatory evictions is not new—in fact, it has been raised time and again—yet no Government, whether Conservative or Labour, have felt the need to take action. The issue was the subject of an amendment in the name of Lord Dubs that was moved by Lord Williams of Elvel in 1996. It is worth considering the reasons behind the amendment. Lord Williams said:

"This amendment deals with the difficult problem of retaliatory eviction. The effect of the amendment is to extend the notice period in such cases...Retaliatory evictions, apart from being very distressing to those who are evicted as a result of something they may have done inadvertently, can seriously hamper a local authority's attempts to tackle poor housing conditions."

Exactly the same issue was therefore being discussed in 1996. The interesting bit is the response of Earl Ferrers, the then Minister:

"I have difficulty with what the noble Lord is proposing. It could prevent a landlord from regaining possession of his property for more than a year after the end of the initial six-month period or after the end of a pre-agreed fixed term".—[*Official Report, House of Lords*, 10 July 1996; Vol. 574, c. 311-313.]

Of course, those problems remain. The then Minister's argument—that such a measure could create unnecessary problems for genuine landlords—is as relevant today as it was when that amendment was moved and the then Conservative Government rejected it.

The issue was also raised when Labour was in office. Lord Williams of Elvel—a very persistent Member—had another go in 2008. The then Labour Minister, Baroness Andrews, responded by saying:

"We have to understand the scale of the problem. It is not at all clear how many people are affected. We also need to avoid

unintended consequences. We need a thriving private rented sector and we need to keep good landlords in the market."

She was right.

I shall not go into the other notable comments that were made during that debate, but Earl Cathcart and Baroness Gardner of Parkes also made good points. Baroness Andrews summed things up by saying that it was

"in everyone's interests to get the balance right". —[*Official Report, House of Lords*, 2 April 2008; Vol. 700, c. 1039-1041.]

That was what the Labour Government thought they had done. I agree with them, as they did get the balance right between the rights of the landlord and those of the tenant.

I know that the hon. Member for Brent Central has the support of many of her Liberal Democrat colleagues, but I was interested to read the position of the former Communities and Local Government Minister, the right hon. Member for Hazel Grove (Sir Andrew Stunell), during the passage of the Bill that became the Localism Act 2011. He said:

"section 21 is one of the key characteristics of assured shorthold tenancies to which the tenancy deposit scheme relates. It allows a landlord to evict a tenant, having given reasonable notice, on a non-discretionary basis and without having to give a reason. The ability to gain possession of their property is key to a landlord's confidence in letting out that property in the first place, and in the current economic climate, we would not want to undermine that confidence".—[*Official Report, Localism Public Bill Committee*, 10 March 2011; c. 952.]

Once again we have the Liberal Democrats all over the place on an issue. They tell landlords one thing on the one hand, but tell tenants something completely different on the other. However, I think that what the right hon. Member for Hazel Grove said was very sensible.

Mr Chope: Does my hon. Friend agree that this is also an issue for landlords who are borrowing, because lenders may be very worried about lending money to landlords if it cannot be guaranteed that those landlords will be able to get the property back should the need arise?

Philip Davies: My hon. Friend is absolutely right. An unintended consequence of the Bill would be that there would be fewer properties on the market for people to rent, and I am not sure how that that would help anybody.

The Communities and Local Government Committee report also dealt with the fear of retaliatory eviction in relation to energy efficiency requests. It said that Friends of the Earth and the Association for the Conservation of Energy were concerned that tenants would be unlikely to request energy efficiency measures from landlords for fear of eviction. This is mentioned in the Bill, although that was not a recommendation of the Committee. Actually, the Committee's recommendation was very landlord-friendly, while recognising that this would also help tenants, because it asked the Government to

"convene a working party from all parts of the industry, to examine proposals to speed up the process of evicting during a tenancy tenants who do not pay rent promptly or fail to meet other contractual obligations. The ability to secure eviction more quickly for non payment of rent will encourage landlords to make properties available on longer tenancies. The Government should also set out a quicker means for landlords to gain possession if they can provide proof that they intend to sell the property."

[Philip Davies]

The Committee was in effect urging the Government to take the exact opposite view from that proposed in the Bill. It says that they should make it easier for landlords to evict tenants more quickly, which would mean there would be more properties available and landlords would have much more confidence in offering longer tenancies, with the security that that provides.

The Committee's report did not agree at all with what is proposed in the Bill, yet apparently all parties are supporting it today. Before we start running around doing something about a problem, we need to be sure it is so concerning that it is impossible to ignore.

The English housing survey is a good place from which to get important statistics for this debate. According to the 2012-13 survey, 84% of private renters said they were very or fairly satisfied with their accommodation, with 10% being either slightly or very dissatisfied. Three fifths—61%—of private renters reported that they anticipated owning their own property in the longer term, with about a quarter reporting that they expected still to be renting from a private landlord in the longer term. In the private rented sector, a fifth of households were of other nationalities—not British or Irish—in comparison with only 3% of owner-occupiers, and 7% of social renters were of other nationalities. The private rented sector had the largest proportion of full-time students and only 13% of private renter households earned less than £200 a week. In 2008-09, 12% of private renters were couples with dependant children, but by 2012-13, that figure had increased to 20%, compared with 39% of people with a mortgage. Private renters had been living in their current home for an average of 3.8 years, so most private renters stay in a property much longer than many might imagine.

It is important to paint that illuminating picture of the types of people who rent. It is clear that there are reasons why they would choose to rent rather than buy, not least of which is that people of different nationalities might be working over here temporarily. Students might live away from home for a fixed period of time but then want to return. It is also important to note that the vast majority of private renters are very happy with their accommodation. I certainly fall into that category as somebody who rents a property in London and in Shipley, and I hope that my tenants do too. That is not the picture that some people would like to paint in justifying the Bill today.

The housing survey also assists with the numbers of people leaving their properties, which is crucial in understanding the position of eviction in the market. The survey states that four fifths of private renters who moved in the past three years said that their tenancy had ended because they had wanted to move; only 7% said that it was because they had been asked to leave by their landlord or agent—and that covers every possible circumstance before we even move on to retaliatory eviction. The other reasons were that the renter wanted to move, that there was a mutual agreement or that the accommodation was tied to a job that had ended.

Mr Chope: Does my hon. Friend agree that accommodation that is let to students represents a good example? Students take it for a year and the landlord knows that at the end of the year they will go and he will have to let to a fresh lot of students.

Philip Davies: My hon. Friend is absolutely right and that certainly makes up a large part of the market.

A helpful breakdown in the English housing survey also shows why over the past three years tenants were asked to leave. That is very illuminating as regards today's debate, because we are being led to believe that people left, right and centre are being asked to leave in some sort of retaliatory eviction, which simply is not the case. Out of 184,000, 103,000 had been asked to leave because the landlord wanted to sell the property or use it themselves, 18% had been asked to leave because they had not paid the rent and 63,000 had left for other unspecified reasons, which is 35%. In 57% of all cases people were asked to leave simply because the landlord wanted to sell up or use the property themselves.

It is not very helpful just to say that there are "other reasons", so I asked the statisticians behind the survey for a breakdown so that we could be a bit more specific about what they were and how many there were in each category. I suspect that the Government have not done that and that the hon. Member for Brent Central has not done so either. The statisticians helpfully said that the sample sizes for the response options grouped together as other reasons are too small to break down any further but include difficulties with the payment of housing benefit and local housing allowance, the landlord's being dissatisfied with how accommodation was being looked after, the landlord's receiving complaints from neighbours and, crucially, the tenant's having complained to the council, agent or landlord about problems with the property. So, that was the fourth reason down of the other reasons that are individually too small a sample to be broken down and have their own category. That lays bare the extent of the problem that the Bill is trying to deal with today.

The Government claim that they have been persuaded of the case and that because of a YouGov survey they have overturned everything they ever believed in. It seemed from what the Minister said earlier that that is the basis on which the Government's position has changed. He did not say that it was a YouGov survey commissioned by Shelter, so I will add that bit for him. The day that a Government support a Bill on the basis of an opinion poll commissioned by a campaign group is a sad day, and the Minister did not even have the nerve to admit that that was what happened. It was a survey conducted by a pressure group, and that is a pretty shoddy reason. He should look at the evidence.

Stephen Williams: I cited the YouGov research, and the extrapolation that could be made from it, as further evidence of the need for the Bill. The compelling need for the Bill has also been illustrated by many other hon. Members who have spoken in the debate and reiterated the real-life experiences of their constituents. They have shown why there is a need for the Bill.

Philip Davies: If the Minister would like to intervene on me again and tell me his view of the English housing survey and how much weight should be put on the figures, I would be interested to hear that. The survey has, in just one set of tables, completely undermined the case for the Bill.

Given that the smallest figure that had a category—non-payment of rent—was 18,000, we can deduce that the number of households with tenants who were asked

to leave because they had complained about problems with the property has to be substantially less, because it was the fourth category down in the “other” section. The figure must therefore be considerably less than 18,000. That figure also relates to people who have been asked to move from a household in the past three years, so this represents a three-year figure, not just a one-year figure. We know that the figure is very small, but, whatever it is, it will include tenants who have complained but who did not have a genuine complaint, because the complaints in the survey were never verified.

