PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HOMELESSNESS REDUCTION BILL

First Sitting

Wednesday 23 November 2016

CONTENTS

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Sunday 27 November 2016

The Committee consisted of the following Members:

Chair: Mr Christopher Chope

† Betts, Mr Clive *(Sheffield South East)* (Lab)
† Blackman, Bob *(Harrow East)* (Con)
† Buck, Ms Karen *(Westminster North)* (Lab)
† Burrowes, Mr David *(Enfield, Southgate)* (Con)
Donelan, Michelle *(Chippenham)* (Con)
† Drummond, Mrs Flick *(Portsmouth South)* (Con)
† Hayes, Helen *(Dulwich and West Norwood)* (Lab)
† Jones, Mr Marcus *(Parliamentary Under-Secretary of State for Communities and Local Government)*
† Mackintosh, David *(Northampton South)* (Con)
† Matheson, Christian *(City of Chester)* (Lab)
† Monaghan, Dr Paul *(Caithness, Sutherland and Easter Ross)* (SNP)
† Pow, Rebecca *(Taunton Deane)* (Con)
† Quince, Will *(Colchester)* (Con)
† Slaughter, Andy *(Hammersmith)* (Lab)
† Thewliss, Alison *(Glasgow Central)* (SNP)
† Tomlinson, Michael *(Mid Dorset and North Poole)* (Con)

Glenn McKee, *Committee Clerk*

† attended the Committee

Public Bill Committee

Wednesday 23 November 2016

[Mr Christopher Chope *in the Chair*]

Homelessness Reduction Bill

9.30 am

The Chair: Good morning. Before we consider the Bill in detail, I remind hon. Members that there will be the severest of sanctions against those who use mobile devices and, likewise, against those who try to drink tea or coffee during the sitting.

Bob Blackman (Harrow East) (Con): I beg to move,

That, if proceedings on the Homelessness Reduction Bill are not completed at this day's sitting, the Committee meets on Wednesdays while the House is sitting at 9.30 am.

It is a pleasure to serve under your chairmanship for the second week in a row, Mr Chope; I suspect that it will not be the last time. The motion will ensure that we have time for a full and constructive debate on the details of the Bill. I hope that everyone agrees that getting the Bill right in Committee is important, so that we can return it to the House in as complete a fashion as possible and it can complete its passage, particularly given that it has all-party support. I hope that the motion will have the full support of the Committee and that we can progress with a like mind.

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to serve under your fair and clear chairmanship, Mr Chope. We always know where we stand when you are in the Chair, for good or ill. I have no reason to oppose the motion; the Opposition welcome the opportunity for open-ended debate on this important Bill.

My only observation is that the order of consideration is somewhat unorthodox. We are to start with clause 2, so the substantive clause 1 will come later, and probably not in the first sitting. I make no formal objection to that, but—I hope that the Government and the Bill's promoter hear this—if there are to be substantive amendments, it would be as well for those of us who may also table amendments if they could be made available sooner rather than later; otherwise we are going to get ourselves into a bit of mess, which will not help proceedings to be as clear and efficient as possible.

Not having seen any Government amendments yet, I make no criticism of them; I will wait until I see them. It would be helpful if the Minister or the promoter could indicate when they are likely to be tabled, because we will clearly either be wasting our time or getting our wires crossed if we try to amend something that is no longer going to be in the Bill.

The Chair: There are two separate motions. It will be more convenient to decide upon the first motion first, although the hon. Gentleman has just referred to some of the contents of the second motion.

Question put and agreed to.

Bob Blackman: I beg to move,

That the Bill be considered in the following order, namely, Clause 2, Clause 3, Clause 8, Clause 9, Clauses 4 to 7, Clauses 10 to 13, Clause 1, new Clauses, new Schedules, remaining proceedings on the Bill.

Over the past few weeks, I and others have met stakeholders, in particular the Minister and his officials, to consider the Bill as presented on Second Reading. We will discuss potential amendments to some of the clauses, to make sure that their meaning is clarified, any errors are corrected and their effect is improved. One of the problems associated with this type of Bill is the consequences of changing the system. We do not want it to impact on that. My proposed order of consideration will allow sufficient time to complete the process. We are clear that we want to proceed on an all-party basis, working closely together in a collegiate fashion, so that amendments, especially Government amendments, are tabled in plenty of time and everyone has a chance to read and understand them, and, if Members want to propose further changes, we can do so.

One rationale for the order of consideration is that there has been substantial lobbying on clause 1 in particular. I propose that we debate that clause at the end, because that will allow us to ensure that any proposed amendments to it are drawn up in a suitable fashion, through parliamentary counsel, and circulated to Members. By the time we come to debate the clause, everyone on the Committee will have had a chance to see and understand the provisions and obtain any background information that they need.

That is the reason for a slightly strange order of consideration. One reason that clauses 4 to 7 are included later is that it was envisaged—although this may turn out not to be the case—that there might be consequential amendments to clause 4 in particular, as a result of amending clause 1. I understand from our discussions last night that that may not necessarily be the case.

The order of consideration gives us a sensible route for discussing the clauses. My understanding is that some of the earlier clauses are less likely to be controversial or require amendments, but we want to go through them in detail as well. I hope that, in that spirit, we can discuss the Bill in the order suggested. If colleagues are concerned and want to change it, I will understand, but I believe that it is a logical way of dealing with the Bill, because it is complicated and any changes will have consequences.

Andy Slaughter: I have nothing to add other than this: I understand that there is no formal programme motion for a private Member's Bill, but given the tactics that the hon. Gentleman has set out, I wonder when he envisages the first sitting taking place. It looks like there will be an interesting debate on clause 1 or what replaces it, but when will we get to that point? This is a bit like "Hamlet" without the prince: we are talking around the subject before we actually get to it. When will the new position on clause 1 be set out and when are we likely to debate it? Clearly, that is a matter for the Committee, but it would be useful to know what is in the minds of the Government and the promoter.

Mr Clive Betts (Sheffield South East) (Lab): I want to re-emphasise the point that my hon. Friend has made. It would be useful to have some idea of timing so that we

can plan ahead and prepare. I also welcome what the hon. Member for Harrow East, who is in charge of the Bill, has said about the intention to proceed on an all-party basis and to try to secure agreement, because that is how we have worked on the issue. Even before the Bill was a gleam in the hon. Gentleman's eye, the Communities and Local Government Committee discussed the issue and its members worked together on trying to improve the service that homeless people receive.

I welcome the fact that we will take another look at clause 1. On Second Reading, I raised concerns about the loopholes that it might provide for those authorities that are perhaps less enthusiastic than us about trying to improve the service. Some of the caveats may give them wiggle room not to deliver the sort of service intended. It is important that we get the clause right, that we make it watertight and that we do not allow wiggle room for authorities that do not want to comply, so it is very important that we have time to consider it.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): It is a pleasure to serve under your chairmanship, Mr Chope. I reiterate the Government's support for the Bill promoted by my hon. Friend the Member for Harrow East. As he has said, since Second Reading we have been working closely with him and a number of other stakeholders to get to this point.

I hear what has been said about clause 1. As I said on Second Reading, we were aware that several stakeholder groups had concerns about clause 1. At that point, we said that we would listen carefully to those concerns. We have continued to do that and to engage in dialogue.

As my hon. Friend has said, we cannot yet say for definite when the amendment to the clause will be tabled, but I assure Opposition Front Benchers that, in the spirit of how the Bill has been handled so far—a spirit of co-operation across the House to enact important legislation that will benefit homeless people and people at risk of becoming homeless across the country—we fully intend to ensure that the hon. Member for Hammersmith has sight of the proposal for clause 1 as soon as is practicable. We are willing to work with him.

Bob Blackman: I trust that that reassurance from my hon. Friend the Minister and me is sufficient to ensure that colleagues are content. The hon. Member for Hammersmith asked when we are likely to get to clause 1. Provided that my proposed order of consideration is agreed to, I propose that we adjourn now, and that we meet next Wednesday to start the process.

I envisage that we will not debate clause 1 until, possibly, 14 December, depending on the progress we make, but I am clear that when the amendment to the clause is ready, we will circulate it to all members of the Committee. If there are any other amendments, we will circulate them as soon as they are available. I hope that colleagues on the other side of the argument will also take that in the spirit in which it is intended. The earlier we can have sight of proposed amendments, the better, so that we can carefully consider their impact not only on the clause, but, consequentially, on the Bill. I trust that we have satisfied everyone and that we can proceed accordingly.

The Chair: May I remind Members that amendments for next week would need to be tabled before close of play on Friday? As nobody knows exactly what progress there will be, the sooner amendments are tabled, the better.

Question put and agreed to.

Ordered, That further consideration be now adjourned. *—(Bob Blackman.)*

9.43 am

Adjourned till Wednesday 30 November at half-past Nine o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HOMELESSNESS REDUCTION BILL

Second Sitting

Wednesday 30 November 2016

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not later than

Sunday 4 December 2016

The Committee consisted of the following Members:

Chair: Mr Christopher Chope

† Betts, Mr Clive *(Sheffield South East)* (Lab)
† Blackman, Bob *(Harrow East)* (Con)
Buck, Ms Karen *(Westminster North)* (Lab)
† Burrowes, Mr David *(Enfield, Southgate)* (Con)
† Donelan, Michelle *(Chippenham)* (Con)
Drummond, Mrs Flick *(Portsmouth South)* (Con)
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† Tomlinson, Michael *(Mid Dorset and North Poole)* (Con)

Glenn McKee, *Committee Clerk*

† attended the Committee

Public Bill Committee

Wednesday 30 November 2016

[Mr Christopher Chope *in the Chair*]

Homelessness Reduction Bill

9.30 am

Bob Blackman (Harrow East) (Con): I beg to move,

That the Order of the Committee of 23 November 2016 be amended, by inserting at the end—

"except on 14 December when the Committee will meet at 10.00 am."

Let me explain, for the benefit of the Committee, that we intend to proceed as much as possible by consensus. I have had a request on behalf of three members of the Committee who will be visiting Berlin with the Communities and Local Government Committee. They will be travelling back that day, so we will meet slightly later to allow them to attend this Committee and play a full part in proceedings.

Question put and agreed to.

Clause 2

Duty to provide advisory services

Question proposed, That the clause stand part of the Bill.

Bob Blackman: In many ways, this substantive clause, on which we have been given notice of no amendments, goes to the very heart of the Bill. The current position is that advisory services are provided by local authorities to priority need households, but not to non-priority need ones. The measure will require each local authority to provide advisory services on all local housing authorities for all applicants. Authorities will have to provide information and advice to any person who goes to them from their area. The advice must cover: the provision of preventing and relieving homelessness; the rights of homeless people or those threatened with homelessness; the duties of the authority; the help available from the local housing authority and other agencies; and how to access the available help.

The idea is that each local authority should design its own service. We do not want to take away the flexibility of local authorities to design their help and advice service, but clearly they should design such a service with certain listed vulnerable groups in mind—for example, care leavers, who are covered in the Bill for the first time, and victims of domestic abuse. The Bill allows local housing authorities to outsource the advisory services, if they so choose, to a third party such as a contractor or a specialist agency.

The measure has been included in the Bill to ensure that local housing authorities provide detailed advice and information to all households in their area, including those that are homeless or at risk of becoming homeless, so that households can be empowered to seek support and solutions to their current situation. That is a far cry from what goes on at the moment. Currently, many local authorities, as we discovered through the Select Committee process, do not provide such services to non-priority need homeless people. Clearly there are local authorities that do provide such services, and we do not want to hamper their ability to do so.

The measure ensures that everyone has access to a similar type of help in the first instance. People who face the terrible crisis of being threatened with homelessness or, worse still, have suffered homelessness will get help and advice; they will not just be shown the door by a local authority. It is quite clear that the existing law does not specify the type or quality of advice and information that must be provided on homelessness and its prevention, and nor does it require that advice to be tailored to the needs of local people, particularly the needs of certain groups. Evidence that we secured through the Select Committee process suggested that some local authorities provide minimal or, even worse, out-of-date information. The measure means that, for the first time, local authorities will have to provide that service to people in this terrible position.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Will my hon. Friend clarify how he envisages the interplay between this local authority advisory service and charitable organisations such as Routes to Roots, which is just outside my constituency but within Poole?

Bob Blackman: I thank my hon. Friend for that intervention. Local authorities will clearly have to design the service with local needs in mind. We cannot prescribe every single way in which they can choose to provide the help and advice that individuals in their area will need, because to do so would hamper their creativity. The whole idea behind the Bill is to turn on its head the attitude, which has existed in some local authorities, that they will not help someone unless they are in priority need. Local authorities would now be required to provide help and advice to anyone and everyone from their local areas who is threatened with homelessness. For example, my hon. Friend's local authority may choose to outsource its role to a charity or another third party; that is its choice and we do not want to hamper it. What matters is that the individuals receive the help and advice they need to guide them in the right direction.

Christian Matheson (City of Chester) (Lab): I am not a member of the Select Committee. What would drive a council not to want to provide that service? What kinds of factors would influence them to have such a negative attitude?

Bob Blackman: One of the clear ways, which we covered in some detail on Second Reading, is the fact that for 40 years, thanks to legislation, we as Members of Parliament have encouraged local authorities to concentrate all their resources on priority need households and not to provide help and assistance to single homeless people or non-priority need households. The idea behind the Bill is literally to turn that on its head so that everyone will get help and advice. The key issue is that local authorities have funding pressures and so must concentrate on what they have to do to meet a statutory need, rather than necessarily on what they would like to do. For 40 years local authorities have rationed the help and advice given to individuals threatened with this situation. When this Bill, hopefully, becomes law, local authorities will be planning for how they will meet that particular need.

Will Quince (Colchester) (Con): An amendment will be considered later relating to other advice that might go alongside the advice on homelessness and housing. Might citizens advice bureaux, which exist in many towns up and down the country, be commissioned to do that, on the basis that they can offer advice not only on homelessness reduction, but on other areas that a local authority homelessness adviser might not be able to advise on?

Bob Blackman: When an individual threatened with homelessness approaches a local authority for help and advice, one of the pieces of advice that they might be given is to go to a citizens advice bureau. Citizens advice bureaux are not resourced to provide that service at the moment. Under the Bill, however, if local authorities choose to outsource it, they will need to fund it as part and parcel of the process. That could be good news for citizens advice bureaux and other organisations up and down the country.

David Mackintosh (Northampton South) (Con): Given my hon. Friend's experience in local government, I am sure that he will agree that many people who present to local authorities as homeless and in priority need are covered under the current legislation and funded. However, does he agree that if many of those people had been given the advice that is proposed in the Bill, they might not have found themselves in those circumstances in the first place?

Bob Blackman: We are extending the prevention duty to 56 days so that local authorities can intervene early. My aim in introducing this Bill is to ensure that no one ever becomes homeless, because they will seek help and advice at an early stage and the local authority will identify an alternative property for those people who are threatened with this situation. That might take some time and it might not be realisable in the first place, but if an individual, a family or others approach the local authority at an early stage and are given help and advice, the homelessness that often happens can be prevented. There can be nothing worse for any family than being forced to wait until the bailiffs arrive, and then having to present themselves at a local housing office with their bags packed and nowhere to sleep. The idea is to stop them getting to that stage.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): My hon. Friend is making a powerful case. With regard to the points made by my hon. Friends the Members for Mid Dorset and North Poole, for Colchester and for Northampton South, does he agree that the £20 million fund for prevention trailblazers, which will drive better prevention work within local authorities even before the Bill comes into effect, will be valuable, particularly as the bidding process is now open? We are expecting bids from people working with charities, not-for-profit organisations and other parts of the public services to help prevent people from becoming homeless.

Bob Blackman: I thank my hon. Friend for that timely intervention on the ingenuity of local authorities to meet the needs of local residents. It is good news that the fund is available, and I would encourage every local authority to bid for it and to start thinking about creative ways to help people threatened with homelessness. We want to prevent those individuals from becoming homeless in the first place. Local authorities can now get their thinking caps on, get creative and bid for that fund. I understand that up to 20 local authorities might be successful in this bidding round. I hope that it is oversubscribed, so that the Minister will have to find extra money to support that initiative in the run-up to the Bill hopefully becoming law, with every local authority in the country having to provide that service.

The advice given will be different depending on the needs of the individual, the family or the sets of individuals who are applying. The idea is that the advisory service should be designed to meet the needs of particularly at-risk groups, such as care leavers or victims of domestic abuse—those are two examples, but there are many reasons why people become homeless. It is not easy to categorise those areas, so the key is that the advisory service should be individualised. It should not be a basic service where someone turns up and has a look at a computer; it should be individual and with people who have been trained with this in mind.

The most important point about the clause is that those threatened with homelessness will get effective information right across the country. It will help every household threatened with homelessness or, worse still, those who become homeless. They will get the information they need. I believe that this has been supported throughout. There is a cross-party consensus, so I hope that everyone in the Committee will see the benefit of the clause and that we can then go forward.

Andy Slaughter (Hammersmith) (Lab): It is a great pleasure to serve under your chairmanship, Mr Chope, for the first substantive sitting of this Committee. I echo what the Bill's promoter said: as far as possible, there will be a consensual and hopefully constructive atmosphere throughout our proceedings, because the substance of the Bill is supported by those on both Front Benches. We have already seen two indications of that. First, I am grateful for the change in the sittings motion, which is mainly for the convenience of Opposition Members so that they can come here direct from Berlin, filled with European bonhomie, in order to engage in our proceedings. Secondly, no amendments have been tabled to this clause. However, it is an important clause and I would like to make one or two comments.

9.45 am

We have already talked about extending the duty and making it clearer, leaving discretion to local authorities but putting a more specific and challenging duty on them to provide advisory services. This provision is long overdue, and the fact that it applies to anybody presenting themselves to local authorities will have a positive effect on those who are priority and non-priority homeless. Mystery shopping undertaken by homeless charities, and indeed the experience of our constituents, has shown that some local authorities, although not all, have been less than willing to engage, even where they have a duty at present. That has certainly been my experience. That can be done in all sorts of ways. It can be done by physical barriers, such as: limiting the opening hours of services; the accessibility of services; how they are advertised; and how it is made clear what is available.

There is also the matter of attitude. At one stage, those who went into a housing office in my constituency faced posters saying, "Have you thought of moving somewhere else?" Many distressed people would come to my surgery and say that they had been told in terms, by people who should have been giving them housing advice, that they really should not be there at all because they could not afford to live in an area such as Hammersmith and that they should go and live somewhere cheaper. Those were people in priority need as much as those in non-priority need. The hon. Member for Harrow East will anticipate that I am going to say that that all changed when control of the local authority changed from Conservative to Labour. However, even in that important aspect of attitude, a culture change had to be advanced.

The other point I want to make relates to citizens advice bureaux, which have been referred to. Over the past six years, in particular, we have seen a real cutback in advice services in the independent sector. That is partly due to cuts in legal aid and restrictions on local authority funding, which was often the main funder of such organisations; not just the CAB and law centres, but the substantial independent advice network. Those organisations were a lifeline in the absence of proper local authority advice services, either through lack of means or willingness.

We have probably all experienced over that time people coming to our surgeries, not as the last port of call but as the first, because nothing else was available. I should have declared an interest, although there is no formal need to do so, as a housing lawyer in a previous life who has been on the management board of my law centre for more than 20 years.

Even where advice centres have survived, the demand, unlike the resources, has grown hugely over that time. Sadly, a number of advice centres have had to close. Threshold, a housing advice service operating in a number of London boroughs, had to close completely in Hammersmith after about 30 years of extremely diligent service. When a service like that goes, which has trained staff such as lawyers and housing advisers, it leaves a huge hole locally in the amount of advice that can be provided.

We are, therefore, starting from a very low base and in a climate in which the direction of travel has been towards pulling down the shutters and saying, "Look, there is very little that we can do here." I am not going to dwell on that point, because I suspect we will return to it, but it raises the two pregnant questions that underlie the Bill. First, if we are to place these onerous additional duties on local authorities in particular, how are they to be resourced? Will they be resourced in terms of advice services? Assuming that that substantial hurdle can be overcome, against the trend of the past few years, how valid will the advice be in areas of particular housing stress where there is not only a chronic shortage of social housing, but a lack of access to housing in the private sector?

Michael Tomlinson: It is great to be on a Bill Committee where there is cross-party support. Does the hon. Gentleman agree that the burdens on local authorities are not especially onerous and that the associated costs, specifically in relation to clause 2, will therefore be relatively minimal?

Andy Slaughter: No, I do not. All the right points have been made in relation to how we can either not provide a service or provide lip service. If we want to provide a good quality advice service—in other words, trained staff who know what they are doing and who can spend time with often vulnerable people—it will require a substantial increase in resources. That is obviously only part of the equation, and I accept that other duties in the Bill will be more onerous. There will, however, be additional demands on those small authorities that might not have anybody, or only one person, who does that as part of their job. I will not go into the detail now, but I put the Minister on notice that, at some point in Committee, we hope to hear clearly from the Government what resources will be made available, in cash and percentage terms; how those resources will be delivered; and how prescriptive they will be. Will there be a specific advice budget?

Alison Thewliss (Glasgow Central) (SNP): Happy St Andrew's day to the Committee and to you, Mr Chope. Is the hon. Gentleman aware of the Scottish experience? We abolished priority needs in homelessness, but we had a 10-year run-up before doing so. Does he agree that, given the steps in the Bill to make advice available to everybody, the resources and planning need to be considered carefully?

Andy Slaughter: The hon. Lady makes a good point, and I have no doubt that the Committee will hear a substantial amount about the Scottish experience. I do not know whether anyone here is qualified to talk about the Welsh experience, which also underlies much of the Bill.

It is almost a truism to say that, if we are to address this issue, we cannot address it piecemeal. We have to consider not only how services are resourced, but the potential outcomes so that we can see, I hope, a seamless link from prevention through to advice and resolution. If there are lessons to be learned from Scotland, the hon. Lady will not be slow in recommending them.

Will Quince: I have listened carefully to the hon. Gentleman, and I still fail to understand his exact point. My understanding is that local authorities already have this duty—it is a function that they should be performing. In my experience—I will not follow his advice in making partisan attacks on my Liberal Democrat and Labour-run local authority—the advice currently being given is, in many cases, poor and inaccurate. That is an issue not of funding, but of giving good quality advice.

Andy Slaughter: I respectfully disagree with the hon. Gentleman. I am trying to be factual, at least according to my own experience, and my experience is not uncharacteristic. I saw nods from members on both sides of the Committee when I described what Members have to deal with as a consequence of local authorities not dealing with issues and of advice simply not being available.

It is an issue that local authorities have not been doing what they should have been doing, but the reason for that is that they do not want to resource the service. Therefore, they either resource the advice inadequately through insufficient training, or they deliberately do

not resource it in order to avoid incurring the additional expenses that result from accepting people as homeless, giving them proper advice and providing a solution to their housing problems. I agree with the hon. Gentleman that there has to be a change in mindset, but we cannot just wish for that and think it will happen.

Michelle Donelan (Chippenham) (Con): Does the hon. Gentleman accept that there is a postcode lottery in terms of the service that people get? If someone is homeless in one area, they might get a completely different service from that available in another. We need more than a change in mindset; we need a change in the legislation, which is perhaps why we are all here today.

Andy Slaughter: Yes, there are different attitudes in different areas. Some of it may be policy-driven, but some may be resource-driven or demand-driven in the way that authorities respond. Well motivated though the Bill is, I am not sure that simply enacting it will resolve that issue. It will take not just funding, but careful policing, both by Government and the homelessness charities, which will no doubt monitor the Bill's implementation —just as they monitor the current problems—to ensure that local authorities live up to their duties.

I do not want to talk for too long, so let me exemplify what I mean by the difficulties arising from the clause. What it proposes is materially different from the existing situation, because the clause is far more specific and onerous in its description of the categories of people who should be given advice and what type of advice should be given. Let me mention a point from each side of the argument, namely what Shelter and the Association of Housing Advice Services told us in their briefings. I am grateful, as I am sure are other hon. Members, for all the briefings we have had. Although local authorities and charities have different views, I do not think that any of the bodies involved disagree on the need to improve how these issues are dealt with, and the fact that the concerns being raised by local authorities are legitimate. Had I known of Shelter's concerns earlier, I may well have tabled an amendment to that effect.

Shelter is concerned that although groups were rightly specified relatively recently in legislation—under the previous Labour Government—as being a particular concern, such as persons leaving prison, persons leaving hospital, victims of domestic abuse and care leavers, we should not forget the categories of priority homeless: pregnant women, children and older people. I raise this with the Minister because the Government may consider amendments in the other place as well, and it would be sensible to consider whether the list, which is obviously not closed, should include those categories as well.

Let me mention what AHAS said: is specifying the needs of groups with complex or specific problems—perhaps people with mental health problems or those leaving custody—placing a particularly onerous burden on local authorities? In other words, instead of being asked to provide general advice on how to deal with homelessness and what is available in the area, will they be asked to cater for the needs of people in those circumstances, which would better be dealt with by specialist agencies? AHAS raised the possibility of a legal challenge, which might say, "Yes, a perfectly adequate degree of advice was provided for somebody who doesn't have those needs, but the local authority should have gone further. It should have spent more time, more money and been more concerned about dealing with these people because of their specific needs." I would be interested to know whether, on those two points, the Government share the concerns that I and local authorities have.

I make one final, general point. I have not attempted to deal with this; it is beyond my drafting skills. There is something slightly odd about the Bill: it applies to England and Wales, but most of the duties it imposes are on housing authorities in England. There are areas of legislation that are now different in Wales—for example, NHS legislation or the Children Act 2004. That might mean that, say, care leavers who have been in the care of Welsh authorities will now come under the purview of English housing authorities, but will still be owed a duty in that way. I ask the Minister and the Bill's promoter to go away and look at whether we have covered those angles in their entirety.

10 am

Will Quince: It is a pleasure to follow my hon. Friend the Member for Harrow East and the hon. Member for Hammersmith. One issue I have with the current system is the short-sightedness of the approach of some local authorities. I do not want to do down local authorities, because many of them up and down the country do a fantastic job of offering high-quality advice. However, as my hon. Friend the Member for Chippenham said, too many local authorities throughout the country offer advice that is frankly terrible—advice that suits the local authority, as opposed to the individual who faces the threat of homelessness. It is that postcode lottery that I am sure clause 2, and the Bill in general, will address.

We all know that there is a huge cost to homelessness, but we should never forget the huge social cost that comes with it, especially for those who are vulnerable—we have discussed some of the groups that fall under that category. When we look at homelessness, we know from some of the families who come to our surgeries that the people involved have considerable complex needs, which make addressing and preventing homelessness a particular challenge.

Take the example of a family who realise that they are failing to meet their monthly rent in the private rented sector. There may be all sorts of reasons for that. Let us say that they are £200 a month short. At the point at which they realise that they are starting to fall into arrears, they approach their local authority. Their local authority says, "Well, actually the best thing for you to do is wait until your landlord serves you with notice because your arrears have become so considerable—then let's talk." They get served with a notice and they go back to the local authority. The local authority then says to them, "Well, wait until the legal proceedings have been commenced and you are then forced out of that property by a bailiff." Only last week, I met a family who were forcibly evicted from their house while the children were in it. The bailiff smashed the window and came in, the children were scared and crying and the family phoned me. That is disgraceful. That kind of advice should never be given, in my view, but if it is given, that should happen only in very rare circumstances.

Flip that on its head. Say that we applaud the family who recognise at the earliest possible opportunity that they are in difficulty or have a problem. They know they

[Will Quince]

are getting into arrears, but they do not want to let down their landlord and they do not want to make themselves homeless, so they approach the local authority. The local authority says, "Actually, it's £200 a month. Let's sit down with you, let's work with you and let's see what we can do." Even if the local authority decided, "You know what? For the sake of £2,000 to £2,500 a year, we will cover that cost", that would be money well spent, given the cost of helping that family post-eviction. Not only have the family gone through that traumatic ordeal, they now have considerable arrears and a county court judgment against their name. Never again will they be accepted into the private rented sector, and—let us be honest—across all our constituencies, social housing is not readily available, especially for larger families.

Even when the council accepts that it has a duty to help and house the family after they are evicted via a bailiff, they are rarely put in temporary accommodation in the town where they seek help. In my constituency, people are often sent to neighbouring towns, away from their schools and their places of work, which puts both of those in jeopardy.

The point is that it is a huge disruption to their lives. However, the local authority then has very minimal options, because what does it do if it does not have the social housing and particularly those large houses? Its option is to look back to the private rented sector, but what landlord will help somebody who has a CCJ against their name, as well as a record of arrears and not paying their rent?

Moreover, what does what we are saying to those landlords do for the reputation of local authorities up and down this country? I am not a landlord and I will not defend the private rented sector, although it is very important to our housing options, but landlords often have mortgages, so six months of someone not paying rent affects their family, too. The likelihood of their then going on to be reasonable and help those who in the past have got into trouble financially, or indeed those who have a CCJ, is minimal at best.

I welcome the clause for several reasons, largely because of the duty it places on local authorities, to which, as effectively a branch of Government, individuals go for help at possibly one of the most vulnerable and emotionally difficult periods of their life. Those individuals need to rely on that support and have faith that the advice that they are given is not only the best advice but the right advice.

We know that, at the moment, some of the advice being given by local authorities across the country is not right, is against Government advice and is in the interests of the local authority, not those of the individual. Ironically, I believe that giving such advice is not in the medium to long-term interests of the local authority; it is in its short-term interests.

My hon. Friend the Member for Harrow East raised a very good point about detailed advice on rights, because such advice should absolutely be tailored to each and every individual case. I mentioned earlier the complex needs of those facing the threat of homelessness. No one family and no one individual is the same as another family or individual. In one instance, it might be the case that paying that £200 in rent arrears was not only the most financially advantageous but the most socially advantageous thing to do. In other instances, it may not be, but we need to ensure—as this clause does—that when local authorities offer advice to vulnerable people at very difficult times, they give the right advice, including the different options that are open to them.

My hon. Friend hit the nail on the head when he said we should empower families in such a position not just to rely on the state but to consider the different options available to them to prevent their becoming homeless in the first instance. If we do that—if we offer that help and advice at the first possible instance—we will then have the best possible chance of preventing homelessness: preventing that social cost but also the huge financial cost that would otherwise fall on our local authorities.

Consequently, I wholeheartedly support this clause. It is absolutely the right thing to do and it ensures that, across the country, people will be offered consistent advice that is right for them as individuals.

Mr Clive Betts (Sheffield South East) (Lab): It is a pleasure to serve under your chairmanship, Mr Chope.

It is also a pleasure to follow the hon. Member for Colchester. He made many points that I would certainly want to associate myself with. Looking back to the Communities and Local Government Committee's first report on homelessness, we drew attention to many of those issues, including the shortage of affordable homes to rent, particularly social housing, in many parts of the country, and the need to provide more homes of that kind. In the autumn statement, it seemed that the Government were moving more into that territory, although we are still trying to work out precisely how far they have moved. Maybe at some point the Minister could illuminate us on that.

There are many reasons for homelessness in individual cases, although the ending—for various reasons—of tenancies in the private sector is now the main one. In our Select Committee's report on homelessness, we also drew attention to the increasing problem of the growing gap between rents and the level of local housing allowance that is paid in the private rented sector. If that level is frozen now for the next few years, it will become a more difficult issue and a bigger reason for the continuation of homelessness.

Those are all factors that, in general, we need to take account of, but the particular reason that I support the clause is the evidence we heard in the Select Committee. We all sat for several hours, listening to many witnesses with direct experience of being homeless. We also had a private conversation with some young people who were still being dealt with by the homelessness system at the time, and they talked to us confidentially about their experiences. It all created an impression that, in many cases, people go to their local authority and do not get the service they deserve. The clause is an attempt to put that right.

The Crisis mystery shopper exercise really affected all members of the Select Committee. Crisis sent someone out to local authorities, not declaring who they were, simply to find out what it was like to be homeless in that local authority area and to present before the local authority. It was revealed that people got inadequate advice and support in 50 out of 87 visits. That is a pretty staggering number—50 out of 87 got it wrong and did not give help and support. That goes along with many

comments we heard about support, assistance and advice being unprofessional and sometimes inhumane. We cannot allow that to continue.

I slightly part company with Government Members in that I do think we are asking for a new burden on local authorities. At some point, the Minister will have to respond to that. I hope that there are helpful and constructive discussions with the Local Government Association; I am a vice-president of the LGA. To some degree, when local authorities, even the better local authorities that take their responsibilities seriously, have limited resources—we should not pretend that local authorities do not have limited resources, because they are more limited than they were—they naturally tend to deal, as a first priority, with those people who are in priority need. If they have resources to spend, they tend to be spent on people in priority need—people with children, for example—who present themselves. That family needs rehousing, so that is where the effort and support goes. If a young person, a single person, a couple without children or people in other circumstances turn up, they will get what is left. The person at the local authority has only a bit of time—a few minutes—to say, "Here's a list of estate agents' telephone numbers. Go and phone them." We heard that, in some cases, those phone numbers were actually out of date. That is what people often get.

There is a code of guidance, which I am sure we will come to later in our discussions of other matters. The code of guidance is not always followed by local authorities, but it is guidance, not an absolute and utter requirement. There is a difference, to my mind, between having a code of guidance and having something on the face of an Act, which I hope the Bill will become. The duties in the clause are substantial, asking local authorities to look at not simply preventing homelessness, but the issues around care leavers, young people in prison or youth detention, people who have been in the armed forces, domestic abuse and people leaving hospital. The measure demands an awful lot of support and expertise within local authorities if they are to discharge that long list of responsibilities properly.

It is absolutely right that getting these things done in a proper way can ultimately save money. Homelessness has a cost not merely for the individuals, but for society as a whole and for public services. Very often local authorities have to spend the money—hopefully spend it well to stop homelessness, to help people in these situations and to prevent them from having other future problems—but the savings then come to other public bodies including, probably, the criminal justice system in due course, the health service and others.

Yes, it is absolutely right that we are changing the legislation and placing a stronger requirement on local authorities, but that is a new burden. It is one that is absolutely right, but it is a very big ask to get all these responsibilities carried out in a proper way. We will return to resources in due course but, to my mind, the measure does not really ask local authorities to do what they should be doing anyway; it asks them to do an awful lot more. I fully support the asks in the clause.

David Mackintosh: It is a pleasure to serve under your chairmanship, Mr Chope. I am particularly delighted to serve on this Committee because I served on the Communities and Local Government Committee and asked, with other Members, for the homelessness inquiry to be undertaken. I chair the all-party parliamentary group on ending homelessness. I see many cases in my constituency and through the work we did on the Select Committee where a range of different advice is offered. We even see different advice offered within the same authority, so this legislation is needed to mainstream the issue.

10.15 am

I am sure that Opposition Members will agree that the legislation introduced in Wales has had a profound impact, not just on changing legislation but in the re-engagement of housing officers with their original vocation and the change of culture in how housing officers and the sector operate.

I agree with the hon. Member for Sheffield South East that the proposals would present a lot of new challenges and burdens for local authorities but I know that, if we change the culture from within local authorities and the housing sector, we will also have long-term savings, as pointed out by the hon. Gentleman, not just to that particular local authority but right across the board.

I am grateful that the Minister last week indicated that he is looking extensively at funding arrangements. I hope he will take back the thoughts from the Committee today and talk to his colleagues on the homelessness ministerial group, because that is cross-departmental, about the issues raised.

Those include the needs of people leaving prison and care leavers. We had an interesting session at the all-party group on care leavers and the challenges that they present. I put in a particular plea to look at care leavers in two-tier authority areas. A unitary authority looks after a care leaver through one means, but a two-tier area will have the unfortunate situation where care leavers are passed on to another authority for their housing needs and they often fall through the cracks.

We are also talking about veterans, victims of domestic abuse and people leaving hospital. I have seen many situations in my constituency where discharge from hospital is the trigger for housing issues, if not homelessness, that can affect people's lives and lead to homelessness or other factors such as poor mental health.

All those are challenges right across Departments. I was pleased to receive a letter from the Prime Minister recently in which she indicated that homelessness is an issue right across Government, not just a matter for the Department for Communities and Local Government. The crux of the matter is the advice duty in clause 2. Without proper advice offered at an early stage, people risk becoming homeless. We need to do more, through this Bill, to improve that situation.

Helen Hayes (Dulwich and West Norwood) (Lab): It is a pleasure to serve under your chairmanship, Mr Chope. I am pleased to see this clause in the Bill. I particularly welcome the emphasis that runs throughout the Bill on shifting resources into prevention, so that we stop as many as people as possible becoming homeless in the first place.

The Bill will drive a change in culture and we need legislation to drive that change in many local authorities. The culture that prevails has come about because the existing requirements on local authorities, as well as the

[Helen Hayes]

pressure of resources, force councils into a position in which they support the people they have to support. Resources are not currently available to support all the people councils have to support, and it is necessarily the case that many people fall outside the scope of local authority support. I agree entirely that local authorities should have the flexibility to devise and design services at local level that are appropriate to the needs that present themselves.

The hon. Member for Mid Dorset and North Poole indicated that he does not believe the provision of advice services constitutes a set of new burdens on local authorities, but we delude ourselves if we think the provision of meaningful advice does not constitute a series of resourcing requirements that result in a set of new burdens on local authorities. It is important that the Committee acknowledges what we mean and the implications of the clause for local authorities. We should ensure that the clause can be effective in delivering the outcomes that we all want.

I am a member of the Select Committee on Communities and Local Government. I too heard and saw the evidence that that Committee received during the homelessness inquiry. We saw evidence of local authorities being unable to support many people presenting as homeless in two different categories. We saw evidence of very poor practice—that came through strongly from the Crisis mystery shopper exercise. Some local authorities were simply not interested in helping or advising anybody they did not have to advise. In some cases, even people eligible for support were not receiving support of any kind of quality or meaningfulness. We also saw overwhelming evidence that the systems that exist to support homeless people in local authorities are at breaking point—they are overwhelmed.

The problem faced by many local authorities is to do with the wider housing crisis that we face in this country. We saw evidence of advice that was not up to date, as other hon. Members have said. Referral to third-party organisations that are already overstretched is a common form of advice. Local authorities are saying, "Go and see the local advice agency, go to the local law centre, go to the citizens advice bureau." Residents turning up to those places find that they have to wait in a long queue and that they cannot get an appointment immediately, and then find that those agencies are not in a position to provide meaningful advice because the housing that people ultimately need is simply not available. We saw evidence that advice was being provided for people to contact organisations that could and should be able to provide alternative housing, but which themselves had been forced to increase their threshold for accessing their support.

I have an example of a constituent who was given a list of organisations that she could telephone who would provide alternative housing because that was what she needed. She phoned them. As a single person, she was not considered to be in priority need, and every one of those organisations required a nomination from a local authority in order to access their services. Such advice is not in any way meaningful.

I want to ensure that we introduce clause 2, and that it will result in the provision of meaningful advice to people seeking support from local authorities. The provision of meaningful advice is to a large degree about the provision of meaningful options. I can say to my constituent, "I advise you to contact your local authority to seek their support with housing." The local authority will say, "We simply do not have any social housing available and we have a list of many thousands of people already waiting for that housing." That is not meaningful advice for me to provide to my constituent. We need to focus on the issue of meaningfulness.

Two things are important in ensuring that we deliver: first, we need to be clear that, in introducing a new duty, it cannot be acceptable for a local authority to discharge their duty, and to be considered to have discharged their duty, by providing advice that is poor quality or out of date, or not the best possible advice that can be provided. I flag up to Government Members the need for the provision of detailed guidance to accompany the Bill to make it clear to local authorities what constitutes the discharge of their duty to provide advice. The guidance would also make it clear that the Government will not stand for the continued practice of passing the buck to external agencies who cannot themselves provide that advice, resulting in a situation in which people are not meaningfully helped. Detailed guidance is important.

Secondly, we need to locate the clause firmly within the wider debate about the expansion of housing provision, including social housing, and the expansion of support for advice and support agencies that people need when they are at risk of becoming homeless. I wish to assert my view that the clause imposes new burdens on local authorities, and I would like a response from the Government on the question of what resources will be made available to enable those new burdens to be met. Otherwise we give ourselves a pat on the back in this House that we have enacted something that talks about the provision of advice. If the measure does not make the necessary difference on the ground, we have failed and we will be held to account. With those remarks, I am pleased to support the clause.

Mr David Burrowes (Enfield, Southgate) (Con): It is a pleasure to be involved in the debate on clause 2, which in many ways is at the heart of the Bill. If we get clause 2 right, we will have made a big difference in reducing homelessness. Following on from comments made by hon. Members on both sides of the Committee, including the hon. Member for Sheffield South East, the point I wish to make is that it is about ensuring that good practice is enshrined. As other hon. Members have said, good practice is not always followed.

On behalf of the vulnerable, and as the chair of the all-party parliamentary group on complex needs and dual diagnosis, I welcome the Bill and the duty to provide advisory services. Those groups of people often miss out and do not properly access the advice that they need. If they could access advice earlier at a preventive stage, it could prevent greater complexity, greater cost and crisis management.

I recognise that the Bill enshrines good practice and codes of guidance, as has been said. However, if properly applied, the Bill also places an additional burden on statutory services. If one looks at the example of the Bill, one sees the burden applies not least to persons leaving hospital. St Mungo's has been particularly active in highlighting the scandal that 70% of homeless people who are in hospital are then discharged on to the streets. That must end, and the Bill must help it to end. Local authorities including mine in Enfield sign charters, but

it is one thing to sign up to a charter and another to ensure that there is a link between health, social care and housing—that needs to happen and often does not—to ensure that support and advice is provided at the point when people need it most on leaving hospital. That is why it is welcome to see that explicitly included in the Bill. Frankly, it is neglectful that that does not happen and we need that statutory duty and provision.

I welcome, through the good endeavours of the Select Committee, the addition of victims of abuse and domestic violence. I pay tribute to Agenda, which is a charity representing the interests of women and girls at risk. I understand that it gave evidence to the Select Committee and made the point that the reality is, sadly, that the victims of abuse are not getting the proper advice that they need, which we will know from our constituency case work.