In fewer than 18,000 households were tenants renting in the private sector asked to leave because of a complaint made about problems with their property. Even if the figure were 18,000, that would amount to only 0.7% of all households where the tenant left their rented property in the past three years. That means that fewer than 6,000 households a year were affected. We do not know the exact number, because the figures are too small to be helpful, as the statistician behind the English housing survey confirmed.

Another way of looking at this is provided by the Association of Residential Letting Agents, which has said of retaliatory eviction:

“A recent poll undertaken by possession specialists, Landlord Action, suggests it could be the reason behind around 2% of landlord possession claims.”

It is also important to consider that, according to the English housing survey for 2010-11, only 9% of tenancies ended at the request of the landlord. Based on those two pieces of research, we can conclude that the figure we are talking about is 2% of that 9%. So, according to the best evidence we have, retaliatory evictions might occur in only about 0.18% of tenancies, yet we are told that it is essential that we pass this Bill today. Given that the English housing survey suggests that there are currently almost 4 million tenancies in the UK, that 0.18% would equate to approximately 7,120 tenancies ending in retaliatory eviction.

Richard Lambert, chief executive officer at the National Landlords Association, has said of retaliatory eviction that

“it should not be confused with using the no fault possession procedure to end a tenancy, which in the vast majority of cases is the final resort, not a response to a request for repairs or because landlords are out for revenge. We don’t talk about any other service provider seeking revenge from their customers and there is no reason to suspect landlords are any different. Sarah Teather’s private member’s Bill is aimed at tackling a perception of the ‘worst case scenario’, which is not the experience of the majority of renters who rely on private housing. There is a lack of hard evidence to support a need for the changes proposed”.

How well do the official figures that I have given to the House tally with the claims being made by those in favour of the Bill? Not very well—

Madam Deputy Speaker (Dame Dawn Primarolo): Order. The hon. Gentleman has been talking for a very long time on the same point. He has made the point very eloquently, but he is in danger of repeating the same point continuously by drawing on different comments from elsewhere. He is now repeating himself and—dare I say it?—repetition can sometimes get a bit tedious. This comes under Standing Orders, so I hope, given that there are others waiting to speak, that he will acknowledge that he has made his point and conclude his remarks.

Philip Davies: I shall stay in order, Madam Deputy Speaker. I recall, back in 2005, when I was first here, the then Member for Hendon spoke for three hours and 17 minutes on a—

Madam Deputy Speaker: Order. Whether a contribution in the House is in order or not is measured not by time but by whether it continuously repeats a point or argument. However good the hon. Gentleman’s memory might be, the fact is that I am in the Chair now and I have given him my ruling. It is the content of a speech, not its length, that is the measure. He has made his point, so perhaps he will move on to another one. I do not want him to keep going over the same ground.

Philip Davies: I am absolutely not going to go over the same ground, Madam Deputy Speaker. I am going to compare the official figures with those given by the campaigning organisations that have asked for this Bill to be introduced, because they simply do not tally.

Shelter, which has been making a lot of noise on this subject, says on its website that last year 200,000 renters faced eviction just for speaking out about bad conditions. The official figures are nowhere near 200,000; Shelter has just picked a figure out of thin air and decided to run a campaign on the back of it. In the briefing note for this Bill, Shelter says that more than 200,000 renters have been evicted or served notice in the past year because they complained to their local council or their landlord about a problem in their home—that is simply not true. I am confused: is Shelter saying that 200,000 renters faced eviction, that 200,000 were either evicted or served a notice, or that 200,000 were evicted and many more live in fear of eviction? I do not know which it is, but I am certainly not sure that that is true. The Liberal Democrat Lord Stoneham has said that every year 300,000 tenants are evicted after making a complaint to their landlord about the state of their home, so we have fantasy figures inflation about this. I am not sure where the figures come from, and I would be very interested to know, but that is 150% of Shelter’s worst-case scenario of 200,000 people being evicted.

Mr Choqe: The Minister has fallen back on saying that he is relying on anecdotal evidence to justify this Bill. Bearing in mind the impact it will have on the whole of the private rental market, is it not right to look at the exact scale and try to find some evidence to justify the case for this Bill?

Philip Davies: Absolutely. The official figures are there; but the Government have just decided, presumably because an election is coming and the Minister thinks he might get a few cheap votes out of it, to ignore what the evidence is. Paul Shamplina of Landlord Action has said that Shelter is

“engaging in a lot of guesswork”

on the figures. He said that the Government statistics show that last year there were 170,000 possession claims issued—the Minister might want to confirm that these are his Department’s figures—of which 113,000 were for the social sector. So that just leaves 57,000 in the private rented sector, 23,000 of which were through a hearing route—section 8—and 34,000 of which were through the accelerated possession routes. He says that “most of the time tenants may not know the reason”

[Philip Davies]

why a section 21 notice is issued, because it is the landlord's prerogative. Does the Minister want to confirm that that is the case and so those figures from Shelter are just completely wrong?

Landlord Action also carried out a survey of landlords who had served section 21 notices, finding that 28% of landlords said they had served a notice because their tenant was in rent arrears, with 2% advising that their tenants had asked for repairs to be carried out so they served a section 21 notice. It could be argued that those were retaliatory evictions, but the precise details are not known. The Competition and Markets Authority also notes that the database it analysed in preparing its review of lettings did not identify retaliatory eviction as a problem of any significance at all.

Given all that, we could be forgiven for being completely confused and wondering what the reality of the situation is. Helpfully, however, the Government have been answering parliamentary questions on this subject. My hon. Friend the Member for Plymouth, Sutton and Devonport (Oliver Colvile) asked how many section 21 notices were served in each of the past 12 months and in each of the past five years. The Minister of State, Department for Communities and Local Government, my hon. Friend the Member for Great Yarmouth (Brandon Lewis) said:

“The Government does not collect this information.”

But he went on to say that the serving of such notices was

“like any other termination of a contract...a private matter between the landlord and tenant.”

That raises the question of why the Government now do not seem to think it is a private matter between the landlord and the tenant, and seem to have figures that they did not have when the question was asked.

My hon. Friend the Member for Plymouth, Sutton and Devonport also asked what records the Department keeps and what criteria they use to define retaliatory eviction. Again, the Minister replied that none of that information is collected centrally. Having looked at that some more, it seems that my assessment of the situation chimes with what previous Housing Ministers have said. My right hon. Friend the Member for Welwyn Hatfield (Grant Shapps), now Conservative party chairman, when he was Housing Minister, referred to the English housing survey and gave the figures I have used today. He was using those figures as the official Government figures. If they are the official Government figures, why does the Minister not accept them? Why are the Government now trying to pretend that a YouGov poll is more important and worthwhile than the official figures that his predecessors used when discussing the matter?

The hon. Member for Eastleigh (Mike Thornton) asked earlier this year, on 28 April—

Madam Deputy Speaker: Order. Okay, Mr Davies, under Standing Order No. 42, a Member may be called to order for

“tedious repetition either of his own arguments or of the arguments used by other Members”.

That is now what is happening with regard to the reference to evictions in the Bill. The Member has been speaking for nearly an hour. I am directing the Member

to make his closing remarks now. Otherwise, I will require him to take his seat so that we can hear from the other Members who wish to participate in the debate. Is that clear?

Philip Davies: Well, your position is clear, Madam Deputy Speaker. I was not sure that the Chair had positions, but your position is clear.

Madam Deputy Speaker: Order! Sit down, Mr Davies. That is an outrageous challenge to the Chair. Your speech is now finished. I call Mr Christopher Chope.

Lyn Brown: On a point of order, Madam Deputy Speaker. At the beginning of his speech, the hon. Member for Shipley (Philip Davies) referred to his own accidental property ownership. I, too, must take this opportunity to put on the record a quarter share in a property that we now rent out. I apologise to you and to the House for not having done so at the beginning of my contribution and for therefore having to do so on a point of order.

Madam Deputy Speaker: That point is now on the record. I thank the hon. Lady.

1.27 pm

Mr Christopher Chope (Christchurch) (Con): It is a pleasure to follow my hon. Friend the Member for Shipley (Philip Davies), many of whose concerns about this legislation I share. As I said in an earlier intervention, this area has long been of interest to me, since I was a Minister in the Department of the Environment when we introduced the Housing Act 1988, which deregulated the private rented sector and, in so doing, generated so much more activity in the sector and provided so many more opportunities for people both to rent and to let properties. We got rid of the enormous scandal of hundreds of thousands of properties being kept empty because landlords feared that, once a tenant was in place, they would be unable to regain vacant possession. It is against that background that I look at this Bill.

I am worried that such a Bill, which is intended to change the balance—it certainly would—between the landlord and the tenant in shorthold tenancies, might result in adverse consequences for the whole private rented housing market. It might deter new landlords from coming into the market and encourage existing landlords not to re-let and to leave the market. It might, completely contrary to the wishes and intentions of the Minister, reduce the availability of tenancies for people looking for somewhere to live. Against that background, we need to be circumspect in looking at the precise provisions of the Bill.

My hon. Friend the Member for Shipley dealt with the scale of the problem and sought to put it into perspective. He challenged the basis of the Shelter survey, which was relied upon by the hon. Member for Brent Central and by the Minister, although in his more recent intervention the Minister seems to have said that he was relying on anecdotal evidence, rather than any hard analysis. That is a rather irresponsible position for the Government to take. It is not the position that the Labour Government took and it is not the position that this Government took up to the time that the hon. Gentleman became the Minister.

My challenge to the Minister is this: given that the Bill is new regulation, has there been a regulatory impact assessment? I do not think so. This new regulation will impact adversely on the market. I would have thought it was a *sine qua non* of Government support for the Bill that they would have undertaken a proper regulatory impact assessment. If we had such an assessment before us, it would probably have been easier for my hon. Friend to make his argument. He would have been able to refer—[*Interruption.*] or not, as the case may be—to a regulatory impact assessment and thereby ensure that Second Reading of this important Bill was properly informed.

The impact is not just potentially on the rest of the private rented sector. The Bill will have an impact on the courts. It is clear that it will generate more business in the courts at a time when the Ministry of Justice—I have the privilege of serving on the Justice Committee—is under enormous pressure to reduce costs and the Courts Service is under great pressure, not least because of the reductions in the legal assistance that has been available to people bringing cases before the courts. The prospect of the Bill generating cases in the county court in which tenants represent themselves against small landlords who are seeking to regain possession of their property is a serious issue which needs to be addressed. It has not been touched on in the debate so far.

I draw attention to that aspect because of the wording in clause 1, which states:

“A section 21 notice may not be given in relation to an assured shorthold tenancy . . . within six months beginning with the day of service of a relevant notice in relation to the dwelling-house.”

It then sets out that that notice would be invalid in particular circumstances. Clause 1 (3) is key. It states:

“It is a defence to proceedings for an order under section 21 . . . in relation to an assured shorthold tenancy of a dwelling-house in England that—

(a) before the section 21 notice was given, the tenant made a relevant complaint in relation to the dwelling-house to the landlord or the relevant local housing authority, and

(b) subsection 4 applies.”

Subsection (4) says that if

“the relevant local housing authority has not decided whether to inspect the dwelling-house or the common parts”

or has decided to inspect them but has not carried out the inspection, or has conducted an inspection but has not decided whether to serve a relevant notice, or has decided to serve a relevant notice but the notice has not yet been served, in all those circumstances clause 1(3) would result in the section 21 proceedings not being able to go forward. That could give rise to a lot of litigation.

It has been assumed during this debate that local housing authorities act expeditiously and conscientiously in dealing with these issues. However, as we heard earlier, there is evidence that, because of a lack of resources, local housing departments and environmental health officers can be reluctant to engage in this kind of activity because it is expensive. Although they have a statutory duty to inspect dwelling houses that have been the subject of a complaint, they often do nothing about it and allow the matter to lapse.

Given that local housing authorities are not even inspecting all the dwelling houses with repair problems that they are obliged to inspect under their existing

statutory duties, it is inevitable that a significant period of time—possibly many weeks—will elapse while they decide whether to carry out inspections under the Bill. If an authority did decide to inspect a dwelling house, it would take even longer for the inspection to be carried out. Then it would have to look at the results and decide whether to issue a relevant notice. If so, the matter would be referred to the legal department and in due course the notice could be served. The whole process, it is no exaggeration to suggest, could take at least six months. Throughout that time, the landlord seeking to regain possession of his property under section 21 would be unable to do so because of the interaction of clauses 1(3) and 1(4).

What would be the likely response of a landlord in this situation? They might well say, “I’m going to have to put pressure on the recalcitrant local housing authority to deliver on this, so I’ll go to the court to try to require it to reach a decision.” In many aspects of the world that we look at as Members of Parliament, the inability of regulatory and statutory authorities to make decisions is, in essence, the regulatory burden. The only remedy for that indecision is to go to the courts, and that leads to a lot of extra court work, as well as a lot of unfairness and injustice for the people involved. One of the biggest problems with clause 1 is the impact that it will have in the courts.

Clause 1(5) states that subsection (1) does not apply where the relevant notice has been wholly revoked under section 16 of the Housing Act 2004, where it has been quashed or where a decision of the relevant housing authority to refuse to revoke has been reversed in three different sets of circumstances, which I will not recite. Those are all very narrow situations, but the bigger question is: what will happen if the tenant acts in a way designed to try to delay eviction or to frustrate the process of recovery of the property by the landlord?

The Minister and the hon. Member for Brent Central, who introduced the Bill, kept on emphasising that it was fair as between landlord and tenant and that there was an opportunity to ensure that if the notice was being challenged on unreasonable grounds, that could be dealt with by the courts. That is where clause 2 comes into play, but I submit that that is not fairly expressed. For example, clause 2(2) states:

“Subsection (3) of section 1 does not apply if the court considers that the relevant complaint is totally without merit.”

How will it be possible to find out whether a complaint is “totally without merit”? That is obviously a subjective judgment that would have to be made by a court. Assertions would be made by one side and counter-assertions by the other. The process of establishing that will take a significant amount of time, even when the notice has been served prior to the landlord seeking to exercise his section 21 rights.

Stephen Williams: Will the hon. Gentleman give way?

Mr Chope: Of course. I hope the Minister will be able to answer that point.

Stephen Williams: To reply to the hon. Gentleman’s point about what would happen in the event of a delay, if a section 21 notice is given, there would have to be two months’ notice and it is our view that that would be sufficient time for a council to go into a property and assess whether the repairs or safety measures need to be undertaken.

Mr Chope: I missed the first part of the Minister's intervention, I am afraid. He said that the whole process could not take more than two months. Is that what he is saying is contained in the Bill? I have not seen anything in the Bill that says that.

Stephen Williams: I am sure the hon. Gentleman is not being mischievous, but what I said was that if a section 21 notice is given, it is for two months and that ought to be sufficient time for a local authority to go into a property to assess whether the repairs or safety measures need to be undertaken.

Mr Chope: I was not trying to be mischievous.

Madam Deputy Speaker (Dame Dawn Primarolo): Order. Mr Chope, I know that you were not trying to be mischievous and the Minister also knows that. We should put that on the record and you can proceed with your comments.

Mr Chope: Thank you, Madam Deputy Speaker.

Having heard the Minister say that a local authority "ought to" be able to do this in two months, I could not agree with him more, but my concern is what happens when a local authority does not do what Members think it ought to do. We have already heard many examples of areas in which local authorities are already falling down on their statutory duties. Nothing in the Bill sets out a timescale within which a local authority has to act in response to the requirements set out in the Bill. If the Minister thinks that two months is reasonable for the whole process, we should be able to incorporate that timescale in the Bill, perhaps through amendments in Committee. Perhaps such amendments will be tabled by the Government.

In each paragraph in clause 1(4), we should specify that the relevant local housing authority must decide within, say, two weeks. There are four parts to the process, so if the Minister thinks that two months is a reasonable time for those four activities, two weeks for each would equal eight weeks. Each of those decisions by the relevant housing authority would therefore have to be taken within the two-week period or be deemed to be a negative decision. That would be a necessary protection for the landlord and, if the tenant has a genuine concern, it would be an opportunity for him to be assured that if something is wrong in the house that he is occupying it can be put right in a reasonably short time. I would be happy to give way to the Minister if he thinks that my interpretation of the need for such an assurance to be included in the Bill is reasonable and the Government would be willing to take it on board to meet the concerns that I have expressed. I note that the Minister has not responded.

The hon. Member for Brent Central said—and I agree with her—that a heck of a lot of people are tenants in properties whose landlord is falling down on the responsibility to keep the property in good repair. Those responsibilities can already be enforced by the existing law, especially the provisions of the Housing Act 2004. That Act deals with the enforcement of housing standards. It defines two categories of hazard. In section 5, the local authority is under a statutory duty with regard to category 1 hazards. Under the title "Category 1 hazards: general duty to take enforcement action", the Act states:

"If a local housing authority consider that a category 1 hazard exists on any residential premises, they must take the appropriate enforcement action in relation to the hazard."

For category 2 hazards, local authorities have the power to take enforcement action. We know that in many cases local authorities are not exercising those powers. That is par for the course and there is nothing that we can do about it.

We know also that in many areas local housing authorities are not exercising their statutory duties, which means that they are letting down the tenants whom they purport to want to assist. Because local authorities are failing to exercise their responsibilities, they are permitting—through their lack of intervention—a larger number of properties to be in disrepair than should be the case. That is unacceptable.

Philip Davies: Given that many of the hon. Members who support the Bill today claim that local authorities are short of resources, does my hon. Friend have any idea as to what extra resources local authorities will need to meet the Bill's requirements and expectations, and whether they have had any discussions on the matter?

Mr Chope: I am grateful to my hon. Friend for that very pertinent question. I think it comes back to the lack of a regulatory impact assessment. The Bill has the potential to put more responsibility on to local authorities, but we know they are already not exercising those responsibilities. The Minister said that they had been given specific grants by the Government in the past year. I think he talked about £6.7 million, if my memory serves me. Despite that, the amount of activity he described by local authorities dealing with problems relating to housing in a bad state of repair was very small indeed in comparison with the vast number of properties—some 4 million—that are currently let by landlords to tenants.