Indeed, in my surgery on Saturday, a victim of domestic violence came to me and said that she needed desperately to move from her house with her young child. Recently, her shed had been burned down by her abuser and her car had been vandalised. She went to Enfield Council to seek advice and was met, sadly, with indifference. I recognise that within Enfield Council there are some excellent housing officers, and in many ways they are overstretched, but she was met with a yawn and someone saying, "Well, we can't help everyone." That attitude towards my constituent in a state of absolute vulnerability is shameful and must end, which the Bill will help to do. She has simply been told, "We will get back to you in 10 days," but then there is another 10 days and another 10 days. She has not heard anything from the council in terms of meaningful advice. The Bill and the clause will help.

May I draw attention to one detail? Within the draft Bill and what would have been the new section 179, people with a learning disability were included as a group, although the provision was not limited to them. That is not included in the Bill before the Committee. Hon. Members will know from experience that those with learning difficulties and disabilities are particularly vulnerable and have problems accessing meaningful advice. They may not fall within priority need or appear at first communication to do so, but because of their learning disabilities they may not be able to communicate those needs properly. There is therefore a need for specific and meaningful advice for them. I ask my hon. Friend the Member for Harrow East and the Minister to help me to provide reassurance that the category of

"persons suffering from a mental illness or impairment"

properly includes people with learning disabilities and that, in practical terms, they will receive the meaningful advice they need.

Mr Jones: My hon. Friend is making an extremely good point, and in responding I should declare my interest as a member of my local Mencap society. Obviously, adults with learning disabilities are an extremely important group that need to be supported. I reassure my hon. Friend that they are indeed dealt with within that definition. I additionally reassure him that that will be clarified within statutory guidance that will go alongside this Bill.

Mr Burrowes: I am grateful to the Minister for that reassurance.

For adults who are struggling to get a diagnosis of autism, clarification is needed in the guidance on the level of evidence necessary to ensure that the duties are triggered. I welcome the clause.

10.30 am

Michael Tomlinson: It is a great pleasure to serve under your chairmanship, Mr Chope. I rise to address one or two points that have been made in this constructive debate, and I speak strongly in favour of clause 2 as drafted.

I agree with almost everything that the hon. Member for Dulwich and West Norwood said, and she is right that there is no point in setting out more detail in the Bill if the Bill does not impose additional duties and burdens, but my point is slightly different. There are heavier burdens and financial duties elsewhere in the Bill, and I had a measure of agreement on that from the hon. Member for Hammersmith. I do not minimise the additional duties set out in the clause—far from it. I will address one or two details, but I anticipate that in Committee we will hear further detail from the Minister on funding.

I am grateful to my hon. Friend the Member for Harrow East, who commented on the interplay between local authorities and local charities and organisations. I mentioned the Routes to Roots organisation in Poole. Each year, the youth worker at the parish church of Lytchett Minster & St Dunstan's at Upton organises the great Dorset sleep out. You can join us next year, Mr Chope, if you happen to be free on that date—I will perhaps need to give you lots of warning.

Christian Matheson: Can I come too?

Michael Tomlinson: The hon. Member for City of Chester and other hon. Members are more than welcome to join, too. It is a fun occasion that makes a serious point. It does two things. First, it raises money for the charity. Secondly, it raises awareness of homelessness. People picture Dorset and Poole as a leafy part of the country and ask why on earth we have homelessness, yet even today people are sleeping rough on the streets of Poole. One evening a few weeks ago, we heard from two people who had formerly been homeless—they were not homeless in Dorset—but are happily now homed in Poole. Had the measures in the Bill to provide advisory services already been in place, they would have helped those two individuals no end by pointing them in the right direction.

Michelle Donelan: Does my hon. Friend agree that the clause will free up charities to help people via other mechanisms rather than fighting for them to get the advice they need? My local charity in Chippenham, Doorway, has shared that with me.

Michael Tomlinson: My hon. Friend is right. It is about flexibility. Local authorities will have a duty under the Bill, but I would like far greater interplay between local authorities and charities. The relationship works well in some areas, as we have heard from Members on both sides of the Committee, but the aim of the clause is to raise standards across the board.

My final point is on the detail. I am particularly pleased that proposed new section 179(2) of the Housing Act 1996 lists

"former members of the regular armed forces",

[Michael Tomlinson]

which is right and proper. It also lists

"persons released from prison or youth detention accommodation".

I am sure the Government's ambition and intention is to reduce reoffending—if it is not, it should be. There are three key planks to that. One is housing, and the other two are education and employment. If housing or advisory support on housing were available, it would be a big step in the right direction. I strongly support the measures in clause 2.

Mr Jones: It is a pleasure to respond to clause 2 on the second day of our consideration. It is obvious from this first debate that my hon. Friend the Member for Harrow East has chosen well because Members on both sides of the Committee are not only capable and knowledgeable but have spoken with immense passion and power. It is obvious that the members of this Committee care about the enactment of the Bill.

The Government welcome the duty to provide homelessness advisory services and hope it will go a long way in helping to provide access to the same high standard of information and support for everyone. It does not help to prevent homelessness if local authorities provide minimal and out-of-date information but, technically, they could still be acting within the law. The measure is a key first step to addressing that. Having said that, some local housing authorities provide relevant and up-to-date information and, in some cases, tailored advice, and they need to be commended.

The clause will help to ensure that all local housing authorities step up to the standard of the best by providing detailed advice and information to all households in their area while empowering people to seek support before their housing concerns turn into a housing crisis. We hope local housing authorities provide more personalised advice that meets the needs of households that are likely to be at risk of homelessness, and advice that targets the vulnerable groups identified in the clause.

Earlier, I mentioned some prevention trailblazers. The best local authorities include Newcastle, where staff work to gather information to identify people at risk of becoming homeless so they can target their advice and support far earlier so that people do not end up in a housing crisis. That is the spirit in which the clause sets out further obligations for local authorities, and what we expect to happen.

To ensure that the measures work in practice, we will work with local housing authorities, homelessness support organisations and others to review and update the guidance on how local housing authorities should comply with the new duty. In doing so, we will look to Wales, which has a similar duty enshrined in legislation in section 60 of the Housing (Wales) Act 2014, and to other good practice such as that which I mentioned in England.

As I mention Wales, may I respond, in order to assist my hon. Friend the Member for Harrow East, to the point made by the hon. Member for Hammersmith about the extent of the legislation regarding England and Wales? I reassure him that we have discussed the Bill with Welsh Government lawyers and are satisfied that the approach taken in the Bill correctly addresses the devolution points he raised. I have some responses to assist my hon. Friend the Member for Harrow East in a few other areas.

A number of hon. Members mentioned the issue of funding for the Bill. I reiterate that we are absolutely committed to funding the costs of the Bill. As the hon. Member for Sheffield South East, who chairs the Select Committee, mentioned, we are still working with local authorities and the LGA to identify the costs of the Bill. Given how the Bill has been brought to the House, the timescales have been tight, particularly for the Select Committee's scrutiny process and the tabling of amendments.

We are now dealing with changes to clause 1 to deal with challenges raised by a particular stakeholder group, so we are still finalising the costs. We expect to be able to come to the Committee shortly with the final details of those costs. I can reassure people that when we come back with that final detail, we will be taking into account the costs as a result of clause 2.

Andy Slaughter: The Minister has said that he will come back to the Committee, so I am assuming that we will have something in time for next week's sitting or the one on 14 December.

Mr Jones: As I have said, I will bring those costs to the Committee as soon as is practicable, but the hon. Gentleman is not making an unreasonable point. I hope to be able to satisfy his request. It is important that the Committee should have the chance to see what the costs are.

The hon. Gentleman made a point about AHAS and the information duty. AHAS raised an issue about councils going beyond the provision of just homelessness issues. I want to be absolutely clear that the measure is about a duty to provide advice and information relating to homelessness only; it is not about local authorities going beyond that. Local authorities can signpost to other services, but we expect them to work with local partners to help address wider issues, and that is what the best authorities are already doing.

The hon. Member for Dulwich and West Norwood raised a point about the Bill, and the clause in particular, being about changing culture at the local level, and I very much agree. I also agree with my hon. Friend the Member for Colchester about reinvigorating the role of housing officers so that they can get back to a position where they genuinely feel they are helping people—as he rightly pointed out, that is why most housing officers took up their roles in the first place. We have seen a similar change in culture in Wales, which bodes well for the Bill. We will make absolutely clear that the revised guidance on what constitutes good advice will accompany the Bill once it makes its passage through the House and into law.

I will conclude by saying that the Government are extremely pleased to support clause 2. We think it will bring about a real shift in culture and enable people who hitherto have not received good advice and assistance to receive the support that they absolutely need.

Bob Blackman: I will respond briefly to the debate. I thank all Members for their contributions and for serving on the Committee.

Those threatened with homelessness or those tragically becoming homeless need to get the help and advice they need as early as possible: that issue is clearly at the heart

of the Bill. I turn to some of the points that have been made; if any individuals want further clarification, I am happy to deal with that. Several Members have referred to the mystery shopping exercise conducted by Crisis, which fed into the Select Committee report. The inquiry and the pre-scrutiny of the legislation are one of the benefits this Committee has—we have the benefit of real evidence of the experience across the board. The reality is that the experiences individuals are receiving from local authorities are relatively poor, generally speaking. Some local authorities do a good job, but the majority do not. That is clearly an issue, because advice services are so important.

I will not go into the hon. Member for Hammersmith's views on his own council. I could have a view of my own council, and I am sure several other colleagues could, too, but the reality is that we want to see all local authorities brought up to the standard of the best on advice and help.

My hon. Friend the Member for Colchester referred to another key issue. We do not want people to get to the point of incurring huge debts and having county court judgments and so on, which mean that they are not able to get accommodation anyway. We want people to get help and advice early.

The hon. Member for Sheffield South East, Chair of the Communities and Local Government Committee, and the hon. Member for Dulwich and West Norwood, also a member of that Committee, referred to the resources required. We are looking to the Minister to come forward with the resources. I accept that these are considerable extra burdens on local authorities. The expertise that will be required is important and unless that is properly resourced, the help and advice needed will not be available. That part of the process is quite clear.

10.45 am

My hon. Friend the Member for Northampton South referred to the experience in Wales. It is important as part of the process that we learn from what has happened in Wales, but we have to recognise—I will no doubt return to this later in Committee—that the total of all the people in Wales suffering from the risk of homelessness, applied to all Welsh authorities, still numbers less than those who have become homeless in the London Borough of Lambeth—just one London authority. The Welsh legislation is a good start, but we are burdening local authorities across this country with additional responsibilities and that is key.

My hon. Friends for Northampton South and for Enfield, Southgate referred to the priority areas for vulnerable people—in particular care leavers, people leaving the armed forces, people leaving hospital and other vulnerable people. My hon. Friend the Member for Enfield, Southgate referred to those with learning difficulties. We do not want to have an absolute, comprehensive list of every single individual covered by the help and advice services, but in the guidance issued when the Bill becomes an Act, it should be clear that local authorities should not suddenly say, "Oh, well, there is a loophole here; we can get away with not providing the help and advice that people need." We want to be abundantly clear.

The hon. Member for Dulwich and West Norwood raised examples of poor advice and service; we could all point to areas where that is the case. She put the point well—a cultural change has to take place. My hon. Friend the Member for Mid Dorset and North Poole raised the issue of third-party involvement, which is vital. We should be saying to all local authorities that how they discharge these duties is a matter for them to decide, but it is vital that people get the help and advice that they need. I thank my hon. Friend the Minister for giving the commitment on funding for the whole Bill, but particularly for this side of it. Negotiations are going on with local authorities already.

Question put and agreed to.

Clause 2 accordingly ordered to stand part of the Bill.

Clause 3

Duty to assess all eligible applicants' cases and agree a plan

Mr Betts: I beg to move amendment 1, in clause 3, page 4, line 44, leave out from "particular" to the end of the paragraph and insert—

"(i) what accommodation would be suitable for the applicant and any persons with whom the applicant resides or might reasonably be expected to reside ("other relevant persons");

(ii) the schooling arrangements for the children of the applicant and of the other relevant persons; and

(iii) caring provided to or by the applicant and the other relevant persons;

(iv) the location and natures of the employment of the applicant and the other relevant persons.".

This amendment would ensure that the assessment of an applicant's case takes account not only of suitable accommodation for the applicant and those residing with the applicant but also their schooling, caring and work arrangements.

The Chair: With this it will be convenient to discuss the following:

Amendment 3, in clause 3, page 5, line 2, leave out "and".

See amendment 4.

Amendment 4, in clause 3, page 5, line 5, at end insert—

"(d) what other support the applicant is or may be entitled to from any public authority under any other enactment.".

These amendments would ensure that, when assessing a case, the local authority must consider any other duties which might be owed, whether by it or by another authority, for example a care-leaver who has applied as homeless may be owed additional obligations under the leaving care provisions of the Children Act 1989.

Mr Betts: We had a very good debate on clause 2. It is a long time since I heard the Minister say, "I've got the money and I am going to spend it." What welcome words! I think that is what the Minister said—he is not correcting me, so we will say that is what the Minister said; we will see in due course how much the money actually is when agreement is reached, as it hopefully will be with the LGA.

There is a similarity between what I am going to say and the debate that we have just had on clause 2. Clause 2 details a whole range of responsibilities for local authorities in terms of the advice and support that they give to people who present themselves as homeless, irrespective of whether they are in priority need. In clause 3, we come to the personal plan and to the eventual offer that is likely to be made to individuals who are homeless.

[Mr Betts]

We heard in evidence to the Select Committee that there were also problems in that regard. I probably want to tag the name Daisy-May to the amendment, because we heard from Daisy-May Hudson, a young, very intelligent, very determined lady. Her family had been made homeless and ended up in temporary accommodation for about a year. She not only gave evidence to the Select Committee, but made a video that was shown to Select Committee members about her experiences. The way in which the family were treated was pretty horrific. As they put it, the brusque letters that came saying no to this and that were really heart-wrenching for them.

One particular issue came to mind, which is why I decided to table the amendment. I say straight away that I want to see something in the Bill that deals with this issue, and if the Minister has a better way of doing it, I am open to hearing from him. The similarity with clause 2 is that requirements relating to what is suitable accommodation, particularly in terms of its location, are all contained in guidance. The Minister has armies of civil servants—hundreds of people—to advise and assist him with his responses and to help him to draw up amendments and alternative wording, so if he can look to them and come up with a better of way doing this, I will always be open to suggestion.

As a Back Bencher, I rely on the expert advice from people in the House—and it is expert advice; it is important to recognise that. The Clerk of the Committee helped me to draft the amendment and drafting advisers on the Select Committee helped us throughout our process. People in the House of Commons Library also helped me to find the right words in the guidance. There is a lot about the suitability of accommodation and its location in the Homelessness (Suitability of Accommodation) (England) Order 2012, which goes into detail about what authorities should be doing on suitability and location in respect of recognising people's employment, caring responsibilities and education.

However, when Daisy-May gave evidence—indeed, this is in her film—we heard that the family were made an offer of accommodation, but that it was two hours away from her sister's school. It was completely unsuitable and was just not a reasonable offer. Despite the fact that the family had provided a lot of evidence—medical and other supporting evidence—it was all pushed to one side. As they said, they got a letter and a form to send back with three lines to fill in to say why the accommodation was not suitable. That authority gave a token response, saying, "Here you are. This is the accommodation. If you don't like it, say in three lines why you don't." It was a completely inappropriate way to deal with the matter.

The difficulty is this: eventually the family got a different offer, but only because they threatened to take the case to court—I think they had the help of Shelter, but I may be mistaken in that respect.

David Mackintosh *indicated assent.*

Mr Betts: The hon. Gentleman is nodding, so I have probably got that right. I do not think the case actually got to court, but the threat of legal action being started meant that eventually a different offer was made. Not everybody can do that.

David Mackintosh: I thank the hon. Gentleman for mentioning this important point. I share his view that the video that Daisy-May Hudson presented to us in the Select Committee aptly deals with all these issues and should be viewed by every member of this Committee, so that they can see the issues that people face. I want to see provisions on that in the Bill, and I think the Minister might touch on that later.

Mr Betts: I look forward to hearing what the Minister has to say. I draw a parallel with clause 2, which will be on the face of the Bill—hopefully on the face of the Act—because the current guidance is not always observed; it is not as strong and does not give people as strong a right to the services that we think they ought to have. I am making the same point with the amendment. Currently, the suitability of the location is contained in the guidance. An authority should take account of it, but in the end it does not have to. Now, perhaps people can take a judicial review against the authority, but we should not be relying on applicants in very difficult circumstances to get appropriate advice and take a JR against the local authority to ensure that the will of this House is implemented.

Michael Tomlinson: Following the point made by my hon. Friend the Member for Northampton South, would the hon. Gentleman release the video that he is talking about, or get permission to have it released, so that those of us who do not have the privilege or pleasure of being members of his Committee can have the benefit of seeing it as well?

Mr Betts: I certainly will. The Select Committee saw it, and I believe that it was also sent to its members so that we could view it on our own computers. I think that there are licensing issues with the ownership, but I will certainly go back to the Clerk of the Committee to see whether it can also be released to members of this Committee. That is a very helpful point and I will try to achieve that.

The purpose of the amendment is to put on the face of the Bill the requirement to take account of those issues when drawing up the plan with a view to looking at what accommodation might be suitable. I entirely understand that it might not be possible in some parts of the country—particularly London. It might be that an authority has no suitable accommodation in-area and therefore, in the end, must go out of borough. That might be inevitable in some areas.

In other parts of the country, including mine in Sheffield, although there is a shortage of suitable accommodation and it is not always possible to have regard to all the factors when an allocation is eventually made, when considering a suitable offer authorities should at least have regard to where children are at school and where caring responsibilities are in place, either for or on behalf of the individuals who are homeless or threatened with homelessness. If people are in work, authorities should look at whether they can continue to get to their job and whether they will lose their job as a result of being found a house. Where possible, authorities should have regard to those things, but they do not always do so. I have had letters on behalf of constituents from my local authority saying, "We can't really take account of those issues. It's going to be one offer, and that's it." That is not acceptable. If it can be done, it should be done.

Christian Matheson: Is the point of my hon. Friend's amendment therefore to overcome the idea that when an offer is made the local authority has discharged its duty and can walk away from the problem?

Mr Betts: Exactly. It is not always possible, and some people will become homeless in areas where there simply is not a local authority property of the right size available, and where one will not become available for some time. Of course that is the case, but in other areas a little more thought and effort by the local authority could achieve a much better offer to meet people's needs according to the code of guidance.

Alison Thewliss: The hon. Gentleman is making an excellent case. Does he agree that getting it right in all those cases will increase the sustainability and the likelihood of success in the new accommodation? If people are supported by their family networks, schools and employers and are able to maintain that, they have a greater prospect of having a successful, happy life.

Mr Betts: That is absolutely right. We must not find somebody family accommodation, only for them to lose their job. If a family is homeless or threatened with homelessness, that affects the whole family, and the young people in particular. If a young person who has already been through a traumatic experience is studying at school for their exams, and if their family goes through that trauma and they suddenly find that they have to move school at a crucial time and possibly travel for two hours to get to the new school, they might drop out. All those things add to their problems.

There might be other ways of doing this. It might be—I am sure the Minister has even better advice than we do—that the clause can be amended so that the local authority has to take account of the code of guidance when drawing up a plan to provide suitable accommodation for a family in priority need. I will await the Minister's response, but we have to toughen up the clause. It is no use simply saying that the code of guidance is there; we have to do something to make sure that it is followed in practice when families are in real need and when they need a suitable offer in the right location, wherever that can be achieved.

11 am

Will Quince: I intend to speak only very briefly. I have great sympathy with the point being made in the amendment tabled by the hon. Member for Sheffield South East. We have all seen these situations, certainly in constituencies around London. My constituency is 50 or so miles outside London and my constituents regularly come to me for assistance because the council is putting them into temporary accommodation in Ipswich. Although it is only 20 miles away, that is a long way for people who do not drive: they are 20 miles away from their school, their place of work, their support network or their family. We know the considerable burden that places on those who are in very vulnerable situations and are going through a crisis.

However, I have some concerns about the enforceability of what the hon. Gentleman proposes, partly because the requirement already exists in article 2 of the Homelessness (Suitability of Accommodation) (England) Order 2012. In my view, the solution is not duplication of existing secondary legislation, but the Government ensuring that that legislation is given more teeth and enforceability. As well-meaning as the amendment is, my fear is that it will not achieve anything, because the existing legislation already ensures that local authorities have to take into consideration the suitability of accommodation for the applicant and issues such as schools, caring requirements and work arrangements. Subject to the Minister's approval, the obvious answer is for the Government to take the hon. Gentleman's concerns away and look at how to ensure that the existing legislation, which already requires local authorities to do what he asks, is given teeth and enforceability.

Andy Slaughter: Before I speak to the amendments in my name, may I briefly express my support for the amendment tabled by the Chair of the Communities and Local Government Committee, my hon. Friend the Member for Sheffield South East? I am surprised that Government Members are not prepared to support it; I ask the Bill's promoter to encourage his colleagues to do so. Although the hon. Member for Colchester is absolutely right that there is case law and guidance on locality, it is fair to say that it is often more honoured in the breach than in the observance. The consequence is a lot of unnecessary litigation, where advice and lawyers are available to assist with it, and a lot of work. My office spends a huge amount of time on this issue, trying to persuade local authorities not to move people out of the area or to bring them back after they have been moved, when it has proved impossible for the family to continue to live as they did before.

I had a case in my surgery this week in which a family with three children were living in temporary accommodation that was so poor, with damp and disrepair, that the local authority needed to move them somewhere else. There is nowhere available in the borough at the moment, so it is seeking to move them outside London. All the kids are in local schools. My view was that the family had been in temporary accommodation for 10 years in a variety of places, so surely the solution was to find them permanent accommodation. That just showed that I am not completely in touch with everything that goes on, because my senior caseworker said that it is not exceptional now for people to spend 10 years in temporary accommodation. That gives a little insight into the real problems that occur, particularly in London boroughs but elsewhere too. That point needs to be emphasised, so I strongly support what my hon. Friend said.

Let me deal briefly with the amendments standing in my name. I entirely accept that I am placing those additional burdens on local authorities that I warned against about an hour ago. That is why I am particularly keen to hear the Minister come forward with his bag of cash at the earliest opportunity. Nevertheless, if we are to legislate for the long term, we need to make clear what we expect housing authorities to do.

Michael Tomlinson: I am grateful to the hon. Gentleman for giving way, and I am delighted by the smile on his face as he presents his amendments. Does he not see that, as drafted, the obligation on local authorities is so wide that they would have to look across multiple different authorities in order to fulfil it? I think he notes that by his smile. Is this not just placing unreasonable burdens on our local authorities?

Andy Slaughter: I will turn the point around and say that the objective of the Bill is either to pay lip service to a problem or it is designed to tackle a problem. When individuals in housing need, owed duties by the state, present themselves, they will receive advice and assistance. That point was made by a number of hon. Members on both sides of the Committee in relation to the list in clause 2. That is not an exhaustive list, though it could be quite onerous. We will later consider, under clause 10, the way that other public authorities should assist local authorities in discharging their duty, and that is the other side of the equation. I will not say anything more on that because I am conscious of the time. I will simply say that if we are going to look at the different approach that local authorities need to take, we should be as comprehensive as possible.

If I may be allowed two sentences, I think they will evolve neatly into talking on clause stand part. I am conscious that, as we will probably find in every clause, there are caveats from homelessness charities that the proposed legislation does not go far enough and caveats from local authorities that it places undue burdens. The AHAS does not see the need for a plan that it believes would be extremely onerous in the bureaucracy, the drawing up, the modifying and the review of that. Shelter would say that there is no statutory right to a review on the plan and that that itself should be reviewed. I think we have probably got it about right. There is a need for a plan. I do not accept what local authorities say on that point. I am conscious of the example that the LGA gave in relation to this. It used the example of Stoke-on-Trent Council, which believes that the administrative costs around prevention work will require four more homelessness officers at about £35,000 a year each, just in relation to dealing with those issues.

I will stop there, Mr Chope, by urging support for the amendments in my name and that of my hon. Friend the Member for Sheffield South East. We are, a little bit, creating a wish list and talking in a vacuum until the Minister makes clear what resources he intends to provide.

Helen Hayes: I wish to speak briefly in support of amendment 1, which arises directly from evidence we heard in the Communities and Local Government Committee, as the Chairman of that Committee has already said. It also speaks directly to the experiences of my constituents and some of the most devastating cases in my time as a Member of this House and, before that, as a local councillor.

As Members well know, homelessness is one of the most devastating circumstances that can befall someone in the UK today. In such challenging circumstances, people will often hang on to every little bit of stability that they can, in particular for their children. Which of us would not do that? My local authorities do everything possible to place people in borough when they have to provide families with temporary accommodation. When they place people outside the borough, they do everything they can to find accommodation in neighbouring boroughs, so people do not have to travel long distances.

The first of two cases that I particularly recall involved a family placed in temporary accommodation in Edmonton who were travelling with their children to primary school in Dulwich every day. That is a very long distance, by any stretch of the imagination. The train would have been the quickest way to make the journey, but they could not afford that, because they were a family facing homelessness. They had to leave their temporary accommodation in Edmonton at 5.30 every morning to travel with their children to my constituency for school, because they were part of a stable school community and knew that their children were receiving good support there.

More recently, a family living in temporary accommodation —a hostel in Dulwich—were travelling every day to Leytonstone with their daughter to attend primary school. Similarly, because they were a family in destitution and without any money, mum was sitting on a park bench in Leytonstone for the duration of the school day before collecting her daughter and travelling back to Dulwich. Such circumstances are devastating.

The other sets of circumstances covered by the amendment are, straightforwardly, invest-to-save provisions. I can recall countless constituents who have come to my surgeries to tell me that the local authority is suggesting that they move to accommodation further away, but they are fearful of what that would mean in terms of loss of support from their family and community networks. Furthermore, most often, they are constituents with mental health difficulties. As we know, and it seemed self-evident when I was talking to them, if they were forced to move from their support networks, their families and the people they rely on to maintain some stability in their lives, there would be additional costs. Not only would those individuals be much more likely to be forced into a crisis, but there would be additional costs to the NHS and to social services arising from people being moved away from their informal networks of support.

The final set of circumstances covered by the amendment involves people who are in employment. We all applaud anyone facing homelessness who manages to sustain their employment. That is a difficult enough thing to achieve in the best of circumstances, but if as a consequence of homelessness people are forced to move a long distance from their employment, so that they could not afford the travel costs or time, the burden would become unsustainable. That, too, would be a false economy. The state should be doing everything to ensure that, where possible, employment can be sustained.

For those reasons, I hope that the promoter and the Government will accept the amendment, because the matters that it covers are so important that they should be on the face of the Bill.

Mr Jones: On amendment 1, tabled by the hon. Member for Sheffield South East, local housing authorities must already have regard to the significance of any disruption that would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household under article 2 of the Suitability of Accommodation (England) Order 2012. I therefore do not agree that an amendment to repeat that point is necessary.

To expand on that and to reassure the hon. Gentleman, local authorities must by law take account of the factors included in a suitability order. If an authority acts illegally, as he pointed out, households would have redress by review and on appeal. My Department intervened in a Supreme Court case on just this point to ensure that the order and the guidance are followed.

11.15 am

The order states:

"In determining whether accommodation is suitable for a person, the local…authority must take into account the location of the accommodation, including…where the accommodation is situated outside"

that district,

"the distance of the accommodation from the district"

of the housing authority, and

"the significance of any disruption which would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person"

or, as I said,

"the members of the person's household".

Local authorities must also take into account

"the proximity and accessibility of the accommodation to medical facilities and other support which…are currently used by or provided to"

the household and are essential to their wellbeing or that of other members of their household.

Mr Betts: I hear the Minister, but the fact is that local authorities often do not do that. It is okay saying, "Well, there are reviews and we may eventually get to legal action," but when a family is homeless and desperate for accommodation—they will probably be in temporary accommodation—that is not a great help.

Another problem is that the words "must" and "should" seem to be used interchangeably. The Minister said that local authorities must have regard to the guidance, and he used the word "must" with regard to medical facilities, but the word used in paragraph 53 of the supplementary guidance on the 2012 order is "should" not "must". Is that not a problem? Could we at least look at toughening up that guidance by putting in a few more "must"s instead of the "should"s that are currently in it?

Mr Jones: I have great sympathy with the hon. Gentleman's points, certainly where local authorities are not complying with the 2012 order in the way that is intended. The existing power in section 210 of the Housing Act 1996 allows the Secretary of State to make an order—secondary legislation—to strengthen the definition of "suitability". Such an order may specify the

"circumstances in which accommodation is or is not"

suitable or

"matters to be taken into account or disregarded in determining whether"

the accommodation is suitable.

We expect councils to adhere to both the 1996 Act and the 2012 order. As I say, that Act gives us significant powers where the order is not followed. I reiterate that that is not guidance but an order, and councils must adhere to it. The Bill must serve as a reminder to local authorities that the order must be adhered to, and I put local authorities on notice that if it is not, we can review and change the regulations through the 1996 Act. Should councils not respond to the Bill or the order that is already in place, I am certain that we will seek to do that.

David Mackintosh: Does the Minister think that that would be a good thing for the Communities and Local Government Committee to look at?

Mr Jones: I always welcome the Select Committee's work, and if councils do not respond in the way that we ask them to respond—that is, by adhering to the 2012 order, the importance of which is reiterated in the Bill—it perhaps would be sensible for the Select Committee to look at the issue again.

I agree with what the hon. Member for Sheffield South East said on Second Reading about recognising the importance of speaking to people from the very beginning about addressing their housing needs. We are talking about the important first step in creating the culture that we all want. We need a more co-operative and effective relationship between local housing authorities and those they try to help. That is why clause 3 is really important. However, I do not think it is necessary to amend the Bill, as the hon. Member for Sheffield South East would like.

Amendments 3 and 4 tabled by the hon. Member for Hammersmith would require local housing authorities to consider a further requirement when assessing the applicant's case. There would be a requirement to consider,

"what other support the applicant is or may be entitled to from any public authority under any other enactment".

The amendments would create a very broad duty. Local housing authorities would need to investigate the legal duties of multiple authorities to identify whether such a duty were owed. There could be a scenario, for example, where a local housing authority would have to undertake a mental health assessment to establish whether a person is owed duties in respect of any mental health issues that they may have.

Owing to their wide-ranging nature and the general requirements that the amendments would bring to local housing authorities, the proposed changes would place an unacceptable burden on those authorities. As I mentioned previously, local housing authorities already have to take into consideration a wide range of factors, including the significance of any disruption that would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household; and the proximity and accessibility of the accommodation to medical facilities and other support.

Successful prevention, as the best local authorities already know, takes a broad view in assessing needs. Many of the things we are looking at here will be dealt with in the personal housing plan, which is covered in the substantive clause.

Andy Slaughter: To look at this the other way, does the Minister not think that it could be helpful to local authorities in identifying other organisations or other resources that should be brought into play? What was good on clause 2 in relation to specifying people with particular needs may also be good on clause 3.

Mr Jones: There are many ways in which the Bill broadens the support that people will get. As the hon. Gentleman knows, later in the Bill there is a duty to refer. Organisations will therefore have to notify local authority housing teams of people in certain circumstances as they pass through the NHS system in hospital A&Es and so on. The hon. Member for Sheffield South East is proposing a broad provision. As I said, it is difficult in terms of its workability. The challenge would be massive for local authorities, which would almost have to become experts in massive areas of work that they are simply not in a position to be experts on.

[Mr Marcus Jones]

However, the hon. Gentleman is absolutely right that local authorities can work in a better and more collegiate fashion across public services and other organisations that can help people who are homeless or becoming homeless. In many ways, the Bill will seek to achieve that. I therefore do not think it is necessary at this point to support the amendments that the hon. Gentleman has tabled.

Mr Betts: I have a difficulty because I do not think the provision is satisfactory. Equally, I understand that the Minister wants to see what is in the code of practice or code of guidance implemented. From a Select Committee point of view, we had a clear view: we were concerned that these matters were not being properly addressed in terms of location when offers were made to people who qualify as homeless persons. We are trying to find a way forward that keeps some unanimity, but gives us more reassurance that something will be done. I take the point made by the hon. Member for Northampton South that there could be a role for a Select Committee, but there is also a role for Government.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till Wednesday 7 December at half-past Nine o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HOMELESSNESS REDUCTION BILL

Third Sitting

Wednesday 7 December 2016

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Sunday 11 December 2016

The Committee consisted of the following Members:

Chair: Mr Christopher Chope

† Betts, Mr Clive *(Sheffield South East)* (Lab)
† Blackman, Bob *(Harrow East)* (Con)
† Buck, Ms Karen *(Westminster North)* (Lab)
† Burrowes, Mr David *(Enfield, Southgate)* (Con)
† Donelan, Michelle *(Chippenham)* (Con)
† Drummond, Mrs Flick *(Portsmouth South)* (Con)
† Hayes, Helen *(Dulwich and West Norwood)* (Lab)
† Jones, Mr Marcus *(Parliamentary Under-Secretary of State for Communities and Local Government)*
† Mackintosh, David *(Northampton South)* (Con)
† Matheson, Christian *(City of Chester)* (Lab)
† Monaghan, Dr Paul *(Caithness, Sutherland and Easter Ross)* (SNP)
† Pow, Rebecca *(Taunton Deane)* (Con)
Quince, Will *(Colchester)* (Con)
† Slaughter, Andy *(Hammersmith)* (Lab)
† Thewliss, Alison *(Glasgow Central)* (SNP)
† Tomlinson, Michael *(Mid Dorset and North Poole)* (Con)

Glenn McKee, *Committee Clerk*

† attended the Committee

Public Bill Committee

Wednesday 7 December 2016

[Mr Christopher Chope *in the Chair*]

Homelessness Reduction Bill

Clause 3

Duty to assess all eligible applicants' cases and agree a plan

Amendment proposed (30 November): 1, in clause 3, page 4, line 44, leave out from "particular" to the end of the paragraph and insert—

"(i) what accommodation would be suitable for the applicant and any persons with whom the applicant resides or might reasonably be expected to reside ("other relevant persons");

(ii) the schooling arrangements for the children of the applicant and of the other relevant persons;

(iii) caring provided to or by the applicant and the other relevant persons; and

(iv) the location and natures of the employment of the applicant and the other relevant persons".—*(Mr Betts.)*

This amendment would ensure that the assessment of an applicant's case takes account not only of suitable accommodation for the applicant and those residing with the applicant but also their schooling, caring and work arrangements.

9.30 am

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are discussing the following:

Amendment 3, in clause 3, page 5, line 2, leave out "and".

See amendment 4.

Amendment 4, in clause 3, page 5, line 5, at end insert—

"(d) what other support the applicant is or may be entitled to from any public authority under any other enactment."

These amendments would ensure that, when assessing a case, the local authority must consider any other duties which might be owed, whether by it or by another authority, for example a care-leaver who has applied as homeless may be owed additional obligations under the leaving care provisions of the Children Act 1989.

Mr Clive Betts (Sheffield South East) (Lab): At the last sitting, I talked about amendment 1 and how it was important, when local authorities made an offer of housing accommodation, to have regard to the location of that accommodation in respect of the household's employment, caring responsibilities, schooling arrangements and so on. I said it was important to ensure that the code of guidance was implemented and I sought unanimity across the Committee on that matter.

Since then, the Minister helpfully requested a meeting with me and the hon. Member for Harrow East. We talked about what was in the code of guidance and I accept that there are probably more things in there than in my amendment. The problem is that many local authorities are not having proper regard to that and are not carrying out their responsibilities in the way we would like.

I am sure the Minister will confirm that he has now indicated that once the Bill is enacted, he will write to all local authorities to draw attention not merely to the new elements of responsibility they will have under the Act, but to existing responsibilities under previous legislation and the code of guidance. He will ask them to come forward with a strategy to deal with homelessness. He will work with the Local Government Association to try to get some model wording for the advice that local authorities will offer to those presenting themselves as homeless, including on suitability and appropriate location of a property, that a local authority should have regard to.

The Minister will ask authorities to reply to him indicating their strategy and the wording in their advice. He will then have staff available to go into those local authorities where he has concerns that they might not be following that through. I think that is a summary of our conversation, but I would be happy for the Minister to confirm that on the record. In that case, I would not press my amendment and would be happy to move on with our discussions.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): I thank the hon. Gentleman for the constructive conversation that we had following last week's Committee sitting. I am pleased that he recognises that local housing authorities must already have regard to the significance of any disruption that would be caused by the location of the accommodation to the employment, caring responsibilities or education of the person or members of the person's household, under article 2 of the Homelessness (Suitability of Accommodation) (England) Order 2012.

I look forward to working with the hon. Gentleman on the successful implementation of the Bill. As he said, that will include working with the sector on the code of guidance and on the co-production of templates for personalised plans on this and other elements of the Bill; re-emphasising to local authorities the importance of complying with the suitability order; and taking the further steps that he has just mentioned.

Ms Karen Buck (Westminster North) (Lab): Will the Minister assure me that, within the code of guidance and his follow-up to ensure that local authorities are implementing it, due regard will be given particularly to the most vulnerable children with special needs? I say that because only this week I dealt with a case—one on review—where a family with a severely disabled child attending a special school in central London had been placed by Westminster Council in Essex, requiring the parents to get up at 5 in the morning and commute for five hours a day. That child has now been in that situation for many months—

The Chair: Order. Minister.

Mr Jones: I hear what the hon. Lady says. We are saying that the suitability of accommodation order should be followed. We are determined that we want that to be followed and, therefore, will reiterate that in

guidance. We will take the steps mentioned by the hon. Member for Sheffield South East to ensure that local authorities are complying with the law.

Mr Betts: That brings the discussion of this matter to a conclusion. I thank the Minister for his reassurance and for taking the significant initiative of having that conversation ahead of this sitting to try to get agreement. Not all Ministers behave in that way, so when they do we should respect it and have proper regard for it, because that is how things should be done. I very much thank the Minister for that, and I thank the hon. Member for Harrow East for joining that discussion. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Bob Blackman (Harrow East) (Con): I thank hon. Members for the amendments they have tabled and for the debate we have had. I reiterate to the hon. Member for Sheffield South East that we are not talking about mere guidance; local authorities will be ordered to take into account matters of education and employment, and the other aspects he mentioned. We wish to proceed in this Committee by consensus and discussion. If we can agree on that, it is going to help considerably.

Clause 3 will require local housing authorities to carry out an assessment for all cases in which an applicant is homeless or threatened with homelessness. The housing authority will have to look at the circumstances that caused the person to become homeless, or that threatened them with homelessness, which will be specific to that person, and it will have to look at the person's housing and support needs.

Following the assessment, the authority must work with the applicant to agree what steps need to be taken by the applicant to secure and retain suitable accommodation, and what steps need to be taken by the authority to help them. The steps must be notified to the applicant in writing, in the form of an agreed plan, which will mean that applicants will be clear on what steps they, as well as the local authority, need to take to get accommodation.

There may be circumstances in which agreement cannot be reached. If that is the case, the local authority must record the reasons why and provide the applicant with a written copy of them that also contains the steps that the authority will take and those that it thinks it would be reasonable for the applicant to take.

The clause has been included in the Bill because local housing authorities are not currently required to assess the circumstances that have caused an applicant to become homeless or to be threatened with homelessness. That can lead to vital information about the applicant's circumstances being missed, which in turn causes them extra difficulties. By asking applicants for more information about what happened to make them homeless or led to their being threatened with homelessness, a potential solution should be identified.

A more personalised approach will definitely help local housing authorities to get it right first time and prevent people from becoming homeless. The tailored approach will help the applicant and the housing authority to understand the actions that have to be taken and the responsibilities on both sides. The clear intention is to help both the housing authority and households to become more effective in preventing and alleviating homelessness, thereby diverting more households from the crisis point.

I have sympathy with the desire of the hon. Members for Westminster North and for Sheffield South East to ensure that the consideration of specific issues relating to education, employment, health and other matters is spelled out. Only this past weekend, a constituent's case was related to me. The husband is undergoing knee surgery at a local hospital, the three children are in local Harrow schools, and both the mother and father of the children are employed locally. Harrow Council has offered them a place in Wolverhampton, so it is clear that the existing order is not being enforced correctly. I welcome the Minister's commitment to making sure that local authorities understand and implement their duties. With that, I commend the clause to the Committee.

Question put and agreed to.

Clause 3 accordingly ordered to stand part of the Bill.

Clause 8

LOCAL CONNECTION OF A CARE LEAVER

Question proposed, That the clause stand part of the Bill.

Andy Slaughter (Hammersmith) (Lab): Good morning, Mr Chope. It is good to see you in the Chair again.

The clause is uncontroversial and we support it. The objective of the clause, as we see it, is to give greater flexibility in the case of care leavers, particularly when there is a conflict between different authorities or different tiers of authorities within the same area. I gently point out to the Minister that that is exactly the point I tried to make with amendment 4, which he rejected. It may be that, in looking at the Bill again, he would like to see those provisions not only for care leavers but more generally, and for local authorities to consider what their duties are towards people presenting as homeless.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I will briefly pick up on one theme in relation to clause 8, which I support wholeheartedly. As the hon. Gentleman said, it is relatively uncontroversial, but it is worth teasing out a little.

Of course, care leavers are at particular risk of homelessness. I think of foster carers. There are many excellent foster carers across all of our constituencies. Foster carers and families that I can think of in Dorset, in particular, look after children from beyond the boundaries of Dorset, and the clause will help them and local authorities to avoid any confusion as to whether there is a local connection for those care leavers. That relates to foster carers in particular, but there are other examples. I believe that the clause is uncontroversial and should go through unamended.

Mrs Flick Drummond (Portsmouth South) (Con): I agree that the clause will substantially improve the ability of care leavers to access homelessness assistance. However, I would like to see some movement towards the Government's "Keep on caring" strategy, which

[Mrs Flick Drummond]

extends some support to care leavers up to the age of 25. There are other Bills looking at that as well. Will the Minister comment on that?

Mr David Burrowes (Enfield, Southgate) (Con): I very much support the clause and its focus on care leavers. I note that it is not an extension of the local connection that was considered in the draft Bill, which the Communities and Local Government Committee scrutinised and recommended should not be extended more widely—and that was accepted—as it could have caused some issues and was perhaps in conflict with existing guidance.