That deals with one of the issues relating to the further exemptions under section 1 set out in clause 2. It is still far from clear that putting the burden on the landlord to show that a complaint is totally without merit is a solution to the problem that the Minister and the promoter of the Bill identified, which is how to deal with tenants who are mischievous, who want to prolong their tenancies, who cause trouble for the landlord or who effectively are in what might be described as the tenants' awkward squad. If this is to be any use, the burden should be the other way around. The burden should be on the tenant to show that the complaint has merit—the burden of proof should be reversed.

Clause 2(1) states:

"Subsections (1) to (3) of section 1 do not apply where the condition of the dwelling-house or common parts that gave rise to the service of the relevant notice, or consideration of whether to serve a...notice, is due to a breach by the tenant of—

(a) the duty to use the dwelling-house in a tenant-like manner, or

(b) an express term of the tenancy to the same effect."

That will be subject to litigation. Whether a tenant has failed in a duty to use the dwelling-house in a tenant-like manner is ultimately something that has to be justiciable by the courts, even where it is alleged that there is a breach of an express term of the tenancy.

Why would tenants want to play the game of engaging in litigation? If they are impecunious, they know they can engage in retaliatory action against their landlords by using the courts against them. They could turn the powers in the Bill, which are designed to try to protect tenants, upside down and use them as a weapon against landlords. That is the concern being expressed by landlords' associations. It is a pity that in listing the bodies the Minister has consulted, he did not mention the Residential Landlords Association, which represents many independent private landlords who are responsible and want to comply with the law, but who are extremely concerned about the consequences of the Bill were it to get on the statute book.

If we start raising questions of whether a tenant has breached an express term of a tenancy or failed to use the dwelling house in a tenant-like manner, we effectively return to the litigiousness of the landlord-tenant law that preceded the assured tenancy regime and section 21 notices, the whole purpose of which was to avoid the litigation and doubts associated with the termination of an assured shorthold tenancy after it had run its six-month course or at some subsequent time. The Bill would resurrect, almost covertly, those old litigious opportunities.

Before I entered the House, I was a practising barrister, and I spent many an enjoyable occasion before judges in the county courts—I will not list those I had the pleasure of practising in—representing tenants and landlords. I was familiar with how the complicated law, as it was prior to 1988, was used by the unscrupulous to prolong the agony, to themselves, often, and the landlord, and at great expense—I am talking about fees as well as the cost to the Courts Service and legal system. The purpose of section 21 notices, which would be undermined by the Bill, was to curtail that activity and the adversarial approach to dealing with tenants' problems.

The Minister and promoter of the Bill say that clause 2, introducing further exemptions to the application of clause 1, balances out the rights of a tenant as against the landlord, but I do not think that is so. That point is reinforced by clause 2(3), which would provide for a further exemption where the dwelling is

“genuinely on the market for sale”.

Who will assess whether it is “genuinely” on the market? The explanatory notes mention family members, and clause 2(4) spells out specific cases where the landlord would not be regarded as being engaged in a genuine sale—

Stephen Gilbert *claimed to move the closure (Standing Order No. 36).*

Question put forthwith, That the Question be now put.

The House divided: Ayes 60, Noes 0.

Division No. 99]

[1.59 pm

AYES

Abbott, Ms Diane	Brooke, rh Annette
Alexander, Heidi	Brown, Lyn
Ali, Rushanara	Buck, Ms Karen
Berger, Luciana	Burstow, rh Paul
Blackman, Bob	Cryer, John
Blackwood, Nicola	Efford, Clive
Boles, Nick	Ellison, Jane
Bottomley, Sir Peter	Eustice, George

Featherstone, rh Lynne
 Fitzpatrick, Jim
 Foster, rh Mr Don
 Francois, rh Mr Mark
 Freer, Mike
 Gardiner, Barry
 Gauke, Mr David
 Godsiff, Mr Roger
 Hancock, Mr Mike
 Harper, Mr Mark
 Harris, Rebecca
 Hillier, Meg
 Hinds, Damian
 Hoey, Kate
 Hollobone, Mr Philip
 Hughes, rh Simon
 Huppert, Dr Julian
 Jackson, Glenda
 Jarvis, Dan
 Kirby, Simon
 Lammy, rh Mr David
 Lancaster, Mark
 Lewis, Brandon
 Lucas, Caroline

Malhotra, Seema
 McDonnell, John
 Miller, Andrew
 Munt, Tessa
 Nokes, Caroline
 Pearce, Teresa
 Perry, Claire
 Pound, Stephen
 Slaughter, Mr Andy
 Smith, rh Mr Andrew
 Stride, Mel
 Swayne, rh Mr Desmond
 Teather, Sarah
 Thornton, Mike
 Timms, rh Stephen
 Timpson, Mr Edward
 Vaizey, Mr Edward
 Wallace, Mr Ben
 Williams, Stephen
 Wright, Mr Iain

Tellers for the Ayes:
Jeremy Corbyn and
Stephen Gilbert

NOES

Tellers for the Noes:
Philip Davies and
Mr Christopher Chope

Question accordingly agreed to.

The Deputy Speaker declared that the Question was not decided in the affirmative because fewer than 100 Members voted in the majority in support of the motion (Standing Order No. 37).

Mr Chope: I am sorry that the process has been interrupted. That has taken away 12 or 15 minutes of good debating time, which I was hoping to be able to make use of. It shows that the Bill does not have the massive, overwhelming support that its sponsors say it has. Normally on a Friday, someone moving a closure motion expects to succeed.

Tessa Munt: I wonder whether the hon. Gentleman could possibly explain how one can have a debate when there is only one side of an argument. We have just had a vote where the result was 60 to nil; I fail to understand how that can possibly be considered a debate.

Mr Chope: I am tempted to go into the world of how the Liberal Democrats can sit on the fence and be on both sides of an argument at the same time, but I am not going to do that. I am just going to say that quite a lot of Members come to the House and never vote for or against a closure motion; they sit on their hands. Normally, however, if a Member is going to try to get what is known to be a controversial Bill—*[Interruption.]* Hon. Members are laughing, but the Bill is obviously controversial because until only a few weeks ago, the Government themselves were against it and they have opposed a similar measure in the House of Lords.

Barry Gardiner: The hon. Gentleman has to reflect on the fact that no one was prepared to go through the Lobby against the closure motion. If he is as confident in his position as he claims to be—it is clear what he is trying to do; he is trying to talk until 2.30, when the motion will fall—why does he not agree now to put the substantive matter to the vote?

Mr Chope: The hon. Gentleman obviously was not trusting me, which is why his friends tried to move a closure against me. I must admit that I have a slightly stubborn streak, and since Members of this House have tried to move a closure against me, albeit unsuccessfully, I am certainly not going to just immediately sit down.

John McDonnell (Hayes and Harlington) (Lab): I understand the point the hon. Gentleman is making, but may I, through him, tell the hon. Member for Brent Central (Sarah Teather) not to be discouraged because this matter will come back, and at some point this legislation will go through?

Mr Chope: The hon. Gentleman makes a good point. Legislating on Fridays is an iterative process. For example, I spoke on several Fridays against what was then known as the high hedges legislation. It took three or four successive Sessions of Parliament before that Bill got through. It was put through by the Government in a schedule to the Anti-Social Behaviour Act 2003, and it was not debated at all, either in this House or in the other place.

Mike Thornton: Unfortunately, the hon. Gentleman is unwilling to allow this mother of Parliaments to make a decision on this motion and I have to leave for my constituency. All I can say is that, as a fairly new Member of this House, I am shocked and ashamed that this sort of thing can go on. It is the clear will of the House and of the public that this Bill be passed, yet this gentleman makes an outrageous play, using up time and a parliamentary motion, to prevent that. I have to leave now. I will lose my temper; I am shocked, and I think the hon. Gentleman and the hon. Member for Shipley (Philip Davies) should feel a sense of shame that they are unwilling to act in a decent and moral manner.

Mr Chope *rose*—

Madam Deputy Speaker (Dame Dawn Primarolo): Order. Mr Thornton, I am afraid that the rules, and fairness of debate, mean you at least have to stay to hear the answer from the hon. Member for Christchurch (Mr Chope), having put that point to him.

Mr Chope: I am grateful to you for trying to restore some decorum, Madam Deputy Speaker. I know the hon. Gentleman is new and forgive him that, but he asked me if I would give way; I gave way to him, and then he took the opportunity to insult me. I do not mind: I have been insulted by Liberal Democrats before, and I am sure Liberal Democrats will continue to insult me in the future, but we should not engage in ad hominem arguments, neither should we ignore the fact that this Bill is controversial. It may be supported by 60 Members who are present today, but it is not supported by a lot of other people. I think it is important when considering legislation such as this that we think through the full implications, so that it does not result in a diminution of the private rented sector, as was the case when I first came into Parliament in 1983.

Rebecca Harris (Castle Point) (Con): My hon. Friend referred to the high hedges Bill, which took three Sessions to get through but was obviously needed and did get through. Why does he feel that my constituents who are living in poor rental accommodation and are fearful of asking to get problems addressed should have to wait

and wait and wait—in their homes, which should be their castle and their refuge where they feel safe—for what is obviously necessary legislation? My hon. Friend is suggesting we should allow them to continue like that for as long as possible, just because he does not want to see this legislation go proceed and be altered in Committee. I cannot understand it.

Mr Chope: I am sorry my hon. Friend does not understand it. This is a serious Bill—I think it should have been a Government Bill, frankly. It contains changes to existing legislation which are potentially of significant impact. I think there should have been a regulatory impact assessment associated with the Bill.

Stephen Williams: The hon. Gentleman wants it to be a Government-supported Bill, and I have already indicated that the Government support its having a Second Reading and therefore proceeding to Committee. I have also indicated that the Government had some technical amendments to put down, addressing some of the points raised. If he wants those points to be raised in detail in Committee, he must allow a Second Reading. He could help us all in that by now sitting down.

Mr Chope: I do not know whether the Minister is being intentionally disingenuous or not, but if the Government introduced this legislation it would be a Government Bill in Government time. The Government are now trying effectively to usurp private Members' time for Government business, and that is what the Minister has just admitted. This has taken up the whole of a Friday that should be given over to genuine Back-Bench debates on issues of concern to Back Benchers. If the Government think this is such an important Bill and want to get it on the statute book, they could get some of its provisions on the statute book by amending the legislation that is currently going through the other place.

Jim Fitzpatrick (Poplar and Limehouse) (Lab): It will be no surprise to the hon. Gentleman that I am here to support this Bill. However, his position is legitimate. If the Bill is as important as many of us believe, we should have had 100 colleagues here to support it. I do not think it is fair to blame the hon. Gentleman who, with the hon. Member for Shipley (Philip Davies) and others, has been blocking one of my Bills for the past five Fridays. I respect their ability to do that. It is our job to persuade people to come to the House and support the legislation that we think is important.

Mr Chope: I am most grateful to the hon. Gentleman, who knows that although that my hon. Friend the Member for Shipley and I have been preventing his Bill from going through without debate, I have written to my constituents and others to say that I believe his Bill should also be a Government Bill, as it was promised by the Government—

Madam Deputy Speaker (Dame Dawn Primarolo): Order. I am sure that the hon. Member for Poplar and Limehouse (Jim Fitzpatrick) is grateful for that clarification, but I would be grateful, Mr Chope, if we could return to debating this Bill and not other Bills. I know that you probably still have more to say.

Mr Chope: Thank you, Madam Deputy Speaker. Before we had the interruption, I was expressing some concern about the reference:

“Subsections (1) to (3) of section 1 do not apply where the dwelling-house is genuinely on the market for sale.”

My concern is about the use of the word “genuinely”. Clause 2(4) states that a dwelling house is deemed not to be genuinely on the market for sale if the landlord intends to sell the landlord’s interest to a person associated with the landlord. If somebody wished to sell their house to their child, a divorced wife, a cousin or somebody like that, they would not be allowed to in these circumstances as it would not deliver an exemption from subsections (1) to (3) of clause 1.

Philip Davies: The Bill states that the landlord cannot sell to a person associated with the landlord. Given his legal background, can my hon. Friend give us any guidance on what “associated” means? Does that mean that it could not be sold to anybody whom the landlord knows in any way whatever?

Mr Chope: The answer can be found in clause 2(5):

“For the purposes of subsection (4), references to a person who is associated with another person are to be read in accordance with section 178 of the Housing Act 1996.”

I do not have section 178 of the 1996 Act immediately to hand, but although we might not agree with it, that is probably a proper and adequate definition in this Bill.

A second category of people to whom one would not be able to sell a property in order for it to be deemed to be genuinely on the market for sale would be those associated with the business partner of the landlord or a business partner of a person associated with the landlord. Again, that goes far too wide, and the landlord could well be in a situation such that he has to sell his house to pay off his debts to a business associate, for example. He might be a minority shareholder who can no longer sustain his position. All sorts of issues could arise. If we are saying that a dwelling house has to be genuinely on the market, we should not then go further and prohibit its sale to a relative, friend or business partner, or to an associate of a business partner.

People looking at the Bill will think that it is rather slanted against the landlord, yet it is being presented as neutral as between landlord and tenant. Another reason that I think it is slanted against the landlord is that the Residential Landlords Association, which represents the responsible landlords, is against the Bill. The Minister did not refer to the association when he was talking about those whom he had consulted in preparing his view of the Bill.

Clause 2(7) states that subsections (1) to (3) of clause 1 will not apply if the landlord is

“a private registered provider of social housing.”

There is no explanation for that provision, and in my experience some of the worst problems relating to premises in a state of disrepair are found in properties that are owned and let by private registered providers of social housing. Why should that category of person be exempt from the provisions of the Bill? Could this be based on anything other than an ill-conceived prejudice against independent private landlords?

When I first looked at clause 2(8), I thought it might meet one of the concerns that I expressed earlier about a landlord whose mortgage had been granted before the

beginning of the tenancy. However, my reading of the subsection is that all three conditions set out in paragraphs (a), (b) and (c) will have to be satisfied, rather than just one of them. If the Bill goes into Committee, or if it comes back to the House to be reworked on an iterative basis, I hope that we can insert the word “or” after paragraphs (a) and (b), in place of the word “and”. This is another weakness of the Bill.

There are also weaknesses in the way the Bill seeks to change the notice process. I listened carefully to the hon. Member for Brent Central’s justification for changing the process, but I was not convinced by what she said. Similarly, the Minister justified clause 4 by saying that it would be perfectly reasonable to introduce new time limits, but, again, I was not convinced.

We are running out of time, so I shall turn quickly to clause 5. This is potentially one of the most dangerous in the Bill. The Bill gives the Government the power to bring forward regulations. The Bill itself is bad enough in undermining the whole shorthold tenancy regime, but the provisions of clause 5 would enable the Government to introduce regulations covering a whole host of other things that could be used as a reason for not allowing a landlord to recover possession of his own premises. Under the clause, that could occur if a landlord were in breach of requirements relating to

“the condition of dwelling-houses or their common parts”,

or to

“the energy performance of dwelling-houses”.

As my hon. Friend the Member for Shipley said so ably, this is about privity of contract. People wishing to enter into an agreement can ask themselves whether they wish to take on the tenancy of a particular property. If the property has not got a good energy performance rating and the person is suffering hard times, the better choice is not to take a tenancy on that property but to look for a newly built property with proper central heating. We must not treat the people who enter into these contracts as imbeciles—

2.30 pm

The debate stood adjourned (Standing Order No. 11(2)).

Ordered, That the debate be resumed on Friday 5 December.

Business without Debate

LOW PAY COMMISSION (NATIONAL MINIMUM WAGE) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 16 January.

BENEFIT ENTITLEMENT (RESTRICTION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 5 December.

ROAD TRAFFIC REGULATION (TEMPORARY CLOSURE FOR FILMING) BILL

Resumption of adjourned debate on Question (7 November), That the Bill be now read a Second time.

Hon. Members: Object.

Debated to be resumed on Friday 5 December.

ILLEGAL IMMIGRANTS (CRIMINAL SANCTIONS) BILL

Resumption of adjourned debate on Question (24 October), That the Bill be now read a Second time.

Hon. Members: Object.

Debate to be resumed on Friday 5 December. .

HOUSE OF LORDS (MAXIMUM MEMBERSHIP) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 5 December. .

EU MEMBERSHIP (AUDIT OF COSTS AND BENEFITS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 5 December. .

WILD ANIMALS IN CIRCUSES BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 5 December.

Compulsory Purchase Order (Shepherd's Bush Market)

Motion made, and Question proposed, That this House do now adjourn.—(Mark Lancaster.)

2.32 pm

Mr Andy Slaughter (Hammersmith) (Lab): Although it is a pleasure to be here under your chairmanship this afternoon, Madam Deputy Speaker, I regret that I am closing this week's proceedings with something of a tale of woe. It concerns the egregious and concerted acts of the state at all levels to ruin the livelihoods of small businesses, destroy a 100-year-old market, and demolish desperately needed homes and services for the most vulnerable in our society. This is being done to advance the private interests of and secure inflated profits for a developer who intends to build on the market site more than 200 luxury investment properties, out of scale in size and out of reach in price for the people of Shepherd's Bush.

Notwithstanding the fact that this is a cause célèbre in my constituency, I would probably not be raising it in this House on that ground alone. Shepherd's Bush market is a famous London landmark, but even its strongest supporters would be hard pressed to say it was a site of strategic national importance. Yet this Government have seen fit to weigh in to this highly contentious local issue on the side of the developer and specifically to use their statutory powers to overrule the decision of their own planning inspector, and that is the reason for this debate. Specifically, the Government have refused to endorse the inspector's decision, taken after weeks of evidence and reflected in a compelling and detailed inquiry report, to overturn the previous Conservative council's attempt to compulsorily purchase the market area in the developer's interest. Instead, giving no reason or explanation, the Government have simply overturned that decision, in order to allow the development to proceed.

Before I go into some detail and pose some questions to the Minister, perhaps I should say a little by way of background about the market and the proposed development. The market was, until earlier this year, in the ownership of Transport for London—the historical reason for that is that the market is, in part, under the railway arches that run between Goldhawk road and Shepherd's Bush Market station. TfL neglected the condition of the market for some years, preferring to take the rents and pocket the money than to invest in it. There is a certain irony there, given that a Transport for London Bill—I am one of its objectors—is passing through the House at the moment. The Bill sets out to do exactly what TfL has not done with Shepherd's Bush market: invest in its assets for a return, rather than running them down and flogging them off.