I want to ask the Minister about a concern that I think is shared by the hon. Member for Westminster North. The Select Committee's earlier report recommended that the Government should consider the guidance given to local authorities for when families move from lower-cost areas to high-cost areas and subsequently present as homeless after a short period in private rented accommodation. That is a regular reality in Enfield, where many people come for accommodation from boroughs such as Westminster. That leads not only to the presentation of homelessness after a period of time in private rented accommodation, but associated needs as well. There are often complex needs, and the bill has to be picked by Enfield.

That is something that happens all too often and there needs to be a proper attempt to deal with it, with guidance and proper co-ordination. I have spoken to London's deputy mayor for housing about the meetings that are taking place with directors of housing to try to deal with this problem, which is affecting outer London boroughs such as Enfield.

Mr Jones: The Government welcome the clause. We believe that it will lead to more care leavers who experience homelessness getting help in the area that they feel at home in, where they are close to the people who are important to them and to the services that they use. As my hon. Friend the Member for Enfield, Southgate explained, broadly speaking somebody may have a local connection with an area because they live there or have been living there for a certain amount of time, because they work or have family associations in the area, or because they have other special circumstances.

David Mackintosh (Northampton South) (Con): Recently, the all-party group on ending homelessness held an evidence session with care leavers. One issue that came up, aside from housing, was that people in care often do not have the life skills to help them when they leave care and try to make it on their own in the world. Has the Minister seen that evidence? If not, I would be happy to send it to him.

9.45 am

Mr Jones: I thank my hon. Friend for that intervention. He has done an enormous amount of work with the all-party group. I am aware of the information he referred to, and would be more than willing to meet him to discuss it at greater length.

Under the existing rules, a young person leaving care can find it difficult to establish a local connection in the area where they feel most at home. That is likely to be a problem if they were living in an area different from that of their home local authority while they were in care, or if they have been looked after by a county council that has several local housing authorities within its boundaries.

Michelle Donelan (Chippenham) (Con): Does the Minister accept that it is important to value and listen to the opinions of young care leavers, who are perhaps the most vulnerable in our society? I recently visited Alabaré in my constituency. One young woman told the harrowing story of being placed away from the area she identifies as home and the effect that had had on her.

Mr Jones: I thank my hon Friend for making that point. We should never forget that we are discussing a group of people who, through no fault of their own, have had a very difficult and tough start in life. When they are leaving care, we should not make the situation any more difficult for them; indeed, we should help them, which is why my hon. Friend the Member for Harrow East has included this clause in the Bill so that we can help and assist a group of people who are often very vulnerable and deserve the best chance in life.

The proposed amendment to the definition of a local connection will make it easier for care leavers to get help with homelessness in the area where they feel at home, even if that does not fall within the current requirements. To make sure that it works in practice, we will work with local housing authorities, children's services authorities and specialist voluntary sector agencies to review and update the guidance on how local authorities should comply with the new duty.

It is important that care leavers get the help and support they need. As I said in response to my hon. Friend the Member for Northampton South, when they are trying to secure help from homelessness services in the area to which they feel most connected, they should not be disadvantaged because of their background in care. When they find themselves facing a housing crisis, the change in the Bill should help them to get back on track and to move on in their lives in the area where they feel most at home and are most likely to have the support networks they need.

David Mackintosh: There can sometimes be a difficulty when care leavers are looking for housing in two-tier areas because services are managed by different authorities. Will the guidance take that into account?

Mr Jones: My hon. Friend makes a good point. As I was saying, the care leaver is often in the care of a county authority, which has the responsibility in that regard, but may then wish to reside in a district of the authority that has housing responsibility. The clause certainly will recognise that challenge in two-tier areas.

My hon. Friend the Member for Portsmouth South takes a huge interest in care leavers and in other legislation currently going through the House that affects them. We cannot second guess other Bills when we are making this legislation. Any legislation being made by the Department for Education that might affect the age at

which people leave care will ultimately have an effect on the work of local authorities. We need to wait to see those legislative changes before we seek to look at what further guidance will be provided to local authorities as a result of the Bill.

The intentions of the hon. Member for Hammersmith are honourable, but by extending the provisions we might very much end up with the guidance in conflict with the existing situation, so at this point we should not look to change it. I am also more than willing to sit down with my hon. Friend the Member for Enfield, Southgate to discuss the important issues he raises. During the passage of the Bill, I am sure we will get the opportunity to have a sit-down and a chat about them over coffee.

Bob Blackman: We have had a useful brief debate on the clause. We should remember that the existing position for care leavers to prove a local connection is that they must be currently or previously normally resident in the area, be employed there, have a family association or have special circumstances. Care leavers are often unable to prove such a position, which makes it very difficult for them to get assistance when they need it on leaving care. Young people leaving care are extremely vulnerable and need assistance with housing.

My intention is to clarify the position so that it is straightforward for a local authority to house care leavers in their area if they wish to do so, and so that any district can accommodate care leavers if they are in the care of the county. The local connection will therefore be enhanced and provide a facility, as the Minister described. My intention is to make it much easier for care leavers to prove a local connection and therefore to gain assistance from the local authority.

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Clause 9

Reviews

Andy Slaughter: I beg to move amendment 9, in clause 9, page 15, line 32, leave out paragraph (ba)(i).

This amendment would enable the different review stages to be amalgamated and processes streamlined.

The Chair: With this it will be convenient to discuss amendment 10, in clause 9, page 15, line 42, leave out paragraph (bc)(i).

This amendment would enable the different review stages to be amalgamated and processes streamlined.

Andy Slaughter: The clause and amendments go to the heart of the dilemma that we talked about last week on clause 2. Almost everyone on the Committee supports the intentions of the Bill and the extension of the duties to local authorities, but that poses a substantial question about the additional burden and cost placed on local authorities. We continue to wait with bated breath for the Minister's pronouncements on finance that we were promised for the Committee stage.

My amendments are probing—I do not intend to press them to a vote—because at the end of the day having a review provision in the Bill is right. I am sure Committee members have read the briefings we have had from London Councils and the LGA. London Councils estimates at least four additional stages for which a review might be requested. The very helpful explanatory notes to the Bill give eight examples of circumstances in which a decision may be reviewed.

Review decisions have become something of an art in local authorities. Highly experienced housing officers seem to spend their entire lives constantly writing reviews of homelessness decisions. In many cases, the decisions were thorough and proper—they have to be, one reason being that they are subject to review by the county court. Additional resources and staff are likely to be needed by local authorities not only internally, but because of a lot more proceedings in the extremely overstretched county courts, which already have substantial waiting lists for hearings.

There are two examples in the briefings. The group of east London authorities estimates that review processes will cost an additional £4 million a year. Swindon Borough Council estimates that it will need to employ two to three officers in addition to the existing seven employed in its homelessness section. These are substantial resources for individual authorities, but spread across the country they would be a huge additional burden.

I hope to keep my comments uncharacteristically short on the amendments because the Government have an opportunity to show that they have thought about the consequences of the Bill. The debate on Second Reading showed that we have largely discussed and agreed the principles of the Bill and the additional duties.

We want to know how the Bill will work. This is a good example of where the Government can show that they have already thought about it. When I talk to my local authority and others, particularly in London where pressures are highest, there is huge concern they will be overwhelmed when the Bill is enacted. In many cases, having cut their budgets by about 50%, they simply do not have the resources to deal with the provisions.

Ms Buck: I rise briefly to echo the points made by my hon. Friend on the review process. This is potentially life-changing. A review is important because it could be the difference between an individual and a family having a prospect of security in their housing conditions or being left to fend for themselves despite their vulnerability. It is essential that local authorities ensure that there is a proper review process at every stage. I support the principles of the Bill in ensuring that, with the additional duties and expectations it introduces, there is capacity for review at every stage of the process. However, as my hon. Friend said, it is critical that that process is properly supported and resourced.

I would like to know from the Minister what estimates his Department has made of the additional number of reviews that are expected in different local authorities. We know that the burden of responsibility will fall particularly heavily on London local authorities and those on the front line. What expectations does the Minister have of the additional costs? If those costs are not fully funded by local authorities, one disturbing consequence will be that the review process will be delayed.

I am sure I am not alone as an MP in frequently dealing with very distressed constituents who come to me saying that they have come to the end of the review process only for the local authority to ask for additional

[Ms Buck]

time, leaving them in emergency accommodation in very unhappy circumstances and often huge psychological distress. It is very important that we do not allow that to happen.

Finally, as my hon. Friend said, the Bill has to be seen in the context of an unprecedented squeeze specifically on funding for housing services in local authorities. Shelter has estimated that housing services—not the provision of housing; just the administration of housing services in local government—have fallen by 8% in the past year alone and by almost a quarter since 2010. That is a bigger single reduction than in any other area of local authority services. We all support the Bill, but it is absolutely incumbent on the Minister and Department to recognise that point, ensure that the resource implications are spelled out and understood by the Committee, and make a commitment to full funding.

Mrs Drummond: I disagree with the amendment because the review process is important to give everyone a voice and ensure a fair and transparent service. It is therefore vital that the process is extended to cover all relevant decisions that can affect an applicant's journey under the new duties. I disagree with the amendment because it would remove protections from the applicant.

The amendments would remove the statutory right of review in two instances. First, it would remove a person's right to review

"any decision of a local housing authority…as to the steps they are to take under subsection (2) of section 189B".

Those steps are the reasonable steps the authority must take to help to secure accommodation. Secondly, the amendments would remove a person's right to review

"any decision of a local housing authority…as to the steps they are to take under subsection (2) of section 195",

which comes from the fact that the authority

"shall take reasonable steps to secure that accommodation does not cease to be available".

I understand that there might be a resource implication, but it is extremely important that vulnerable people get the right review processes so that they can get accommodation under the Bill.

10 am

David Mackintosh: I agree with my hon. Friend. I understand the need to streamline in local authorities or local housing authorities, but the amendments would be counterproductive and would take away some of the protections afforded to people. From my time as a local authority leader and from cases I see in my constituency, I know that people value the ability to challenge decisions. The provisions under clause 9 help with that, so I am pleased that the hon. Member for Hammersmith will not press the amendments to a vote.

Mr Jones: The Government do not believe that amendments 9 and 10 will have the intended effect. Rather than streamlining the reviews process, the changes would simply remove protections for applicants. They would have the effect of removing an applicant's right to request a review of the steps the local housing authority considers reasonable for it to take to help the applicant to retain or secure accommodation, which we would not seek to do. It is only right that applicants have the opportunity of redress.

We recognise the concerns that the review process has become difficult for some authorities, but we do not believe that cutting out safeguards for vulnerable people is the best answer. We will monitor the impact of the new duties on the levels of reviews, and we will work with stakeholders, including local housing authorities, to see what improvements can be made to the process.

Taking up the general point made by the hon. Members for Hammersmith and for Westminster North, we have worked with representative groups of authorities to understand the impact of the clause and have fed that back into the costs model. I can certainly say that this and other measures in the Bill will be funded. We are in the process of speaking to the LGA to discuss our final proposals. We also need to ensure that we have got things right in relation to clause 1.

Michael Tomlinson: Perhaps when there is clarity on funding and with reassurance from the Minister, the amendments, and the concerns of the hon. Member for Hammersmith in relation to the clause will fall away. His amendments would emasculate the clause.

Mr Jones: I hope that that will be the case. I was heartened to hear that the hon. Member for Hammersmith does not propose to press the amendments to a Division. Understandably he wants to highlight the issue, but he also does not want to put something in the Bill that has the effect of taking away the rights of very vulnerable people.

We are developing a costs model around this and the other clauses in the Bill. We expect to be in a position to bring it to the Committee shortly. We need to clarify clause 1, as I have said, but after that I expect that the Committee will be able to see that we are funding this provision and other aspects of this important Bill.

Bob Blackman: I thank the hon. Member for Hammersmith and other Members for the brief debate we have had on these amendments. As the Minister and other colleagues said, the amendments would remove the right of review.

We should remember that local housing authorities will be dealing with a much greater volume of people whom they will have a duty to assist. Those people are extremely vulnerable. They have come into the local housing authority, probably for the first time, because they are either threatened with or suffering from homelessness. They are likely to agree to almost anything that the local authority says on first sight because they are in a position of seeking help and advice. When they go away with a plan put together with the local authority, they may discover after reading it and taking further advice that what is being offered is not reasonable. It would be quite wrong to remove their right to appeal and have the decisions taken about their case for help and assistance reviewed. I am sure that that is not the hon. Gentleman's intention, but that would be the effect.

My hon. Friends on the Select Committee will know that during our inquiry, we took a great deal of evidence on that. Local housing authorities do not always do what they are supposed to do. They do not always adhere to everything expected of them—the mystery shopping exercises substantiated that during our inquiry.

It is important therefore that reviews are possible for people who claim and need assistance from a local authority. That is why the reviews are spelled out loud and clear in the Bill. My concern is that the amendments would remove the protections for applicants.

I have every sympathy with the hon. Member for Westminster North in respect of potential delays. The Minister made an important commitment to monitor the process to ensure that we do not have review after review, and delay after delay, preventing people from securing accommodation. The resources provided to assist local authorities in delivering the duty are vital.

Michelle Donelan: Does my hon. Friend agree that our current system often unintentionally exacerbates the problems for those who face homelessness? That is why it is so important we are careful with every amendment not to do the same thing. We are trying to rectify the situation.

Bob Blackman: As my hon. Friend says, the clear intention behind the Bill is to have a comprehensive strategy on dealing with homelessness and to reduce homelessness.

The aim is that no one ever becomes homeless. If they get help, advice and prevention measures from the local authority, they will not reach that terrible position. However, we know there are problems in local authorities at the moment and that many are not delivering what they are supposed to deliver. This group of amendments would remove the right of review, which is vital for vulnerable people. I trust that the hon. Member for Hammersmith, having heard the debate and the commitment from the Minister, will withdraw his amendment.

Andy Slaughter: As I said, I have no intention of pressing the amendment to a vote. I hear what the Minister says, and I look forward to his proposals, but warm words are not good enough on this, wherever they come from.

I am the first to criticise local authorities when they fail in their duties, but I do not believe that most local authorities do so wilfully or because of a lack of concern. I do not believe that concern or compassion is any less among local councillors than among members of this Committee. The reason they are failing in their duties now is often inadequate resources. The reason they effectively ration their support for homeless people—which I am not defending, but this is a fact—is that they are rationing many of their services. It is irresponsible, in my view, for us to pass legislation that puts duties on other people without ensuring that those duties can be fulfilled. That is the point I will repeat as appropriate throughout our discussions on the Bill. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

The Chair: With this it will be convenient to discuss new clause 3—*Power to prescribe information*—

'The Secretary of State may in regulations prescribe the contents of a document which summarises the rights of a person under sections 202 or 204 of the 1996 Act and which must be given to an applicant by the local authority when the authority notifies the applicant of any matter under this Part.'

This new clause would enable the Secretary of State to produce a standard form, advising applicants of their rights at each stage of review and appeal. This would remove an administrative burden on local authorities and would also ensure that information is provided in a simple and accessible manner.

Andy Slaughter: I will be brief because I think that we have dealt with the clause stand part debate. We all agree that if we are to give new duties to local authorities there has to be a power of review. New clause 3 is intended to be genuinely helpful, and I live in hope that, one day before I die, the Government will accept a clause that I table. It may be this one—who knows?

I say that because—this is not by any means unique to the Bill—housing legislation is littered with notices. An example would be, under clause 4, proposed new section 195(8), which says:

"A notice under this section must be given in writing"

and so on. Rarely, but sometimes—it seems to be idiosyncratic—notices are to be in a prescribed form, and it is helpful to have notices in a prescribed form. I think of section 21 notices, which are perhaps one of the most widely used, or section 8 notices. To have a prescribed form is helpful to both the party issuing it and the party receiving it. That, in my submission, would make a small but significant contribution to alleviating the burden on local authorities, because things would be done in a clearer, more consistent and thorough manner, which would be clearer for the person on whom the notice is being served. That is the simple point, and I look forward to the Minister's accepting the new clause.

Mr Jones: I will speak first to clause stand part. The Government welcome the measure that my hon. Friend the Member for Harrow East proposes. We believe that it will encourage local authorities to deliver their new required services to the highest possible standard, ensuring that vulnerable people who require help because of homelessness get the support that they need. As my hon. Friend explained during the discussion on the amendments, this measure means that an applicant can request a review of the decisions made by the local housing authority when delivering its homelessness support services under the new duties in the Bill.

Elsewhere in the Bill, new prevention and relief duties for local housing authorities have been brought in to better support vulnerable people who are either homeless or at risk of becoming homeless. The clause ensures that applicants can request that a review be carried out of the decisions taken by the local housing authority when undertaking those new duties. The measure does not amend the review process; it just extends which decisions are covered. We hope that this measure will encourage local housing authorities to deliver their new services effectively and to the highest standard. If they do not, there is a clear and transparent recourse process that applicants can follow.

New clause 3 would give the Secretary of State the power to prescribe a document summarising an applicant's right to request a review for all relevant decisions taken by a local housing authority when discharging its homelessness duties and an applicant's right to appeal to the county court on a point of law arising from any decision on the review. The authority would be required to supply a copy to applicants each time it is notified of anything relating to those rights and duties.

[Mr Marcus Jones]

Although I understand that the new clause is intended to be helpful, local housing authorities are already required by law to inform applicants of their right to request a review of decisions and the guidance recommends that the procedure should be explained fully. In cases when the applicant has difficulty understanding their rights or the implications of any decision, it is also recommended that authorities arrange face to face support to understand the full picture. A prescribed document such as a standard letter or form would work against that flexibility and could result in an applicant failing to understand or exercise their rights.

In addition to this requirement under the existing legislation, clause 2 of the Bill, which is on the

"Duty to provide advisory services",

states that each local housing authority in England must provide, among other things:

"information and advice on…the rights of persons who are homeless or threatened with homelessness, and the duties of the authority, under this Part".

We will make it absolutely clear in guidance that this should include information on an applicant's right to review.

We will certainly keep the guidance under review and address any concerns about the applicants' ability to understand and exercise their rights. I hope that, given that reassurance, the hon. Gentleman will withdraw his amendment.

10.15 am

Bob Blackman: I trust that the hon. Member for Hammersmith will see from the Minister's comments that new clause 3 is unnecessary. However, it is important that we consider the right to reviews in this process, because we are extending the homeless support services for people not only in priority need but across the range of homelessness, and the aim of the review process is to ensure that a fair and transparent service is offered to an applicant. It is crucial that that covers all the decisions that affect the applicant's journey to seek and obtain support.

Currently, applicants have the right to request a review made by the local housing authority in relation to their homelessness case in specified circumstances, so it is important that clause 9 does not change the current review process but merely extends it to the new duties in this Bill. That will allow an applicant to request a review of specified decisions in the new prevention and relief duties in the Bill.

Specifically, with the decisions that can already be reviewed, individuals have the right to request a review when a housing authority decides: what steps it will take to help to prevent an applicant threatened with homelessness from becoming homeless, or to help an applicant to secure suitable accommodation; what duties are owed to all eligible persons who are homeless or threatened with homelessness; to end the duty to help to prevent an applicant who is threatened with homelessness from becoming homeless, or the duty to help to secure suitable accommodation when an applicant—this is a very important aspect of the review process—has "deliberately and unreasonably" refused to co-operate with the authority when exercising its prevention or relief functions, or to take up any agreed step in the personalised plan to prevent or relieve their homelessness, or to take any step that the authority considers reasonable and has recorded when no agreement could be reached; what duties are owed to such applicants, and the suitability of accommodation offered by way of a "final Part 6 offer" or a final accommodation office offer.

The key issue here is that this process raises the bar on reviews and on the position of applicants who "deliberately and unreasonably" refuse to co-operate. That is very important. This is a bit of tough love, if you like. An applicant can come in and seek help from a local authority, but if they just sit back with their arms folded and say, "You've got to find me somewhere to live" and actually take no action on their own part, then a local authority can say, not unreasonably, "Well, you've got to be part of this process as well". It is important that applicants understand that duty but also that local authorities can end the responsibility if someone unreasonably and wilfully obstructs the process.

All other aspects of the current review process remain, including the right to appeal to the county court on a point of law if the applicant is dissatisfied with the initial decision. I trust that the hon. Gentleman understands that under those circumstances new clause 3 is unnecessary, because local housing authorities already have to inform applicants of their right to request a review. I therefore hope that he will not press new clause 3.

Question put and agreed to.

Clause 9 accordingly ordered to stand part of the Bill.

Clause 4

DUTY IN CASES OF THREATENED HOMELESSNESS

Andy Slaughter: I beg to move amendment 5, in clause 4, page 6, line 30, leave out "reasonable steps" and insert

"such steps as it considers reasonable".

This amendment would reduce an ambiguity in the present draft. The local authority should decide what steps it should take, subject to the normal rules of public law and judicial review.

The Chair: With this it will be convenient to discuss amendment 6, in clause 5, page 8, line 11, leave out "reasonable steps" and insert

"such steps as it considers reasonable".

See amendment 5.

Andy Slaughter: I shall be very brief. On reflection, I am not quite sure why I tabled the amendments, because they are rather interfering. I was trying to assist the Government with their drafting, which I am not sure is really my job. If I want to get a job as a parliamentary draftsman, I will go away and do so—perhaps I would be better remunerated.

The amendment is on a narrow but important point. The phrase I have suggested,

"such steps as it considers reasonable",

is more common, clearer and more accurate. Let me be clear: the amendment is not in any way designed to weaken the Bill, but to make the duties on local authorities more specific. There would obviously still be the full power of judicial review of any decisions, but what is being reviewed is the conduct of the local authority—whether it is behaving reasonably.

The applicants may want to say all sorts of things—they may be reasonable or unreasonable, or here or there—but we need to be clear about what we are reviewing. This perhaps relates back to clause 9. If we are going to have new powers and duties and a power to review—of course, that will include not only recourse to the county court, which will be the first point of recourse, but in certain circumstances recourse to the administrative court—we need to be clear about what we are reviewing. That is the purpose of the amendment. It is slightly technical in nature, and I thought the Government might be keen on it, but my hopes are no longer as high as they were a few moments ago, so we will see.

Michael Tomlinson: Perhaps the hon. Gentleman gave the game away when he stood up and said he could not quite work out why he had tabled the amendments. It is always helpful to have those indications at the outset of a speech. When I looked at the amendments last night, I found I was scratching my head trying to work out what difference they would make. The hon. Gentleman's explanatory statement asserts:

"The local authority should decide what steps it should take, subject to the normal rules of public law and judicial review."

With respect, it would have to do that in any event. The amendments would not make a difference one way or the other.

I was interested to hear the hon. Gentleman say that the form of words he has come up with is more common than what is in the Bill. Like him, I have come across housing cases in a court setting. In my view, it makes no odds whether the provision says "reasonable steps" or "such steps as it considers reasonable." In any event, the local authority would have to follow the normal rules of public law and judicial review. I have enjoyed this close examination of the difference—or lack thereof—between the wordings, but there is precious little between the two.

Helen Hayes (Dulwich and West Norwood) (Lab): It is a pleasure to serve under your chairmanship, Mr Chope.

I shall briefly express my support for clause 4—

The Chair: Order. We are discussing the specific amendments. I shall tell the hon. Lady when we get to the stand part debate.

Helen Hayes: I apologise, Mr Chope; I thought we had moved on. I am happy to reserve my remarks until then.

Mr Jones: I thank the hon. Member for Hammersmith for highlighting an important issue. It is essential that authorities are able to make objective judgments on what constitutes a reasonable step. I reassure him that the current formulation will have the same effect as his amendment.

Under the measure as currently drafted, the authority must already consider what steps it is reasonable to take, taking account of all relevant factors. The existing reference to reasonableness brings in an objective standard, which is based on what steps a reasonable authority in the actual authority's position would take in relation to that particular applicant, with all the characteristics, abilities and so on of that applicant. I hear what the hon. Member for Hammersmith said about his hopes and aspirations that may one day be fulfilled by the Government's accepting one of his amendments. I do not wish to dash his hopes and aspirations but, as he feared, I urge him to withdraw the amendment for the reasons I have mentioned.

Bob Blackman: Clearly, I agree with other hon. Members about these two amendments. When I looked at his proposal, I wondered what the hon. Member for Hammersmith had in mind. I am a convinced localist. It is right and crucial that local authorities make their decisions and ensure they deliver services that they customise to their local residents.

However, one intention behind the Bill is to bring local housing authorities up to the standard of the best. The current wording of "reasonable steps" for the local authority to help people threatened with homelessness is crucial. I do not pretend to be a lawyer but I see a potential risk in the reading of the amendments. An interpretation could be that a local authority could decide what steps it considered reasonable to take, as opposed to the reasonable steps that are well understood in law that would be expected to be taken by a local authority.

The risk is that individual local authorities that may be laggards in assisting homeless people could interpret this by saying, "We consider this to be reasonable." Different standards would operate in different areas of the country and between different local authorities. That is the risk of these amendments and I trust the hon. Gentleman will, therefore, withdraw them.

Andy Slaughter: I disagree with what the promoter of the Bill just said. On the contrary, focusing on local authorities' behaviour is more likely to ensure consistency and the ability to challenge where a local authority has not behaved reasonably. Having said that, I do not want to prolong the debate so I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Question proposed, That the clause stand part of the Bill.

Bob Blackman: This clause is a major part of the Bill. It would insert a whole new section into the Housing Act 1996, requiring a local authority to take reasonable steps to help prevent homelessness. It is essentially a homelessness prevention duty. Reasonable steps could include the provision of debt counselling, the provision of tenancy support or help with family mediation, so that a person can stay with their family.

As we know, the causes of homelessness are vast and each individual case has to be looked at on its merits. The duty would be extended to any eligible household that is threatened with homelessness. It applies regardless of priority need, intentionality and local connection. As clause 1 would make changes to the period a household is threatened with homelessness, it does mean that households are owed this duty from 56 days before they are likely to become homeless. Clearly, that gives a two-month window in which a local authority can help someone who is threatened with homelessness. In deciding what reasonable steps it should take, a local authority must have regard to its assessment of the applicant. We have already agreed the assessment process in clause 3.

[Bob Blackman]

The prevention duty can be ended in a number of different ways, and those are set out in the Bill. The Minister has already given some of the detail of ways the duty can be limited, so I will add some observations. If the Bill is successful in creating a more effective and collaborative approach, I expect the most common way the duty will come to an end will be because the situation has been resolved—the household has been either rehoused or maintained in its existing, accommodation. That is the idea outcome, but the clause states that a local housing authority can be satisfied that the applicant has

"suitable accommodation available for occupation"

when there is a "reasonable prospect" of retaining that accommodation

"for at least 6 months".

Where the local housing authority has secured that accommodation, it can choose to do so for a longer period if it agrees that that is the right solution.

10.30 am

The Bill also includes a power for the Secretary of State to increase the minimum period of accommodation, should it be available, from the current six months to as much as 12 months. In most areas of the country, six-month tenancies are still the rule and it is therefore difficult for local authorities to obtain a longer tenancy, but I am a proponent of longer-term tenancies. That is absolutely the right course of action, but we have to deal with the here and now. Let us hope that longer tenancies become the norm and people are not in the position of becoming homeless after such a tenancy.

Mr Betts: The hon. Gentleman makes an important point. We had a good discussion in the Communities and Local Government Committee on this as well. He is absolutely right. The clause tries to anticipate an ideal situation in the future that Ministers can act upon, while recognising the reality that, if we increased it to 12 months now, that might exclude a whole range of accommodation and make it very difficult in some areas for local authorities to find the right accommodation to offer.

Bob Blackman: I thank the Chair of the Select Committee. This is one of the aspects that we looked at in the Select Committee and in pre-legislative scrutiny. A longer period of 12 months was in the original draft, but after consideration of the problems we currently face, that was amended to six months. That is the minimum we would expect. We would all like to see that extended to a much longer tenancy so that families and individuals have more permanency about where they are living, but we are just setting the minimum.

Finally, the authority must give notice to the applicant to bring the duty to an end. That notice must

"specify which of the circumstances apply"

and inform the applicant that he or she

"has a right to request a review of the authority's decision".

It is absolutely appropriate that we get to the point where individuals will have a notice in writing informing them that the local authority is ending its duty, where they can ask for a review of the process because of the relevant circumstances.

Andy Slaughter: I welcome the clause. As the promoter says, it is an important departure from current practice in law, if not necessarily from practice; the best local authorities have taken prevention duties seriously over a period of time. We are looking to codify that and make it consistent across the piece.

We should not underestimate the significance of this change. I do not intend to say a great deal in welcoming and explaining the reasons for the clause, as they are self-evident and have been previously debated. My colleagues may wish to add to that. Suffice it for me to say that this ought to be a virtuous circle. In the examples given by the promoter, or in any other examples, if homelessness can be prevented by negotiation with a landlord, with advice and support, or possibly with finance—we will perhaps come back to that later—somebody can be kept in their home, and provided that that is a reasonable and decent home, that is more likely to be suitable and will retain the links of locality, family, community and so forth. That is clearly desirable and is also likely to be cheaper than having to deal with homelessness, not just because of the distress to the individual and their family, but also because of the additional cost burden that falls on the housing authority. For that reason, I think that this is one of the two most significant provisions in the Bill.

Let me raise a couple of concerns, which the Minister may wish to respond to. My first point is that prevention is nothing new and that local authorities have done that over time. Yesterday, however, I received—I am sure other Members did too—the publication produced by Shelter for its 50th anniversary, and this section caught my eye:

"Homelessness acceptances fell sharply from 2003 to the end of 2009. Analysis shows that a large part of this was due to local authorities placing greater emphasis on homeless prevention, alongside increased funding for support services.

Homelessness acceptances started to increase from 2010. Local authorities still favour an approach that starts with preventing and relieving homelessness. However, such activities have become harder."

That is the reality of the environment in which we now live.

We should not go into this wearing rose-coloured glasses, thinking that if we pass this legislation—as I hope we will—our job will be done. The Bill will create the duty, but the Local Government Association tells us—in an estimation only, although I know that the Minister is working with the LGA on this—that some London boroughs anticipate an average increase of 266% in the number of people coming to them for assistance as a consequence of the clause. That is a huge increase in work, predominantly from non-priority cases.

An important thing about the clause is that it is as much about priority as non-priority cases, but I have a concern—which we might discuss with clause 5—that existing duties on priority homeless already place such stress on local authorities that any massive additional burden will not only prove difficult in itself to deal with, but have that knock-on effect. The sort of priority homeless cases mentioned by both Opposition and Conservative Members, in particular of families with school-age children being sent many miles away, put in unsuitable accommodation or simply not being dealt with and therefore staying in emergency accommodation

for a long time, will increase as a consequence of what we are doing in the Bill. We have to go into it with our eyes open.

My further point is about the legislation in Wales being prayed in aid of such an approach. We can all admire and learn from what the Welsh Government have done, but I make the point that, first, the Welsh legislation is different, because it is part of an overall strategy; it goes further than simply imposing a duty. Secondly—this was said by someone else last week, but it bears repetition—fewer people in total present as homeless to Welsh authorities than do to the London Borough of Lambeth alone. The hon. Member for Harrow East, the promoter of the Bill, made that point, so he is well aware of it, but it gives an idea of the magnitude of the task and of the responsibility that we are putting on local authorities, particularly those that are already under high levels of stress.

That does not in any way weaken my support for the Bill or the clause, but again our eyes must be open about the difficulties and the burden of responsibility that we will place on local authorities.

Helen Hayes: Thank you, Mr Chope, for your patience with my lack of attention to the procedure this morning.

I will speak briefly in support of the clause, which is one of the most significant measures in the Bill. It is at the heart of what we are seeking to do through the Bill. It is significant because it will shift the emphasis of local authority practice to prevention, not to the exclusion of their duties to assist people who have actually become homeless, but to make the work to support those facing homelessness more effective.

The measure addresses much of the evidence we heard in the Select Committee. It also speaks to some of the most harrowing cases that I have seen and continue to see in my constituency, which are those involving people facing certain homelessness. They are on a route that in law and legal practice can only lead to them becoming homeless, and yet they are told to wait until the bailiffs turn up and they are actually homeless before seeking help and support from the local authority.

Only last night, I was reviewing a case in my constituency and thought how useful this new prevention duty would be. The case concerns a family who are unlikely to be helped until they face the trauma of homelessness under the current legislation. In the Select Committee we looked at the evidence, and it found that the current statutory framework to support people facing homelessness is not fit for purpose. This new duty is one way in which we can make it fit for purpose.

A shift to prevention is about culture change within local authorities, but in certain circumstances it also has the potential to save local authorities money. Additional duties may increase the costs that local authorities face. However, in some cases the local authority ends up picking up the scandalous costs of nightly rate temporary accommodation if it waits until someone has become homeless before accepting a duty. Where those circumstances can be prevented and someone can be enabled to remain in their own home—perhaps by the local authority paying that rent for a short period, where the rent is lower than the scandalous costs of nightly rate temporary accommodation—there is potential for a focus on prevention to result in more efficient use of resources.

We cannot escape the fact that the current tools at local authorities' disposal to undertake prevention are extremely limited. That is because we face a lack of supply of affordable housing in this country and because of the unregulated state of the private rented sector. We cannot escape the fact that the single biggest cause of new homelessness cases is the ending of a tenancy in the private rented sector. Until we address that, local authorities' power to intervene to prevent homelessness for people living in the private rented sector is sorely limited. While the new duty is very important and significant in changing culture and practice within local authorities, I hope the Minister will reflect on the current limitations on the tools at local authorities' disposal genuinely to prevent homelessness with the maximum possible effect.

We need to see a substantial reform of the private rented sector, longer forms of tenure introduced as standard and limits introduced on rent increases within the terms of a current tenancy. We also need reform of the section 21 process. There is provision in law for landlords who need their property returned to them for genuine reasons to do so without the section 21 provisions. I see in my constituency time and again the irresponsible and unethical use of section 21 notices, which causes instability for families and evicts people who have done no wrong—they have not failed to pay their rent or done anything to breach the terms of their tenancy, but they are simply made homeless so that the landlord can charge more rent to the next tenant. That practice is irresponsible and widespread, and the Government need to intervene outwith the bounds of this legislation to stop it.

I am fully supportive of the change in culture, practice and emphasis towards prevention. If we prevent some of the harshest consequences of homelessness, it will prevent many families from facing homelessness in the first place. That is the right thing to do. The Government need to take seriously the question of resourcing for local authorities in terms of front-line staff and additional burdens. They also need to look very carefully at the wider situation, because we have a private rented sector that is not fit for purpose for the many people who live in it.

Mrs Drummond: Like the hon. Member for Dulwich and West Norwood, I think this clause is the crux of the Bill. Preventing homelessness in the first place will save local authorities money in the long run. I particularly welcome the measure that provides an assessment and personalised plan. Extending the duty to 56 days gives both parties more time to sort out issues that quite often are relatively simple, such as housing benefit or debt advice. I know that many hon. Members have had constituents in their surgeries, such as the one just mentioned by the hon. Lady, who are terrified that they will be made homeless. I hope that the clause will help.

I recently dealt with two families at risk of homelessness, including an armed forces family. The mental health impact was visible. I think that 28 days was too short a period, and that the clause will prevent more people from becoming homeless.

10.45 am

Ms Buck: I shall be brief, as I endorse everything said by my hon. Friend the Member for Dulwich and West Norwood. The cultural change that the Bill proposes is welcome. Many MPs have experienced dealing with

[Ms Buck]

constituents who faced homelessness and were left, in the most extreme cases—though it is not unusual—with their possessions piled up on the pavement outside their home, while the bailiffs were there and they waited for the local authority to assume its duty for them.

It is right that everything possible should be done to prevent that. The earlier we intervene, the better. As has been said, however, there are major structural pressures that militate against the effective delivery of what we hope the Bill will achieve. That does not detract from the aims and objectives, but it means that the Government must pay the matter serious attention.

We already know, from the prevention work done in priority homelessness cases under the prevention and relief of homelessness measures, what some of those structural problems are. The end of a shorthold tenancy is the principal driver of homelessness and, as my hon. Friend has just said, in many cases that is consequent on a section 21 notice being issued because a landlord knows that more money can be earned from a rental property, particularly in high-value areas such as London.

Research done with the Residential Landlords Association shows that only 7% of landlords in inner London are now prepared to let to people on housing benefit. The figure is about one in four across London as a whole, and it has been falling rapidly. A quarter of the cases that the prevention and relief of homelessness measures deal with are related to housing benefit problems—sometimes administrative, but often simply a shortfall. The Government are making such shortfalls worse by the extension of the benefit cap and will certainly make them worse with the additional local housing allowance measures that are being brought in.

The very people at whom the Bill is aimed—the non-priority cases and single homeless people, many of whose situations are terrible but who cannot cross the threshold into priority need—are precisely the ones most at risk from the additional squeeze on local housing allowance. In such circumstances the Government always say that the answer lies in discretionary housing payment measures, inadequate as they are, but the crux is that those payments are temporary.

I have raised that argument many times in this place: when we talk about measures to prevent homelessness and ensure that people are given some form of housing security, it is not good enough to rely on a local authority's discretionary—the clue is in the name—housing payments, which are by definition time limited. They can mean the difference between homelessness today and in six, eight or 10 weeks' time. They are not a means of protecting even priority households—households with children, elderly people or people with disabilities—from homelessness. They are certainly not going to be enough to protect non-priority and single people, whom we want and need to assist.

Does the Minister think that the discretionary housing payment scheme also needs to be reviewed? Should the temporary nature of such assistance be reviewed, if we are to make the measure work?

Michelle Donelan: I echo colleagues' comments that clause 4 is the heart and core of the Bill—it is fundamentally about preventing homelessness, which is why we are here. The clause would end the current postcode lottery—it is also a time lottery, because someone can get help one day when they might not the next. It can depend on the area, which person they see, and a number of factors such as how busy the council is.

I am sure we all agree that the introduction of a standard system across the UK is fair, right and proper. It will mean that no one who is vulnerable can be turned away. The fact that we are increasing the window from 28 days to 56 days will prevent homelessness. We see constituents week after week in similar situations when they have left it too late after being given advice. The measure is about helping them and untying our councils' hands.

There has been a lot of talk about burdening councils, but some parts of the Bill, including extending the time window to 56 days, actually untie councils' hands. The relief duty means that those who need help will get it, and not just those who are deemed priority need on a particular day. That will help charities by allowing them to have more time to get on with helping homeless people rather than fighting councils over viewing people as priority need.

The clause will make things cheaper in the long run for councils and at a national level. Statistics show—this is echoed by my local charities including Doorway in Chippenham—that most people in the initial stages of being threatened with homelessness do not have the same complex needs such as mental health issues, drug abuse and alcoholism as people in later stages. The current system exacerbates problems and causes people a great deal of pain, as well as cost. It is our duty to try to alleviate and avoid that pain.

The success of prevention will be seeing people in the round, and implementing the duty in conjunction with the assessment and the personal plan. Preventing homelessness is possible only if we look at people as people and not as statistics. We must look at the other problems they endure and allow for more partnership working with other bodies. I fully support the clause, which is the essence of the entire Bill.

David Mackintosh: Under clause 3, we talked about the difficulties people face when they are made homeless, including the difficulty of relocating them in areas that contain their support network, not least their schools and families. It would be great if we could avoid that altogether by preventing homelessness in the first place. That is the intention behind clause 4, which is why I agree with colleagues that it is at the heart of the Bill. The measure will help local authorities, as my hon. Friend the Member for Chippenham said, and help councils to exercise their duty. For whatever reason, there are often difficulties in processing applications or helping people within 28 days. By extending the time period to 56 days, it is much more likely that people will be helped and avoid homelessness altogether.

I am sure we all have examples from our constituencies of people who have come to us to talk about the problems they face with their landlord, or with getting help and support from local authorities. Indeed, as part of the Select Committee evidence, we heard examples of people being deliberately led down the section 21 route to be made homeless because it allowed more time for the process. As a result, people are suffering trauma and

other consequences. That is no way for people to be treated when they are at a vulnerable stage in their lives, and when they need help and support. The provisions within the clause will change that fundamentally, bring about the cultural change we have mentioned, help housing officers to do their job and prevent people from becoming homeless.

Mr Burrowes: I am pleased to take part in this stand part debate on clause 4 because, as hon. Members and hon. Friends have said, it is the essence of the Bill. If it is implemented properly, it will indeed help to prevent any eligible person who is at risk of homelessness from becoming homeless. Local authorities will no longer be able to turn away people who do not meet the priority need criteria or are unintentionally homeless. That broad approach is welcome.

Although there are concerns—we have received briefings about the cost implications of the Bill—the clause provides greater flexibility and a greater practical impact. It means we are not left in the situations that hon. Members have mentioned, with people coming to the constituency surgery who do not meet the statutory criteria and have been turned away. It is therefore not simply about providing accommodation in every place, in every town and locality. The measure provides greater flexibility. I have often had constituents who stay with an extended family member as a family crisis or situation arises. Because they are in that family accommodation and are not unintentionally homeless, they do not come within the criteria of being in priority need. In that situation, they are unable to receive what could be low-level support, such as family mediation, which may well lead to them staying in that family home or, indeed, finding other suitable accommodation.

I mentioned an example in a previous sitting of a victim of domestic violence who had been rebuffed by a housing officer. To take the point from the hon. Member for Hammersmith, there is no monopoly on compassion, whether by Members of Parliament, council officers or councillors. There is a reality of rationing resources, and dealing with limited housing stock and limited provision. However, the reality for that constituent was that they were told, "Do you think you're the only one who needs help?" Clause 4 will bring an end to that kind of response.

That individual plainly needed help. She was facing a situation in which her shed and her car had just been vandalised by her abuser, and a litany of threats to her life had been recorded by the police. Women's Aid were making the case that she needed to be considered for rehousing. She was in work but needed some help to get the rent deposit to be able to get away from the risk to her and her daughter's life.

While we can say that she should not have been dealt with like that under existing legislation and guidance, the measure will make it crystal clear that it is not a case of a housing officer seeing whether an individual comes within the priority need requirements of being unintentionally homeless. She and others will be eligible—the broad understanding of and criteria for eligibility will be extended to those who are intentionally homeless. Many people in our constituencies will fall in that category for one reason or another. They are intentionally homeless, but that does not negate their need for proper support so that they avoid going into the crisis management that inevitably ensues, whether they are intentionally or unintentionally homeless.

I believe the Bill will release not only charities, as my hon. Friend the Member for Chippenham mentioned, but housing officers to do the job that they are there for and that they want to do. They want to help. They do not want simply to turn people away because they do not think they meet a particular threshold within a statute. It will open them up to saying, "Yes, I do want to help you. I am not going to simply judge whether you think you should receive more help than someone else." There will be help.

I particularly welcome the help to secure provision in clause 6. That is important, because it means we have that important flexibility. It may be that the individual who comes to the housing officer will not need to be given new accommodation, but they may need a variety support. It may be that they can find their own accommodation in their own way themselves, but the housing office may have particular responsibilities, for example to give help to raise a rent deposit and guarantees of support. It may be that the duty can be discharged in that regard, and it will be up to the individual to move on.

The reference in the clause to suitability is important—we will come to that under clause 12. I recognise that location is not referred to and that there is no location element within the provision. There is no need for it because it applies to all accommodation that the local authority has secured, but it is important to recognise that the duty is to help to secure. That could mean a whole variety of factors and enables the housing officer not to turn around and simply rely on their duties.

That will help in a variety of ways. Presently, there is such a limited stock in my area of Enfield. The ability to find accommodation in Enfield may be limited, but that does not mean that the local authority can simply fall back on the lack of specific available property, or indeed the limited statutory responsibilities. The clause opens the door to a much greater variety of flexible support. In partnership with charities and others, the duty can be discharged to the benefit of all who are eligible and who are threatened with homelessness.

11 am

Mr Betts: In response to the request from the hon. Member for Mid Dorset and North Poole about the Daisy-May Hudson film at our last sitting, I understand that Select Committee staff have been in touch with the Clerk to this Committee. The Clerk is looking a little vacant, but perhaps the email is on its way to say that Daisy-May has been contacted and is happy to make the film available to the Committee. It is a licence arrangement and will be available until 21 December for Members to look at.

The prevention duty is extremely important, but I will not repeat the comments by colleagues on both sides of the Committee about the heart of the Bill being to stop people becoming homeless in the first place. No doubt the Minister will say that that is not his responsibility, but he has a responsibility to draw his colleagues' attention to matters that make it more difficult for local authorities to prevent people from becoming homeless. The Select Committee looked at a range of issues, some of

[Mr Betts]

them revolving around the welfare system. Reference has been made to the problems tenants face in the private rented sector with section 21 notices being issued because landlords can get more money from another tenant moving in. That will only get worse, as the Select Committee drew attention to in its report, if local housing allowance is frozen and rents continue to rise for the next four years.

The Government will not indicate that discretionary housing payments, if they are intended to deal with the problem, will increase at the same rate as rents to help local authorities to continue to bridge the gap. If they do not increase discretionary payments, the problem of section 21 notices being used to get rid of tenants who cannot afford to pay rising rents because their benefit is not sufficient will get worse, and the Minister must take account of it.

The Committee drew attention to other issues—perhaps the Minister will at least reflect and draw his colleagues' attention to them—including direct payments and universal credit. One way to prevent a family from becoming homeless might be to arrange for payments to be made direct to the landlord, with the tenant's agreement. We need assurances that the universal credit rules will be flexible enough to allow that to happen. For a long time, the welfare Minister's view was that everyone would get the money and must sort it out, but if a family is not sorting it out and would welcome some assistance with direct payment to their landlord, the system should be flexible enough to enable that to prevent them from becoming homeless.

Another problem is that young people aged 18 to 21 will not be entitled to the housing element of universal credit. A young person might be in work and doing everything right. They might have their own property because they can afford it out of their earnings but then become unemployed. They might have a realistic prospect of getting another job and try hard to get one. We asked in our report whether there could at least be a period of weeks when that young 18 to 21-year-old who is not eligible for housing element of universal credit is allowed the housing element while they get back into work and are once again able to pay the rent, instead of becoming homeless and having to move out of the property.

The Select Committee drew attention to sensible solutions to those three problems. If the Government do not consider them, people may become homeless and the local authority would be unable to prevent it. A key aim of the Bill is stopping people becoming homeless and ensuring that local authorities have the range of measures they need for prevention.

Michael Tomlinson: I thank the Chairman of the Select Committee for making the Daisy-May film available to those of us who do not have the benefit of being a member of his Committee. If he can get round the licensing arrangements in time for the next sitting, I am sure those of us who do not sit on his Committee will be grateful.

As I am on my feet, I will say that I fully support this clause as drafted. I agree with other colleagues of all parties that this is at the very heart of the Bill and that the extension to 56 days, for example, will be greatly welcomed.

Mr Jones: Since 2010, local authorities have successfully prevented homelessness in over 1 million cases using funding that the Government provide to local housing authorities. However, not every household that needs help and support to avoid a homelessness crisis has always received it. The clause will ensure that that help is extended to all eligible households, and that is why the Government support this Bill and welcome this new duty. It will require authorities to take reasonable steps to help households retain their accommodation or secure alternative accommodation, and so prevent their homelessness. Any eligible household that is threatened with homelessness will be entitled to this help and assistance regardless of priority need, local connection and intentionality.

Ms Buck: Will the Minister clarify whether the financial support that he brings forward in respect of the Bill will include specific and funded provision for assistance with deposits?

Mr Jones: I hear what the hon. Lady says. There are already many local authorities that make provision for deposits.

Ms Buck: And lots that do not.

Mr Jones: I think that local authorities need to look at that in the context of the fact that preventing somebody from becoming homeless is far cheaper than when somebody actually becomes homeless and they have to pick up the pieces from that. As the hon. Lady said from a sedentary position, not all authorities do this, but the best ones do. I reassure her that—picking up on a point made by the hon. Member for Hammersmith who said that this Bill is not accompanied by a strategy—we do very much have a strategy around homelessness prevention and there are many other measures that the Government are embarking on to prevent homelessness. Within that, the advice, guidance and support we give to local authorities to help them to prevent people from becoming homeless will help in the way that she identifies.

The type of help that people receive will be based on the information identified during the assessment process, which I spoke about when we discussed clause 3. The steps to be taken under the personalised plan are also developed during the assessment process. For example—picking up on the point made by the hon. Member for Westminster North—if the main issue is that a household cannot secure a rent deposit and that is the only barrier to their finding a home, the local authority can provide that deposit and the household can look for their own accommodation.

Introducing a wider-ranging prevention duty that extends to those who are not in priority need will help far more people. It will help them significantly at an earlier stage as well. This will bring a number of advantages. First, households will receive better, more consistent support. Secondly, they will get that help earlier, which is more effective but also costs less. The combination of those two factors means that fewer households will have to experience the stress and upheaval of a homelessness crisis. That will help reduce the number of homelessness acceptances, reducing the costs for local authorities.

The duty itself lasts for 56 days and comes to an end in a number of different ways. It might be helpful if I say a little more about some of the most important. The way we envisage its being ended most frequently is, of course, through helping to secure accommodation or by helping people to remain in their existing homes. Therefore, if an authority is satisfied that the applicant has suitable accommodation and there is a reasonable prospect of their retaining it for at least six months, the duty successfully comes to an end. That is what has happened in Wales and we expect to see a similar effect, if less pronounced, in England. The duty can also come to an end if the steps taken by the local authority and the applicant themselves have not prevented homelessness. In this case, the relief duty applies, meaning that people get continued help and support. I will talk about the support available when we reach clause 5.

Clause 4, alongside clauses 7 and 3, also places an element of responsibility on households themselves. They will be expected to take certain identified steps to help prevent their own homelessness. However, requiring co-operation in this way means that if an applicant deliberately and unreasonably refuses to co-operate, the duty can come to an end. How this works will be explained when we discuss clause 7, when we will also consider the safeguards built into the process.

The hon. Member for Hammersmith mentioned a potentially increased case load and a 266% increase as a result of the duty. We recognise that increases in different parts of the country will differ. However, to say that the increase will be 10 times higher than that in Wales is unrealistic. Broadly speaking, any rise will come from those not in priority need. We would have to ask why so little support had been offered and why there had been such a rise when authorities already have obligations that they should follow.

The hon. Member for Dulwich and West Norwood mentioned supply, which is an important part of the issue. The Government have committed £8 billion to provide 400,000 affordable housing starts by 2020-21. The Committee will have heard the comments made by my hon. Friend the Minister for Housing and for London. The Government's White Paper will be published shortly and will elaborate on the Government's plans in this area.

The hon. Lady also mentioned additional regulation on landlords. It was a pleasure to serve with her on the Committee that considered the Housing and Planning Bill, which has now been enacted. We introduced significant measures to tackle rogue landlords. I do not think anybody on this Committee would argue with the Government's intent to drive rogue landlords out of business. As for further regulation of landlords, we always need to get the balance right. If regulation goes too far, we might reduce the supply of homes in the private rented sector, as was the case before the Housing Act 1988, which introduced the shorthold tenancy because the supply of private rented property had very much been diminished. The hon. Lady also mentioned prevention and keeping households in their existing homes. At present, half of all the prevention work that takes place results in people staying in their existing homes.

The hon. Members for Westminster North and for Sheffield South East mentioned affordability, discretionary housing payments and the local housing allowance. They will know that the amount set aside for discretionary housing payments has doubled in this Parliament to £870 million. I understand the hon. Lady's point about discretionary housing payments being a temporary measure, but they allow households and authorities the time and space to look again at the circumstances and take action. In some cases, it gives the time to help people move into work or improve their situation in other ways.

11.15 am

I say to the hon. Members for Westminster North and for Sheffield South East that we have been clear that 30% of the savings that come from the local housing allowance rate will be re-purposed to support those people in areas where homes have the highest cost. It is not just about introducing the local housing allowance rate; it is also about supporting people in the areas of highest cost.

Mr Burrowes: Proposed new section 195(7)(a)(ii) covers the time limit requirement. I appreciate that it is now "at least 6 months", rather than 12 months, but can the Minister confirm that "at least 6 months" covers situations such as those in hostels? This issue was brought to the attention of the Communities and Local Government Committee by the council of my hon. Friend the Member for Harrow East, Harrow Council. It said:

> "We know that many hostel places give 6 month agreements, which generally are extended over again for up to 2 years".

Are those agreements included in the duty?

Mr Jones: We are talking about a minimum of six months. The provision does not prevent a longer period from being agreed. I hope that that reassures my hon. Friend.

The final matter that the hon. Member for Sheffield South East mentioned was housing benefit and 18 to 21-year-olds. I reiterate that the reform will affect only new claimants on universal credit from April 2017. It will not affect people in work. The measure is intended to ensure that young people do not slip into a life on benefits. Youth unemployment has a long-term scarring effect on people, so it is important to improve the incentive for young people to move into work. We are introducing a new youth obligation, which will offer a new and intensive package of labour market support for 18 to 21-year-olds to get back into work.

The measure is also about bringing parity to a system in which an unemployed young person can leave the family home whereas an employed young person may not be able to. Exemptions will be put in place to ensure that those unable to return to the family home have the right access to support, and there will be a grace period for those who have been in work for the previous six months.

Mr Betts: Will the Minister elaborate on his point about the grace period, which is important? Is he therefore saying that if a young person who has been in work for six months then loses their job, they will, for at least a time, get a housing element of universal credit to enable them to stay in their home while they get further work?

Mr Jones: Indeed, there will be a grace period for people who have been in work for the previous six months. On that basis, I conclude my comments.

Bob Blackman: I will pick up just a few points that colleagues have raised during this debate on what I think essentially is the heart of the Bill.

The hon. Member for Hammersmith rightly alluded to the potential increase in applications to local authorities. I remind colleagues that, according to the House of Commons Library's helpful briefing on the Bill, statutory homelessness applications—not acceptances—peaked in 2003-04 at nearly 300,000 cases and by 2010 had dropped to about 100,000. The point there is that individuals in a position whereby they know they will not get any help from a local authority will not go to it, but under the Bill everyone who is owed a duty will try to gain the assistance of a local authority. It is therefore natural that the case load will increase and, under the new burdens doctrine, I look to my hon. Friend the Minister to ensure that resources follow as appropriate.

The hon. Member for Dulwich and West Norwood and several other colleagues mentioned supply issues. I agree that we must increase supply, but that is beyond the scope of the Bill. She also alluded to reform of section 21 notices. Someone reminded me last night that this is already, I believe, the private Member's Bill with the most clauses ever, so if we were to continue the process we would end up with a veritable dictionary. I agree that we must reform those notices, but that is also beyond the scope of the Bill.

The hon. Member for Westminster North rightly mentioned the shortage of housing and issues about the benefit cap and local housing allowance. Clearly that is for the Government to consider. It is appropriate for those issues to be raised in Committee but they are beyond the scope of the Bill.

Andy Slaughter: I note in passing that the title of the Bill includes the words,

"to make provision about measures for reducing homelessness".

The hon. Gentlemen is courteous enough to say that it is reasonable to raise such matters. I would have thought that, given the matters covered by the Bill, the issues that my hon. Friend the Member for Dulwich and West Norwood and I have raised on supply, financial measures that are effectively increasing homelessness—whether LHA or other measures—and the nature of the private sector market are on point.

Bob Blackman: Clearly the Bill is part of an overall strategy. We must understand that, as we have said, the causes of homelessness are many and varied and the solutions are many and varied. Without doubt, supply is one of the key elements. The White Paper will be published soon—soon in Government terms seems to stretch quite a lot—and I look forward to its coming forward as quickly as possible so that we can debate increasing supply, which is important.

Several issues were raised in terms of the postcode lottery, with clear examples of potential rationing of services from my hon. Friend the Member for Enfield, Southgate in particular. We should remember that the Bill's aim is a cultural change and dramatic shift in helping and advising people who are in desperate need of housing rather than having housing officers trying to trap them to stop having to provide them with help and assistance.

I note what my friend the Chair of the Communities and Local Government Committee said about its review and some of the issues raised. Pertinent points on the welfare system were made, and I know that my hon. Friend the Minister will ensure that they are raised with the appropriate Ministers so that they are looked at in the round as part of the overall strategy.

Mr Jones: Will my hon. Friend give way?

Bob Blackman: I am mindful of the time, so I will not give way. I request that the Committee agree that the clause stand part of the Bill.

The Chair: Before putting the Question, may I say that, on issues of scope, I will be the ultimate judge? I have allowed a wide-ranging debate because the clause is about causes of threatened homelessness and I thought it reasonable to discuss those issues.

Question put and agreed to.

Clause 4 accordingly ordered to stand part of the Bill.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till Wednesday 14 December at Ten o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HOMELESSNESS REDUCTION BILL

Fourth Sitting

Wednesday 14 December 2016

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Sunday 18 December 2016

The Committee consisted of the following Members:

Chair: Mr Christopher Chope

† Betts, Mr Clive *(Sheffield South East)* (Lab)
† Blackman, Bob *(Harrow East)* (Con)
† Buck, Ms Karen *(Westminster North)* (Lab)
† Burrowes, Mr David *(Enfield, Southgate)* (Con)
† Donelan, Michelle *(Chippenham)* (Con)
† Drummond, Mrs Flick *(Portsmouth South)* (Con)
† Hayes, Helen *(Dulwich and West Norwood)* (Lab)
† Jones, Mr Marcus *(Parliamentary Under-Secretary of State for Communities and Local Government)*
† Mackintosh, David *(Northampton South)* (Con)
Matheson, Christian *(City of Chester)* (Lab)
Monaghan, Dr Paul *(Caithness, Sutherland and Easter Ross)* (SNP)
† Pow, Rebecca *(Taunton Deane)* (Con)
† Quince, Will *(Colchester)* (Con)
† Slaughter, Andy *(Hammersmith)* (Lab)
† Thewliss, Alison *(Glasgow Central)* (SNP)
† Tomlinson, Michael *(Mid Dorset and North Poole)* (Con)

Glenn McKee, *Committee Clerk*

† attended the Committee

Public Bill Committee

Wednesday 14 December 2016

[Mr Christopher Chope *in the Chair*]

Homelessness Reduction Bill

10 am

The Chair: For the benefit of those Members who have been travelling overseas, who may not have noticed that the selection and grouping list has changed since the provisional version was circulated on Monday, revision two is available in the Committee Room this morning.

Bob Blackman (Harrow East) (Con): I beg to move,

That in the Committee's order of 23 November setting out the order in which the Bill be considered, leave out "Clauses 4 to 7, Clauses 10 to 13," and insert "Clauses 4 to 6, Clauses 10 to 13, Clause 7".

The purpose is to reorder consideration of the Bill, because we have discovered a technical problem with clause 7 that requires an amendment and we are awaiting clearance for that amendment before we can consider it in debate.

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to see you in the Chair this morning, Mr Chope. We do not oppose the variation, because it is important to get the drafting of the Bill accurate. I do however want to raise a concern. I am sure we are all capable of coping with taking clauses in any order, but, as we are now waiting on Government amendments in relation to clause 7 and, more importantly, clause 1, it would be useful to get an indication as to when those will be circulated. That is my first point.

Secondly, inevitably consideration will be stretched into the new year. I think there was probably an informal wish on both sides of the Committee that matters could be concluded before the recess but that clearly will not be possible. We have made our contribution to try to speed up the process in deeds rather than words by not moving several amendments and new clauses and either making those points more briefly in clause stand part debates that happen anyway, or by reserving the right to bring them back on Report.

I say that in the consensual spirit in which the Committee has largely proceeded thus far, but it would be helpful to get an idea of when the Bill's promoter and the Government will be able to table the further amendments, whether we have some idea of when we might conclude, and whether it is in the mind of the promoter to schedule additional sittings—this is also a matter for you, Mr Chope—either before the recess next Tuesday, which is tight, or, if we are to sit on the morning of 11 January, later on that day or on another day that week. This event, as unfortunate as it may be, may focus our minds on those matters.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): To reassure the hon. Member for Hammersmith, the amendment to clause 7 is due to an unforeseen situation in relation to its drafting. He is correct that we need to get the Bill right and therefore we have had to take some additional time to change the drafting. He is also correct that a final version of clause 1 is still outstanding. I expect that those proposed changes to the Bill should be drafted shortly and laid in order to enable us to debate them on 11 January. If that were to be the case, I expect them to be laid by the Christmas recess.

Bob Blackman: I thank the hon. Member for Hammersmith for raising those issues. Clearly the amendments to clauses 1 and 7 are not available to us. I thank the Minister for clarifying when he expects to table them. We have proceeded thus far on a cross-party, consensual basis, and it is clearly our intention to continue to do so. There is no intention to rush things so that amendments do not receive proper consideration, particularly where they are detailed, as with clause 7. There is a more substantive amendment to clause 1 and we want everyone to be able to see and review it before we debate it.

My intention as the Bill's promoter is that, depending on our progress this morning, we shall reconvene on the morning of 11 January. I am grateful to the hon. Member for Hammersmith for not moving his amendments and new clauses, which should enable us to make speedier progress. If we are not able to conclude on the morning of 11 January, my intention would be to table a motion to bring us back on 18 January, including the afternoon if necessary, so that we would conclude on that date at the very latest. The Bill could then return to the Chamber on Report and hopefully Third Reading before being dispatched to the other place.

I appeal to Opposition Members: if there are amendments it is better for us to debate them here than for them to be debated on the Floor of the House. We can consider things in detail, from the perspective of detailed knowledge; otherwise there is the potential for delay and a risk that the Bill will be derailed in the Chamber. I trust that we can agree on the revised order of consideration.

Question put and agreed to.

Clause 5

Duties owed to those who are homeless

Question proposed, That the clause stand part of the Bill.

Bob Blackman: Clause 5 inserts a new section into the Housing Act 1996 requiring a local authority to take reasonable steps to help resolve homelessness. That means that the local housing authority has to take reasonable steps to help an applicant to secure accommodation.

It is not easy to prescribe in legislation every single eventuality that might mean someone becomes homeless, or the details of the help that they might need. A reasonable step could be the provision of a rent deposit. It could be help with family mediation, if a family had broken up—a local authority adviser could help to mediate so that someone did not become homeless and could live with another relative. It could be discussion with a private sector landlord about extending a tenancy.

The clause does not specify exact details but prescribes that the local authority should carry out reasonable steps.

The clause also extends the duty to provide help and support in the form of reasonable steps to any eligible household that is homeless. It extends the duty for 56 days. Clearly, if a household has a local connection to another district, in that time a referral can be made to it—we are not prescribing anything.

It is important to note that households in priority need will be placed in interim accommodation while the reasonable steps are carried out. Those not in priority need will not be provided with accommodation, but the clause requires authorities to take reasonable steps to help them to secure accommodation. That is an important part of the process. Clearly there will have to be triage of applicants when they arrive, to ensure that the local authority understands its duty and how it will deal with the individuals or family affected.

As with all provisions of the Bill, the steps that the local housing authority will take will be based on the assessment and the plan that is agreed with the applicant, or they will be any steps that the authority considers reasonable where no agreement can be reached. The duty can be brought to an end in a number of ways, which are set out in the clause and are similar to those in clause 4, relating to the prevention duty. In that case, I would point out that the duty can come to an end if the authority has taken reasonable steps to help to secure accommodation and the 56-day period of duty has ended. If the relief duty efforts have not been successful, households in priority need will move on to the next stage and may be owed the main homelessness duty. The new enhanced information and advice duty we discussed under clause 2 persists and may be of assistance to those who are not in priority need.

The duty can also end if the applicant has become homeless intentionally from any accommodation that the authority has made available. For example, if they refuse to pay rent that would be a reason. That also addresses the point of an applicant, as well as the local authority, acting in a reasonable fashion.

Michael Tomlinson (Mid Dorset and North Poole) (Con): My hon. Friend mentioned intentional homelessness and the interplay in the clause. Will he spell out the position under this clause or elsewhere when a tenant refuses to pay in the example he just outlined? What responsibilities and duties if any will there still be on a local authority, should those circumstances come to pass?

Bob Blackman: The clear position is that, if relief efforts and reasonable steps in the plan have not been followed, the local authority can bring the duty to an end. That would still leave the applicant the opportunity of a review. For example, they might have agreed an action plan to accommodate them but not honoured their steps, or the local authority might not have honoured its steps. There can be a review at that point.

We need to be clear that there are duties on the applicant and the local authority. When people do not co-operate and behave unreasonably, it is not fair if others in desperate need and who are acting reasonably suffer—there will obviously be diminished efforts for them. Not paying the rent is a prime reason for someone to become intentionally homeless. That is a reasonable position to take.

Of course, an applicant might be entitled to benefits. Under those circumstances, if a local authority has not met the benefit requirements, it would be unreasonable to end the duty. That clearly has to be looked at on an individual basis.

Finally, it is up to the applicant if they wish to withdraw the application at any stage. I hope the duty would come to an end when a satisfactory position is achieved and the applicant has accommodation and is no longer homeless. With that, I urge that the clause stand part of the Bill.

Andy Slaughter: Alongside clause 4, clause 5 is a major part of the Bill and a major departure from current practice. We should all be aware when discussing the clause that it proposes a significant change to how homelessness legislation works.

We welcome both the 56-day period of assistance by local authorities to those who are not in priority need, and the requirement for six months with a possible extension to 12 months. I note that Shelter wishes to see a 12-month period, and we will see the Government's response to that. We clearly do not want a yo-yo situation with people going into short-term accommodation and coming back. That will not be helpful either to that person or to the local authority, and 12 months might be a more appropriate period.

As I said, we welcome the measure although we do not underestimate the sea change. Let me highlight our concerns. First, will there be a knock-on effect from non-priority homeless to priority homeless? Local authorities, particularly those under heavy stress such as London boroughs and other metropolitan authorities, are finding it almost impossible to cope with the demands put on them by priority homeless cases. In theory, perhaps there should be no overlap. There has been a significant change since the first draft of the Bill, which I will come to in a moment, which means that the duty owed to non-priority homeless is very different from that owed to those in a priority situation.

10.15 am

However, it must be tempting for local authorities to muddy the waters when they are under pressure and have a statutory duty and a finite amount of weapons at their disposal, both in their own stock, and in that of other social landlords and the private rented sector. I would like to hear from the Minister what measures the Government wish to use, whether through guidance to local authorities or other ways, to ensure that there is no detrimental effect, which I am sure would be unintentional, on those vulnerable people and those currently in the priority homeless category.

Secondly, this is a new duty on local authorities—I will not labour this point because we have made it a number of times already. It is a substantial burden on them and it must be fully funded. I am sure the Minister will reiterate that we will have some news on that either today, on 11 January or some date in between. I put it as crudely as this: without those assurances and the actuality of that funding—unless there are means available—the Bill cannot have the effect that we all wish it to have.

Tomorrow we are perhaps at last going to hear an announcement relating to social care and local authorities. The discussion over social care and local authority funding has highlighted just how strapped for cash local authorities are. The announcement may be another attempt to push a burden back on to local authorities by changing the guidance, given by Governments over many years, and encouraging them to increase council tax.

Ms Karen Buck (Westminster North) (Lab): I wonder whether my hon. Friend saw the report from the chief executive of Birmingham City Council on the news this week. He made specific reference to cuts to homelessness prevention expenditure, which he directly linked to the quadrupling of rough sleeping in the city of Birmingham. Does that in any way shape my hon. Friend's view of the resource requirements?

Andy Slaughter: My hon. Friend makes a very good point. We will debate homelessness in the main Chamber later today. I raised the example of social care not only because it is another example, and perhaps the clearest example, of the pressures on local authority finance, but because these matters are linked, and the Government need to look at them in a linked-up way. I note that the Government pray in aid the Bill in their amendment to the Opposition motion. That is all very well, but it works only if there is a joined-up and funded response to the pressures local government is under in terms of social care, supported housing, rough sleeping and homelessness legislation.

Michael Tomlinson: Like the hon. Gentleman, I encouraged the Minister to spell out where the money is coming from during our first sitting. The hon. Gentleman also recognised in his opening speech to the Committee that this is not only about the human cost, and that there is potentially a cost saving through the measures. If the Bill works—we sincerely hope it does, which is why we are here—there will be a long-term cost saving. The hon. Gentleman has recognised that potential, but does he still?

Andy Slaughter: I recognise that more in relation to the duty on prevention, but I do not want to go back to the debate we had last week. We are now talking about measures local authorities will have to take to secure accommodation. It is ironic hearing that from Government Members: every time the Opposition have mentioned the idea of investing to save—we argued for investing in housing advice services to prevent homelessness, and argued against cuts to legal aid—we have received a dusty answer. I will be glad if the hon. Gentleman is a convert. There will be costs up front even if there are savings down the line—people will be less reliant on services when they are properly housed, or indeed when homelessness is prevented. The key is that there will be substantive up-front costs.

What stands behind the Bill even more than the funding of local authorities in their discharge of the process is the fact that most local housing authorities, and particularly those in high-stress areas, are not in a benign climate. We are not in a climate in which chief executives and council leaders can sit down and say, "The law's changed. We'd better now implement this. When people come into our homeless persons unit, we need to take it much more seriously and treat them not only with compassion but with efficiency. We need to secure them accommodation to the best of our ability." Unfortunately, as a direct consequence of Government policy over the past six years, we are in the most hostile climate to those ambitions being achieved. That is true in relation to finance, the now reduced benefit cap, the bedroom tax and the freeze on local housing allowance.

It is also true of the private rented sector. The Government and the Housing and Planning Minister restated that only last week or the week before. The sector appears to be implacably opposed to longer tenancies, which we wish to see, and as part of that contractual change, to controls on rent increases. As we know, the serving of section 21 notices is currently the single greatest cause of homelessness. About 30% of people turning up at local authorities homeless are there because a section 21 notice has been served. At least part of that could be resolved by reform of that process.

On the other side, we are at a 24-year low in terms of the building of social housing. We know that the Government still, for the time being—I hope they see sense on this as they have in relation to other measures in the Housing and Planning Act 2016—intend to pursue not only the sale of housing association properties but the funding of that by the sale of high-value local authority properties. My hon. Friend the Member for Westminster North will correct me if I am wrong, but I think in her authority that means that the vast majority of council homes would have to be sold over a period because they are of high value. That is true of about 50% of the homes in my borough.

How can we realistically say we want local authorities to take on a major extension of their duties in relation to the provision of housing? One way they could do it, which I believe has been done in Welsh authorities—we see that as a template for the Bill in many ways—is by the use of authorities' own accommodation. Stresses on social housing in Wales are much less than they are in London and other places. If the Government are not building social homes and actively encouraging or enforcing their sale, how on earth will the objective of the clause be discharged?

Michael Tomlinson: We started off in Committee with cross-party consensus that we want change—consensus has been the basis of many of the Bill Committees I have sat on, but particularly this one. However, for the last two or three minutes, the hon. Gentleman has made party political points about the past six years. I hear those points, and we will come back to section 21 arguments when we look at new clause 1. Does he not recognise the good intentions of not only the Bill's promoter but the Government in backing clause 5?

Andy Slaughter: The hon. Gentleman and I have not had the pleasure of serving on the same Committee before, so he will not recognise that I am pulling my punches considerably and have engaged consensus mode for the duration. The Bill's promoter recognises that because we have been in this position many times before. Yes, my points are party political to the extent that his Government have got so much wrong in the provision of housing supply, particularly for people who need

social housing and genuinely affordable housing. That must be addressed, but I have tried to put that in non-party political terms as a fact.

I have gone through, in a short period, a long list of issues that I believe are compounding the housing crisis at the bottom end. I am not sure whether the Minister is in a position to get up and gainsay that—he might have some other points to make in a sparring way. The hon. Member for Mid Dorset and North Poole is correct that there is not a great deal of point in getting into a long tennis match in Committee, but I want to put on record that we cannot pass the Bill with our eyes closed and say, "Once it exists as statute, everything will be resolved."

Mr David Burrowes (Enfield, Southgate) (Con): I appreciate that the hon. Gentleman is seeking to restrain himself to consensus mode as far as possible, and that he wants to avoid going into issues for later debates and stand part debates. However, although he gave a poke if not a punch to the Government's record, the autumn statement takes us in the right direction—it included the housing deal for more than £1 billion with the Mayor of London, providing flexibility of tenure and 2,000 accommodation places for those with complex needs. Those are the people who are particularly affected and who we are concerned about. As part of a wider package, that will help to provide the resources to fulfil the duties in the clause.

The Chair: Order. Before the hon. Member for Hammersmith answers that, I think we are in danger of getting away from the specifics of the clause.

Andy Slaughter: I am grateful, Mr Chope. I was about to conclude my remarks. I note in response to the hon. Gentleman only that, if he is inviting me to congratulate the Mayor of London on making an excellent start in his housing policies, I reluctantly join him in doing so.

I do not know how much detail the Minister wants to give in responding, but I would like some acknowledgment not only that he will get the financing of local authorities right in the execution of the Bill, but that something must happen in relation to housing supply. I note what London Councils sent to us for the debate. The estimated spend by London boroughs on temporary accommodation alone in 2014-15 was £633 million, of which £170 million was met from boroughs' own funds.

Responses have alluded to this, but I would welcome confirmation from the Government that, following the changes from the original draft, nothing in the Bill will require local authorities to provide accommodation, and rather that they will be required only to assist. As the Minister will understand, that is of huge concern to local authorities, because a requirement to provide would take the burdens under the Bill from being onerous to insuperable. I believe the Government recognise that in the changes. We would all wish for people who are not priority homeless to be able to access good quality social housing, as may have been available in previous generations, but there is a social housing crisis in this country and it is not available.

David Mackintosh (Northampton South) (Con): I strongly believe that early intervention is essential in preventing homelessness and minimising all the stress and trauma that goes with it. However, we have all seen situations whereby people have come to local authorities, presenting themselves as homeless, and it is incredibly frustrating when they are seen as in non-priority need. In the eyes of many people they are homeless, and they require action from the local authority, which is not forthcoming. It is frustrating for Members of Parliament when we see that and get involved.

10.30 am

I welcome the key changes at the heart of clause 5 to the 1996 Act. Several factors are involved in people's becoming homeless. Often people who present initially as in non-priority need go on to have more complex and challenging problems. Indeed, in the long term, they may be in priority need of housing. In the meantime they will have suffered many issues and challenges that lead to more problems in their lives.

I both agree and disagree with the hon. Member for Hammersmith, who talked about the need for up-front funding to cope with some of the challenges. I agree to some extent, but any local authority is used to investing to save and rebalancing their finances to deal with challenges.

The hon. Gentleman also said that a simple culture change in how people deal with homeless people will not make a big difference. I fundamentally disagree. With its introduction in Wales it has been seen that culture change is a key part of changing our approach to homeless people and the way we help them. Clause 5 is a key part of the Bill, and I very much support it.

Michael Tomlinson: Perhaps you will permit me, Mr Chope, before I comment on clause 5, to thank the Chairman of the Select Committee, who, through the Clerk to the Bill Committee, made Daisy-May Hudson's film available to all of us who do not sit on that Committee. It was both compelling and difficult to watch, and it was illuminating for those of us who had not seen it before.

I suppose that we all sincerely hope that if clause 4 is successful in its aim of preventing homelessness, when there is a threat of it, clause 5 will not be needed, but I agree that it is none the less an important clause. I should welcome some clarity from the Minister and from my hon. Friend the Member for Harrow East about the sort of reasonable steps that are to be expected of local authorities.

As to what the hon. Member for Hammersmith said about local authorities, I agree that they work hard and that, certainly going by my experience in Dorset—in Poole, East Dorset, and Purbeck—they are struggling with resources. I should welcome clarity on the matter of reasonable steps, although my hon. Friend suggested a few. I understand—and you know this better than any of us, Mr Chope—that it is not desirable to set out in a Bill each and every reasonable step, and that guidance may be anticipated in due course, but it would still be helpful for the Committee to understand in more detail what the reasonable steps would be.

I am sure that that clarity will be forthcoming, and in view of that I warmly support the clause.

Mr Jones: The Government support clause 5, which introduces a new duty to households that are homeless, known as the relief duty. It requires the local housing authority to take reasonable steps to help to secure accommodation for any eligible homeless household.

[Mr Marcus Jones]

Like the new prevention duty, the relief duty extends help and support to a wider range of households. It applies to all, regardless of priority need and intentionality, and provides 56 days of help and support. It provides an additional safety net for those households for which homelessness prevention activity has not been successful. It also provides additional help for households that have sought help at a later stage.

The type of help that they receive will be based on the information identified during the assessment process, which I talked about when we discussed clause 3. The authority and the applicant would identify the reasonable steps that the applicant would take, through that process. For example, if the main issue is that a household member has left home after a relatively minor disagreement with their family and that is the only cause of their homelessness, the local authority can provide mediation to try to reunite the household. I think that is the type of example that my hon. Friend the Member for Mid Dorset and North Poole was looking for.

Households in priority need, for example those with dependent children or vulnerable for some reason, will be provided with interim accommodation for the duration of the duty. They will be placed in interim accommodation as there is an expectation that the relief duty will be successful and they might be required to move to new settled accommodation at short notice. Less time spent in interim accommodation will mean less uncertainty for the household, so they can start rebuilding their lives more quickly.

Like the prevention duty, the relief duty can come to an end in a number of different ways. Again, it might be helpful if I set out some of the most important. The way we envisage it will be most frequently ended is through help to secure accommodation. If the authority is satisfied that the applicant has suitable accommodation and there is a reasonable prospect of their retaining it for at least six months, the duty will come to an end.

The duty can also come to an end if the local authority has taken reasonable steps for a period of 56 days but those steps have not relieved homelessness. In that case, the advice and information duty persists and those in priority need can move to the main homelessness duty.

Ms Buck: A frequent cause of homelessness that I see is young people living in severely overcrowded accommodation with their parents and families. If a young person approaches a local authority, does the Minister consider it would be reasonable for the local authority to require that person to return to a home that is by any reasonable measure overcrowded?

Mr Jones: I would say that the local authority would have to look at the circumstances on a case-by-case basis. I would make another point to the hon. Lady. I know that she would have supported the spare-room subsidy for people in private rented accommodation but she does not support the principle of the spare-room subsidy for people in social housing. However, that policy is freeing up accommodation that will support larger families of the type she describes.

Ms Buck: As the Minister has challenged me on that point, will he help me understand why there has not been a single family moved and affected by the bedroom tax in my local authority this year?

Mr Jones: That is something the hon. Lady needs to speak to her local authority about. I would need to see more details to comment further on that.

Both the prevention and relief duties, in conjunction with clauses 3 and 7, place an element of responsibility on the households themselves. They will be required to take their own reasonable steps to assist the relief of their homelessness. Requiring co-operation in that way means that, if an applicant deliberately or unreasonably refuses to co-operate, the duty can come to end. How that will work will be explained when we discuss clause 7.

A crucial difference between the prevention duty and the relief duty is that authorities may determine whether an applicant has a local connection with their district. If it is demonstrated that an applicant has a local connection with another district, a referral can take place. A relief duty provides another level of support and assistance for those households not in priority need that have become homeless. It is an important addition to the safety net and I welcome its inclusion in the Bill.

I will respond to some of the other issues raised. Taking your guidance, Mr Chope, I will not go as wide as some of those points. I see that I am receiving your endorsement to that approach, and I will try to follow that advice.

With regard to the points raised by the hon. Member for Hammersmith on funding, he will not be surprised to hear me say again that the Bill will be funded. We are dealing with and speaking carefully to the Local Government Association and local authorities to make sure that we get the funding right. He will also note that there is a long-standing new burdens doctrine that we have to follow in that regard. I entirely accept what he says about this burden not being a situation that a local authority currently has to bear as such, and we are therefore approaching the funding to it on that basis. However, as several of my hon. Friends have pointed out, although this is not a duty that generally exists at the moment, there will ultimately be benefits to local authorities upstream, in terms of savings that can be made further down the line.

The hon. Gentleman also mentioned temporary accommodation. I know that is an important issue in London. As he will know, we are devolving the temporary accommodation management fee, which will give local authorities a far better way to plan for temporary accommodation. I can also say to him that I have been disturbed by some of the stories I have heard about the approach that has been taken to securing temporary accommodation, in which local authorities have effectively been outbidding each other in certain cases. That is a real cause for concern, and I am trying to instigate work with London Councils to try to overcome that particular issue.

The hon. Gentleman also mentioned tenancy length. The average length of an assured shorthold tenancy is actually four years, but I understand what he says about 12-month tenancies. I discussed that at considerable length with my hon. Friend the Member for Harrow East and we came to the conclusion that, if we try to be

too prescriptive on 12-month tenancies, it would cause a particularly difficult issue in places such as London, where a lot of landlords may not be willing to grant an assured shorthold tenancy for that length of time. However, what we are doing here does not preclude granting 12-month assured shorthold tenancies. We are trying to encourage landlords to engage with us and to take up the model tenancy agreement, which advocates a longer length of tenancy.

Helen Hayes (Dulwich and West Norwood) (Lab): It may be the case that the average length of actual tenancy turns out to be four years. However, does the Minister accept that, within those four years, if the specified length of tenancy is one year, those tenants are nevertheless living with a lack of security and the uncertainty that the landlord could, if they choose, evict that tenant at will or bring the tenancy to an end? That lack of security is the issue as much as what happens in practice in terms of the average length of tenancy.

Mr Jones: The hon. Lady may be leading me down a road that makes me incur the wrath of the Chairman. There is certainly a balance to be struck between people having certainty and people having somewhere to live. The challenge is, if we try to mandate very long tenancies on private landlords, we may soon find that we do not have the supply of private rented accommodation that we need.

Will Quince (Colchester) (Con): I am a former property lawyer, and I know the Minister also has considerable experience in this field. He will know that the stumbling block here is in fact the Council of Mortgage Lenders and insurers, which say that a tenancy of more than one year is not permissible in case the mortgage holder defaults and they need therefore to sell the property as quickly as possible to recover their losses. It is actually those two different groups that prohibit leases or assured shorthold tenancies of more than one year.

Mr Jones: My hon. Friend has considerable experience in this area and is absolutely right. That was one of the challenges for residential landlords, particularly buy-to-let landlords, who are restricted by the terms of a particular mortgage product they take. Mandating landlords to take a longer tenancy than either a mortgage lender or an insurance company may desire would cause a significant conflict and might mean that tenants are not able to secure a tenancy.

David Mackintosh: At the outset of the Bill, we said that in terms of helping homeless people some issues can be dealt with, but others may have to be dealt with separately. There is a housing White Paper coming later this year.

10.45 am

Mr Jones: The housing White Paper will address many of the issues regarding supply. My hon. Friend gives me a good segue to bring my comments to an end. The relief duty will bring another level of support and assistance for households not in priority need. He is right that the Bill is an extremely important part of dealing with some of the challenges we have, but it will not be a panacea so it would probably be best if we spent more time debating the substantive clauses.

Michael Tomlinson: Will the Minister give way?

Mr Jones: I will give way one last time.

Michael Tomlinson: This is an important point. In relation to this clause, the Minister spelled out the importance of flexibility and the interplay between six-month and 12-month tenancies. Will he explain and persuade the Committee of the evidence for that? I hear the arguments from both sides of the Committee about the importance of security, but will he spell out the evidence on six-month tenancies? I hear what my hon. Friend the Member for Colchester said, but this is a crucial point.

Mr Jones: I think we all recognise that the ideal situation would be to have 12-month tenancies for the people we are discussing. Often they are in a very difficult position, and that additional certainty may well be very helpful to them. We also have to acknowledge that there are a number of barriers to that. I am not saying that in future we may not get to the promised land in this sense, but we have to be realistic about the current situation.

While we are talking about six-month tenancies, the measure does not preclude 12-month tenancies. As I said earlier, we are speaking to landlord groups and other stakeholders to agree things such as model tenancy agreements, so that we can get to a position where all parties come to the conclusion that 12-month tenancies are more desirable than six-month ones.

Ms Buck: Will the Minister give way?

Mr Jones: I will give way once more and then conclude my comments.

Ms Buck: I am grateful. Does the Minister share my dismay at the explosion in the use of nightly booked accommodation for homeless households? Does he accept that particularly for vulnerable people or families with children, not knowing where they will be from one day to the next is a huge problem? Will he act to stop it?

Mr Jones: Again, we are going slightly awry here, but we have been concerned about that. That is why we are doing a huge amount of work to put local authorities in a better position to secure temporary accommodation and plan for the future. I completely agree with the hon. Lady that the practice she mentions is not desirable or one we endorse.

Bob Blackman: We have had a wide-ranging debate on this clause. I will answer some of the points raised.