But flogging off the market is exactly what TfL did, and one can see the dead hand of the Mayor of London in that decision. Developing the market into luxury flats was the pet project of the former leader of the London borough of Hammersmith and Fulham, who is now the deputy mayor for policing and has the Mayor's ear. Shortly after taking control of the borough in 2006, the Conservatives set out to redevelop the market area for no other reason than that its profile did not fit their brave new world vision for Shepherd's Bush.

I will pause in my speech to offer the Minister a lightening sketch of the market area, because he might not be as familiar as I am with that part of the world, although I strongly recommend a visit. At its heart is the market, which is celebrating its centenary. It is partly railway arches, partly stalls and partly shops. Many of the firms have been there for generations—some since the market opened—and many are family businesses. Most are run by people from minority communities. They are not huge profit-making businesses, but the market is fully let and people pay their rents.

The reason the market is so important to my constituents is that they can buy basic goods there—fruit, vegetables and household goods—for about half the price they could in a supermarket, but it also has an extraordinary range of goods from all over the world, and many of them are simply not seen elsewhere, even in the rest of London. It has the richest display and variety of goods to be found anywhere in London. All that stands to be lost under these proposals.

That is only part of the market area. There are also about 20 shops on Goldhawk road, all under different ownership, ranging from a pie and mash shop to fabric shops, diners and electrical goods stores. Again, a feature of them all is that they have been in the same ownership for many years. They are small, local businesses that are run by people who have made them their livelihoods. In many respects they are unique, and people come from not only the local area, but further afield because of that uniqueness and the range of goods they supply.

On other parts of the site there is a homeless hostel, a day centre and move-on accommodation. Part of it was due for development into affordable social housing, but the previous Conservative council prevented that. There is also the old Shepherd's Bush library, which is about the only part that has survived in anything like the form my constituents would like to see, although the library has moved to a new site. Although the Conservatives planned to sell off the site for an antiques market and restaurant, I am pleased to say that, because of a covenant on the building, it is now the home of the Bush theatre—about the only glint of light in this whole sorry show.

All those socially useful and diverse businesses were to be replaced—are still to be replaced, under the Government's plans—by chain stores, bijou stalls selling scented candles and the like and, above all, what we in Hammersmith call zombie flats for oligarchs, meaning tall, empty buildings where people from abroad with money that they do not want anyone else to get their hands on dump it, adding nothing to the area at all.

That would have happened by now, were it not for the resistance of the local community, the traders and, above all, the Goldhawk road shopkeepers, led very ably by Aniza Meghani, who runs Classic Textiles. They have fought two judicial reviews, one of which they won, and a public inquiry, which they won, and now they will probably fight an appeal against the Secretary of State's decision. Every time the Tory majority on the council pushes through a planning application, a decision to buy up land in the developer's interest, or finally to compulsorily purchase the land and save the by then failing development, the shopkeepers hit back. They have risked their life savings to protect their livelihoods. It is a typical David and Goliath struggle.

Then in May, in part because of the actions in respect of Shepherd's Bush market, "Cameron's favourite council" in Hammersmith and Fulham was unceremoniously booted out by the electorate. Sadly, however, the legal agreements which the previous council had signed are binding on the current administration, although I know that the new Labour administration is doing everything it legally can to support the market and the current businesses.

Against that background, I turn to the inspector's report. I remind the Minister that this was an inquiry to which the shopkeepers and stallholders were entitled because of the very unusual decision, in my experience, to compulsorily purchase the entire area of land, including the Goldhawk road shops and the market itself. This was subject to a planning inquiry in September last year. The report is thorough and detailed. It was dated 10 February 2014, but nobody saw anything of it, extraordinarily, until on 10 October this year the Minister with responsibility for housing and planning, the Minister of State, Department for Communities and Local Government, the hon. Member for Great Yarmouth (Brandon Lewis), wrote to the objectors—about 130 at that stage—including myself and those who had given evidence at the inquiry.

Given the time available, I shall read two paragraphs from the report. The first is the Minister's summation of the inspector's view:

"The Inspector has recommended that the Order"—
that is, the compulsory purchase order—

"should not be confirmed because she concluded that the guarantees and safeguards are not sufficiently robust to be assured that genuine opportunities exist for current traders and/or shopkeepers (or similarly diverse businesses) to continue trading in the Market and Goldhawk Road. . . Without such assurances, the Inspector concludes there is a real risk that the Market and replacement Goldhawk Road shops will not provide the ethnic diversity, independent or small scale retailing environment that is central to the appeal of the area. The Inspector concludes that whilst such uncertainties exist, the personal losses and widespread interference with private interests arising from confirmation of the Order cannot be justified."

That is a succinct summation of a very detailed report, which is compelling and clear in its decision that this is an entirely inappropriate use of a CPO process. Certainly, in 30 years here and in local government I have never seen that done. The Minister would be hard pressed, I think, to give a similar example.

The Minister's colleague's letter, having expressed the inspector's view, concludes:

"The Secretary of State considers that sufficient safeguards are in place to ensure that regeneration of the market to create a vibrant mixed use town centre development will be achieved and that existing Market traders and shopkeepers or new operators with similarly qualitative and diverse offerings will be protected."

That is it. In one sentence a whole district of Shepherd's Bush and the livelihoods of several hundred people are swept away. It will now be very difficult for those protagonists, despite having won their case hands down at the inquiry, to recover the very substantial costs that they incurred in employing legal counsel over a period of several weeks.

In a previous debate in Westminster Hall I sought to raise the issue with the Minister. Because of shortage of time there, he wrote to me, referring me to the letter from which I have just quoted. That is the reason why I asked for the debate today. It is not satisfactory within

[Mr Andy Slaughter]

the rule of law for a Government to behave in this way. We are dealing with individuals who have given their lives to their businesses. They are exactly the sort of people who, according to the rhetoric of Government, the Government should stick up for. They are people such as Aniza Meghani, who aged 7 was a refugee with her family from the Amin regime, came to this country with nothing and has built up a thriving and popular business. These people not only have devoted their lives to their families and businesses, but often do a huge amount of charitable and good work in the area. There is no better example than that of Turker Cakici, who is better known as Mr Zippy because he runs Zippy's Diner in the parade of shops. That is probably the only authentic 1960s diner still going in the UK, with all its original fittings. Those are two examples of people who have worked in or near the market for 30 or 40 years, but every stallholder and shopkeeper has a similar story to tell. Why should the private interests of those individuals be wiped out to be replaced by faceless shops and flats simply to give profit to a developer who appears to be a favoured developer, if not a personal acquaintance, of a number of people involved in the decision-making process?

This decision is wrong in law. Unless the Government reconsider it, there will no doubt be a further statutory appeal with similar properties to a further judicial review, and the matter will go back into court for another year or more. I believe that my constituents will eventually win and that the developer, Orion, will walk away, taking what money it can out of the situation and leaving in its wake six or seven years of wasted time, not to mention the huge emotional and financial damage that it has done to individuals and, indeed, the whole of Shepherd's Bush.

The decision was unwisely made by the local authority, which is now history and has been punished by the electorate. I cannot see why this should be a matter for the Government. The Minister may wish to explain why the Government felt unable to rely on the evidence and decision making of their own Planning Inspectorate. He may also wish—if not today, in writing to me—to deal with whether he believes that these decisions are legally binding. In light of the inspector's report, he may wish to look at section 149 of the Equality Act 2010, under which a public body has a duty to assess the impact of its policies on eliminating discrimination and promoting equality. He may wish to consider whether the planning authorities and his ministerial colleague gave due regard to their statutory duties when reaching their decision. He may wish to look at whether his Department has carried out an equality impact assessment to assess the outcome of their policies, because if not, it may be in breach of its statutory duties. Unless the Government decide to look at all these matters again—I will be interested to hear the Minister's latest thinking—they are likely to be dealt with by the High Court.

This has been a reductive process under which mistakes have been made for political as well as ideological reasons, because the attitude of the Mayor and Conservative councillors in London is that they do not welcome the diversity and facilities that Shepherd's Bush market, social housing and shops in the area provide. They

would rather see another Westfield or something more akin to the luxury blocks of flats to which they give consent around the borough.

We are not against improvement development—I have said myself that TfL has been responsible for running down the market over a number of years—but we want the authentic Shepherd's Bush market to thrive and the small shopkeepers to continue to have a livelihood in the area. We believe that in Shepherd's Bush things such as Westfield and the new developments can sit alongside traditional facilities, with the two supporting each other. This area will not benefit from the social cleansing, monochrome attitude that is so beloved, I am afraid, of the Mayor and his acolytes in town halls.

Perhaps the Minister privately agrees with a lot of what I have said. He will probably say very little in response today, but that is to be regretted. I hope that he will answer some of my questions and that we can deal with them further in correspondence. This problem is not going to go away as far as the Government are concerned. We have not been fighting this battle for six or seven years just to give in at this stage when this great injustice has been done, specifically on the direction of the Secretary of State, who has compounded the felony by overturning the decision of his own planning inspector.