The hon. Member for Hammersmith raised important issues such as the knock-on effects for priority need households of extending the duty to single homeless and others who previously did not come under it. That is an important aspect of the Bill and one of the reasons why there will be funding for it under the new burdens

[Bob Blackman]

doctrine. We look forward to the Minister announcing the extent of that funding soon—that is parlance that I have heard from colleagues across the House. This is clearly an issue, and we do not want to get to a position where priority need households are disadvantaged at all as a result of these new measures.

The hon. Gentleman also raised the 24-year low in building social rented accommodation. To correct my hon. Friend the Member for Enfield, Southgate, I think we can all say that the Government's record-breaking £3.15 billion settlement with London for it to build 90,000 affordable homes is a great start to the process. The provision of housing goes beyond the scope of the Bill, but it is of course part and parcel of the whole process. If we give local authorities duties to help and advise and provide accommodation, we need that accommodation. Forgive me, Mr Chope, but I recall the hon. Member for Hammersmith opposing tooth and nail the Transport for London Bill, which I took through, and provided for TfL to supply affordable housing across London. I am sure he regrets that opposition now that his colleague the new Mayor of London can implement that wide-ranging and far-sighted proposal, which I had the honour of making.

Andy Slaughter: I do not want to test your patience, Mr Chope, but the issue with the Transport for London Bill was that TfL was building out schemes with no additional social housing and virtually no affordable housing. I am delighted to say that under new management, it is a reformed character.

Bob Blackman: The issue, of course, was giving TfL the power to develop housing; the political control of the delivery of that is up to politicians. You will be delighted to know that I will not be diverted any further, Mr Chope.

The other important point that the hon. Member for Hammersmith raised was that in the original draft Bill, there was provision for emergency accommodation for non-priority households. That would clearly be an extreme extra burden on local authorities. In our discussions before we produced the final version of the Bill that was introduced, I reluctantly agreed that we should remove that provision on the basis that it would produce major costs for local authorities, particularly in London. That is not to say that I would not like that provision to be in the Bill—I would. It would clearly be an extremely important contribution, but it would be very expensive, and I assure the hon. Gentleman that it has been removed.

My hon. Friend the Member for Northampton South raised the important issue of applicants' frustration. I went out last night with St Mungo's night patrol to identify homeless people on the streets of the City of London and help its clients. One of the volunteers made clear that he was a non-priority individual. He had gone to his local authority, which had just said, "Sorry, nothing to do with us." He was very proactive, but had he got the help and advice that he needed up front, he would not have become homeless. That is exactly what we are attempting to achieve with the Bill; as we have said, we have to change the culture set by changing the law.

My hon. Friend the Member for Mid Dorset and North Poole raised the issue of reasonable steps, which I trust the Minister's answers have set out. It is difficult to prescribe those in legislation. We have to rely on a local authority understanding its duties and ensuring that it delivers them in a reasonable manner. To prescribe all those steps would be too prescriptive and would prevent local authorities from trying new ways of delivery.

Michael Tomlinson: I agree. I am not advocating that my hon. Friend spells out each and every circumstance in clause 5. If I were, I would have tabled my own amendment and proposed it to the Committee. However, I welcome what my hon. Friend and the Minister have said, because it is helpful for the Committee to have discussed and fleshed out some of the options that local authorities will have, so that they themselves can take them on board or innovate as my hon. Friend says.

Bob Blackman: I thank my hon. Friend for that intervention. Clearly, what has been referred to is a way forward for us.

The Minister has clarified many of the issues that colleagues have raised. One that has come up in many interventions is six-month versus 12-month tenancies. The hon. Member for Sheffield South East and I also served on the Communities and Local Government Committee in the previous Parliament. It produced an excellent report—I would say that, because I was part of it—which recommended that tenancies be extended. I strongly support longer tenancies for people in the private rented sector. Such provision provides security of accommodation and of tenure. In my view, it should not be a question of six or 12 months; tenancies should be even longer. Why not have three-year tenancies? We have to solve the problem.

My hon. Friend the Member for Colchester made the point about mortgage lenders and other individuals who are involved having to come to terms with what has been suggested Actually, we need another change in the law. I crave your indulgence, Mr Chope. That is something else that needs to be acted on in law, but it is not within the scope of this Bill. What is within its scope is the issue of a local authority trying to house a family or single individuals who are homeless and securing accommodation for them.

We have discussed the matter in detail, and it is clear that if we stuck with a 12-month tenancy, the problem would be lack of supply. It is better to prescribe a minimum of six months, which hopefully could be extended to 12 months to prevent someone from going through a regular cycle of having a six-month tenancy, returning to the local authority, getting another six-month tenancy and so on. I am talking about a cycle of homelessness—the insecurity of people moving on and on and on in an unfair manner. I have explained where we would like to be. As I said, I would prefer to be in a position whereby we could prescribe even longer tenancies. That would be much better for families and for individuals.

Will Quince: My hon. Friend is making a powerful point. The length of tenancies certainly needs to be considered, but does he agree that every action has consequences and we must ensure that any legislative change that we bring in—I am thinking of changes that

mean additional risk for members of the Council of Mortgage Lenders and for insurers—does not end up pushing up the mortgage payments and insurance premiums of all the people in the country who have mortgages and insurance?

Bob Blackman: Clearly that is a consideration, but perhaps for another Bill and another day. It is certainly not within the scope of this clause.

My hon. Friend the Member for Northampton South referred to the housing White Paper. If it is to be released later this year, it will not be long before we receive it. However, I am sure that what the Minister meant was "soon" in parliamentary parlance. That is an important part of this process. The housing White Paper, I trust, will build on the good work that we are doing with this Bill to ensure that we have the accommodation that goes with the duties. I hope that the Committee approves clause 5.

Question put and agreed to.

Clause 5 accordingly ordered to stand part of the Bill.

Clause 6

DUTIES TO HELP TO SECURE ACCOMMODATION

Question proposed, That the clause stand part of the Bill.

Bob Blackman: This relatively brief clause was introduced to add clarity and assist with the efficient functioning of the homelessness prevention and relief duties. It ensures that the requirements that the housing authority must meet when it secures accommodation itself do not apply when it takes steps to help an applicant to secure accommodation. This is about efficiency and providing flexibility to applicants.

This short clause is particularly important for a number of reasons. Let us consider a typical scenario: a household has been unable to find accommodation because it cannot afford the rent deposit. That is often a problem, particularly in areas of London. The household approaches the local authority, which assesses its situation and sees that the single barrier is the deposit. The reasonable step is for the authority to provide that deposit.

11 am

Without the "help to secure" duty in clause 4, and without clause 6, which disapplies certain requirements, the authority would need to find accommodation for the household, and that takes time and resource. Therefore, as soon as the authority finds a suitable property, it will offer it to the household. It is likely to be the first property that it finds, and it might not necessarily be in the exact location that the household wants. The household may not have had any difficulty in finding accommodation. Therefore, the time and resource spent on looking for a home could have been better spent on helping another household. That relates to some of the issues that we have already discussed, including the provision of education, employment and health. Clearly, that is also part and parcel of the duty of the applicant, who must take action, not just sit back and wait for it to be done by the local authority.

Under clause 6, as well as clauses 4 and 5, the authority could make an assessment and provide the deposit but, importantly, let the household find its own accommodation when it is capable of doing so. That frees up the authority's time to help someone else who may be more vulnerable and not able to secure their own accommodation. It also means that the household has a choice over where it lives and what sort of accommodation it lives in. The clause is essentially an "avoidance of doubt" provision. It ensures more flexibility by making clear that various requirements of section 205 of the Housing Act 1996 are appropriate when a local housing authority is securing accommodation itself, but not when it is helping to secure accommodation under the relief duty or the prevention duty.

When authorities carry out their prevention work they do not generally need to take account of those requirements, because the household usually sources its own accommodation. Under the clause, the requirements will apply only when the local housing authority secures accommodation.

Michael Tomlinson: I was scratching my head when I first read the clause—perhaps it was too late at night. My hon. Friend said that, although the clause is short, it is none the less important. I looked again at section 205 in part 7 of the 1996 Act to ensure that I was reading it correctly. If what I am told is right, the clause will help single homeless people in particular; we often meet them in our surgeries and they are more likely to be street homeless, as is the case in Poole. However, I cannot fathom out how on earth the clause helps that category of people. Have I misunderstood? Will my hon. Friend enlighten me?

Bob Blackman: Let me try to enlighten my hon. Friend. The aim, as I have explained, is to provide flexibility so that if a household is able to secure its own accommodation—this might be part of a plan that has been put together—it can do so and then return to the local authority if, for example, the deposit is an issue. The local authority can then say, "Fine. We can deal with the deposit. Thank you very much. Off you go." For someone who is more vulnerable and requires the local authority to identify housing for them, clearly that is a different issue, because they will need more help and advice. The local authority will then secure accommodation for the individuals affected.

The clause aims to ensure that local housing authorities have the flexibility they need and that applicants can secure accommodation and then return to the local authority and say, "We have found somewhere." The local authority cannot then turn around and say, "We don't want you to go there; we want you to go here." The clause provides flexibility ultimately to protect the applicants, which is key. It will also help the local authority to avoid potential conflict when applicants are, not unreasonably, acting to help themselves. We do not want people to sit back and wait for the local authority to do it for them; we want them to get on, do it for themselves and get help and advice from the local authority. That is what we want the Bill to achieve.

Will Quince: My hon. Friend makes a powerful point. Does he agree that the measures are about empowering those who find themselves in that position? I suggest

[Will Quince]

that they do not want to appear as victims reliant on state handouts. They want empowerment to get their lives back in order. If they are making those decisions, that will be best for all involved.

Bob Blackman: During the Select Committee inquiry, several witnesses made clear that they were happy to approach the local authority to get help and advice and then take action. The problem that they experienced at first was not getting the help and advice from the local authority. Many individuals were homeless for the first time and were shocked at not knowing what to do and how to do it. If the local authority were to act as a one-stop shop and point them in the right direction, they would be perfectly able to secure accommodation. They just want that extra assistance. We do not want to bind the hands of people who are perfectly capable of looking after themselves but just need that extra help and advice, given that they face a major crisis in their lives.

Mr Jones: In an area with high demand where properties are snapped up quickly, a family might want to move to a certain property. If they have to go back to the local authority for it to inspect the property, that would cause delay and the property might be taken by somebody else in the interim. Is that not the type of situation we are trying to avoid?

Bob Blackman: Indeed. We will come later to the duty of the local authority to inspect properties. This is a sensible change that would mean that local authorities could work much more efficiently and households would have more choice over where they live. That is often a key demand. In our surgeries, people often say that local authorities are making offers of properties in completely unreasonable locations. This measure would give applicants far more control over their future lives. I trust that we can agree to the clause and move on.

Andy Slaughter: I was not going to speak to the clause, but I will do so briefly because the debate has taken a slightly surreal turn. My reading of the clause is exactly the opposite of that of the hon. Gentleman.

The picture painted by some of the interventions is that non-priority homeless people are taking their pick of attractive properties in the area and may be competing with others or people who are not in the same market, and that local authorities might intervene with some bureaucratic procedure to stop them doing that.

My reading of the clause is that if somebody goes to a local authority with a duty under clause 5, it is much less restricted in how it can discharge that duty than would be the case for priority homeless people. That is why Shelter has asked for it to be made clear that this should be suitable accommodation under the 2012 homelessness regulations.

It would be wrong of me to oppose the clause. As I said in my remarks on clause 5, the onerous additional burdens placed on local authorities are likely to lead to their duty towards priority homeless people being subverted by the new duties. However, we should go into these matters with our eyes open. It will not be the applicant but the local authority that will be given a greater degree of flexibility. I hope that the hon. Gentleman is correct that this will be less bureaucratic and more effective, but to paint a picture that it somehow gives the keys to the housing market to those who come to local authorities with such a degree of need is, at best, wishful thinking.

Mr Jones: Clause 6 adds clarity to the homelessness prevention and relief duties. It ensures that the requirements that a local housing authority must meet when securing accommodation for applicants itself do not apply when it takes steps to help to secure accommodation. That common sense change means that authorities can work more efficiently and can direct resources to where they are needed most, and that households get the help they need while retaining their ability to make their own choices about where they live. The Government are therefore happy to support the clause.

Question put and agreed to.

Clause 6 accordingly ordered to stand part of the Bill.

Clause 10

Duty of public authority to refer cases to local housing authority

Mr Clive Betts (Sheffield South East) (Lab): I beg to move amendment 2, in clause 10, page 16, line 31, at end insert—

"(3A) Where the specified public authority makes a notification to the local housing authority the public authority must cooperate with the housing authority in meeting its duties under sections 179, 189A, 195, 189B and 199A of the Housing Act 1996.".

This amendment would ensure that where a public authority made a referral to a housing authority in respect of a person who is or may become homeless the public authority is under a duty to cooperate with the housing authority.

The amendment is very much in the spirit of clause 10, but it goes a bit further. This was an important matter when the Select Committee held its first inquiry into homelessness and produced its first report. Indeed, chapter 7 of our report was on cross-Government working—we might have called it "lack of cross-Government working," given the evidence from various witnesses. In the chapter's introduction we quoted the words of Howard Sinclair, the chief executive of St Mungo's, who said that "Homelessness is everyone's issue". From the evidence we heard, the Select Committee decided that all Departments need to contribute to ending homelessness.

Jon Sparkes of Crisis said

"there is very little evidence that the influence of DCLG is spreading to the other Departments."

The Minister looks a little hurt, but he should not. We are trying to help him in the battle he has to wage with his colleagues in other Departments. We want him to have meetings with colleagues in the Department for Work and Pensions, who have produced proposals such as changing the supported accommodation allowances without any thought to what will actually happen to the accommodation provided for homeless people. That is not DCLG's fault. As far as I know, DCLG was not even consulted. It is important for there to be genuine

understanding of the actions of other Departments, such as the DWP or the Department of Health. We all know that homeless people often have mental health problems—mental health problems can cause homelessness, and homelessness can cause mental health problems—so co-operation with the Department of Health and all the various health organisations is essential.

As it stands, clause 10 is a good proposal. Authorities should be advised to contact the relevant housing authority when they recognise that a person with whom they are in contact is homeless or threatened with homelessness, which is an entirely reasonable starting point. The problem is that it is a bit like, "We have passed it over to you; it's your problem now." That is the exact opposite of what the Select Committee was trying to say in its report. It is not about saying, "We have identified that this person may be at risk of homelessness. Get on with it, housing authority. You will sort it out now. There is nothing else to it. It is simply a homelessness issue." We stated very clearly that, right the way through, there has to be cross-Government working and a clear indication that that is going to happen.

My amendment therefore sets out the responsibility in a simple way. It might not go far enough, and I accept the criticism that it is too weak in its emphasis on what more can be done. All the amendment says is that an authority that passes on to a housing authority concerns about an individual who is homeless or threatened with homelessness has a duty to co-operate with the housing authority on meeting its duties. That seems to me an entirely reasonable proposition, and one that I hope we will all support.

I know the Minister's colleagues in other Departments have to agree to any new burdens placed on them and that local authorities just have new burdens given to them; other Government Departments seem to have a say on what gets passed on to them. It seems to me entirely reasonable, and not an exceptional request, to say that while it is good that a public authority has to notify a housing authority when it comes across somebody who is homeless or who is threated with homelessness, should we not ask for that little bit more—that that public authority co-operates?

11.15 am

That co-operation might be in tackling mental health problems, debt problems or a whole range of different issues that a homeless person has that must be tackled to ensure that that person can eventually get back into accommodation. Public authorities might also deal with other problems that might exist in homeless people's lives. I hope the Minister sees this as a helpful contribution. If it does not go far enough and is a little timid in its approach, I look forward to the Minister's suggesting how it might be strengthened.

Andy Slaughter: I support the amendment standing in the name of the Chair of the Select Committee. I had a similar amendment on the duty to co-operate between public bodies and local authorities, which I have not tabled. Both amendments would effectively have done the same thing.

Co-operation is important, but it runs both ways. As the Chair of the Select Committee has indicated, it is important because local authorities cannot achieve the objectives of the Bill on their own. Let me give an example that I came across last Friday: I spent the morning visiting the in-patient mental health unit in my constituency, where I was told that about a third of the beds there are occupied by people who are ready for discharge but have nowhere to go. In many cases those people will be referred to the local authority. The answer to the question of whether that is new is yes, it is relatively new.

I am not criticising local authorities, but the problem is that whereas they might have previously taken something on trust or accepted that they had a prima facie duty for it, they will now be much more scrupulous or detailed in looking at whether that duty is owed simply because of the demand on their services. They will do that across the board, even when dealing with other public authorities. The net effect will simply be to shift the burden from one part of the public sector to another, with the consequence that people either might not get the best care or might prevent others from getting the care that they need.

Accepting the amendment is absolutely crucial to the proper functioning of the Bill. One would hope that the public sector works in a joined-up way, and that Departments work in a joined-up way, but that is not always the case, so we would do well to give any encouragement to that.

Mr Burrowes: It is a pleasure to take part in the debate. I welcome the intention and principle behind it, particularly because it flows into clause 10; it is just seeing how far it will bite. I particularly welcome the principle of joined-up services—we sometimes get sick of talking about joined-up Government, and it often does not mean that—when dealing with the concerns at the heart of clause 10, which is about trying to ensure that there is better co-ordination and co-operation.

As the co-chair of the all-party parliamentary group on complex needs and dual diagnosis, I make particular reference to complex needs and to those people facing multiple disadvantage, and to the need to ensure that there is real co-operation. The litmus test of clause 10 is the implications of referrals for those with the most need and facing the most disadvantage. There is a particular impact on health: almost twice as many who use homeless services have long-term physical health problems and mental health diagnoses compared with the general public, and the average age of people who die while homeless is 47, which is scandalous.

That particularly comes into play when dealing with those who come into contact with health services in one form or another. Not least, homeless people might struggle to register with a GP because of not having a permanent address. A vicious cycle goes on where they end up in crisis management and in A&E. It is then a further scandal when the intervention that needs to take place at that stage does not. At the heart of the Bill is the fact that early intervention and preventive duties should not just stem from when people come into contact with the housing department. When they are in contact with the health services, and not least when they end up at A&E, that should lead to an intervention and referral, which leads to the co-operation that we want.

St Mungo's has been on this case for a long time and has drawn attention to it with the "Homeless Health Matters" campaign. Before the Bill, it sought to have a

[Mr Burrowes]

charter that local authorities signed up to so that co-operation happened on an informal level. I believe that clause 10 takes things a huge step further as regards the statutory duty on referrals. The issue is how much further it explicitly needs to go with a mandatory requirement to co-operate across departments.

I also support the principle behind the amendment because, in many ways, it is already happening across Government—regardless of the cynicism that is around. One only has to look at the issue of violence against women and girls, which is a concern that we all share. If one looks at the national statement of expectations published on 7 December, one sees that it is all about co-operation. That comes from the Home Office and has a welcome two-year fund for refuges and other forms of accommodation. There is also all the extra investment in social impact bonds, in which co-operation is very much inbuilt. There are those with complex needs and the multi-agency approach that is used, although often not well enough. Sometimes these things are based around funding streams, and we need to see that happening across the country. The question is whether the duty to refer will help to ensure that good practice does happen across the country.

To home in on women—who are, sadly, some of the most vulnerable and face complex needs—the national statement of expectations from 7 December says:

> "To deliver this, commissioners should…consider whether an individual may have complex needs or suffer from multiple disadvantage and, if so, the services in place to manage these…Commissioners should consider how these detect and respond to women's experiences"

of violence, and ensure that there are services for them. That has come from the Home Office but plainly interacts across all Departments, and there is that expectation that it be delivered. At the end, the statement talks about how local authority, housing and homelessness policies must take account of sexual violence. That is included in the Bill in relation to the duties on advisory services; it is welcome that domestic violence is included, not least because of the work of the Select Committee.

The question is whether the Bill needs to go further in terms of a mandatory requirement for co-operation, or whether this referral will supplement and complement what is now happening to a much greater extent across Government. There is greater recognition and understanding of complex needs. Many of us have talked over the years about multi-agency approaches and joined-up government until we were blue in the face, but sadly these most vulnerable people are not getting what they need and deserve.

My view, which has been a common thread in discussions on the Bill, is that we need to balance doing what we can to ensure that this is a groundbreaking Bill—as I believe it is—that will help to provide greater support, preventive work and co-operation with whether this amendment will provide additional burdens across Government and have unintended consequences. Although it may provide a mandatory requirement—that, in many ways, is already the intention across Government—it might lead to additional financial burdens, which might lead to additional bureaucracy that might get in the way of the local co-operation between services that we want delivered on the ground. I am not convinced. If there is a proper fulfilment of the duty to refer, which may be wrapped up in guidance, having a mandatory co-operation requirement may provide additional undue financial burdens across Government and create bureaucracy that might, sadly, get in the way of what we want to do, which is to co-operate across services.

Mr Jones: Following on—

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till 11 January 2017 at half-past Nine o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HOMELESSNESS REDUCTION BILL

Fifth Sitting

Wednesday 11 January 2017

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not later than

Sunday 15 January 2017

The Committee consisted of the following Members:

Chair: Mr Christopher Chope

† Betts, Mr Clive *(Sheffield South East)* (Lab)
† Blackman, Bob *(Harrow East)* (Con)
† Buck, Ms Karen *(Westminster North)* (Lab)
† Burrowes, Mr David *(Enfield, Southgate)* (Con)
† Donelan, Michelle *(Chippenham)* (Con)
† Drummond, Mrs Flick *(Portsmouth South)* (Con)
† Hayes, Helen *(Dulwich and West Norwood)* (Lab)
† Jones, Mr Marcus *(Parliamentary Under-Secretary of State for Communities and Local Government)*
† Mackintosh, David *(Northampton South)* (Con)
† Matheson, Christian *(City of Chester)* (Lab)
† Monaghan, Dr Paul *(Caithness, Sutherland and Easter Ross)* (SNP)
† Pow, Rebecca *(Taunton Deane)* (Con)
† Quince, Will *(Colchester)* (Con)
Slaughter, Andy *(Hammersmith)* (Lab)
† Thewliss, Alison *(Glasgow Central)* (SNP)
† Tomlinson, Michael *(Mid Dorset and North Poole)* (Con)

Glenn McKee, *Committee Clerk*

† attended the Committee

Public Bill Committee

Wednesday 11 January 2017

[Mr Christopher Chope *in the Chair*]

Homelessness Reduction Bill

9.30 am

The Chair: The Minister may continue the speech that he started four weeks ago.

Mr Clive Betts (Sheffield South East) (Lab): Let's hope it's worth waiting for.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): That is a challenge, Mr Chope. I wish you and the rest of the Committee a happy new year.

Clause 10

Duty of public authority to refer cases to local housing authority

Amendment proposed (14 December 2016): 2, in clause 10, page 16, line 31, at end insert—

"(3A) Where the specified public authority makes a notification to the local housing authority the public authority must cooperate with the housing authority in meeting its duties under sections 179, 189A, 195, 189B and 199A of the Housing Act 1996."—*(Mr Betts.)*

This amendment would ensure that where a public authority made a referral to a housing authority in respect of a person who is or may become homeless the public authority is under a duty to cooperate with the housing authority.

Question again proposed, That the amendment be made.

Mr Jones: Amendment 2, tabled by the hon. Member for Sheffield South East, would reintroduce a duty that was in the original draft of the Bill when my hon. Friend the Member for Harrow East first proposed it. We are concerned that the amendment would create burdensome and centrally imposed obligations on how local housing authorities interact with other public services. A one-size-fits-all obligation could create inefficiencies, potentially undoing some of the good work that is being carried out and developed naturally at local level.

In City of York Council's response to the Communities and Local Government Committee's call for evidence on the Bill, it highlighted the fact that local agencies in York already work together to prevent homelessness. That is just one example of effective arrangements being put in place locally that we would not want any new duties to cut across.

During our last sitting before Christmas, my hon. Friend the Member for Enfield, Southgate, spoke at some length about the national statement of expectations published by the Home Office at the start of December. That sets out what local areas need to put in place to ensure that their response to violence against women and girls is collaborative, robust and effective, so that all victims and survivors receive the help that they need. We worked closely with the Home Office in developing it and our priorities for domestic abuse services.

Both the national statement of expectations and our priorities for domestic abuse services set out what local areas need to put in place to ensure that their response is as effective as it can be, so that all victims and survivors receive the help that they need. They were developed by working with commissioners and service providers, including third sector stakeholders, and they reinforce the importance of bringing local service providers together, understanding local need, developing a strategy to meet identified need, commissioning services accordingly and setting out clear leadership and joint accountability for delivery. That is a great example of how we can stimulate and encourage good work at local level. It underlines the importance of local flexibility and expertise, and supports local innovation.

The Government are supporting that innovation further, through our homelessness prevention programme. Just before Christmas, my right hon. Friend the Prime Minister announced £50 million of funding, including £20 million for new prevention trailblazer areas across the country. One aim of that programme is to identify innovation and best practice, and the funding will support projects working across different services. For example, Brighton will provide a jointly commissioned nurse to help people with both substance misuse and mental health needs to access the support that they require. Examples such as that will create the best practice from which the rest of the country can learn.

In addition to the funding programme, I chair the local authority working group for homelessness prevention, in which about 15 local authorities come together to discuss various topics. One theme to which we will return regularly is good practice and how central Government can support and disseminate it. I also chair the ministerial working group on homelessness. The existence of that group recognises the fact that homelessness rarely results from a housing crisis alone, and that underlying issues with employment, health and justice are often critical factors. One aim of the group is better to join up homelessness strategy across Government, which in turn will help to encourage public services to work together in their local areas to prevent and relieve homelessness.

Mr Betts: I am listening to what the Minister is saying about the various ways in which good practice can be disseminated. Will he give consideration to including something in the guidance that he will issue, after the Bill becomes an Act, to local authorities, public bodies and other agencies about the importance of working together and co-operating?

Mr Jones: The hon. Gentleman raises a good point, which I will take on board and think about. There will certainly be guidance relating to the substantive clause on the duty to refer. Whether that guidance will look further into collaboration in places that are doing a good job remains to be seen, but I will certainly look at the question, as he suggests.

Finally, we will also support councils through a network of advisers. That is possibly where the suggestion made by the hon. Gentleman, who is Chairman of the Select

Committee on Communities and Local Government, might apply. The advisers are experts who will work with local authorities to produce multi-agency homelessness strategies. They will also agree protocols and pathways between services in line with the good practice that already exists.

We believe that the initiatives I have set out are powerful ones that will help with best practice and encourage the delivery of local partnerships. I am not sure whether we are to have a clause stand part debate, but if we do, I shall be able to set out in more detail how the duty to refer will work. It will be an important step towards where we want to be; it will also be important for encouraging the sort of local collaboration that we want. For all those reasons, the Government believe that the amendment is unnecessary, and I ask the hon. Gentleman withdraw it.

Bob Blackman (Harrow East) (Con): I echo the Minister in wishing everyone a happy new year, as we rush towards completion of our Committee sittings on this private Member's Bill.

The Minister is quite right that there was a similar clause on duty to co-operate in the original draft Bill, and he has set out the position on co-operation between service partners. Clearly, we shall have further discussion on that on clause stand part. This matters for defining how the relationship between service partners works. Service partners are co-operating in a number of innovative local operations, and the last thing that any of us wants is to stymie those local approaches. It is important to give them a chance to work, see what best practice is, and bring forward alternatives.

Legislation is only one tool in the box for helping to relieve homelessness. We are imposing a duty—we shall come on to this in clause stand part—to refer individuals from different public bodies. My real concern about the amendment tabled by the Chair of the Select Committee is that it would give carte blanche on the duty to co-operate, without specifying what such co-operation would look like. I have a lot of sympathy with the intention behind the amendment, but the general intention of the Bill is to drive through a culture change, and an element of that is wanting culture change—in local authorities, but also in all public bodies across the piece. It is important to create strong local working relationships, and on that basis I ask the hon. Gentleman to withdraw the amendment.

The problem with this amendment in many ways is that because it includes a duty to co-operate overall, it runs the risk of creating a maelstrom across public services because of its uncosted and unbudgeted element, which would cause a problem in future. On that basis, I ask the hon. Gentleman to withdraw the amendment. I have a lot of sympathy with wanting to ensure that we have proper co-operation, but the first part of that is ensuing that public bodies refer homeless people to the local authority, so that they get expert help and advice.

Mr Betts: I wish everyone a happy new year and echo the sentiments of the Minister and the Bill's promoter. I will not press the amendment for reasons that I will explain, but I want to keep an eye on the issue, because I am not totally convinced by what the Minister said.

I recognise that the Minister and the Bill's promoter want public bodies to co-operate in all shapes and forms. I accept that that is their intention and take their comments at face value. However, I am not totally convinced that all Departments always want to engage in this way. There is a history of some Departments being less co-operative than others on some of these matters, and I think we all know that. That applies not just to Departments and Ministers, but down the line to local health bodies, for example, which in my experience are not always co-operative in every shape or form, though many are. That is the issue; it is not just about Departments, but about what happens in practice on the frontline. I listened to what the Minister said about guidance. I hope that he will reflect further on that and talk to his colleagues in other Departments about what can be done to get the message down the line about what is expected.

I thought there was a little conflict in what the Committee was told this morning. The Minister talked about a one-size-fits-all approach; a requirement on a public authority to co-operate in a very general sense cannot be described as a one-size-fits-all approach. It is a very general requirement. Indeed, the promoter of the Bill said that the amendment does not specify what co-operation looks like. If it does not specify that, it can hardly be described as a one-size-fits-all approach. The two do not quite sit together.

The Minister referred to York and Brighton, where good things are happening. That is right and is to be encouraged and commended. If authorities are co-operating anyway, this is hardly a new burden on them. My suspicion is that it is not happening everywhere. He gave examples of where it is happening, not where it is not, and there could be examples of where it is not. The amendment would require all authorities to come up to the standard of the best. It might impose a duty, but a duty that should be there anyway. I hope that, even if this requirement cannot be in the Bill, the Minister will reflect on the issue of guidance, and let us know what he intends to do about it. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Bob Blackman: I beg to move,

That the Order of the Committee of 23 November 2016, as amended on 30 November, be amended, by inserting at the end—

"and on 18 January when the Committee will meet at 2.00 pm as well as 9.30 am."

By way of a brief explanation, this change would mean that the Committee would sit not only in the morning, but in the afternoon until we conclude our business. We have had a number of sittings during which we have had vigorous debate, which is absolutely right, but we need to move the Bill forward so that it returns to the Chamber on Report. My intention as the Bill's promoter is for Report and, hopefully, Third Reading to be on 27 January. That would obviously necessitate us concluding our debates and deliberations next Wednesday, by when we will have certainty about concluding proceedings and the Bill going back to the Chamber. We have important issues still to resolve, but I trust that Wednesday afternoon will give us sufficient time to debate and discuss vigorously those elements.

9.45 am

Ms Karen Buck (Westminster North) (Lab): It is a pleasure to serve under your chairmanship, Mr Chope. I apologise on behalf of my hon. Friend the Member for Hammersmith—I am standing in his place—who has family commitments and is unable to attend. I am perfectly happy to support the sittings motion. Obviously we are keen to conclude the Bill, but I have to say once again, as the Committee enters its second year of deliberations, that it is something of a surprise to Opposition Members that we still await clause 1, clause 7 and the money provisions.

When my hon. Friend said that he would not be able to attend this sitting, he was anxious that important elements of the Bill would be introduced today. I assured him that that was unlikely and that parliamentary draftspeople were burnishing and polishing the clauses through the night, as they had done throughout the recess, and that they would produce them in perfect form at the last possible moment. Expectations are very high for the quality of those clauses and the generosity of the financial provision that we look forward to the Minister offering us next week. When my hon. Friend returns next week, we will expect the quality of those substantive clauses to justify the unusual and extensive delay in producing them.

The Chair: Does the Minister want to comment?

Mr Jones *indicated dissent.*

The Chair: The reason I invite the Minister to comment is that if the motion is passed, it means that business will be completed next Wednesday. In order for that to happen, any amendments or new clauses that will be the subject of discussion next Wednesday will need to be tabled in sufficient time to enable Members to see them and perhaps table amendments to them. That has to be done before close of play on Friday. I was hoping that we might get some reassurance from the Minister on the timetable that he has in mind.

Mr Jones: Thank you, Mr Chope, for your kind invitation for me to set out the position. We are well aware that time is pressing and are keen to ensure that we get the clauses right. We anticipate tabling the various clauses by the deadline.

Question put and agreed to.

Question proposed, That the clause stand part of the Bill.

Bob Blackman: Clause 10 relates to what is commonly referred to as the duty to refer. It requires public authorities in England specified in the regulations to notify a local housing authority of service users who they think may be either homeless or at risk of becoming homeless. The safeguard is that the clause requires the public authority to get the individual's consent before referring them, and it allows the individual to choose the local housing authority to which they are referred. Specified English public authorities exercising functions in relation to any individual will have the duty to refer that person if they think that they may be either homeless or at risk of becoming homeless.

One reason that the clause is so important, as we have heard during our deliberations, is that the Bill names a large number of public authorities and the arrangements will be different. For example, I know from evidence presented to the Select Committee, and from visits that I have made up and down the country, that people in the health service do not routinely refer people who they think are homeless to their local authority, because they do not think that it has anything to do with them. One of the problems that then arises is that people who are rough sleeping go to hospital, get patched up and are then sent back on to the streets, and it becomes a cycle of despair, frankly, for those individuals. The clause will place a duty on hospitals to refer to the local housing authority those individuals who they think may be either homeless or at risk of becoming homeless, so that it can take action. That is absolutely right.

Given the time, I will not go through the details of the large number of other areas affected, but some of them are very important. For example, it is an outrage that we allow ex-offenders to leave prison on a Friday afternoon with £40 in their pockets and hope that they will not reoffend. They have nowhere to go for advice or help, but we are surprised when they gravitate back to their circle of friends who are probably involved in criminality. They then reoffend and end up back in prison. We have to break that cycle.

Michael Tomlinson (Mid Dorset and North Poole) (Con): On the subject of prisons, how does my hon. Friend see the interplay between the clause and the many excellent charities that already work with ex-offenders, such as the Footprints Project, which helps to mentor them? Is there any way that the duty to notify the local authority could be extended to include charities such as the Footprints Project?

Bob Blackman: My personal view, having looked at the issue in detail, is that workshops could be rolled out for people who are about to leave prison. That would allow them to be trained and assist them in living a normal life in society. We often forget that people who have been in prison for some time have lost touch with how society has moved on, what their duties are and how they can obtain help and advice. The Bill would require prison services to refer individuals to the housing authority, but I want to see a cultural change. We are giving prison governors far more power and responsibility. The last thing they should want to see is ex-offenders reoffending. If we can get people on to a straight and narrow way of life, that has to be a better way to proceed.

Alison Thewliss (Glasgow Central) (SNP): The hon. Gentleman is making an excellent point about people leaving prison. Does he agree that co-operation should start not when the person leaves prison, but with support in filling in application forms before they get to that stage? That process could start weeks, possibly months, before they leave.

Bob Blackman: There are a series of two-hour workshops that can be taken off the shelf and used in prisons. They put at the participant's disposal the means by which to secure a tenancy; inform them of how to claim benefits, if they are entitled to them, and how to secure a job;

and provide a variety of different exercises. That would take four two-hour sessions and I do not think that that is unreasonable when people are being prepared to leave prison. They can leave prison with all that in their pocket, as it were, knowing what they have to do and how to do it. That would be a good start in the process.

Will Quince (Colchester) (Con): I can refer anecdotally to the situation at the moment. Certain prison governors and officers will refer those whom they suspect will face homelessness to towns that they know have excellent charitable provision, such as Colchester, when the individual has no connection to that town. Does my hon. Friend think that by identifying such individuals early and making that referral, the new duty will ensure a more even spread? That would also ensure that individuals are referred to a place that is most appropriate for them, not just the place that has the most appropriate provision.

Bob Blackman: Clearly, we do not want to be in a position of pot luck where ex-offenders get referred to particular areas where charities are very good at providing help and assistance. It should be the responsibility of local authorities. Whether they choose to outsource that responsibility to a third sector organisation is up to them. What matters is that people should be referred to local authorities so that they can get housing assistance. Often, it may help to take them out of the comfort zone in which they may previously have existed.

I have cited two examples of particular public services, and a third is the armed services. Often, people leave the armed services with specific requirements. It is very important to prepare them for life outside the armed services. The duty to refer those people will be extremely helpful. Members of the Committee will have dealt with people who have had to secure accommodation after leaving the armed forces. I have dealt with constituents who, sadly, are traumatised or injured as a result of serving their country and who have specialist needs.

Finally, the police will also have a duty to refer people. Often, our police force end up being almost a substitute for the health service and for many other public services. I have seen personally the amount of work that police put in for people with mental health problems.

David Mackintosh (Northampton South) (Con): I am sure that my hon. Friend will agree that people go to work in those public services because of a sense of vocation and a desire to help. Does he also agree that, while the duty to refer will help them do their jobs and carry out their vocation, some training will need to be put in place to make people aware of the new duty?

Bob Blackman: The clause makes a major change to the duties that we place on all public authorities. We intend for people who work in public services to spot those who are either homeless or at risk of homelessness and to refer them to specialists who can deal with the problem. That is a sea change and a cultural change, and it will take place across the public services. It clearly requires training and assistance so that people do not slip through the net, which is a clear concern. An important part of the process is that all public bodies will have to look at what training their frontline staff need and how they can ensure that they assist and spot people who are at risk of being homeless. Homeless rough sleepers are easier to spot, but those who are at risk are less easy to spot, so there will have to be training in that regard.

I intend, through the Bill, to ensure that a person's housing need is assessed in any contact with public authorities. The measure will help to achieve that. Clearly, we will need to monitor it and work together with service partners to identify at an earlier stage those households that are at risk. That means that prevention activities can take place earlier, with the ultimate goal of relieving or preventing someone's homelessness.

In conclusion, on schools and education facilities, children are often vulnerable. It is possible for teachers, headteachers and support staff to spot the signs of homelessness, so those in the profession will need to be trained so that they can be assisted in spotting such problems before they arise.

Ms Buck: Obviously, Opposition Members support the general thrust of the clause. It is right that housing authorities are able to draw on information from all the other agencies with which people at risk of homelessness engage.

Quite rightly, you will not let me, Mr Chope, rehearse the spirit of the amendment that we just discussed, but the task here is to ensure that the referral process leads to meaningful engagement and supplies the information necessary for a local authority to make an informed housing decision. I am afraid to say that, as my hon. Friend the Member for Sheffield South East said, if the co-operation were working as well as the Minister implies, we would not have many of our current problems.

On Second Reading, I raised the worrying statistic about ex-offenders, to which the hon. Member for Harrow East has alluded and which provides a classic illustration. My own local authority, Westminster, is the frontline of rough sleeping. Nearly one in three of all rough sleepers in our borough have been through the prison system. Something is going badly wrong when people who are highly vulnerable and, as has been said, with almost no resources to their name, leave prison, fall through the net and end up on the streets.

10 am

I suggest that referral is not always the problem. Although we need to do a great deal better to encourage agencies—I will touch on them in a minute—to flag up concerns that someone is at risk of homelessness, local housing authorities, and particularly those in high-demand areas, are absolutely flooded by referrals and notifications of people who are at risk of homelessness and do not deal with them. One reason is that the format in which information is passed over is often inconsistent with the allocations procedures and so forth of the local authority.

In many cases, there are good intentions on the part of the referring authority, whether it is a GP, mental health services, probation services or prisons. However, the referral takes the form of a letter saying, "This person is at risk of homelessness," which is given to someone to take to the housing department. The housing department then looks at the letter and says, "Well, that doesn't tell me anything. It isn't compatible with our allocations processes. It doesn't necessarily meet the

local connection criteria." One question that I am keen to have answered, either by the Minister or the hon. Member for Harrow East, is how the referral that allows an individual to nominate where they seek to be housed will be consistent with local connection criteria and the requirements that local housing authorities put on individuals.

In practice, local authorities including mine—I am sure it is not an isolated case—will simply either not take proper cognisance of the form of the referral being made by the local authority, or will simply seek to send the person away to get other, more appropriate sources of information.

I have another concern that the Minister might pick up. In my experience, in many local authorities a common source of referral is the GP with whom the person at risk of homelessness has engagement—that applies particularly to the most vulnerable people. However, GPs will not provide letters or referrals because the local authorities will take it only if they have requested medical information. In some cases, the problem then arises that GPs charge for that information. I do not know how that will be got around. I have sadly seen examples of GPs charging more than £100 for a letter for someone to take to the housing department, whether it is because of medical priority or risk of homelessness. That needs to be worked through with local authorities, so that there is a consistent approach to how referrals are handled and what information is sought.

Training was mentioned. We need training for the referral agencies. We also need serious work, within a code of guidance, on, for example, templates for information so that a local authority's requirement to make an informed decision about a homelessness application is consistent with the information that is culturally embedded in a different organisation. What is coming through from a GP or a school will simply not necessarily match up with the requirements of a housing authority.

If referrals are to work and if we are to turn referral into co-ordinated working, even if not explicitly in line with the amendment, it will not be good enough to leave the duty simply at "refer". I fear that there will be a deluge of new referrals. Those new referrals will not deal with the requirements of the housing authority. That will increase frustration and cost and leave individuals, and sometimes highly vulnerable individuals, seeking representations from agencies that charge for them.

The Government need to make absolutely sure that there is a consistent line of response to all those issues before the clause is put into effect.

Mrs Flick Drummond (Portsmouth South) (Con): I am pleased to support the clause, which will require public authorities to notify a local housing authority of people they think are or may be homeless or at risk of becoming so. Many vulnerable people do not know where to turn to. The clause makes it clear that there is a duty to refer on all public services, and it allows local authorities to innovate and create a workable solution.

In Portsmouth, the local council works closely with local charities such as the Roberts Centre, which works closely with vulnerable families to put them on the right track by helping them to budget, to learn how to keep a home and to pay rent. I want to raise awareness also of the Hampshire and Isle of Wight Community Rehabilitation Company, which identifies service personnel in the court system and assigns them a caseworker. The caseworker follows them through the process and through prison and is there at the gate when they come out to look after them, including by organising accommodation, which, as my hon. Friend the Member for Harrow East said, is a big issue for offenders. Perhaps the Prison Service can learn from that project. We hope to see it throughout the country, because it is working incredibly well in Hampshire and the Isle of Wight. Those are examples of why we should not over-prescribe. I hope good practice such as that will be shared throughout the country.

Helen Hayes (Dulwich and West Norwood) (Lab): It is a pleasure to serve under your chairmanship again, Mr Chope. May I extend my best wishes to you and to the rest of the Committee for 2017?

I welcome the clause and the duty that it places on anyone working at the frontline in the public sector to take account of the risk of homelessness and to behave responsibly in order that people who are at risk of homelessness can get access to the support that they need. However, I want to flag some complexity in relation to the implementation of parts of the clause, and to make a plea for the Minister to consider additional guidance when the Bill becomes an Act.

The complexity arises in particular in relation to proposed new section 213B of the Housing Act 1996. Subsection (3)(b) states:

> "If the person…identifies a local housing authority in England to which the person would like the notification to be made".

In my experience, there is a lot of complexity around the question of which housing authority should pick up the responsibility for people who are at risk of homelessness. I want to flag just three examples of where I have known that to be the case and where there is some concern.

The first example involves people of no fixed abode who have a mental health crisis and find themselves being held under the Mental Health Act 1983, and who are taken to a place of safety. In my area of London, the place-of-safety provision for five boroughs is being consolidated on to a single premises in the London Borough of Southwark. The health authority involved has worked with the local authorities on protocols for discharge, but there is great concern that, under the clause, someone who has reached crisis point and been admitted to hospital but who has no local authority that has clear housing responsibility for them may be discharged again and again into the same local authority. That local authority already has very significant housing pressure on it. Guidance and protocols need to be put in place so that the additional burden of people with very high levels of need does not fall automatically on one local authority. There should be a firm responsibility on other local authorities to help out in those circumstances. That is worthy of further consideration.

The second issue relates to ex-offenders, who have been discussed. People in prison often lose their tenancy or home. They may also lose connection with friends and family as a consequence of their incarceration. People who are released from prison often use their £40 to buy a train ticket—that train ticket is often to a place a long way from London. I know from work that I have done in the past that coastal towns, for example,

often have very high concentrations of ex-offenders living in a very small area. There is no necessary reason why an area should have to pick up responsibility for high numbers of ex-offenders simply because the cost of private housing there is low.

My main concern is that that outcome is not necessarily in the interest of getting those ex-offenders back on track and enabling them to make a fresh start. Advice on the protocols that should apply to the housing authorities that should pick up responsibility for ex-offenders on release from prison would be welcome and helpful. It would help to achieve the kind of outcomes that we want as a consequence of introducing the clause.

My final point concerns a situation I have seen time and again as a local councillor and Member of Parliament: a dispute between local authorities over which should take responsibility for somebody—it might be somebody whose last permanent address was in one local authority but they have been sofa-surfing with family members for a time in another. The family might have broken up. The resident might be arguing that they need to be a distance from where they used to live due to domestic violence or other reasons.

Whatever the reason, there is a dispute between local authorities over which should take responsibility and it is the individual who ends up suffering and falling between the cracks. The clause would provide too much scope for those poor outcomes that either place undue pressure on local authorities that are already under great pressure, or it could mean that individuals are not easily able to access the support they need. There is too much scope for that if the clause is left as it is without further additional guidance on the protocols that need to apply in practice. I ask the Minister to take that into account in his response and to pick it up as the Bill progresses.

Michael Tomlinson: It is a pleasure to serve under your chairmanship once again, Mr Chope, for the first time in 2017. I welcome the clause and support it as drafted. I believe there is an opportunity to rise to the good practice that appears in Westminster and elsewhere and raise the standard across the whole country. We all like to think there is good practice in our areas. I have three local authorities in my constituency: Purbeck East, Dorset and Poole, and Dorset County Council. I strongly believe the duty to refer will encourage other authorities to follow suit.

I agree with the hon. Member for Westminster North that the duty to refer is not the complete answer. That is absolutely right. It is not the complete answer but it is a good step along the way and will help to show what proper good practice should be.

Every hon. Member who has spoken so far has mentioned prisons. Perhaps that shows the important link between release from prison and the streets. It is no different on the streets of Poole, Bournemouth and Dorset from in Westminster, London and elsewhere.

My hon. Friend the Member for Portsmouth South mentioned what is happening in Hampshire and the Isle of Wight. The Footprints Project operates in Dorset, Hampshire and Somerset. It is a charitable organisation that helps ex-offenders in a through-the-gate service, offering mentoring and help to get into work.

I believe the clause provides an opportunity to work with local authorities and charitable organisations. Charities are already performing good works in preventing reoffending and trying to get people on the straight and narrow. There is a great opportunity for local authorities to work more closely together. I was heartened to hear my hon. Friend the Member for Harrow East speak of local authorities choosing to outsource some of those services and work closely alongside charitable organisations that are doing a good job, which can only be a good thing.

Hospitals have not been mentioned as much as prisons. I will return to what will be in the regulations in due course, but we all hate the term "bed blocking". It is a completely inappropriate term for unfortunate people who find themselves in hospital through no fault of their own and have nowhere to go. I strongly believe that the duty to refer will help in that regard. Perhaps the Committee could come up with a better phrase for "bed blocking" because it is very distasteful indeed. I strongly believe that the clause, with a duty to refer and co-operate with hospitals, other organisations and local authorities, will help in that regard.

10.15 am

The hon. Member for Dulwich and West Norwood touched on proposed new subsection (3)(b), but proposed new subsection (3)(a) is important because it shows that the intention in the Bill is not to impose anything or to dictate. It applies only when a person agrees to the specified public authority making a notification. That is an important first step and may in part answer her concern about proposed new subsection (3)(b).

Proposed new subsection (3)(b) picks up what my hon. Friend the Member for Colchester mentioned about certain local authorities such as Colchester having a great attraction when people leave prison because of their excellent services. There is an opportunity for an individual first to agree under proposed new subsection (3)(a) and then to identify a local authority, whether Colchester, Dulwich, Westminster, Dorset or wherever. The juxtaposition of the two may help to allay some fears, although I understand what the hon. Lady said about proposed new subsection (3)(b).

Finally, I have seen some draft regulations that were published with the original Bill on the sorts of public authorities that my hon. Friend the Member for Harrow East was thinking about initially. I understand that no final regulations have been published, but we have discussed prisons, hospitals, the police and perhaps one or two other things that I have forgotten. I would be grateful if the Minister could indicate the sorts of other areas and authorities that he believes will in due course come under the regulations and when he intends finally to publish them.

Mr Jones: The Government welcome the clause, which is commonly referred to as the duty to refer. We believe it will help to extend the good practice that already exists in many local areas across England. In those areas, public services are already working with local housing authority teams to identify as part of their normal daily work households that are at risk of homelessness or who are currently homeless. The measure will ensure that this good practice becomes a legal duty, so that all local housing authorities can intervene much earlier and have more time to work with those at risk.

[Mr Marcus Jones]

In addition, the clause is important in helping to raise awareness that there are many varied and sometimes complex reasons behind a person's homelessness. We believe a person's housing situation should be considered when they come into contact with those wider public services. The measure will help to achieve that. English public authorities exercising functions in relation to an individual will have a duty to notify a local housing authority if they think that person may be homeless or at risk of becoming homeless. The public authority must have consent from the individual before referring them and allow the individual to choose which local housing authority they are referred to.

The hon. Members for Westminster North and for Dulwich and West Norwood made a point about which local authority the person will be referred to. The public authority must ask a person for their consent. That person will then identify the local authority to which they want to be referred. That mirrors the judgment that an applicant would make in other circumstances when applying for help independently. It avoids, for example, public authorities having to make a judgment with someone in hospital A&E about where their local connection is, which could be complex and difficult to achieve. Effectively, the normal local rules on local connection will apply once an individual has applied to that particular housing authority.

Ms Buck: Can the Minister give us a worked example? If someone is in hospital or has come out of prison and choses to nominate an authority where they have a family member or a personal connection but where they had not recently lived, would the referring authority be under an obligation to establish whether that was an appropriate referral? Is there not a risk that, if the authority does not refer, the person could end up putting themselves into a lengthy and difficult process of applying to a local authority that will have no duty to them?

Mr Jones: It is sensible to have a system that mirrors the current system. It is clear that it is up to the individual to present at a particular authority, at which point the authority will confirm whether there is a local connection. The hon. Lady gave examples of particular organisations such as prisons or hospitals. If we made them try to interpret and second-guess the rules, we would be layering in significant complexity and risk that they may get that judgment wrong. An individual's decision may be overridden by the advice they get from that public body, which certainly would not be expert in housing law and local authority housing matters.

The Government will set out in regulations which public authorities will be subject to the duty. In response to my hon. Friend the Member for Mid Dorset and North Poole, the list is likely to be wide-ranging and include service providers such as GPs, schools and the police. As I mentioned GPs, I will pick up on the concerns expressed by the hon. Member for Westminster North around GP referrals. I agree that more work needs to be done on how various agencies, and not just GPs, work together. The advantage of the duty is that people at risk of homelessness will become known to housing authorities earlier, providing more time for the necessary work to assess and address the needs, including work between public services.

Ms Buck: Will the Minister assure me that no agency—obviously GPs have the greatest risk of this occurring—will be allowed to charge for any letter? Will he clarify the difference between a referral and a letter that provides support or additional medical information that the person at risk of homelessness may wish to take with them to a local authority?

Mr Jones: The organisation involved will have a duty to refer somebody who is either homeless or at risk of becoming homeless to a local housing authority. I say to the hon. Lady that it is a process to refer somebody, and not necessarily a process to set out verbatim somebody's circumstances. The thinking behind the measure is that referring somebody to the local housing authority will mean that they get the help they need, particularly given the other measures in the Bill that will ensure that councils provide more assistance to people than they currently do. The measure is an important step in ensuring that that referral process takes place. It currently takes place in some areas, but it does not take place in many. She has highlighted some of the challenges.

In my experience, GPs' letters to constituents are often not about referring somebody to a housing authority, but about making a case why an individual needs a bigger home or has special needs, or why they are in priority need rather than not. I am not dismissing the issue that the hon. Lady raised—it is extremely important and pertinent in the wider sense—but there is a difference between a duty to refer and somebody seeking assistance in explaining that they have special circumstances. In the course of the work I undertake, particularly on the ministerial working group, we could certainly look at how that works and see how things can be improved.

We also hope that the measure will encourage all those involved in the process to build stronger relationships based on local needs and circumstances in order to produce the best outcomes possible. Service partners should decide how this will work in each local area because they are best placed to decide what working relationship they should have and what it should look like. In the longer term, we expect the duty to refer to help change the culture necessary to deliver earlier prevention of homelessness.

Local authorities such as our homelessness prevention trailblazer early adopters—Newcastle, Southwark and Greater Manchester—have very good relations with wider public services. To pick up the good point that my hon. Friend the Member for Mid Dorset and North Poole made about charities working with local authorities on preventing homelessness, he will be glad to know that, within the bids for prevention trailblazers, a number of local authority areas are working with charities, church organisations and so on to supplement the work they do in preventing homelessness.

Southwark in London and Trafford in Greater Manchester, for example, have protocols set up with local hospitals in the form of release agreements. The protocols mean that the local housing authority is notified when a patient who is homeless or threatened with homelessness is getting ready for discharge. It is always important to point out that, in such an initial situation, it is in the local authority's interest to act at that point rather than pick up a more difficult situation further down the track. That is the type of culture change to which the measure will lead. Early notification allows

local housing authorities more time to put plans in place with the aim of avoiding people becoming homeless and the additional costs I mentioned. We would certainly like public services throughout England to use the initial contact created by the duty to refer to develop further relationships.

A number of colleagues mentioned co-operation with the criminal justice system—my hon. Friends the Members for Colchester and for Harrow East mentioned it, as did the hon. Member for Westminster North on the Opposition Front Bench. Co-operation with the criminal justice service is obviously extremely important. We recently published the prison reform White Paper, which provides far more freedom for prison governors to provide training on housing, managing money and other skills that people may need when they leave prison. It is extremely important in this context that we do everything we can to ensure that people coming out of prison are in a far better position in terms of their housing. We all know that housing issues are one of the major drivers that lead people, and particularly those who have been on very short-term sentences, on to a path back into prison after a short time.

10.30 am

The hon. Member for Dulwich and West Norwood mentioned concerns about how local authorities work together in relation to the duty to refer. Some very good work is already going on in places such as Greater Manchester, where there is a combined authority and strong working across local authorities. She and other hon. Members made good points about how the duty will work in practice and what will be in the code of guidance. We will reflect on that as we prepare the code of guidance and in the wider local authority working group that I chair, and consider how we can disseminate the best practice that is going on in certain areas and ensure it happens across the country.

I believe that this is a first step to a more co-operative and effective relationship between local housing authorities and public sector partners. That is why the Government are extremely happy to support the clause.

Question put and agreed to.

Clause 10 accordingly ordered to stand part of the Bill.

Clause 11

Codes of practice

Mr Jones: I beg to move amendment 13, in clause 11, page 17, line 20, at end insert—

'(3A) The Secretary of State may issue a code of practice under this section only in accordance with subsections (3B) and (3C).

(3B) Before issuing the code of practice, the Secretary of State must lay a draft of the code before Parliament.

(3C) If—

(a) the Secretary of State lays a draft of the code before Parliament, and

(b) no negative resolution is made within the 40-day period,

the Secretary of State may issue the code in the form of the draft.

(3D) For the purposes of subsection (3C)—

(a) a "negative resolution" means a resolution of either House of Parliament not to approve the draft of the code, and

(b) "the 40-day period" means the period of 40 days beginning with the day on which the draft of the code is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).

(3E) In calculating the 40-day period, no account is to be taken of any period during which—

(a) Parliament is dissolved or prorogued, or

(b) both Houses are adjourned for more than four days."

This amendment provides that a code of practice under new section 214A of the Housing Act 1996 inserted by clause 11 must be laid before Parliament before being issued and that the code may not be issued if either House of Parliament resolves not to approve the code within the period of 40 days from the day it is laid.

The Chair: With this it will be convenient to discuss Government amendment 14, in clause 11, page 17, line 24, at end insert—

'( ) Subsections (3A) to (3C) do not apply to the reissue of a code of practice under this section."

This amendment clarifies that the procedure for issuing a code of practice inserted by amendment 13 does not apply to the reissue of a code.

Mr Jones: I recognise that my hon. Friend the Member for Harrow East and other Members will wish to see and consider draft codes of practice before they are introduced. That is why I have tabled amendments 13 and 14, which require that a draft code of practice be subject to the negative procedure. Amendment 13 provides for that procedure to apply. Amendment 14 clarifies that the procedure for issuing a code of practice that amendment 13 inserts does not apply to reissuing a code. I hope that the Committee will accept both amendments.

Mr David Burrowes (Enfield, Southgate) (Con): We are talking about the implementation of what we all want to achieve. The codes of practice are obviously important and the amendments set out that the statutory instrument will be subject to the negative procedure.

It is important to reflect on the concerns expressed in the Communities and Local Government Committee. For example, the London Borough of Wandsworth is concerned about the codes of practice being so woolly as to be meaningless or being so prescriptive as to be unworkable. We need to ensure the codes of practice are the focused tools that we want them to be and are based on collaboration and co-operation, so that they are not seen simply to impose a diktat or central command.

As we know, once a statutory instrument is before Parliament, particularly with the negative procedure, there is very little we can do to scrutinise it. Indeed, at an earlier stage, during the formal processes of consultation that will take place and eventually lead to the instrument's being laid before Parliament, it will probably be too late, in many ways, to achieve the co-operation and collaboration that local authorities have suggested.

Shelter raised in the Select Committee the need for proper co-operation. Indeed, Salford has suggested a co-production and oversight of codes of practice, which I suggest should happen way before the formal process under amendments 13 and 14 and the formal consultation process that normally applies to statutory instruments. Will the Minister assure us that there will be the collaboration and consensus we see in the Welsh example,

[Mr David Burrowes]

which we often pray in aid? The point is that it was a cultural change as much as an administrative one. That cultural change was about a consensual and collaborative approach that we have seen in this Committee and during the passage of the Bill. I pay tribute to my hon. Friend the Member for Harrow East for the way he has enabled that to happen. It is important that that continues into the implementation, not least of these very important tools, the codes of practice.

I seek assurance from the Minister that that approach is part of the process set out in amendments 13 and 14, because plainly when the statutory instrument comes before Parliament we might ask questions about co-operation and consultation but it will be too late. I look forward to the Minister's response. Perhaps he could also tell us whether the assurance on compliance will form part of the statutory instruments. It is one thing to get a code of practice out there but another to ensure appropriate monitoring of local authorities that are not complying, with consequences for inaction.

Ms Buck: I want to reinforce those points. The code of practice is important as something to which local authorities can properly refer. We know from the Select Committee report that when housing charities undertook mystery shopping in local authorities they found extraordinary variation in practice.

We know there is very good practice and that local authorities are working under extraordinary stress, with staff on the frontline invariably seeking to do their best. At the same time, under the sheer scale of housing pressure, especially in high needs areas, hon. Members will know from their own experience with homeless households and the charities' work on mystery shopping that there are also examples of very poor practice.

Individuals have told me, quite plausibly, some of the things they have been told in a harsh gatekeeping environment. They have been told that if they make a homelessness application they will be sent to another local authority, sent out of London or, in some cases, have their children taken into care. They have been told that it would be better for them not to make a homelessness application because it would be easier to house them outside the legislation, even though that is not what they want. We know there are examples of such poor practice.

I know that local authorities are anxious to ensure that a code of practice is of use. None the less, it is important that we have an opportunity to scrutinise that code of practice and are able to satisfy ourselves that it will be valuable, sharp and focused. I hope the Minister will be able to give us that assurance.

Bob Blackman: I welcome the Minister's amendments. When we come to discuss the codes of practice in full I will have much more to say. The key point is that any proposed code of practice will be subject, I trust, to full consultation with all public bodies before being laid before Parliament. It will then be subject to negative procedure, which means that Members of Parliament will be able to scrutinise the final outcome of the deliberations following that consultation. That will allow us to implement the code.

As the hon. Member for Westminster North and my hon. Friend the Member for Enfield, Southgate pointed out, local authorities will want to have their say and ensure that the codes of practice are clear, not woolly or over-prescriptive. We will then be in a position to get the results we desire rather than implementing something that will not work.

The other point is that the provision does not apply to the reissue of any codes. If the Minister or the Secretary of State believes that things are not working, action can be taken more quickly, which is to be welcomed. I welcome the amendments and trust that we can agree to them.

Mr Jones: Hon. Members have made very good points. We all believe that the Bill is a good tool for enabling culture change, and that it will drive different thinking and different behaviour among local authorities. We have heard from the various charities that have done mystery shopper exercises. The Bill has been driven by a concern about the need for more consistency in how the current legislation and statutory guidance are implemented locally and how assistance is received by people who go to a local authority for it.

The clause is very much a process whereby we will enable further parliamentary scrutiny of the decisions that the Secretary of State will make on creating and bringing into force codes of practice. There is obviously the issue of reissuing guidance, or reissuing under the code of practice things that are already dealt with in guidance. As my hon. Friend the Member for Harrow East said, that will sometimes need to be done quickly and, therefore, the procedure will not apply. If we see that local authorities are not responding properly to the guidance that is currently issued, we will be able to beef up our approach quickly if necessary.

Mr Betts: The Minister's proposal is very welcome. Thinking off the top of my head, almost, I am wondering whether, given that we have been setting precedents in our approach to this legislation and subject, there might be a role for the Select Committee to have a brief hearing on the draft code of practice to consider whether it really does deal with the problems that the Committee has identified.

Mr Jones: That is certainly an innovative suggestion, which I would need to take away and think about further. However, I see where the hon. Gentleman is coming from. I accept that we have dealt with the Bill very much in the spirit of co-operation, as we want to get the right outcome for the people we all represent. I have heard what the hon. Gentleman said, and I will take it into account.

On other codes of practice that may stem from the changes made by the Bill and other statutory guidance that is issued, it is extremely important that we enable parliamentary colleagues to be consulted on measures in the code of guidance. Although the measures will not be voted on as such, there will be a procedure whereby Members can bring a debate to the House and potentially pray against any code of guidance that they did not think was right. However, given the spirit in which we have approached this matter, rather than taking safeguards away, in most cases we would look to add further

safeguards to help people. I therefore hope hon. Members are reassured that this is a positive tool with which we can enhance the situation for the people that we are trying to help through the Bill.

Amendment 13 agreed to.

Amendment made: 14, in clause 11, page 17, line 24, at end insert—

"( ) Subsections (3A) to (3C) do not apply to the reissue of a code of practice under this section." *—(Mr Marcus Jones.)*

This amendment clarifies that the procedure for issuing a code of practice inserted by amendment 13 does not apply to the reissue of a code.

10.45 am

Question proposed, That the clause, as amended, stand part of the Bill.

Bob Blackman: I support clause 11, which will allow the Secretary of State to introduce statutory codes of practice that provide guidance on how local authorities should deliver their duties relating to homelessness and homelessness prevention. When the Communities and Local Government Committee investigated homelessness, we heard repeatedly that the quality of service provided to non-vulnerable households, if a service is provided at all, is completely inconsistent across the board. It is a complete postcode lottery.

Clearly, the Bill's intention is to change not only the law but the culture of local authorities. In the Select Committee's evidence sessions and in private hearings that I attended in preparation for the Bill, I heard about individuals repeatedly meeting dismissive and discriminatory treatment when seeking support for their housing needs. Members who had the chance to have a look at that video before Christmas will remember that it demonstrates that this is a wide-ranging problem across a number of local authorities. The Select Committee has called for a code of practice that

"outlines clearly the levels of service that local authorities must provide and encourages regular training of staff to ensure a sympathetic and sensitive service. Services should put users first with a compassionate approach that gives individuals an element of choice and autonomy."

It is important that we do not stifle local authorities that are coming up with innovative schemes. I would be the last person to want to prevent such schemes, but I do not believe that this measure will do that. I am keen to ensure that services are compassionate, fair and open and work well with other services. I believe that codes of practice will effectively give the Government a stick, so that they can impose prescriptive measures on local authorities that are not acting in the spirit of the Bill. That will help with improving standards and sharing best practice across the country, which is what we all want. Everyone should experience the best standard of help rather than the minimum.

I have seen elements of good practice throughout the country that we do not want to stifle. Equally, Government and Opposition Members will have seen local authorities that failed to help people who are homeless through no fault of their own. Under clause 11, the codes of practice—there may be more than one—will not come into operation on the day on which the Act is passed, but guidance will be issued with a statutory basis, so that local authorities know what they are supposed to do.

We already know that many local authorities are currently ignoring some of their legal responsibilities. Ensuring that clause 11 stands part of the Bill will mean that local authorities are put on notice that if they come up to the standard of the best, the Secretary of State will not need to take any action, but that if they fail to do that, a code of practice could follow quite quickly, to force them to do what we all want them to do.

This legislation comes 40 years after the previous legislation that dealt with these problems. We do not get the chance to change legislation very often, so I am very keen on this provision, because we should not have to wait another 40 years. We have a hook that gives the Secretary of State an opportunity to introduce and change codes of practice, so that we can ensure that best practice is shared and that local authorities come up to the standard of the best.

The measure plays an important role not only in ensuring that, after the Bill becomes law, local authorities will change their culture and way of operation, but in giving us an opportunity as Members of Parliament to make sure that the Secretary of State, whoever he or she may be, can introduce further measures to ensure that the best standards are implemented right across the board.

Ms Buck: As I indicated in responding to the Minister's amendments, I, too, welcome this approach. I very much want to see a culture change in local authorities. The examples of gatekeeping that I referred to were applied to people in priority need. These are people who really should be navigated through the system because they have children, have disabilities, are elderly or have severe health problems. Even in those circumstances there are examples of gatekeeping that is so harsh that those people are effectively turned away or deterred from making an application.

On non-priority groups—the type of groups for which the Bill is particularly keen to see some form of service provided—we know that even some best practice involves little more than giving somebody a list of telephone numbers and telling them that they may be able to access accommodation in a hostel. My own local authority has a bundle of papers that runs to 40 or 50-plus pages of phone numbers. I have spent some afternoons doing my own mystery shopping, sitting and ringing the phone numbers, trying to find out whether they exist or will take people on benefits and so forth. I find, almost invariably, that someone will spend hours, and a lot of money, on a telephone, not being able to get through. We absolutely know that the gatekeeping process is very harsh, and sometimes even worse, because of the nature of the experience that an individual will have when they are in a housing option service. Local authorities need to work within statutory guidance and do not always do that.

The critical point for me is accountability. We need to have a form of measuring what local authorities are doing and a way to hold them to account. That should not be excessively bureaucratic—we do not want to add too much to the monitoring workload of already very stressed local authorities—but we cannot measure the success of the code of practice and the way that the cultural element of the Bill is working just through another mystery shopper operation later and by anecdotal evidence from charities or from our own casework.

[Ms Buck]

At the absolute minimum, local authorities should provide a written statement of the advice and options that they give to everybody in non-priority need, which those people could then take away to whatever advocacy and representation they can access in this post-Legal Aid, Sentencing and Punishment of Offenders Act 2012 world—some of it is still there—and which would demonstrate to that outside organisation, whether it is a councillor, a Member of Parliament or a charity, what the local authority has said is available and the advice that the local authority has given to that person. That would not be a set of actions that they have to take, but a summary of what the local authority is going to be able to do.

I do not know whether the Minister will commit to that, but we need a means of holding local authority performance to account, in a simple and consistent way that applies to Wandsworth, Hull, Blackpool and everywhere in the country. If we do not have that, further down the line we will find that there is good practice and some cultural change on the back of the Bill, but if all the other pressures continue to mount—we know further cuts in housing benefit are coming down the line, there is a pressure on affordability and a continuing crisis in housing supply—we will find that, despite the best efforts, we end up with a number of very vulnerable individuals still not receiving consistent advice. There will be a need for the code of practice further down the line, but ideally we do not want to have that. We want to make sure that the Bill's provisions are implemented from day one. We need to know how we can measure that and hold local authorities to account.

The Minister mentioned earlier that where there were examples of local authorities not employing best practice, he would "beef up" his response. I am not quite sure what beef up means in this context. It would be helpful to turn that into something in language that we can understand and monitor. Will the Minister tell us a little bit more about what will happen to local authorities if they are judged as such down the line—as I think some will be, even if the best of all outcomes is achieved—and what he will do to those authorities to make sure that best practice is adhered to?

Michelle Donelan (Chippenham) (Con): I rise to support clause 11. As discussed, it seeks to create a basic standard in the form of a code of practice. That will ensure that local housing authorities have guidance on how to deliver homelessness prevention functions. The guidance will offer councils a reference to check against, to ensure that the level of service offered is equal to the best currently seen in the UK.

The clause speaks to the essence of what we have been talking about over the last few weeks. Up and down the country, services are being provided at a different level. Those people who are deemed vulnerable but not in priority need are often those who fall between the gaps and do not receive the service that they should. We have all agreed on that, which is why the clause is so important: it seeks to ensure that those people receive the best service throughout the UK, and indeed, to end the existing postcode lottery.

In many ways, the clause is not only about improving and equalising services, but about giving local housing authorities more guidance and steering—although it will not replace the existing code of guidance. It will enable the Secretary of State and all of us to raise the standards of homelessness support services across the country, so that the minimum level of service—equal to what is currently the best—is delivered. That minimum level will be one of the Bill's supreme achievements.

Helen Hayes: I, too, support the introduction of a code of practice. Does the hon. Lady agree that the capacity of local authorities to implement good practice depends not only on a code of practice, but on the resourcing they need to deliver a meaningful service? If so, does she therefore, with me, await with eager anticipation the Government's committing to properly resourcing local authorities to implement meaningful support for homeless people?

Michelle Donelan: The entirety of the Bill depends on resource, which is why it is crucial that the Government have already dedicated and allocated funds to it. It is important to remember that some councils are currently offering this level of service; if one council can do it, surely it is only right that every council should do it. It is also wrong that a postcode lottery exists in the UK, and that taxpayers paying the same tax throughout the country experience a different level of service from one another.

It is also crucial to consult and work with stakeholders to develop the code of practice. The clause seeks to equalise standards, as well as to ensure joined-up and collaborative working, and I therefore support it.

Mr Jones: The Government support the clause and welcome the opportunity to ensure that the quality of homelessness prevention and relief support that people can access is improved across the country. We know that local circumstances differ, and therefore that local solutions and approaches will sometimes differ, but we want to make sure that service provision is fairer for everyone.

We believe that this approach, if and where required, will allow us to give local housing authorities greater clarity, alongside targeted guidance, to spread best practice and raise overall standards. That will sit well alongside the work the Government have already put in place to raise standards in local authority homelessness services—for example, with the launch of the Homelessness Prevention Trailblazers programme, which will share £20 million of funding in areas across the country that are best able to innovate and deliver a significant shift towards greater preventive activity.

The aim is to help encourage innovation and drive the cultural change that we want, putting prevention at the core of activity and building on the work of the best local authorities. We will work with local authorities to keep practice and standards across local authorities in England under review, and to identify strong examples of best practice. When deciding where a code of practice is required, we will look at evidence on whether local authorities are raising service standards via other non-legislative means. Where it is clear that, despite all other endeavours, standards have not been raised to an acceptable level, we will consider whether further improvements can be driven through such a code.

11 am

Where a code of practice is required, we believe strongly that it must be developed in consultation with local government. My hon. Friend the Member for Harrow East mentioned that. We will work closely with local authorities in that sense to develop any codes of practice to ensure that they are realistic, fair and built on consensus. As I said, my amendment will ensure that any new code will be laid before Parliament and subject to the negative resolution procedure. It is also worth clarifying that we do not see codes of practice as completely replacing the current code of guidance, which has a vital role in guiding the activity of local service delivery every day. We will be reviewing the code of guidance to incorporate the changes arising from the Bill. Any codes of practice will be complementary to that core document.

The hon. Member for Westminster North mentioned maintaining gatekeeping best practice. As we have discussed, a number of key provisions in the Bill allow people to get help earlier, but we are taking wider measures. I mentioned the prevention trailblazers, and we are reviewing how data are collected. As she said, it has often been the case that we know where things are going wrong because surveys have been done by charities and so on and so forth. We want to have a better method of data collection so that we, and particularly local authorities, have a far better idea of the people at whom they need to aim their help. We want more data transparency. As I mentioned, we are putting in place an expert adviser team to work directly with local authority areas. We will be looking through that to see exactly what a local authority's strategy is so that we can get assurances that local authorities are doing the things that we want them to do. On that basis, I will end my remarks by saying that the Government fully support clause 11.

Question put and agreed to.

Clause 11, as amended, accordingly ordered to stand part of the Bill.

Clause 12

SUITABILITY OF PRIVATE RENTED SECTOR ACCOMMODATION

Question proposed, That the clause stand part of the Bill.

Bob Blackman: Under the clause local authorities, under their part 7 functions relating to homelessness and prevention of homelessness, have a duty that requires the housing authority to be satisfied that accommodation provided by them is suitable for the applicant and his or her household, or that private rented accommodation that they secure or assist with securing is suitable. In considering suitability, authorities must by law consider whether the accommodation is affordable for the applicant, as well as whether its size, condition, accessibility and location are suitable. In addition to those factors, when securing accommodation in the private rented sector for those in priority need under the main homelessness duty, suitability requires that local authorities check a number of other things relating to the safety, physical condition and management of the property.

The measure extends the requirement and means that local housing authorities will be required to carry out those additional checks when they secure accommodation for vulnerable persons in the private rented sector under the prevention and relief duties in the Bill. That means that a number of vulnerable people will be assisted in a way that they are not at the moment. By "vulnerable" we mean as a result of old age, mental illness, handicap or other special reason, or someone with whom such a person resides or might reasonably be expected to reside.

The measure broadens the scope quite considerably and the additional checks and requirements are set out in article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012, which we have referred to in previous meetings of this Committee. Many of those are already legal requirements. They include, for example, whether there is a valid energy performance certificate; whether adequate precautions have been taken to guard against carbon monoxide poisoning; and whether the landlord is a fit and proper person to act in the capacity of landlord. The landlord will need to provide the local housing authority with a written tenancy agreement that the local housing authority considers to be adequate.

A key objective of the Bill is to increase the effectiveness of local authority prevention and relief efforts. The private rented sector will inevitably play a key part in delivering that and enabling local authorities to fulfil their duties. The Bill will ensure that where property is for vulnerable people, it is in good condition and managed properly.

Clearly, there is an issue with checks being made of all households. That would require a significant additional burden on local authorities. Many tenants are capable of carrying out those inquiries themselves. We do not want to be in a position where individuals find a property, have it allocated to them and then find it is not suitable. One issue that has to be resolved in guidance is how that process works. As the hon. Member for Westminster North pointed out, many people already find private rented accommodation for themselves without local authorities carrying out any checks on their behalf. That is a concern in many parts of London in particular.

A range of protections exist for those in the private rented sector. For example, local authorities have strong powers to deal with health and safety hazards through the housing health and safety rating system. Requirements for smoke and carbon monoxide alarms have been introduced relatively recently. The Government are taking action against rogue landlords, including through a range of measures included in the Housing and Planning Act 2016. That strong framework already provides protection for all tenants in the private rented sector, and not only those allocated by a local authority.

The approach in the clause is therefore a proportionate one that provides additional protection where it is most needed for those who are vulnerable, and imposes new duties on local authorities to ensure not only that they provide help and assistance and an offer of accommodation, but that the accommodation for vulnerable people is both suitable and safe.

Ms Buck: Obviously, any steps towards ensuring that properties in which particularly vulnerable people reside are fit and proper are to be welcomed. The clause amends article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012, on circumstances in which accommodation is not to be regarded as suitable

[Ms Buck]

for a person. When a local housing authority is securing accommodation under the Bill's new duties whether for a homeless household or to prevent homelessness, the accommodation must meet the same requirements for suitability as private rented sector offers made under a discharge of duty under the Housing Act 1996.

We know very well that, as the private sector has extended significantly, a minority, but a catastrophic minority, of private sector provision is deeply substandard. Indeed, that is one reason why the Government have introduced measures to tackle rogue landlords. Such provision is partly because of the rogue behaviour of landlords who are not fit and proper persons, and partly because of accidental landlords who are not able to manage their property as well as we would like. As a consequence, many people are living in accommodation that is well below what we require to be decent.

One reason that I introduced my private Member's Bill last year—I was not as fortunate as the hon. Member for Harrow East—was to ensure that individuals can seek legal redress if a property is not regarded as fit for human habitation. As he said, local authorities can intervene using the powers available to them under the housing health and safety rating system, but practice is highly varied between local authorities, which in a way mirrors the discussions we have had about homelessness legislation. That is partly driven by the lack of resources for local authorities, but in some cases it is cultural change.

As an underpinning for the legislation, it would be very helpful if the Government collected information on what local authorities are doing under the housing health and safety rating system, so that we have a better and clearer idea of where substandard accommodation is being investigated and what action local authorities are taking. At the moment, that information does not exist and the only way in which we can collect it is through a freedom of information request, such as I have done.

Those are all relevant issues, but the central issue as far as the clause is concerned is that its scope—it applies to vulnerable individuals set out under the priority needs group—means that the same standards do not apply to either pregnant women or women with children. It therefore simply does not cover everyone who falls within the category of priority needs. The effect is that pregnant women and children could be offered private rented accommodation under the prevention and relief duties without checks necessarily having to be made as to whether the landlord has convictions for violent or sexual offences, or whether the accommodation is safe from serious hazards and is being let in a professional manner.

I am sure that will be done in many cases, and certainly when a local authority is acting properly and investigating the accommodation for which it is making provision, but it does not have to be done. I am afraid that, again, given the extreme pressure on local authority resources, in some cases it simply will not be done.

The Opposition are concerned that that could place pregnant women and children at a serious risk of harm. We know that 28% of private rentals fail the decent homes standard and that one in seven contains a category one hazard under the housing health and safety rating system. I am sure all members of the Committee will have experienced cases in which individuals have found themselves accommodation that is seriously substandard. We need to ensure that there is a proper legislative framework to ensure that that does not happen. In the past few weeks alone, I have had to take a case in which a nine-month pregnant woman was left sharing a hotel bedroom with two young siblings, and another in which a mother of premature triplets with lung disorders was moved to a second property by a local authority that was plagued by damp and mould. We know that that is a real and current problem.

The pressure on accommodation, whether for discharge of duty, temporary accommodation or prevention, is so acute in high-stress areas such as London, the seaside towns and others, and the capacity to inspect and maintain such housing is so variable and so under-resourced that, without this robust legal protection, we are worried that children and pregnant women will be left at risk. The key question for the Minister to answer is: why have those two categories been left out of provision in the Bill? Will he undertake to introduce an amendment on Report to ensure that they are not excluded?

Ordered, That the debate be now adjourned.—*(Mr Burrowes.)*

11.12 am

Adjourned till Wednesday 18 January at half-past Nine o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HOMELESSNESS REDUCTION BILL

Sixth Sitting

Wednesday 18 January 2017

(Morning)

CONTENTS

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Sunday 22 January 2017

The Committee consisted of the following Members:

Chair: Mr Christopher Chope

† Betts, Mr Clive *(Sheffield South East)* (Lab)
† Blackman, Bob *(Harrow East)* (Con)
† Buck, Ms Karen *(Westminster North)* (Lab)
† Burrowes, Mr David *(Enfield, Southgate)* (Con)
† Donelan, Michelle *(Chippenham)* (Con)
† Drummond, Mrs Flick *(Portsmouth South)* (Con)
† Hayes, Helen *(Dulwich and West Norwood)* (Lab)
† Jones, Mr Marcus *(Parliamentary Under-Secretary of State for Communities and Local Government)*
† Mackintosh, David *(Northampton South)* (Con)
† Matheson, Christian *(City of Chester)* (Lab)
† Monaghan, Dr Paul *(Caithness, Sutherland and Easter Ross)* (SNP)
† Pow, Rebecca *(Taunton Deane)* (Con)
† Quince, Will *(Colchester)* (Con)
† Slaughter, Andy *(Hammersmith)* (Lab)
† Thewliss, Alison *(Glasgow Central)* (SNP)
† Tomlinson, Michael *(Mid Dorset and North Poole)* (Con)

Glenn McKee, *Committee Clerk*

† attended the Committee

Public Bill Committee

Wednesday 18 January 2017

(Morning)

[Mr Christopher Chope *in the Chair*]

Homelessness Reduction Bill

Clause 12

Suitability of private rented sector accommodation

9.30 am

Question (11 January) again proposed, That the clause stand part of the Bill.

David Mackintosh (Northampton South) (Con): During my time as a council leader, the Government introduced a number of measures aimed at combating rogue landlords. We have heard real horror stories of how some private landlords are behaving, so those measures were welcome and, in my view, long overdue. That minority of rogue landlords gave the whole industry cause for concern, but the changes mean that local authorities now have experience in and knowledge about dealing with them. Further changes introduced in the Housing and Planning Act 2016 will also help.

That experience will be really important in relation to the clause, because the new prevention and relief duties mean that we are helping to house more people in the private rented sector, and they may be vulnerable. Local authorities will already be checking the suitability of accommodation for those deemed to be in priority need under existing legislation. However, as more people are brought into that classification, it is right to ensure that additional protections apply to people deemed vulnerable, so that we can safeguard them against rogue landlords or unsuitable accommodation.

I am pleased that the provisions are clear about, for example, the need for the property to have fire safety precautions, a gas safety certificate, compliance with electrical safety regulations and precautions against carbon monoxide poisoning. Those are all things we would want in our own homes, and it is right that we seek the same protections for vulnerable people who are going through a difficult time in their lives. I welcome the inclusion of those protections.

Michael Tomlinson (Mid Dorset and North Poole) (Con): It is a pleasure to serve under your chairmanship, Mr Chope, for what we hope is the final day of consideration of the Bill in Committee. I, too, rise to support this important clause. My hon. Friend the Member for Northampton South picked up an aspect that I want to touch on briefly, which is carbon monoxide poisoning.

Many of us know either personally or from constituents what a deadly killer carbon monoxide can be. I know that my hon. Friend the Member for Enfield, Southgate and others are officers of the all-party parliamentary group on carbon monoxide, and there are a number of similar groups. This issue highlights the importance of ensuring that there are additional protections against rogue landlords.

It is right to say that the Government have already made large steps in that direction, but inserting this provision into article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012 will strengthen those protections further. I welcome the other measures in the clause, but the carbon monoxide poisoning provision is particularly worth dwelling on.

Will Quince (Colchester) (Con): It is a pleasure to serve under your chairmanship, Mr Chope. Like my hon. Friend the Member for Northampton South, I used to be a councillor. I recall numerous cases—I am sure we all can, as Members of Parliament—of constituents coming to me about rogue landlords in the private rented sector, where there is a local housing allowance relationship. Part of the problem is that the vast majority of landlords are very good. Rogue landlords—I do not particularly like that term—are a small few, and they give most landlords, who are very good, a bad name. Nevertheless, we have to protect people from those few.

I would rather the legislation went much further. I would like to see local authorities making checks on all the properties they let out, but that would be extremely onerous on local councils and would undermine the premise that the vast majority of people are capable of making those checks themselves and determining whether a property has the necessary gas safety certificate, carbon monoxide detection equipment, smoke alarms and the other things we have come to expect, whether we are renting or own our own properties.

Michael Tomlinson: Does my hon. Friend agree that this is a balancing act? As he says, there are many good landlords out there, but there are a few for whom I believe "rogue landlord" is the right expression. However, in this clause, as in others, it is a matter of getting the balance right, so that we have sufficient landlords—without them there would be no property to rent—but with sufficient safeguards and protections to ensure that the most vulnerable are protected.

Will Quince: My hon. Friend makes a good point. As much as we would like to extend the protections to all, we have a duty to safeguard the most vulnerable—people who are not necessarily able to make those checks or to make informed decisions because of their financial position, a disability, a mental health issue or all sorts of other reasons that mean the council has an additional duty to safeguard them.