2.49 pm

The Parliamentary Under-Secretary of State for Communities and Local Government (Stephen Williams):

I congratulate the hon. Member for Hammersmith (Mr Slaughter) on securing the debate and putting on record his obviously strong feelings about the compulsory purchase order of Shepherd's Bush market and the surrounding buildings. He said that he did not expect me to be completely familiar with the stalls, shops and railway arches that he mentioned but, as a result of listening to his speech and some of the material available to me, I now know rather more about the Shepherd's Bush area than I knew yesterday before preparing for the debate.

I indicated to the hon. Gentleman in a conversation during the earlier Division that my response would be brief. If he has any points that he wishes me to address, especially legal points, we shall certainly take note of them. We will make sure that he gets a response in writing, especially to the point he made towards the end of his speech.

The hon. Gentleman referred to the time between the inspector's report and the Secretary of State's decision in October. There is no time scale written down in any law or regulation for the Department to respond to an inspector's report. The issue under discussion was particularly complex and involved a whole range of considerations, which was why Ministers took the time they did.

Mr Slaughter: I am grateful to the Minister for dealing with that point. I agree that it was a complex inquiry. It took the inspectors some four months to draw up a report, but why did it take eight months for the Minister's colleague simply to produce a three or four-page letter that said, "I don't agree with this"?

Stephen Williams: We will try to address that in writing. I am not privy to the exact nature of the deliberations that took place, but I do know that there

were a lot of deliberations and issues to consider and, obviously, this was not the only decision in which Ministers and the Department were involved. They are involved in quite a lot of planning-related decisions, so that might be part of the reason. I can comment only on the considerations of the Secretary of State and the Minister of State, Department for Communities and Local Government, my hon. Friend the Member for Great Yarmouth (Brandon Lewis), who is responsible for planning. Obviously, I cannot comment on the actions of the London borough of Hammersmith and Fulham as the acquiring authority.

The only thing I will say, as a former councillor, group leader and member of a planning committee—I believe the hon. Member for Hammersmith has occupied similar positions—is that the issue was the subject of a planning decision and a planning agreement. Of course, they are not made on political grounds; they are made on a quasi-judicial basis, with councillors from all parties and none deciding the merits of a particular application. It is important to put that on record.

Mr Slaughter: That would be a good point were it not for the fact that the supplementary planning document was found to be unlawful by judicial review.

Stephen Williams: The hon. Gentleman has now put that point on record.

The Government believe that compulsory purchase orders are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. As with the Shepherd's Bush compulsory purchase order, the powers should be exercised only when there is a compelling case, in the public interest, sufficiently to justify interfering with the human rights of those who have an interest in the land. The Secretary of State and Ministers consider each case on its own merits and take a balanced view between the intentions of the acquiring authority and the concerns of those affected.

As the hon. Gentleman indicated, we are concerned today with the Shepherd's Bush market area. The confirmed compulsory purchase order authorises the compulsory purchase of lands in the area for the purpose of facilitating the redevelopment and regeneration of the market and adjoining area to contribute towards significant social, economic and environmental improvements. A number of people objected to the proposal, but in confirming the CPO, Ministers concluded that there is a compelling

case in the public interest to justify sufficiently the interference with the human rights of those affected with an interest in the land.

We found: that the purpose of the CPO—to contribute to the achievement of the promotion and improvement of the economic, social and environment well-being of the area—would be achieved; that the purpose for which the land was being compulsorily acquired was in accordance with the adopted planning framework for the area; that sufficient safeguards were in place to protect traders and shopkeepers through a series of reserved matters planning conditions, requiring the review and approval of the council, and through the section 106 agreement that can be enforced by the council to ensure that a development in line with the adopted planning framework will be delivered; and that in addition to accommodating existing traders, which is the substantial point that the hon. Gentleman made, the development and safeguards contained within schedules 15 and 16 of the section 106 agreement would encourage new operators with similar qualitative and diverse offering to establish their businesses in the area.

Mr Slaughter: The Minister mentions reserved matters, but the reality is that as far as the market is concerned, the tenancy association, which is very ably led by James Horada and Peter Wheeler, has found that the developer is trying to renege on all those obligations, and the market stallholders, who are not the subject of this debate, are having exactly the same problems under their new landlord as the shopkeepers and other owners of the sites.

Stephen Williams: I thank the hon. Gentleman for that intervention. Again, his remarks will appear on the record.

In conclusion, as I said at the outset, the hon. Gentleman's detailed questions and observations will be addressed through correspondence by me or a colleague. Planning Ministers disagreed with the inspector's recommendation and concluded that there was a compelling case, in the public interest, to justify the order for all the reasons I have outlined. The development will address the much-needed regeneration of the market and adjoining area.

Question put and agreed to.

2.57 pm

House adjourned.

Written Statements

Friday 28 November 2014

BUSINESS, INNOVATION AND SKILLS

EU Foreign Affairs Council (Trade)

The Minister for Business and Enterprise (Matthew Hancock): My noble Friend the Under Secretary of State for Business, Innovation and Skills and Minister for Intellectual Property (Baroness Neville-Rolfe) has today made the following statement.

The EU Foreign Affairs Council (Trade) took place in Brussels on 21 November 2014.

I represented the UK on all the issues discussed at the meeting. A summary of those discussions follows.

The EU's High Representative Vice President addressed the Council to say she hoped to participate as much as possible in future Trade FACs in order to co-ordinate trade and foreign policy, emphasising among other things the political aspects of Deep and Comprehensive Free Trade Agreement (DCFTA) implementation with the eastern neighbourhood.

Two legislative items were discussed:

Protection of the European Union against dumped imports.

The presidency and the Commission expressed disappointment that no compromise has been found between member states on this file.

I, along with the other trade liberals, reiterated that no package could be considered balanced that restricted the use of the Lesser Duty Rule (LDR). I reminded the Council that EU producers and consumers had been saved millions of euros thanks to the LDR, and limiting it could harm EU growth.

Some member states argued that removing the LDR in certain circumstances would create a level playing field. Other member states took positions between these. The presidency concluded more work was needed on this file.

The International Procurement Instrument.

The presidency took stock of progress on the International Procurement Instrument (intended to permit the EU to close a procurement market where a non-EU country's procurement market was similarly closed). The presidency highlighted its compromise proposals, which reflected the European Parliament's amendments, and reiterated that access to the EU's public procurement market needed to be used as leverage in negotiations with third countries. The presidency invited the Commission and European Parliament to consider further. Trade Commissioner Malmstrom spoke in support of the Instrument.

Non-Legislative items:

WTO - Doha Development Agenda (DDA).

Along with other member states I warmly supported the Commission's report that the DDA work programme implementing the outcome of the December 2013 9 Ministerial Conference in Bali seemed set to get back on track, following the recent agreement between the US and India on how to unblock the stalemate relating to food security in the proposed trade facilitation agreement. Along with other member states, I warmly supported this.

Transatlantic Trade and Investment Partnership (TTIP—the EU-US Free Trade Agreement).

The presidency (Calenda) emphasised the economic and systemic importance of the deal. The aim remained to conclude an ambitious agreement rapidly, ahead of a change in US administration. TTIP was also a way to unlock growth without spending taxpayers' money.

Trade Commissioner Malmstrom reiterated her transparency announcement of earlier in the week, that access to TTIP texts would be expanded and TTIP negotiating proposals would be made public. Busting myths was agreed as important. For example, it was agreed that TTIP would not threaten national public services, such as the NHS, as policy over such public services would remain a matter for member states.

All member states agreed on the importance of the deal. I urged the Commission to use the window of opportunity before the end of the President Obama Administration, and welcomed plans for increased transparency.

EU-Japan and EU-Vietnam.

Commissioner Malmstrom presented the state-of-play in the negotiations with Japan. The FTA, worth potentially over €40 billion (£31 billion) to the EU in the long term, was a high priority. Discussions had been challenging recently but successful and would now speed up. Both sides wanted to reach political agreement in 2015.

On the EU-Vietnam FTA, the Commissioner reported that negotiations were going well and remained confident about conclusion in spring 2015.

COMMUNITIES AND LOCAL GOVERNMENT

Small-scale Developers

The Minister of State, Department for Communities and Local Government (Brandon Lewis): I would like to update hon. Members on the action that the Coalition Government have taken to free up the planning system and the further new measures we are now implementing to support small-scale developers and help hard-working people get the home they want by reducing disproportionate burdens on developer contributions.

Section 106 obligations imposed on small-scale developers, custom and self-builders

We consulted in March this year on a series of measures intended to tackle the disproportionate burden of developer contributions on small-scale developers, custom and self-builders. These included introducing into national policy a threshold beneath which affordable housing contributions should not be sought. The suggested threshold was for developments of ten-units or less (and which have a maximum combined gross floor space of no more than 1,000 square metres).

We also proposed a similar policy for affordable housing contributions be applied to all residential extensions and annexes. Rural exception sites would be exempted from any threshold introduced following consultation. Our consultation asked whether the threshold should be extended to include the tariff style contributions that some authorities seek in order to provide general funding pots for infrastructure. We also consulted on restricting the application of affordable housing contributions to vacant buildings being brought back into use (other than for any increase in floor space). This latter proposal was to boost development on brownfield land and provide consistency with exemptions from the community infrastructure levy.

We received over 300 consultation responses many of which contained detailed submissions and local data. After careful consideration of these responses, the Government are making the following changes to national policy with regard to Section 106 planning obligations:

Due to the disproportionate burden of developer contributions on small-scale developers, for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions.