I support the clause. As much as I would like to see it go further, I am realistic about what we can achieve. Protecting the most vulnerable is what we should aim to do, and that is exactly what the clause does.

Mrs Flick Drummond (Portsmouth South) (Con): I, too, am delighted to support the clause. It continues the Government's work in the previous Parliament to tackle rogue landlords, such as introducing the new code of practice on the management of property in the private sector, the requirement for landlords to be a member of a redress scheme and the production of guides for tenants and local authorities.

The landlord accreditation scheme run by my local authority in Portsmouth seeks to impose both physical condition and management standards on the private rented sector, not only through the provision of encouragement, support and incentives, but by actively working with, and publicly recognising, those landlords who are willing to adhere to good property standards. The council is well supported in that by the Hampshire constabulary and fire and rescue service, Portsmouth University and, crucially, the Portsmouth & District Private Landlords' Association.

There are some 4,000 private landlords in Portsmouth, and their association acknowledging the benefits of accreditation is of huge benefit to prospective tenants. The reassurance that a landlord has accreditation that is supported by the emergency services and two significant providers of accommodation in the city—the University and the council—is so important to tenants in my city. It is especially important when accommodating the homeless. In those situations, there is a danger that individuals and families might feel obliged to take up whatever is on offer, even if they have serious concerns about its standard of upkeep. The clause should ensure that such fears do not arise.

Responsible local authorities and landlords are already accustomed to checks to ensure quality. Does the Minister agree that the clause will complement existing work, such as that being done in Portsmouth? There is every reason to think that landlords and local authorities will welcome it.

Michelle Donelan (Chippenham) (Con): By extending the provision to vulnerable people, and not only those in priority need, the clause goes to the heart of the Bill, which is about expanding what we do for everybody who needs the help on offer.

The checks we are talking about are important; things such as gas safety and electricity records are essential not only to people's wellbeing but their lives. Vulnerable people would not necessarily be able to ensure that those checks had been done beforehand. Of course, a lot of people who rent in the private sector are aware of the necessary checks and are quite capable of getting them all the way through. A lot of vulnerable people will be able to do so too, but there are groups of people who cannot, and it is important that we look after their wellbeing and ensure that they are in safe accommodation.

Several hon. Members have spoken about rogue landlords and work that has already been done and work that still needs to be done. The clause must be seen in conjunction with tackling rogue landlords and not in isolation, because alone it is not sufficient. It is important to note that not all landlords are rogue landlords. They provide a great deal of service by providing housing, but we must look after those who are affected by housing that is not up to standard.

I note that many councils throughout the country are already doing these checks. Wiltshire Council, which covers my constituency, already provides checks for a number of vulnerable people. However, we need one standard across the country, and we need to ensure that, no matter where someone lives or is homeless, they get the same provision of care. That is very much what the Bill seeks to initiate.

I will touch on a point that was raised by an Opposition Member in the last sitting. Although the Bill extends the provision to include vulnerable people, not everybody who is in need, such as pregnant women, will fall into that category. There are a host of other anomalies that will slip through that gap; people who, if we sat back and thought about it, we would realise are very much in need of the extra checks on their private accommodation. I urge the Minister to think about expanding the clause. Thinking about pregnant women and other vulnerable people in my constituency, it would be harrowing for them if they were unable to get these additional checks, and it would be to the detriment of all of us working on the Bill. We need to ensure that it is inclusive and encompasses help for all.

Mr David Burrowes (Enfield, Southgate) (Con): It is a pleasure, Mr Chope, to take part in the debate on this crucial clause on suitability. We all have experience of constituents who have been placed in unsuitable accommodation. What we need is evidence to back up what we all know about the importance of suitable housing for vulnerable households.

I want to refer briefly to the evidence commissioned by Crisis and Shelter, both of which are well placed to tackle homelessness. They undertook a 19-month study, published in 2014, looking at 128 people who had been rehoused. The evidence is very relevant because it makes an important, though perhaps obvious, point that private rented accommodation, which is now the predominant housing option available, is not suitable for everybody, particularly those who are vulnerable.

Tenants were found in properties that were in poor condition and where there had been issues with the landlord. Accommodation was cramped, unsuitable and often affected by damp, mould and insect infestation. With a lack of suitable fixtures, fittings and furniture, many tenants struggled to pay household costs, which often resulted in debt. The relevance is that the physical condition of accommodation is compounded in vulnerable households that might have multiple and complex needs. If they are placed in accommodation without suitable fixtures, fittings and furniture, leading to debt, their complex needs are compounded. I want to ask the Minister whether particular attention will be given through better practice and guidance to those vulnerable households.

Under the existing law, local housing authorities need to consider whether the accommodation is affordable for the person, as well as its size, condition and location. Are those considerations all tailored to vulnerability? The issues of affordability, size, condition and location are different for different and complex needs. On affordability, there are extra associated costs for those with complex needs, and size and location might also be important for those with mental health needs.

An example that has come to my attention recently that illustrates the point about location concerns people with addictions and in recovery. Location is relevant for an addict in recovery, for instance if their placement is in an area where drug use is prevalent or other addicts are around. That is particularly pertinent when considering suitable accommodation. Will the Minister tell us whether that factor will be taken into account? Those vulnerable individuals need to be placed in suitable accommodation to assist their recovery. It is one thing to get them off drugs, but it is another to keep them in sustained

[Mr David Burrowes]

recovery. Appropriate and suitable housing is crucial to long-term recovery. The Government are due to publish soon an updated drugs strategy, and no doubt housing will be a key part for sustainable recovery. It is important that accommodation is suitable, so location must be taken into account.

Legal obligations predominantly address physical issues. My hon. Friend the Member for Colchester rightly mentioned carbon monoxide, an issue I have taken an interest in through the all-party parliamentary group. However, location also includes who is present, although I am not sure that will come under the purview of this provision. A placement could be in a licensed multiple occupation property. Will account be given to how appropriate it is to place a vulnerable household in accommodation where there might be peers who are not conducive to someone's long-term recovery? Will it get into that kind of detail to ensure that suitability is also based on who is present in the accommodation, or who is nearby?

9.45 am

The other issue I want to pick up on relates to a matter that has been raised previously, but it is particularly relevant to suitability: the challenge of ensuring that accommodation is affordable, together with the issue of location. We read again about Westminster City Council feeling obliged to place vulnerable households in accommodation in outer London and far beyond, because of affordability issues. Its representatives may well say—it has been said in the Communities and Local Government Committee, and Kensington and Chelsea representatives have said it as well—that because of affordability and supply issues they must plainly look outside the borough when placing households. They are looking to Enfield and further afield.

Ms Karen Buck (Westminster North) (Lab): Does the hon. Gentleman recognise that Westminster has explicitly stated that it is doing that because of Government policy on cuts to the support for temporary accommodation, the benefit cap, cuts in local housing allowance and a range of other measures? It is not an accidental development; it is the result of deliberate Government policy.

Mr Burrowes: I hear the hon. Lady's point, and that is what the local authorities pray in aid as the reason they are obliged to do as they are doing. Nevertheless, they have duties and legal responsibilities. That is why I am interested in how far the Bill and the measures on vulnerable households will bite and oblige local authorities to look at the matter more seriously, rather than under the banner of "We are pressurised and do not have affordable accommodation", taking the easier option of putting households in Enfield, for example, which has associated costs.

I have been talking to the Minister and to the relevant director of finance about both the local government finance settlement and this particular issue. I have also talked to the deputy Mayor of London, who I understand has been trying to bring about a more collaborative approach with directors of housing so that they cannot simply come up with the easy excuse of, "It's just the Government's fault." They have legal responsibilities and should not just shunt their problems on to outer London boroughs.

We have had a debate about appropriate location and ensuring that households—particularly vulnerable households—are not moved away from supportive networks in relation to education, as well as other family and care support. How far will clause 12 ensure that Westminster housing officers deciding about vulnerable households will not place them in areas such as Enfield so easily? Yes, with suitability there is an issue of affordability, but there is also an issue of location. When there is a competing interest, which is the one that will really kick in? Can the Minister advise us on the discussions that he is having about ensuring that decisions are appropriate?

The Select Committee recommended that placing vulnerable households away from the area and their supportive networks should be not a first option but a last resort. I do not hear that it is being thought of as a last resort.

Michael Tomlinson: My hon. Friend talks about location. Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012 is relevant. He also mentioned houses in multiple occupation. Does he see, when he talks about location—and thinking about neighbours as well—that there would be a difficulty in an extension beyond HMOs, and the licensing regime within that structure? I understand his point about the suitability of the people nearby, but does he recognise that it would be difficult under article 3 to draw provisions as widely as he suggests?

Mr Burrowes: My hon. Friend is right, but we shall probably hear later about the extent of inspections, and it may well be that when an inspection is done to make normal physical checks, an eye can be given to wider concerns that might affect vulnerable households. The multiple occupation provisions are an issue of licensing—it is a question of checking unlicensed multiple occupation premises. It is important to check that, because it is not surprising that there are extra risks in unlicensed multiple occupation premises, not least for those in recovery or with other needs. It is those unlicensed premises that need attention. The inspection regime will ensure that the current law is extended to vulnerable households and that accommodation in unlicensed houses in multiple occupation will be deemed unsuitable. That will help to ensure that vulnerable households will not be exposed to other risks.

Michael Tomlinson: As I understood the point my hon. Friend was making a few moments ago, he was seeking to draw the regime wider than HMOs, whether licensed or unlicensed. Does he not see that, as drafted, article 3 does not catch accommodation that is wider than that, and that there would be difficulty in drawing it more widely? Certainly HMOs, whether licensed or unlicensed, can be looked at, but if we go wider than that it will be very difficult to assess the suitability of accommodation under article 3 by dint of looking at the suitability of the neighbours, unless it is specifically in relation to HMOs.

Mr Burrowes: I concede that point. I am trying to encourage us to look at the wider duties in the Bill and its wider application to prevention duties that might assist. I accept my hon. Friend's point.

This is an important clause and we want to hear from the Minister that we are making the best of what we can do here. I appreciate that we will come to implementation and costs, which must be proportionate. We want to ensure that they are not open-ended. I want to hear from the Minister that he is open to seeing how we can extend the checks to ensure that we do the best for vulnerable households and ensure that they receive suitable accommodation.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): The Government welcome the introduction of greater protection for vulnerable persons placed in the private sector under the new homelessness prevention and relief duties. Existing legislation already requires local housing authorities to be satisfied that accommodation is suitable when exercising their part 7 functions on homelessness and the prevention of homelessness in relation to factors such as size of accommodation, affordability and accessibility. I hear what my hon. Friend said and I will certainly go into more depth on his important points. I feel under a little pressure from Conservative Members and get the impression that they have reflected on the comments of the hon. Member for Westminster North, who talked much the same language at our previous sitting.

As my hon. Friend the Member for Harrow East said, when making an offer in the private rented sector for those in priority need under the main homelessness duty, existing legislation also requires local housing authorities to make additional checks to ensure the property is in a reasonable physical condition, and is safe and well managed. The points to be considered are set out in the Homelessness (Suitability of Accommodation) (England) Order 2012. Local authorities are therefore already used to making those checks and reputable landlords should be readily able to provide the requisite documentation.

I heard the comments of my hon. Friends the Members for Colchester and for Chippenham. They are quite right to say that most landlords are extremely responsible and do the right thing by tenants, but we know that 3% of landlords are rogues and do not do the right thing by their tenants. Frankly, the Government want to drive them out of renting property, particularly to vulnerable people. We have taken significant steps to drive out those rogue landlords through the Housing and Planning Act 2016. I will not go into the detail of that Act.

Michael Tomlinson: Before the Minister moves on to what the Government are already doing, if I understood and heard him correctly, he said that they deem only 3% of landlords to be rogue landlords. Perhaps he could clarify where that evidence comes from, but if he is right, does he not agree that it is a matter of balance—of making sure that we are not punishing those landlords who are doing a perfectly good job already, and potentially deterring and putting off other people from becoming landlords and providing much-needed accommodation?

Mr Jones: My hon. Friend makes an important point. A number of studies have been done around this issue, and that is where the figure of 3% comes from. As Members of this House—I am not, personally, a residential landlord but I know other Members who are—it is easy for us not to understand the challenges of being a residential landlord. The last thing we want to do is drive residential landlords out of the market so that we have less rental property for the people who we are trying to help to access good accommodation.

Helen Hayes (Dulwich and West Norwood) (Lab): I am concerned by the number of references Government Members have made to how small the number of rogue landlords is. The 3% refers to the definition of rogue landlords from the data that the Government have. My experience is that there are very many more landlords who, although they might not fall into that category—nevertheless, 3% is a lot of landlords—of the most unscrupulous, are not as responsible and rigorous as they might be and do not provide tenants with the right level of service. This requirement is about local authorities being able to check that repairs that should have been done, have been done and that the property is in a fit state to move in to. Consistently this morning, the comments from Government Members have undermined the nature of the problem and the extent of the challenge that my constituents face.

Mr Jones: I hear what the hon. Lady says, but my understanding of what I have heard this morning is that Government Members, including myself, are extremely concerned to make sure that people who are vulnerable have the right accommodation and are supported in accessing it. The hon. Lady was on the Housing and Planning Bill Committee in late 2015, before the Bill became an Act in 2016, so she will know that local authorities now have a real incentive to tackle rogue landlords. If that legislation leads to our identifying more rogue landlords because they are genuinely rogue, so be it. That is a good thing as far as I am concerned.

Michael Tomlinson: I do not disagree with what the hon. Member for Dulwich and West Norwood said, save for this: 3% is a relatively small number. To my mind, one rogue landlord is one rogue landlord too many—I am very happy to put that on record. Perhaps the Minister has other evidence of a second tier of bad landlords that do not reach rogue status and therefore are not in that top 3% but may be below it. Either way, the point from this side—certainly, I speak for myself—is that one rogue landlord is one rogue landlord too many, but 3% is relatively small and there should be a balance in relation to this clause and the whole Bill.

Mr Jones: I completely agree with my hon. Friend. The legislation in relation to rogue landlords means that civil penalties of up to £30,000 can be levied against them. Those civil penalties can be retained by the local authority to put towards the enforcement that they make in this regard. There are strong powers there, which is a good thing if there is a second division of rogue landlords that we need to uncover. However, my hon. Friend is right: we need to get a balance.

Mr Burrowes: For clarification, the 3%—an upper tier that is not wholly relevant to the wider issue of the suitability of property and of landlords—deals with the number of rogue landlords, but does not account for the number of properties held by those landlords. If rogue landlords are particularly known for having large

[Mr Burrowes]

numbers of properties, the figure does not properly reflect the huge number of unsuitable properties under their control.

10 am

Mr Jones: That was why the civil penalty was raised to £30,000—to reflect that it needed to be a penalty that had teeth for the type of people that my hon. Friend is talking about. On the point about banning orders, that also relates to companies where a rogue landlord might be a director. There are many ways in which the legislation will help in that sense.

I must move on. As I said, local authorities already make some checks so they have significant experience. However, we should recognise that there is a cost to the providing and checking of relevant information that local authorities need to do. That is why the approach to the Bill is to extend that additional protection to where it is needed most, to protect those who are most vulnerable, as described by my hon. Friend the Member for Harrow East in his opening speech, which seems quite a long time ago.

This is a proportionate approach, which hon. Members have stressed is important. To require similar checks for all tenants would place additional burdens on local authorities and generally be unnecessary. Tenants who secure accommodation in the private rented sector already do so without the local authority's carrying out additional checks on their behalf. Those who are themselves able to ensure suitability of property should do so.

However, I listened carefully to the hon. Member for Westminster North, who expressed concern that the group of people protected because they are defined as vulnerable is narrower than the group in priority need. She gave the example of pregnant women or those with children. I do not dismiss her comments and I hope I can reassure her that I share her concern that people do not live in homes that are unsafe or badly managed. I believe that all homes should be of reasonable standard and all tenants should have a safe place to live regardless of tenure.

The proportion of tenants in the private rented sector living in non-decent housing fell from 47% in 2006 to 28% in 2014 and 80% of private renters are satisfied with their accommodation and stay in their homes for an average of four years. I know that people will say that that is an average and may not be the case in London. That is why we have had to look in the Bill at the situation around 12-month tenancies and settle on a minimum of a six-month tenancy because of the challenges that certainly exist in London.

While I discuss the challenge raised by the hon. Lady about people who fall between the groups defined as vulnerable and in priority need, it is important to pick up points from other hon. Members. Several of my hon. Friends have thrown down the gauntlet on this issue. My hon. Friend the Member for Mid Dorset and North Poole mentioned carbon monoxide. We all know that is a silent killer and it is extremely important that landlords keep their gas safety checks up to speed, to ensure that gas appliances such as a boiler, cooker or gas fire are not a threat to people who are in a commercial transaction with the landlord. They are paying a good rent and deserve a good and safe service.

David Mackintosh: Does the Minister agree that some local authorities would be better at this than others, and that when the measure is introduced we must make sure all authorities are acting in the same way and that training or information is provided when necessary?

Mr Jones: My hon. Friend has had significant experience as a councillor and at one point was a council leader, so he is well placed to speak on this matter. He is absolutely right. We have had a number of discussions on the same theme and part of the Government's work is to bring forward from our Department a team of advisers. Local authorities do not often go out of their way to get something wrong or deliberately not follow guidance, but there are occasions when it is helpful to have someone working alongside to go through the guidance and to help develop local policy. That is certainly what we intend to do with our advisers. It is about assisting local authorities to get this right and I am sure all local authorities want that.

There is an existing framework that offers local authorities strong powers to make landlords improve a property. The health and safety rating system is used to assess health and safety risk in residential properties. Local authorities can issue an improvement notice or a hazard awareness notice if they find a defect in a property. In extreme circumstances, a local authority may even decide to make repairs themselves or to prohibit the property from being rented out. In the worst case scenario of an unsafe gas appliance, no member of the Committee would want that property to be rented out.

The Government are determined to crack down on rogue and criminal landlords. I mentioned the Government's significant progress. I will not go into more detail, but in addition to the civil penalties I was talking about, we have provided £12 million to a number of local authorities. A significant amount has gone to London authorities to help tackle acute and complex problems with rogue landlords. More than 70,000 properties have been inspected and more than 5,000 landlords are facing further enforcement action or prosecution. We have also introduced protection for tenants against retaliatory eviction when they have a legitimate complaint. All members of the Committee will agree with that.

I want to pick up a couple of other points made by my hon. Friend the Member for Enfield, Southgate. He mentioned vulnerability and complex needs, and I think his concern was about this group of people who are not necessarily caught by the definition of "vulnerable" or "priority need". I am not unsympathetic to what he was saying and will consider it and the comments by the hon. Member for Westminster North. I also noted the challenge from my other hon. Friends.

My hon. Friend the Member for Enfield, Southgate made a good point about temporary accommodation. We are absolutely clear that wherever practicable, local authorities should place people in their own area. Obviously, there are situations where that is not practicable and we are clear that factors such as where people work, where their children go to school and so on are taken on board. Local authorities should—we fully expect this—take those factors on board in meeting their statutory responsibility.

Ms Buck: As the Minister knows, Westminster is now reversing its practice of maintaining most temporary accommodation in-borough and announced last week

that most homeless households will, in future, be discharged into the private rental sector outside the borough. Will he define "practicable" for this purpose and will he clarify whether that means "affordable", given that Westminster is praying in aid Government policy and cuts to housing support as an explanation for that policy?

Mr Jones: We are being very clear: when we say that local authorities have got to take steps to house people in their borough unless it is not practicable, we mean that they must use every means and method at their disposal to ensure that they house people in their local area. If they do not, they have to take people's circumstances into account. It is very difficult to see how any local authority could take an approach where, for example, a family with two children, both doing their GCSEs at a school in a particular borough, are sent to another part of the country at such a vital time, without it breaking the law. It would clearly not be taking that family's situation into account.

I heard the earlier point made by the hon. Member for Westminster North. We are absolutely committed to replacing the temporary accommodation management fee with a flexible grant from this April. Funding of £616 million is available in that sense, and for the next three years. The grant will give local housing authorities far more flexibility on how they manage homelessness pressures. My officials are working with London authorities on temporary accommodation procurement. I am well aware that, in certain circumstances, London local authorities compete against one another for temporary accommodation. We need to look at all that can be done to try to avoid that situation.

As I mentioned, the Housing and Planning Act 2016 included measures to crack down on rogue landlords and we plan to implement those in 2017. That also includes the rogue landlords database for property agents, and banning orders for the most serious and prolific offenders.

In summary, we expect prevention and relief activity to increase following the implementation of the Bill. The provision seeks to ensure that those who are vulnerable are afforded the necessary protection. I believe it strikes the right balance, although I have listened carefully and heard what hon. Members on both sides of the Committee have said. I will take the concerns that they have raised about the way in which clause 12 will work back to the Department and will look at it further.

Question put and agreed to.

Clause 12 accordingly ordered to stand part of the Bill.

Clause 13

EXTENT, COMMENCEMENT AND SHORT TITLE

Question proposed, That the clause stand part of the Bill.

Bob Blackman (Harrow East) (Con): To conclude the debate on clause 12, the original intention, as I said in my speech last week, was rather broader. The concerns that colleagues—not least the hon. Member for Westminster North—have raised need to be looked at again. I am glad the Minister has agreed to do so to see what further action we can take to broaden the scope of clause 12.

Clause 13 is the final clause in the Bill, but this is not the final debate we will have. It is a relatively straightforward clause that obviously relates to the usual matters, namely the extent of the Bill, the provisions for commencing its clauses, the ability of the Secretary of State to lay regulations as necessary and the title.

10.15 am

There have been some questions about the fact that the Bill, if it becomes an Act, would extend to Wales. For the avoidance of doubt, I will explain the wording in the Bill. If the Bill is passed and becomes an Act, it will form part of the law of England and Wales. It would not make sense for a Bill to extend to England and not to Wales, because England and Wales form a single jurisdiction—legislation cannot form part of the law of England without forming part of the law of Wales. However, the application of the Bill's substantive provisions, which is basically their practical effect, will be restricted to England. I understand that the Welsh Government have confirmed that they are happy with that approach and with the way in which the Bill works in relation to their legislation.

One major facet of the clause is the statutory instruments that may follow from the Secretary of State when the Act comes into force if it is passed by both Houses. I hope that the Minister, in his response to the debate, outlines some of the actions that may be required to bring the Act into being. Yesterday, we had the long-expected announcement of the finance that comes with the Bill. Without the finance, it would be extremely difficult if not impossible for most local authorities to implement the Bill, make it live and help the people whom it is intended to help. The Government announced some £48 million to implement the Bill, which was extremely welcome. However, I have heard some local authorities voicing concerns that the funding that the Government have provided will not be sufficient to deliver the burdens of the Bill.

We still have clauses and Government amendments to debate, but it is important that we examine how the Government intend to roll out the measures. If the Bill becomes an Act, does it become operational on 1 April or on another day in early April? If so, does that mean that local authorities will suddenly be faced with a burden of how to implement the provisions of the Bill?

My intention in promoting the Bill was always to change and revolutionise the culture of local authorities, and to ensure that people who face the terrible crisis of homelessness or are threatened with homelessness receive help, advice and support from their local authority as soon as possible. However, I recognise that it will not necessarily be in the gift of every local authority in this country suddenly to implement this very revolutionary legislation and new burden.

Equally, there is a concern that, although there is funding in the next financial year and in the following one, the Government obviously consider that the Bill will be revenue-neutral thereafter. I would love to be in a position whereby we can say that we have solved the problem of homelessness, and that no one will be threatened with homelessness or become homeless.

The Chair: Order. I am interrupting the hon. Gentleman because we are moving into a discussion about financing. Obviously it is legitimate to have a discussion about financing, but we will have only one such discussion.

[The Chair]

I had rather expected that it would be when we were discussing clause 1 or clause 7 stand part rather than now. My own view is that it would be better to discuss financing in the context of clause 1 rather than in the context of the commencement date.

Bob Blackman: I will take your guidance, Mr Chope. As the Bill's promoter, I am very happy to discuss finance under clause 1.

Michael Tomlinson: I, too, see the force of discussing finance under clause 1. On clause 13, my hon. Friend mentioned timings, on which he is being understandably sensitive. As the promoter of the Bill, when does he envisage the measures we have been debating so extensively coming into force?

Bob Blackman: In an ideal world, I would like this to be implemented immediately, but I recognise that councils will need time to prepare, and to recruit and train staff. They will also need to capture a lot of data. Local authorities that do a good job on homelessness prevention will have data on potential landlords, properties that may be available, help and advice from the third sector and other organisations that have the capability to provide the help and assistance required under the legislation. The concern is that a large number of local authorities are not in that position and will need time to gear up. They will need to begin the process of staff recruitment and the time to train people. They will need to change the culture in which they work—we must remember that the original culture is denial of service to homeless people unless they are in priority need. The Bill will change the cultural aspects. I hope local authorities around the country are planning how they will implement the legislation.

Will Quince: Further to the point made by my hon. Friend the Member for Mid Dorset and North Poole, and notwithstanding your comments, Mr Chope, on financing, when the finances are likely to be made available to local authorities so that they can undertake transitional work is clearly of some importance for commencement.

Bob Blackman: In planning how they implement the legislation, local authorities will need to consider how much it is going to cost them. I take your guidance, Mr Chope, that you do not want us to debate finance at this point, but in putting together those plans, local authorities will have concerns about the resources that they will need as well as the potential for large numbers of people, knowing that the Bill has become law, turning up at their local authority, which is when I suspect we will discover large numbers of hidden homeless people in this country—the sofa surfers that we spoke about in earlier debates.

David Mackintosh: Does my hon. Friend have any idea how and on what timeframe the cultural change took place in Wales? Could the Minister look at that? The Bill will affect a larger number of people, but we can learn lessons from what happened there.

The Chair: Order. We are discussing changing the law, not the culture. This is a very narrow clause about the extent, commencement and short title of the Bill. Normally, such a clause in a Bill would go through virtually on the nod at the end. It is only because we have changed the order in which we are considering the provisions of the Bill that we have not discussed finance. I have already made it quite clear that I think the best occasion to do that is in the clause 1 stand part debate. I am not going to allow this essentially succinct debate on commencement to develop into a Second Reading debate about the whole Bill.

Bob Blackman: Thank you, Mr Chope. I take your guidance. We do not want another Second Reading debate—we had one that was well attended and covered a wide range of contributions. It is fair to say that I have had representations from London Councils and the Local Government Association, including from its leadership, on the implications of enacting the Bill. There needs to be a discussion among the Committee so that we send a clear signal to the LGA and its membership about how the Bill will be enacted and delivered.

I hope the Minister sets out some of the Government's proposals for delivering the Bill and the sort of support that will be available from the Department for Communities and Local Government. Following your guidance, Mr Chope, we will not discuss finances, but the resources, training and special assistance that may need to be provided to local authorities are vital. Homeless people and people threatened with homelessness need to know at that crisis point in their lives that they will get support and assistance, and that local authorities are geared up and ready to deliver them. Without that, many of the great aspects of the Bill may fall into disrepute, and as its promoter I am determined that we should not reach that position.

Ideally, we would not have to change the law in this way, but all parties are determined to change the culture by changing the law. We have already said in debates on other aspects of the Bill that further sticks will be applied if they are needed to ensure that local authorities deliver on the promises that we expect them to make. I look forward to the Minister setting out further details on how the Bill will be delivered, so that local authorities have certainty about what they will be expected to do and what support they can provide.

Mr Jones: I will not delay the Committee for too long on this clause. I hear your guidance on discussing cost, Mr Chope, and I welcome the fact that we can debate costs when we consider clause 1.

My hon. Friend the Member for Harrow East is not making an unreasonable challenge on implementation. Given the questions he has asked, I hope the Committee will allow me a little time to provide reassurance. His questions were mainly concerned with the speed—or lack of it, as the case may be—of the Bill's implementation, which other hon. Members also raised. In an ideal world, it would be great to see the Bill implemented as soon as Royal Assent takes place. However, my hon. Friend is experienced enough as a parliamentarian to be well aware that a Bill of this type takes time to be implemented because of the secondary legislation that will follow, the code of guidance that will have to be updated and the statutory code of practice that may

need to be implemented if things do not go to plan. Those processes will certainly require consultation with local authorities. We will work closely with them to implement these important measures because we understand their concerns that they will be stepping into the unknown—they will be supporting a group of people to whom they have not hitherto had to provide such support.

It is difficult to give exact timings. I am not going into finance, but what I can say to my hon. Friend is that the funding for the measure would be available now if we were in a position to implement now, and it will be available when we come to that point.

10.30 am

Mr Burrowes: Will the Minister be learning lessons from Wales, where there was a lead-in time before implementation? That helped to bring together a collaborative effort. Will he be relying on the trailblazers to be at the forefront, to ensure delivery as we transition to full implementation?

Mr Jones: My hon. Friend has brought me to where I wanted to be and prompted me on to my next two subjects.

First, we can look to the Welsh legislation to learn from its implementation. My officials are certainly doing that, and we have done it in relation to a number of areas in the Bill so far. My hon. Friend suggests an extremely sensible approach.

Secondly, I was about to come on to the prevention trailblazers. We have given £50 million to local authorities to undertake the rough sleeping work. Authorities across the country will already be gearing up for the legislative changes—testing new methods, gathering new data and working with external organisations to meet the aims we all want to achieve. I assure my hon. Friend that in that sense we are looking to what Wales has managed to achieve in a relatively short space of time, and we are also looking carefully at the prevention trailblazers. I have considerable hopes that those prevention trailblazers will really blaze a trail in creating the culture that we need to implement the legislation successfully and help people to get off the streets.

We are absolutely committed to the implementation of the Bill. We will be working closely with local housing authorities to ensure that the process takes no longer than it must, but it cannot be rushed. We have to get it right if we are to make a success of the Bill. On that basis of co-operation and in the spirit of how the Committee has worked, I will leave my comments there.

Question put and agreed to.

Clause 13 accordingly ordered to stand part of the Bill.

Clause 7

Deliberate and unreasonable refusal to co-operate: duty upon giving of notice

Question proposed, That the clause stand part of the Bill.

Bob Blackman: As the Committee knows, we reordered the business because we anticipated amendments being tabled to this key clause. It is clear, however, that we do not have any amendments to discuss today. I know that many of us will be disappointed by that, and I want to update the Committee on the situation and the reasons why we have reached this position.

In our last sitting before Christmas, I reported that we had discovered a technical problem with clause 7 —specifically, that the clause was drafted too widely. At that time, we believed that a simple amendment would resolve the issue, tightening up the circumstances in which the provisions of the clause could be triggered. However, when drafting the amendments and the consequential amendments to other parts of the Bill, the local government sector and the charities that work day-to-day with homeless people—namely Shelter and Crisis—identified further issues with how the prevention and relief duties would be ended should an applicant refuse an offer of suitable accommodation. That is obviously a key part of how the Bill will work in incentivising applicants to work co-operatively with local housing authorities. If it did not work correctly, there would be a very real risk that the Bill would create an unacceptable new burden on local housing authorities and would fail to achieve the policy objectives.

I have been working with my hon. Friend the Minister and with Shelter, Crisis and the Local Government Association to address the issues that have been identified. The priority has been to ensure that we maintain protections for all applicants who co-operate with the new duties. That has involved working through the complex relationship between the Bill and the existing legal framework to ensure that the protections for those in priority need are not affected unacceptably. We want no reductions in how priority need households are assisted. We want to make it clear to new applicants that we are providing help and assistance, but it is not a one-way street.

We are now exploring potential solutions and hope to be in a position to resolve the situation on Report, with amendments tabled by Friday. I hope that if colleagues have concerns they will place them on the record so that I, as the Bill's promoter, and the Minister can look at them in the round and make sure we deal with the issues that have rightly been raised by the charities and the LGA and in other representations we have received on this clause.

When we debated clause 3 in December, we discussed the new duty on local housing authorities to assess the applicant's case and agree a personalised plan. Clause 7 outlines the important steps that must be followed in those hopefully rare cases where an applicant deliberately and unreasonably refuses to co-operate with the key required steps set out in the plan that they agreed with their local housing authority. This process is designed to include safeguards that will protect vulnerable applicants from abuse of the process.

When people who are threatened with homelessness or are actually homeless present themselves to the local authority, they might be in a state of difficulty not only from a mental health point of view, but in facing this problem for the first time in their lives. If that is the case and they are directed to do things by a housing authority, they may not appreciate and understand the plan. Throughout the development of the Bill, I have listened carefully to the views of the homelessness charities to ensure that vulnerable individuals are not unfairly penalised for non-co-operation on some of the very issues that caused them to seek assistance in the first place.

[Bob Blackman]

The clause includes numerous safeguards that I will outline briefly. I can assure the Committee that, in the recent discussion of amendments, my key driver has been to protect those safeguards and to enhance them if possible, so that no one is placed in a position whereby they feel they have been fooled and tricked into accepting something that they do not want.

Michael Tomlinson: Before Christmas, my hon. Friend characterised the clause as "tough love". Given his recent comments, does he anticipate that that will remain his attitude in relation to the clause, or has it changed?

Bob Blackman: I do characterise the clause as tough love. I do not believe it is acceptable for someone to arrive at a local authority and say, "Under the law, you have to provide me with housing; I do not have to do anything," and then fold their arms, sit back and wait for the local authority to do things. Part and parcel of the clause is to say that there are responsibilities on the local authority and on individual applicants.

Clause 3 is about personalised plans. Under clause 7, if applicants do not co-operate with the local authority, it can terminate the duty. That is the tough love that I previously described. That is where the bar is placed in terms of a deliberate and unreasonable refusal to co-operate. I am very clear that we want to ensure the bar is sufficiently high so the local authorities do not disadvantage applicants, but at the same time make it clear to them that they have to co-operate with the local authority that is assisting them in alleviating their homelessness or threat of homelessness.

The personalised plans will clearly set out the required steps that have been agreed between the applicant and the local housing authority. The steps must be those that are most relevant to securing and retaining accommodation. In some cases, the applicant and the local housing authority may not be able to reach an agreement about the actions despite trying very hard to do so. If that is the case, the required steps will be those recorded in writing and considered reasonable by the local housing authority.

The local housing authority will be required to keep under review both its assessment of the applicant's case and the appropriateness of the required steps. If the local housing authority considers that the applicant is deliberately and unreasonably refusing to co-operate, it must give them a warning—it is not acceptable that it ends its duty at that point—explaining the consequences for the duties owed to the applicant if they do not begin to co-operate. At that point, if the individual sits back and says, "I'm not doing anything. I'm not taking the steps that I have agreed to take," the authority can use a sanction.

The local housing authority must also allow a reasonable period for the applicant to comply and take external advice if necessary. If the applicant continues to refuse to co-operate following the warning, the local housing authority can choose to issue a notice that brings to an end the duties under proposed new section 195(2), the duty to take reasonable steps to help the applicant prevent homelessness, and proposed new section 189(b)(2), the duty to take reasonable steps to help secure suitable accommodation for those homeless and eligible for assistance.

Michael Tomlinson: My hon. Friend mentioned a reasonable period, which appears in proposed new subsections (4)(b) and (8), but, unless I have missed it, there is no precise definition in clause 7 itself of what a reasonable period is. As he knows, a reasonable period for one man may be a very unreasonable period for another. Can he, as the promoter of the Bill, indicate to the Committee what he envisages would and would not be a reasonable period?

Bob Blackman: If I could just continue the point. The notice must explain the reasons for giving the notice and its effect, and inform the applicant of their right to request a review of the decision to issue a notice and the time period for doing so. My hon. Friend is a learned lawyer, and reasonableness is an issue that has been tested by the courts on many occasions. What is reasonable to an applicant facing a crisis and what is reasonable to a local authority may be two different things. It is difficult to lay out every detail in the Bill; regulations may be required to specify the period, and in the code of guidance that will be issued when the Bill becomes an Act, I expect to see a clear statement to local authorities of what is considered to be a reasonable period. If local authorities are acting in what the Minister and the Department consider to be an unreasonable manner, we may have to insist on a code of practice to set out that detail. I trust that local authorities will see that they are seeking to end the duties that they have to the applicant, so they must act in a reasonable manner.

As a final safeguard, where the prevention or relief duty has been ended under these measures, rendering the main housing duty inapplicable, the local housing authority has a further duty to the applicant if they are homeless, eligible for assistance, in priority need and became homeless through no fault of their own. In such cases, the local housing authority must as a minimum make a final accommodation offer of an assured shorthold tenancy of at least six months. To ensure that that measure and the safeguards work effectively, the clause also allows the Secretary of State to issue regulations setting out the procedures to be followed by local housing authorities in connection with notices.

10.45 am

There is therefore clearly a safeguard for my hon. Friend the Member for Mid Dorset and North Poole in the Bill, in that regulations can be laid if necessary to set out this whole process. I do not think it is reasonable for us to set out all those processes and procedures in the Bill, because they may change during its operation. As we have said previously, we are changing many aspects of legislation, much of which goes back 40 years, and this is clearly one of the areas in which we will have to see how the Bill operates. One challenge may be the level of homelessness, the number of applications a local authority receives and the resources available to it.

The clause will help to establish a process whereby people who are homeless or at risk of becoming homeless are encouraged to work proactively with their local housing authority to take responsibility to prevent or end their homelessness as soon as possible. Taken together

with the other clauses in the Bill, the clause means that if applicants who are threatened with homelessness up to 56 days prior to becoming homeless put together a plan with the local authority and that plan is followed, no one should become homeless. We all understand that people will face more direct crises and need to approach a local housing authority much nearer the time that they become homeless, and may become homeless through no fault of their own and need assistance, but the clause is intended to ensure that applicants understand that this is not a one-way street where they turn up to the local housing authority, set out their case and then wait for the local authority to provide them with somewhere to live. The clause means that there will be a requirement on them, and importantly, if they do not accord with the plan and the steps that they have agreed to implement—

Mr Burrowes: Will my hon. Friend give way?

Bob Blackman: I will.

Mr Burrowes: My hon. Friend has indicated that there have been discussions about amending the clause. So that the Committee is clear, is he concerned that although the clause ensures that the full rehousing duty is retained for those in priority need if there is a failure to co-operate—as Shelter and others have said, that is an important backstop—it is currently too wide and could lead to a penalty, not just in terms of compliance with the plan but in relation to the wider prevention and relief duties?

Bob Blackman: Clearly, the intention is to lay out that individuals have responsibilities and must follow their actions. There is however a concern that in some local authorities—not all, but some—there could be an impact on priority need and vulnerable households. I expect that amendments will be tabled on Report to revise the position and make clear that we are talking, as I have said, about those who deliberately and unreasonably refuse to co-operate, but also to ensure that we do not impact the main relief duty. We have striven from the word go not to change the impact on individuals who are owed a responsibility by their local authority already.

I will continue to work with my hon. Friend the Minister to bring forward a package of amendments on Report, which I hope we will all be able to support. If Committee members want to put particular comments on the record so that we can use them in our deliberations between now and Friday, when we need to table the amendments for Report, I would be very keen to hear them. I will be working on the amendments over the next week, and I hope that Members will be able to support them when they come before the House.

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to serve under your chairmanship, Mr Chope. I greatly missed the Committee last week.

Bob Blackman: We missed you, too.

Andy Slaughter: I hear what the promoter is saying, but I am sure that it is not true, because the Committee had the services of my hon. Friend the Member for Westminster North. It is always dangerous to ask someone to stand in for you when they are more experienced, competent and knowledgeable on the subject, but there we are.

I will not be long on this clause. With all due respect to the promoter and the Minister, if we are to debate it all over again on Report, and we have yet to have the benefit of the amendments, I would rather wait and see what happens then. It is unfortunate that the Bill has had to be sliced in this way, and that we are jumping around from clause to clause. I understand that we all want to get it right, but it is not an ideal way to proceed, as will be clear when we come to clause 1. We Opposition Members will try to be as disciplined and organised as we can be, in order not to repeat ourselves or lengthen the debate more than is necessary, which is the guidance we have heard from Mr Chope as well.

Therefore, all I will say on clause 7 is that we do not oppose it; it is a necessary clause, because there has to be some sanction or limitation on the relationship between the applicant and the local authority. The key issue is getting the balance right. What is the balance? I pose the question, which may be better answered on Report, when we know the full extent of the clause. We are all familiar with the term "unreasonable", but are perhaps less familiar with the term "deliberate". There have been perfectly reasonable representations from both sides, if I can put it that way—from Shelter and from the Association of Housing Advice Services. One side of the argument is that it is essential that the bar is set very high, so that local authorities cannot evade their duty; on the other hand, the process must not be overly bureaucratic, or effectively provide no sanction because the applicant would be entitled to the same assistance as they would if they had not deliberately and unreasonably refused to co-operate. That question hangs in the air. As for the definition of "deliberate" and what might constitute that behaviour or how authorities would define it, that is a question that the Minister or the promoter may wish to deal with, although it may not be a matter for today.

I reserve any further comments. It is regrettable that we are doing this on Report. I remember having a conversation early on with the promoter, in which I said, "We might wish to table some clauses on Report," and he said, "Can you please ensure that you do that in Committee, so that we have a clean run at Report and Third Reading?" I think I may have to table something on Report myself now; we will see.

Michael Tomlinson: The hon. Gentleman mentioned unreasonable behaviour. I completely take his point and agree with what he says, but in clause 7, there is a definition to help local authorities define what the characteristics of unreasonable behaviour would be. Would he anticipate, as I do, that that sort of subsection will be essential in any sort of rewriting, to ensure that the most vulnerable are protected?

Andy Slaughter: Yes, but "unreasonable" is a term with which we and, more importantly, the courts are familiar, if a matter has to reach that point. "Deliberate" is a rarer and higher standard, and that term gives me pause, but I think the consensus is that it needs to be there, because "unreasonable" is not sufficient. I only ask for a slightly clearer exemplification.

Will Quince: I am conscious that there are likely to be further amendments on Report. I want to touch briefly on the new duty to assess cases and agree a plan. I very much support the idea of a personalised plan, whereby we empower those who seek help with a number of key steps that they are expected to take, which are reasonable, proportionate and, most importantly, achievable. That will encourage positive action and working together to find a solution, rather than people simply turning up at the council saying, "You have a duty to house me because I'm homeless." Instead, we will say, "Let's look at the steps we can take together to address the issues"—and, in many cases, the complex needs—"behind your homelessness or risk of homelessness before the situation gets worse."