For designated rural areas under Section 157 of the Housing Act 1985, which includes national parks and areas of outstanding natural beauty, authorities may choose to implement a lower threshold of 5-units or less, beneath which affordable housing and tariff style contributions should not be sought. This will also apply to all residential annexes and extensions. Within these designated areas, if the 5-unit threshold is implemented then payment of affordable housing and tariff style contributions on developments of between six to ten units should also be sought as a cash payment only and be commuted until after completion of units within the development.

These changes in national planning policy will not apply to rural exception sites which, subject to the local area demonstrating sufficient need, remain available to support the delivery of affordable homes for local people. However, affordable housing and tariff style contributions should not be sought in relation to residential annexes and extensions.

A financial credit, equivalent to the existing gross floor space of any vacant buildings brought back into any lawful use or demolished for re-development, should be deducted from the calculation of any affordable housing contributions sought from relevant development schemes. This will not however apply to vacant buildings which have been abandoned.

We will publish revised planning guidance to assist authorities in implementing these changes shortly.

By lowering the construction cost of small-scale new build housing and home improvements, these reforms will help increase housing supply. In particular, they will encourage development on smaller brownfield sites and help to diversify the house building sector by providing a much-needed boost to small and medium-sized developers, which have been disproportionately affected by the Labour Government's 2008 housing crash. The number of small-scale builders has fallen to less than 3,000—down from over 6,000 in 1997.

We estimate that the policy will save, on average, £15,000 in Section 106 housing contributions per new dwelling in England—some councils are charging up to £145,000 on single dwellings. Further savings will be made from tariffs, which may add additional charges of more than £15,000 per dwelling, over and above any housing contributions. Taken together, these changes will deliver six-figure savings for small-scale developers in some parts of the country.

The Home Builders Federation confirmed that these changes will provide a boost to small and medium builders, stating:

“This exemption would offer small and medium-sized developers a shot in the arm. The time and expense of negotiating Section 106 affordable housing contributions on small sites, and the subsequent payments, can threaten the viability of small developments and act as another barrier to the entry and growth of smaller firms”

Similarly, the Federation of Master Builders said:

“The new ten unit threshold for affordable housing contributions is a sensible and proportionate approach to help alleviate the pressure on SME house builders who have been squeezed out of the housing market in recent years. This is important because without a viable SME house building sector we won't be able to build the number of new homes that are needed to address the housing crisis”

Promoting custom and self-build housing

These changes to Section 106 policy complement the Coalition Government's wider programme of reforms to get Britain building, including measures to actively support the custom and self-build sector that will help people design and build their own home.

Specifically, we have exempted custom and self-builders from paying the Community Infrastructure Levy. The £30 million investment fund for custom build homes has so far approved or is currently considering loan funding of £13 million. We have launched a new £150 million investment fund to help provide up to 10,000 serviced building plots. The first bidding round closed in September and applications received are currently being assessed by the Homes and Communities Agency.

In addition we continue to work in partnership with industry to provide better support and information to custom and self-builders and we are helping community-led custom projects by enabling them to apply for £65 million under the affordable housing guarantee programme and £14 million of project support funding.

We are also providing £525 million through the Builders' Finance Fund (2015-16 to 2016-17) to provide development finance to unlock stalled small housing sites. A shortlist of 165 small housing schemes was announced on 8 September. We are also opening up the Builders Finance Fund to support small building firms schemes, from five units in size upwards.

We also published a consultation on the Right To Build in October. The idea is simple: prospective custom builders will have a right to purchase a plot of land from their local Council to build their own home. To underpin the consultation we are working with a network of 11 Right to Build vanguards to test how the Right can work in practice and we are supporting the hon. Member for South Norfolk (Richard Bacon) Self-Build and Custom Housebuilding Private Members' Bill which has now passed its Second Reading in this House.

Getting empty and redundant land and property back into use

We have introduced a range of measures to help communities get empty and surplus land and property back into productive use.

We have reformed permitted development rights to cut through complexity, free up the planning system and encourage the conversion of existing buildings. The changes help support town centres, the rural economy and provide much-needed homes.

Changes to Community Infrastructure Levy rules now provide an increased incentive for brownfield development, through exempting empty buildings being brought back into use. To assist extensions and home improvements, we have also exempted them from Community Infrastructure Levy, stopped plans for a so-called 'conservatory tax', stopped any council tax revaluation which would have taxed home improvements, and introduced a new national council tax discount for family annexes.

Conclusion

We expect implementation of these measures to have a significant positive impact on housing numbers by unlocking small-scale development and boosting the attractiveness of brownfield sites. This will provide real incentive for small builders and to people looking to build their own home. They will increase house building and help reduce the cost of such housing.

These latest policy changes illustrate how this Government continue to deliver the reform to our planning system which will enable more houses to be built, giving more power to local communities, helping people move on to and up the housing ladder.

TRANSPORT

HGV Speed Limits

The Parliamentary Under-Secretary of State for Transport (Claire Perry): I have today (28 November 2014) announced that the Government intend, following a public consultation, to increase the national speed limit for heavy goods vehicles of more than 7.5 tonnes on dual carriageway roads from 50 mph to 60 mph.

This complements the decision that the Government have already announced to raise the national speed limit for HGVs over 7.5 tonnes on single carriageway roads, and is part of a wider package of associated measures that the Government are bringing forward to continue to increase economic efficiency and remove outdated restrictions.

The national speed limit increase on dual carriageways will modernise an outdated regulation dating from the 1980s, better reflecting the capabilities of modern HGVs. It will help to free professional hauliers from unnecessary regulation.

The change will ensure that HGV speed limits are proportionate and better aligned with the limits for HGVs on motorways and single carriageways, and with other vehicles such as coaches and cars towing caravans. Our evidence indicates that actual average speeds are unlikely to change in response to the change in national speed limit. Our impact assessment, which has been scrutinised by independent experts, concludes that there is not expected to be an adverse effect on road safety, but we will be monitoring the impacts closely.

The speed limit increases for HGVs will be implemented via a change in the law to be put to Parliament during the next few months, with implementation scheduled for 6 April 2015. The existing limits continue to apply until the change has been put into effect. The amended speed limit will cover dual carriageway roads in England and Wales, unless specific lower local or urban speed limits are in effect.

The Department for Transport is publishing the summary of dual carriageway HGV speed limit consultation responses. The Department is also publishing an impact assessment.

Copies of these documents will be placed in the Libraries of both Houses.

WORK AND PENSIONS

Diffuse Mesothelioma Payment Scheme Levy

The Minister for Disabled People (Mr Mark Harper): I am pleased to announce that the Diffuse Mesothelioma Payment Scheme (Levy) Regulations 2014 come into effect today. These regulations require active insurers to pay an annual levy based on their relative market share for the purpose of meeting the costs of this scheme. This is in line with the commitment by the insurance industry to fund a scheme of last resort for sufferers of diffuse mesothelioma who have been unable to trace their employer or their employer's insurer.

The Diffuse Mesothelioma Payment Scheme was established under powers set out in the Mesothelioma Act 2014 to make payments to eligible people with diffuse mesothelioma (diagnosed on or after 25 July 2012), or eligible dependants of people who have died of this disease before they made a claim under the scheme. The scheme began taking applications on 6 April 2014, and started making payments from 1 July 2014. By October 2014, the scheme has received 232 applications and made 131 payments, totalling £16.5 million. The average payment to date is around £126,000.

I can also announce today that the total amount of the levy for year one, covering the estimated costs of the scheme in the financial year 2014-15, will be £32 million. This amount will be payable by active insurers by the end of March 2015. The payment amount an active insurer must pay in the financial year will be determined according to their relative market share for the calendar year two, years before the reference period.

This estimate uses data from the first seven months of the scheme's operation and is assumption based. As this is a demand-led scheme the final costs for the first year of operation may vary from this estimate.

Individual active insurers will be notified in writing of their payment amount (i.e. their share of the levy), together with how the amount was calculated and payment arrangements.

For many years, sufferers of this terrible disease who cannot trace employers or insurers have been left without recourse to compensation. I am proud of what Government and stakeholders have achieved in delivering the Diffuse Mesothelioma Payment Scheme and I hope that Members of both Houses will welcome this announcement and will give the scheme their continued support.

WRITTEN STATEMENTS

Friday 28 November 2014

	<i>Col. No.</i>		<i>Col. No.</i>
BUSINESS, INNOVATION AND SKILLS	53WS	TRANSPORT	57WS
EU Foreign Affairs Council (Trade).....	53WS	HGV Speed Limits.....	57WS
COMMUNITIES AND LOCAL GOVERNMENT ..	54WS	WORK AND PENSIONS	58WS
Small-scale Developers.....	54WS	Diffuse Mesothelioma Payment Scheme Levy.....	58WS

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CONTENTS

Friday 28 November 2014

Tenancies (Reform) Bil [Col. 1192]

Motion for Second Reading—(Sarah Teather)

Immigration Statistics [Col. 1213]

Answer to urgent question—(Mike Penning)

Compulsory Purchase Order (Shepherd's Bush Market) [Col. 1266]

Debate on motion for Adjournment

Written Statements [Col. 53WS]