No doubt we have all seen situations involving councils. It is difficult, because the vast majority of local authorities are excellent and take their duties and responsibilities very seriously. Some, however, discharge their homelessness duties far too easily, which has knock-on effects on other areas and local authorities. For example, if a borough or district council discharges its duty on homelessness for whatever reason, it puts added pressure—especially if children are involved—on either the unitary authority or the county council in respect of social services, and that is often hugely expensive compared with the action that could have been taken by the local authority.

There have been a number of comments on deliberate and unreasonable refusal to co-operate and the definition of "unreasonable". Clear guidance on what is unreasonable would certainly be helpful, but the addition of that word adds a safeguard. I used to be a lawyer as well.

Michael Tomlinson: Hear, hear.

Will Quince: I used to be; I am not any more, I am glad to say. The addition of that word protects those with mental health issues or complex needs. We know that the vast majority of people who are at risk of homelessness or are homeless have very complex needs.

I very much welcome the safeguards in the Bill, including the concept of a warning letter that clearly and succinctly sets out what will happen if someone fails to co-operate and the clear steps that will be taken after that. On the whole discharging of the duty, I welcome the fact that those who are found to have deliberately or unreasonably failed to co-operate, even after the warning letter, will still receive, as a minimum, an offer of suitable accommodation, with an assured shorthold tenancy of six months. That adds the necessary protection and safeguard. and stops additional pressure being put on county councils.

David Mackintosh: I am pleased that the clause is included, because I strongly believe in the principle of personal responsibility. Of course, public bodies have a duty to help people, especially those who are vulnerable or traumatised. I am sure we have all seen cases of people in difficult circumstances who, inexplicably, do not co-operate with the local authority, even in challenging situations.

Local authorities may well worry about how this new legislation will affect them. That is why I welcome the proposals. Action plans can be agreed between the council and the person seeking help, with proper, agreed actions for both parties to undertake. The council, of course, has a responsibility to help, but this also allows people to help themselves; as my hon. Friend the Member for Colchester put it, it helps to empower people. They are an active participant in the process and take some responsibility for their destiny. This is about much more than finding a home and helping someone in the short term. This helps people to set off on their future path, and create their own future.

11 am

Of course, the action plan must be realistic and achievable, but the principle is very important. I am pleased that clause 7 also sets out for local authorities what to do if a homeless applicant deliberately and unreasonably refuses to co-operate or follow the actions in their personal action plan. If someone is deemed to be unreasonably refusing to co-operate, written warnings will be issued and the authority can take action. It is helpful and appropriate that this will not affect anyone who does not co-operate because of mental health issues or other complex needs. Having a plan is halfway to solving the problem, so the clause is a helpful part of the Bill, and I welcome it.

Helen Hayes: It is a pleasure to serve under your chairmanship, Mr Chope. I want to put on the record my disappointment that we are not able to debate amendments to the clause in Committee. The judgments and the balance of responsibilities involved in the clause are among the most complex and sensitive of any aspects of the Bill. We should have the opportunity to consider the balance of responsibilities and judgments in full in Committee with the wording that is likely to make it into the Bill.

The case that the hon. Member for Harrow East described of a person who simply sits back and does nothing about their circumstances is indeed clear cut, but in my experience such cases are extremely rare. Much more common are cases that involve judgments around the location and type of property. Those judgments involve issues about which many of us, if we had the misfortune to find ourselves homeless, would also feel strongly. People who find themselves homeless often feel, quite rightly, a strong sense of injustice and a high level of distress around their circumstances. They want things to be put right in such a way that they can imagine rebuilding their life in acceptable circumstances. Judgments as to what somebody would regard as a suitable offer of accommodation are therefore necessarily very difficult and sensitive.

The Bill also seeks to bring about a change in homelessness culture and practice in local authorities. In its inquiry, the Communities and Local Government Committee certainly saw evidence of gatekeeping practices in some local authorities. It was common practice for them to look for minimal reasons to discharge the duty; we have to get rid of such practices.

The change in culture, the complexity of the judgments, the balance of responsibilities and the definitions of reasonableness and suitability that will apply to cases are sensitive and complicated matters and should not be left for us to consider in full on Report. I look forward to debating them further on Report, but I want to put on the record at this stage my disappointment that the Government have left this matter so late.

Mr Burrowes: I will follow on from those points in a similar vein. We are, in a somewhat rarefied Committee, looking at deliberate and unreasonable refusals to co-operate, while being far removed from the challenging circumstances faced by people, particularly those with complex needs. Even with revisions to the Bill on Report, we must be clear that the bar is set at a level that will ensure that there is understanding, particularly of those with mental health and complex needs, and that those needs are taken into account when considering what is deliberate and unreasonable. That does not mean that those people will not be liable to being deemed to have refused to co-operate. We need to look sensitively at how we ensure that the most vulnerable are taken account of properly.

On discharging duties, I recall a case in which the NHS was able to discharge its duty of care to a vulnerable constituent who had complex needs and was paranoid. When people knocked on the door to see whether he was going to co-operate, unsurprisingly he did not answer, because he was paranoid; it was a part of his condition. He repeatedly refused to answer the door, so the NHS discharged its duty of care to him. As for the safeguards in this provision, there is a warning letter. We need to look in detail—this matters—at how that warning letter will be communicated and take proper account of people's needs, which include communication difficulties.

Michael Tomlinson: That is exactly the point I made a few moments ago. Subsection (6) refers to taking into account the "particular circumstances and needs" of the applicant. My hon. Friend's story highlights the reason why we need that safeguard in any future redrafting of the clause—to protect exactly the sort of people he is talking about.

Mr Burrowes: We need to ensure that when the rubber hits the road, there is a reality to this, so that there is not the lowest common denominator of just discharging a duty, but there is a real, positive intent to meet people's particular needs.

It is important to ensure there is reassurance and the backstop provided by new section 193B(4). The full rehousing duty for those in priority need must be maintained. We have often praised the Welsh for getting there first with the prevention duty, but this clause will do a lot better. It will ensure that, in this case, we do not follow the Welsh example, where legislation allows an authority to discharge all duties for those who refuse to co-operate and where there is evidence of one in eight households now being refused further help; emerging evidence suggests that they are often vulnerable people with support needs. That is despite codes of guidance, which we talked about in previous deliberations.

It is so important that we get this right. This is where it could go wrong, despite all the codes of guidance that might be produced. I welcome the care that has been given to ensuring that we get this right. The litmus test is those with complex, particular needs. We need to ensure in this deliberation on what is deliberate and unreasonable that we have a true understanding of vulnerable people.

Michael Tomlinson: I, too, rise to say that I am disappointed by the difficulty that this Committee has been put under in not being able to look at clause 7. I agree entirely with my hon. Friend the Member for Enfield, Southgate and with the hon. Member for Dulwich and West Norwood that this is one of the most crucial parts of the legislation, and that a delicate balancing act needs to be got right.

That said, I support the principle. I agree with my hon. Friend the Member for Harrow East, the Bill's promoter, when he characterises this as tough love. My hon. Friend the Member for Northampton South mentioned personal responsibility, and the phrase "help to empower" was also used. I entirely agree with the principle behind the clause but am disappointed that we cannot thrash out more of the detail. I will certainly take up the invitation from my hon. Friend the Member for Harrow East to set out what I believe needs to be within the clause, although I support the thrust of it.

I had a meeting with a representative of East Dorset District Council—a local authority that you know well, Mr Chope, because East Dorset covers three constituencies: mine, yours and that of my hon. Friend the Member for North Dorset (Simon Hoare). The council is concerned not only about the potential burden on local authorities, but about the risk of this going wrong. The interplay between local authorities and housing associations was also raised.

Perhaps when the Minister gets to his feet in a few minutes, he will give me and those at East Dorset some reassurance on the clause as drafted, or as we hope it will be drafted in future, and on the interplay with housing association duties. Many of our local authorities own very little stock and rely on housing associations to perform many of their functions and duties. What is the interplay between that and the clause? Is there a risk that housing associations will fall short or have a lower standard than is the aim and intention behind the clause?

I have said before that we are looking at the most vulnerable. I agree that there should be a strict definition in clause 7. As drafted, the tough love aspect is whether an applicant has deliberately and unreasonably refused to co-operate. I agree with the hon. Member for Hammersmith that this is familiar territory for lawyers and courts. In my view, it is helpful to have as much detail in the Bill as possible. That is why I welcome proposed new section 193A(6), which states that the characteristics—correction, circumstances—and needs of the applicant should be taken into account. Perhaps the Minister and promoter of the Bill should consider characteristics.

My hon. Friend the Member for Enfield, Southgate gave a striking example of why it is necessary to take into account the circumstances and needs of the applicant. Knocking on the door might be sufficient for one applicant but not for another. Therefore, clause 7 needs that additional safeguard in its redrafted form.

The term "reasonable period" is also fertile territory for lawyers. My concern is that, if it is left in the Bill, lawyers will argue the toss that the local authority says, "Yes, it was a reasonable period," while the applicant says, "No, it was not because more time was required." I understand entirely the difficulty of putting that sort of detail in the Bill. An indication of the timeframe from the Minister when he is looking at redrafting may be helpful, although I do understand the risk of causing problems.

[Michael Tomlinson]

Finally, like my hon. Friend the Member for Colchester, I welcome the additional safeguard of a notice to inform and explain to the applicant. The Minister might pick up on one caveat. As drafted, subsection (8) provides for what would happen if a notice were not received. In an ideal world, we would need to ensure that notices are received. As we know, sometimes the serving of notices is not as straightforward in practice as it is to set out in a document. The Minister might consider and emphasise the need to ensure that notices are received.

David Mackintosh: Does my hon. Friend agree that it is important that there should be a written warning or notice rather than just a verbal statement? People could be confused and lose bits of paper, so it is important to have this written down.

Michael Tomlinson: I agree in part with my hon. Friend, but in fact it would be helpful to have both. Depending on the needs and circumstances of the individual, it could be helpful to have the notice read out. Of course, it should also have the fall-back authority of a piece of paper or document.

I would like the Minister to pick up the point in subsection (8) about the notice being

"made available at the authority's office".

Given we are considering the most vulnerable people, is that sufficient to draw attention to the fact that their rights are to be taken away under the homelessness provisions?

Mrs Drummond: My hon. Friend makes an extremely good point. If that information is not put very clearly in writing to the vulnerable person, surely the appeals will be more difficult. Will we see an increase in appeals if we do not get the clause absolutely right in the detail?

Michael Tomlinson: That is absolutely right. It is not only the difficulty with appeals, but the rise in the number of appeals, exactly as my hon. Friend says. As a former lawyer, I want fewer of these cases appearing in front of court. Far too often, we have seen lawyers arguing over clauses exactly like this one by picking up points of technicality and trying to say whether a notice was served. Every effort should be made to ensure that notices are brought to the attention of individuals, and I would like reassurance from the Minister specifically on that point because the clause takes away rights that we are seeking to give to individuals.

While I entirely support the thrust, aim and intention of the clause and its characterisation as tough love, I regret the fact that we are not able to debate its final form. We are almost shadow boxing in anticipation of what may or may not be incorporated into clause 7. I encourage the Minister to take on board all the points that have been made.

11.15 am

Mr Jones: I am afraid that I must start with an apology to the Committee. I know that the Committee was expecting to see the amendments today. Indeed, I was fully expecting to be able to introduce the amendments for consideration. I am sorry that circumstances have meant that that has not been possible.

My hon. Friend the Member for Harrow East has already provided a significant overview of the concerns we have been investigating over the past few weeks, so I will not go into too much detail in that regard. I simply say that we are addressing the two issues that have been identified with the clause. The first is that the clause is drafted too widely. While an applicant could be penalised for deliberately and unreasonably refusing to co-operate with the required actions as set out in the personal housing plan, as the clause is drafted they could also be penalised for deliberately and unreasonably refusing to co-operate with the authority in relation to the prevention or relief duties more generally. That is a broader formulation of the clause and is certainly not the one intended.

The second issue is that we are not confident that the balance between incentives and protections is right in cases where an applicant refuses a suitable offer of accommodation at the relief stage. We have been working closely with homelessness charities to resolve that and develop a way forward, and I hope to be in a position to say more before Report.

My hon. Friend has made it clear to the Committee this morning that we have spent significant time in the intervening period since the previous sitting and before then working with external stakeholders. We have been working with local authorities that have expressed concerns about what my first point may mean in relation to their duties, as well as with the charities that he mentioned, which obviously have significant concerns about the second point.

This is a very unusual situation. We have a private Member's Bill, and the Select Committee has looked at it and proposed amendments. The Government have worked with the Member to come up with a form of Bill that works. Within that, we have also had significant engagement with local authorities, the LGA and stakeholders, including charities. My hon. Friend mentioned Crisis and Shelter. It is a complex situation, and I am determined to work with him to get the legislation right. I reiterate my disappointment that I have not been able to debate what I would have liked and expected to debate with the Committee, and again tender my apologies to the Committee.

A number of measures in the clause remain pertinent. Many times during our consideration of the Bill, Members have spoken about the importance of culture change in building a more co-operative relationship between the local housing authority and those who need their services. That is already the case in the best local authorities. We want to encourage those who are homeless or at risk of homelessness to work with their local housing authority to prevent or relieve their homelessness as soon as possible. We believe that such a co-operative approach is better for the individual or family, and is better for local housing authorities, too.

The clause sets out the actions a local housing authority may take if an individual who has made a homeless application subsequently deliberately and unreasonably refuses to follow the steps in the personalised plan agreed between themselves and the local housing authority. In most cases, the local housing authority and the individual will take the agreed steps and work co-operatively to resolve the situation before it becomes a crisis. However, if the local authority considers that an applicant has deliberately and unreasonably refused to co-operate with the required actions agreed in their personal housing

plan, it must first issue a written warning explaining that that is the case, and that a failure to co-operate will result in the end of the duty to secure accommodation for the applicant. We will work with local housing authorities—this comes back to points that have been raised in the debate, on which I will now elaborate—to develop common-sense guidance on the meaning of "deliberate and unreasonable".

To pick up on the points made by my hon. Friends the Members for Harrow East, for Enfield, Southgate and for Mid Dorset and North Poole on applicants deliberately and unreasonably refusing to co-operate, statutory guidance will set out the Government's view on what that means. For example, it will include refusing to engage in negotiations with the landlord to prevent their tenancy from ending, or refusing to contact landlords or view properties. We have also talked about the definition of "suitable", which is set out in existing legislation.

Several hon. Members have asked what a "reasonable period" is. Reasonableness is a well understood concept in law, which my hon. Friend the Member for Mid Dorset and North Poole will understand. When considering what is a reasonable period, local housing authorities will have to have regard to all surrounding circumstances, which brings me to the point made by my hon. Friend the Member for Enfield, Southgate. We can consider saying more in guidance about the factors we expect local authorities to take into account when making the judgment. In doing that, I will take on board the comments made by hon. Members.

My hon. Friend the Member for North the Member for Mid Dorset and North Poole made a good point on the interplay with housing associations. Local housing authorities will work closely with a range of landlords as they deliver the Bill, as they are intended to do now. Housing associations are key partners in many respects, but the clause relates specifically to the applicant's co-operation with the steps that they agree with the local housing authority for their personal plan, and not with third-party organisations. I hope that clarifies the point for my hon. Friend.

The Chair: Before adjourning the Committee, I remind hon. Members that there are two substantial amendments to clause 1 to be debated. I think it would be convenient for the Committee to debate those two amendments together with clause 1 stand part.

11.25 am

The Chair adjourned the Committee without Question put (Standing Order No. 88).

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HOMELESSNESS REDUCTION BILL

Seventh Sitting

Wednesday 18 January 2017

(Afternoon)

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No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor's Room, House of Commons,

not later than

Sunday 22 January 2017

The Committee consisted of the following Members:

Chair: Mr Christopher Chope

† Betts, Mr Clive *(Sheffield South East)* (Lab)
† Blackman, Bob *(Harrow East)* (Con)
† Buck, Ms Karen *(Westminster North)* (Lab)
† Burrowes, Mr David *(Enfield, Southgate)* (Con)
† Donelan, Michelle *(Chippenham)* (Con)
† Drummond, Mrs Flick *(Portsmouth South)* (Con)
† Hayes, Helen *(Dulwich and West Norwood)* (Lab)
† Jones, Mr Marcus *(Parliamentary Under-Secretary of State for Communities and Local Government)*
† Mackintosh, David *(Northampton South)* (Con)
† Matheson, Christian *(City of Chester)* (Lab)
Monaghan, Dr Paul *(Caithness, Sutherland and Easter Ross)* (SNP)
† Pow, Rebecca *(Taunton Deane)* (Con)
† Quince, Will *(Colchester)* (Con)
† Slaughter, Andy *(Hammersmith)* (Lab)
† Thewliss, Alison *(Glasgow Central)* (SNP)
† Tomlinson, Michael *(Mid Dorset and North Poole)* (Con)

Glenn McKee, *Committee Clerk*

† attended the Committee

Public Bill Committee

Wednesday 18 January 2017

(Afternoon)

[Mr Christopher Chope *in the Chair*]

Homelessness Reduction Bill

Clause 7

Deliberate and unreasonable refusal to co-operate: duty upon giving of notice

2 pm

Question (this day) again proposed, That the clause stand part of the Bill.

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones): When we broke at the last sitting, I was coming on to the subject of written warnings. I nearly got one this morning, I detected, but was very fortunate that I evaded the wrath of the Chair.

We would expect that before a local housing authority issued a written warning, it would make all reasonable efforts to engage the individual, explore the reasons for their failure to act and try to re-establish a co-operative relationship. Following that written warning, if the applicant continued deliberately and unreasonably to refuse to co-operate, the local housing authority might choose to issue a notice that brings to an end its duties to prevent or relieve the applicant's homelessness.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I fear the Minister is about to move on. At that stage, is there not, under proposed new section 193A (3)(b), the right to request a review of that decision? The notice is therefore not necessarily the end of the piece, because the applicant may request a review if they feel they have been unfairly dealt with.

Mr Jones: There is, as my hon. Friend rightly points out, a right to review. I am sure he realises that I will not go into too much detail about that, because we will deal with it far more when we come to the amendments tabled to the clause on Report.

Where a local housing authority has brought its duty to an end in this way, and the applicant was made homeless through no fault of their own and is in priority need, the authority will be required to make a final offer of a private sector tenancy of at least six months. The Government will review and update the homelessness code of guidance to provide clear guidance on how that will work in practice. As I said, that will include guidance on the meaning of "deliberately and unreasonably" refusing to co-operate.

Guidance will be developed in consultation with stakeholders across local government and the charity sector to ensure that it is clear and fair. We had quite a lengthy debate about that this morning and will discuss it on Report, so I will not go into it any further. We must ensure that the provisions are clear and fair, and that we minimise as far as possible the risk of someone failing to get the support they need. We will also work closely with stakeholders across local government to develop further regulations relating to the process that local housing authorities should follow. As colleagues have said, that is key to getting this right.

This is an important part of the Bill and of driving the cultural change we want, so that local housing authorities and individuals work together for the best outcome within a framework that is clear and fair, with a balance of responsibilities. Although the need for amendments is disappointing for all of us, the importance of the clause drives my determination to make the amendments that the Committee expects.

Michael Tomlinson: I hope the Minister will at some stage address the point that not only I but a number of colleagues made about the particular circumstances and needs of the applicant. I understand that we will have an opportunity to look at the clause when it is rewritten, but we were invited by the Bill's promoter to make particular representations on those parts of the clause that we think should remain in it. Does the Minister agree that new section 193A(6) is an important part of it? Even if we do not use exactly these words, we should look at the applicant's particular circumstances and needs when assessing whether he or she has unreasonably refused to co-operate.

Mr Jones: My hon. Friend makes an extremely important point. We will deal with this in far more detail on Report.

Question put and agreed to.

Clause 7 accordingly ordered to stand part of the Bill.

Clause 1

Meaning of "homeless" and "threatened with homelessness"

Mr Jones: I beg to move amendment 16, in clause 1, page 1, line 5, leave out subsection (2).

Clause 1(2) of the Bill, which this amendment would leave out, currently makes provision about the implications of a notice given under section 8 or 21 of the Housing Act 1988, and court orders, for whether a person is homeless or threatened with homelessness. Amendment 17 makes provision about the implications of a section 21 notice.

The Chair: With this it will be convenient to discuss the following:

Government amendment 17, in clause 1, page 3, line 4, at end insert—

"( ) After subsection (4) insert—

"(5) A person is also threatened with homelessness if—

(a) a valid notice has been given to the person under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) in respect of the only accommodation the person has that is available for the person's occupation, and

(b) that notice will expire within 56 days.""—*(Mr Marcus Jones.)*

This amendment provides that a person will be threatened with homelessness for the purposes of Part 7 of the Housing Act 1996 if they have been given a valid notice under section 21 of the Housing Act 1988 in relation to their only accommodation and that notice will expire within 56 days.

Clause stand part.

Mr Jones: The Government have tabled amendments 16 and 17, which remove all of clause 1 apart from the extension of the prevention duty from 28 to 56 days and clarify that an applicant is threatened with homelessness if they have a valid section 21 notice that expires in 56 days or less. I am sure that most Committee members will be aware that this clause has been the subject of extensive discussion with and concern from the many external stakeholders who will be affected by the Bill, including landlords, local authorities and the charities working with those in need of housing support.

Prevention is vital to tackling homelessness. Getting in early and working with applicants before a crisis hits is key. The clause works in conjunction with the rest of the Bill and with current legislation to shift the focus towards prevention and to encourage those at risk of homelessness to seek help early. In the best local authorities in the country, that ability to seek help early is the guiding principle. I had a very good visit to Sevenoaks in Kent, where the council is absolutely following that principle. It is effectively putting the message out to local people that if for any reason they have a challenge in maintaining their housing, they should get in touch with the local authority at the first opportunity and go in to discuss those concerns. When concerns such as relationship breakdown, challenges with budgeting and redundancy are brought to the council, it has officers who have experience in those areas and are able to guide and support people with, for example, budget planning.

Will Quince (Colchester) (Con): Does the Minister agree that often when people experience life-changing events, be it a marital or relationship breakdown or the ending of a tenancy, they are not at that point in crisis? They often just need some really good, clear advice, which they can then reflect on, long before they reach crisis point. That is why this particular duty is so important.

Mr Jones: I completely agree. Too often, under the current legislation, people who get into those sorts of difficulties or experience those sorts of events do not know who to turn to—the local authority, the citizens advice bureau, a friend or even the local MP. I hope that this will lead to more clarity, and to people being quicker to approach the local housing authority, which might be working with the CAB or charities, to deal with challenges that are often not about housing, but that lead to people having a problem with their housing or, indeed, to homelessness.

David Mackintosh (Northampton South) (Con): My hon. Friend the Member for Colchester and I are part of the all-party parliamentary group for ending homelessness, and we have taken evidence. It has emerged that there are some very good schemes around the country that not only help people to find a home but equip them with the life skills they need. Would it be helpful if I wrote to the Minister with some of the evidence gained from the APPG's information gathering, so that he can pass on forms of best practice?

Mr Jones: I would be delighted if my hon. Friend sent me that information. As we have discussed, advisers will be going around the country and speaking to local housing departments to explain how this legislation works and help them with any challenges. There is some really good best practice—I mentioned Sevenoaks—including help with the general life skills that sometimes even the most able people struggle with when they experience a difficult event such as a relationship breakdown, as my hon. Friend the Member for Colchester said.

Clause 1 helps to tackle the bad practice whereby some local authorities advise tenants to remain in properties until the bailiffs arrive. It also includes some flexibility to allow local housing authorities to talk to landlords and work with tenants before they have to leave the property, to see if solutions can be found. We all know that our biggest challenge when it comes to priority need homelessness acceptances by local authorities is the ending of an assured shorthold tenancy. We firmly believe that if we can get in there and help people to maintain a tenancy before it is too late, we will not only do a very good job for those potentially losing their tenancy, but help the local authority, which will have time freed up to support people who are more difficult and challenging to deal with because of their circumstances.

Michelle Donelan (Chippenham) (Con): Will the Minister acknowledge that this is already happening in Wales? They opened up the period in which someone could be classified as being threatened by homelessness. That backs up this clause and proves that it will work to prevent homelessness.

Mr Jones: My hon. Friend makes a good point. It has been said outside this Committee many times and in the discussions I have had, particularly on the amendments we are looking to make to clause 7, that the housing market in England and particularly in London is very different from that in Wales. We can certainly draw many parallels with the Welsh legislation and have confidence that, in many ways, this legislation will have a very positive effect. On whether it will have the significant effect it has had in Wales, I make two points. First, local authorities in England were already better, in general, at preventing homelessness than those in Wales before the legislation was introduced; we need to take that point on board. Secondly, our assumptions—particularly on cost, which I will come to later—have been based very much on an acknowledgment that the housing market is very different in England, and particularly London and the south of the country.

Michael Tomlinson: Is not the point about clause 1 that all these notices are meant to be mandatory? The local authority will have confidence that it will be giving advance help, or that there will be more warning, in the knowledge that when the notice is provided, it will eventually lead to a possession order and therefore homelessness.

2.15 pm

Mr Jones: My hon. Friend hits the nail on the head. There is obviously an incredible amount of good will in relation to increasing the period over which people are

[Mr Marcus Jones]

supported and trying to mitigate the challenges they encounter before they become homeless, but some concern has been expressed about the approach. Landlords are worried that the flexibility could be misused by some local housing authorities to delay triggering their obligation to help tenants, which could result in increased costs for landlords in having to go through the courts to evict tenants and cause extra distress to vulnerable at-risk households. In general, landlords and local authorities were concerned that the clause as drafted was too complicated and could be misinterpreted or even misused.

My hon. Friend the Member for Harrow East and I have met a range of stakeholders to agree an approach that best addresses everyone's concerns while keeping at its core our overall aim of helping people to solve their housing issues before they become homeless. I thank all of them for their constructive engagement and for helping us to reach the approach that the Government are proposing. Local authorities and the housing charities have confirmed that they support the amendment.

The prevention duty provides that local authorities must work quickly and proactively with applicants who are threatened with homelessness to find a long-term housing solution during that period. The amendment adds to that by making it clear that any applicant with a valid section 21 notice that expires in 56 days or less is to be treated as threatened with homelessness and therefore offered the relevant help and support. Where applicants in those circumstances seek help, local housing authorities will be required to work with them to try to prevent them from becoming homeless before the notice expires. That should help to reduce evictions from privately rented accommodation and facilitate less disruptive moves to alternative housing when tenants do have to move out. It has been mentioned many times that once a family have paid a deposit bond to a landlord, if they are subsequently evicted quite often the biggest challenge is that do not have that bond to get back into the rental market.

Mr David Burrowes (Enfield, Southgate) (Con): On support from local authorities, how much engagement, involvement and sign-up from local authorities is there for the amended clause 1? I know that my hon. Friend has had discussions, and there will obviously be further debate about the costs. I think that some local authorities have been under a particular impression in terms of the somewhere-to-stay provision and using a cost element that is not focused on what is in the Bill now, although it will be if we pass the amended clause.

Mr Jones: There have been infinite discussions about this clause and the others. I think that, generally, the clause has been accepted readily by most people involved, particularly on the local authority side and by the Local Government Association. Generally that is because people recognise that if we gear our help to being upstream, rather than waiting for a housing crisis, that will significantly reduce the cost of helping people, but more important than the cost, it will put people in a far better position as individuals than would have been the case otherwise.

The end of a private rented sector tenancy is currently the main trigger for homelessness, so the Government commend the amendment as a way to ensure that valuable opportunities to prevent homelessness are not lost and that households are more likely to receive the help that they need at the right time. The amendment balances the need for flexibility for local housing authorities with recognition of the legitimate concerns of landlords and homelessness charities. Clear guidance will be issued to set out in more detail how that flexibility should be used.

Michael Tomlinson: With respect, the Minister is slightly skating over the significance of the amendment he tabled. It sweeps away any section 8 notices as well. He says he consulted landlords and other bodies, but perhaps he could deal with this, because section 8 notices can be mandatory as well. Why do only section 21 notices remain under the amendment? Why have section 8 notices been swept aside?

Mr Jones: I thank my hon. Friend for bringing that up. I will deal with that at the appropriate point.

As I said, the amendment balances the need for flexibility for local housing authorities with recognition of the concerns of landlords and homelessness charities, and clear guidance will be issued. I can confirm that to ensure that applicants threatened with homelessness due to the issuing of a section 21 notice receive continuous help and support through the prevention and relief duties, the Government plan to table an amendment on Report to clause 4—the prevention duty. That will require that while the applicant remains in the same property, the prevention duty continues to operate until such time as the local authority brings it to an end for one of the reasons set out in clause 4, even if 56 days have passed. In an ideal world, if we were dealing with the Bill in the usual order, I would have tabled that amendment once we had debated clause 1, in advance of the debate on clause 4. Regrettably, because of the timetabling and the challenges we had with clause 1, I was not able to do that, which I apologise for. Unlike with clause 7, that could not have been avoided at all.

The prevention duty may be brought to an end because, for example, agreement is reached by a tenant to stay in the property for at least a further six months; alternative suitable accommodation has been secured for the household; they have become homeless and eligible for the relief duty; or they have withdrawn their application. The amendment to clause 4 will address a concern raised by some charities that there may be cases where the 56-day prevention duty period has run out but the household is unfortunately still at risk of homelessness. They may not yet be homeless and would therefore, in some instances, not be covered by the relief duty.

To complement that change to the legislation, the Government will take other action to encourage people at risk of homelessness to present earlier to their local authority. We will amend form 6A, which is used to evict tenants through section 21, and amend the "How to Rent" guide to include information encouraging tenants to seek help earlier when they receive a section 21 notice and believe they are at risk of homelessness as a result.

David Mackintosh: Clearly, this will be a change for some housing authorities. As we have said before, that will require extra training. Will the Minister confirm that his Department is looking at that?

Mr Jones: As I have said a number of times, I fully believe that additional training will be necessary in some cases. Some local authorities are already doing many of the things being introduced in the Bill, but many local authorities are not. This morning the hon. Member for Westminster North challenged certain practices of housing options departments. The team of advisers that the Department will employ will be there to do just that—to embed the new legislation as it comes through, so that we get the result that we all seek and desire from the Bill.

My hon. Friend the Member for Mid Dorset and North Poole was right to raise section 8 notices and the reasons why our amendment will remove them from the Bill. For those served with a section 8 notice, there is a set defence procedure that tenants must have the option to follow through if they wish. For example, a tenant may wish to challenge a section 8 eviction if the notice is not valid, if they can prove the amount of rent arrears is wrong, if they have evidence that disproves their landlord's case, or if they have a counterclaim for disrepair. Any applicant at risk of homelessness within 56 days or fewer will be offered the prevention duty assistance by their local housing authority. The measure ensures that those served with a section 8 notice have the flexibility to dispute it if they wish, but will also be able to seek help should they be at risk of homelessness. I hope that allays my hon. Friend's concerns.

You said earlier, Mr Chope, that the issue of costs should be dealt with during the clause 1 stand part debate, in which we are also considering Government amendments 16 and 17. As I have said during the Bill's passage—on Second Reading and at Committee stage—the Government are committed to meeting the cost of the Bill, in line with the new burdens doctrine, and I announced yesterday that £48 million will be provided to fund the Bill. The Bill will place new duties on local authorities to prevent and tackle homelessness for all those who are eligible, not only those currently in priority need. In line with the new burdens doctrine, the Government will fund the cost of the new burdens placed on local government, including providing all households with free information and advice on preventing and relieving homelessness. As we have just heard, the prevention duty and the period in which local authorities have to work with people to do all they can to prevent homelessness, is increasing from 28 to 56 days. There is also an enhanced duty for those who are already homeless, meaning that local housing authorities will support people for 56 days to relieve their homelessness to help them to secure accommodation.

I assure the Committee that we have committed to working with the LGA and local authorities to establish a formula for distributing the funding that factors in the different pressures and costs in different places. We have discussed the far greater pressures in London and parts of the south-east than in other parts of the country. That said, we are acutely aware that there are challenges with homelessness across the country that we have to deal with, and we will reflect that in our discussions with the LGA. In addition to the money that will be provided for new burdens, we have committed to considering whether there is a case for a small amount of additional funding to help those areas facing the highest pressure. At this point, we have not made a complete assessment of what that figure will be, but we are certainly mindful that some places will face significantly greater challenges than others.

To give a headline view of how the costs have been worked out—I am trying to pre-empt questions from the Committee—the cost of the new measures has been determined by using current data on local authority homelessness spending combined with national statistics on homelessness. Those have helped us to arrive at unit costs for the various services. Assumptions were made on the effect of the Bill on such activities: for instance, we have assumed that the case load will increase as a result of the new offer to households at risk of homelessness.

We have also looked at the situation in Wales and judged that we will not increase the case load in England as much as was the case there. That is because there is already a more significant prevention duty in place in England than there was in Wales at the start of its legislation.

2.30 pm

Mr Burrowes: On the methodology, obviously it is important that there is as much agreement as possible on the basis for the Government's welcome funding commitment for the implications of the Bill. Certainly one cannot predict how much demand there will be for prevention services, but has as much agreement been reached as is possible with local councils and the LGA in relation to the methodology testing that has taken place up until now?

Mr Jones: There has been extensive discussion on that, and from the LGA's press statement it is apparent that it does not dispute the methodology used. It has talked about reviews—we can come on to that—but it has not disputed the methodology. On the methodology, we must be careful to ensure that we are comparing the potential cost with the burdens created under the Bill. On Second Reading, the hon. Member for Ilford South (Mike Gapes) spoke at considerable length about what he saw as a multimillion pound commitment that his local authority would have to meet as a result of the Bill. That included concern over the original proposal for a "nowhere safe to stay" clause, which after speaking to local government the Government considered carefully. Although in an ideal world it would be fabulous to do what that proposal intended, it would have created a huge new burden that would have been difficult to deal with. More particularly, the big challenge around that was that that new burden's demand could not be quantified. In many of the assumptions we have made in preparing the Bill, we have been able to use methodology relating to the experience of the Welsh legislation, and that legislation did not have provision for nowhere safe to stay.

David Mackintosh: I am grateful to the Minister for that explanation and for the work that has gone on behind the scenes to get the methodology. I note from the LGA's response that it asked for this provision to be looked at in the future. The hon. Member for Sheffield South East is not in his place, but I am sure that the Communities and Local Government Committee stands ready to help look at that again in the future, if required to do so. I make the offer, I am sure on behalf of all members of the Select Committee, that we will be willing to help and look at anything, going forward.

Mr Jones: I thank my hon. Friend for that kind offer. The Select Committee has taken an active role in the Bill—in fact, as he is well aware, a number of changes have been made as a direct result of its intervention. We will certainly look to review the policy and how it is working in practice once there has been time for the system to bed in. Bear in mind that the policy will not be implemented on the day that the Bill gets Royal Assent; it will be reviewed ahead of the new burdens assessment in the 2021 financial year. New burdens reviews do not lead to automatic recoupment of overpayments. Any review will be based on assumptions and estimates, although informed by experience on the ground. The actual policy cost may differ between local authorities, depending on how they choose to implement it. That is an important point, which we need to take into account.

Michael Tomlinson: On finance, it has been indicated that several amendments will be tabled in the future. My hon. Friend the Member for Northampton South was talking about a different thing; I am talking about the specific amendments, which may place additional burdens on local authorities, that may be tabled when the Bill returns to the Floor of the House. Will the Minister look at that issue again and give reassurance on it when the time comes?

Mr Jones: My hon. Friend is as perceptive as ever and makes an excellent point. Clearly, amendments will be tabled on Report. I assure him that anything in those amendments that constitutes a new burden on local authorities will be dealt with in the same way. There is nothing in the statement that we have already made that is not in the Bill today. If there are any additional costs as a result of amendments tabled on Report, they will quite correctly be dealt with separately from the £48 million that we announced in our statement. I hope that gives him some reassurance.

Amendments 16 and 17 represent the best balance between the interests of tenants, landlords and local housing authorities. I believe that the schedule of new burdens costs that we have set out for the Bill is fair and we did our homework in relation to the calculation of those costs. The clause is part of the excellent package that my hon. Friend the Member for Harrow East has brought together with the support of the Select Committee, the Government, housing charities, and in the main local authorities. I am pleased to propose that the Committee supports the amendments and clause 1 as amended.

Andy Slaughter (Hammersmith) (Lab): If I understood you this morning, Mr Chope, you would like single speeches addressing both the amendments and clause stand part. That is a sensible way to proceed. I observe in parenthesis that I would be the first person to be accused of being a hypocrite if I was to deprecate a filibuster. The only thing that I say is that in my experience, one usually does that when one does not care for the legislation one is talking over. I say to the promoter, the hon. Member for Harrow East, that I would hate, for the sake of posterity, for this debate to be one of rather more quantity than quality. I will try to set a good example by being clear, precise and concise while I hope covering the relevant points.

It would be churlish to say that the Government or the promoter have laboured mightily and brought forth a mouse by spending several weeks mulling over what we should do with clause 1 and then deleting 95% of it. I also asked those advising us to have a look at it and they could not come up with much better than deleting most of clause 1. So there it is; that is where we are. There is broad agreement that the new slimline version of clause 1 is better than the old version, so I concede that point. There were technical and policy difficulties with the original version and the more that everyone looked into them, the more irreconcilable and unresolvable they became. Although the revised version is better, there are still problems. I will not ask the Minister to respond to those problems today, but do ask him at least to look at some of the concerns and to consider, perhaps before the Bill emerges in the other place, whether clause 1 does the entire job.

Rather than spend a long time outlining the problems, let me just give two examples. The Association of Housing Advice Services said:

> "There is government guidance that requires councils to make a decision on a homelessness application within 33 working days (about 42 days). As an applicant is now threatened with homelessness as soon as they receive a section 21 notice, we must take the homelessness application at that point. Which means we will need to determine the application…before the S21 notice has expired and often whilst prevention work is still being undertaken. If we succeed in preventing"—

that is the local authorities—

> "homelessness after the application has been decided, we have to formally end it with an offer of accommodation; which is unnecessarily bureaucratic as they (still) have somewhere to live. Currently if we are negotiating with a landlord, we can delay starting the homelessness application (as they are not yet threatened with homelessness) until that fails."

However, Shelter says that

> "in cases where the prevention assistance does not prevent proceedings or help find an alternative home, the amendment to Clause 1 would allow the local housing authority say that the applicant was not actually homeless right up to the date of eviction. Only homeless applicants in priority need are entitled to interim accommodation, so authorities would not be obliged to provide interim accommodation until the applicant actually became homeless, which could still be interpreted by local authorities as the date of the eviction."

I am not saying that I entirely agree with either of those points, but they are worthy of consideration and are caveats to how the amended clause would run. They are not necessarily consistent with each other; indeed, in some respects they contradict each other. I just feel that we may not have resolved the fundamental issue with clause 1, although we have gone some way towards that.

My other concern relates to Government amendment 17 to clause 1, which refers to a "valid" section 21 notice having been served. What is a valid section 21 notice? I earned quite a lot of money arguing over that for a number of years, but in the end it was not my decision—it was the judge's decision as to what would be valid. In this case, I assume it will be the view of the local authority, but will it be correct and does it have the full facts on which to determine what is a valid section 21 notice? These things can be quite technical and complicated, and there is a body of case law, not surprisingly, as a no-fault eviction, which is what the section 21 notice is all about, behoves representatives and courts to look even more closely at the technical side of the matter.

Notwithstanding what the Minister said about section 8 notices, the new version of the clause does deal with section 21 notices. Again, these are technical legal points, so rather than the Minister responding today, he might want to go away and reconsider them before Report or even before the Bill goes through the other place. I was not entirely persuaded as to whether there is some inequality between the serving of a section 21 notice—a no-fault process—and a section 8 notice. Of course, there are other types of tenancy as well, some of which are less secure than assured shorthold tenancies, which can be terminated by a notice to quit. Where do they stand? Given that the Bill does not deal with the myriad tenancies under housing law, but with anyone who is made homeless, we need to able to deal with those matters comprehensively. I entirely understand the problem of trying to draft something that deals with section 8 notices as well as section 21 notices, but nevertheless we need to hear a little more at some stage about how the clause will impact on those tenancies—a minority, probably—that are terminated other than by a section 21 notice.

2.45 pm

I have said what I wanted to say on clause 1 as drafted. We need a clause 1; most Bills need a clause 1 and this Bill is no exception to that rule. *[Laughter.]* We have got there, albeit in a rather roundabout way.

Mr Chope, you indicated that there may be an opportunity—there certainly should be—to consider yesterday's written ministerial statement on funding, which, as we have said before, is a vital part of the Bill. I do not want to test the Committee's patience, but I simply want to say that we have reservations about that statement and the methodology applied. The statement itself appeared late in the day and was rather short. It was less trumpeted than some things that come out of the Minister's Department, which normally means that the Department is a little uncertain and not terribly proud of what it is doing. Had it thought the funds were sufficient for the purposes of the Bill, I suspect there would have been a little more fanfare and the statement would have been more attuned to the media than it was. I guess that was partly to do with the negotiation with the LGA and others.

Will Quince: Having seen the announcement from the Government for the £48 million, I was surprised to see the response from the LGA. I expected its response to be, "It's not enough. It's never enough. It cannot possibly be enough." In fact, its response was the opposite. It agreed fully with the Department's methodology, which is a huge credit to the Minister and his departmental officials. Why does the hon. Member for Hammersmith suggest it is not enough? The LGA has only said that the measure should be reviewed in two years' time, two thirds of the way into the three-year funding formula.

Andy Slaughter: We can all read the statements in the way that we wish to. Everybody wants the Bill to succeed. In the statements made not just by the LGA but by London councils and non-governmental organisations, I detected a sigh and a comment that seemed to suggest, "We hope this will succeed". I did not see anything in the LGA's statement or any other statement that said the funding was sufficient. The LGA's statement welcomed the Minister's comments in Committee that the Government wish to fully fund the Bill. I do not think it specifically said—hence the comment on review—that that was necessarily going to be the case. Let me rely on my own counsel rather than the LGA's in this matter. I am simply raising our concerns.

It is difficult—I will concede this to the Government—to come up with a figure, because we are in new territory. I appreciate that. That should be an absolute reason why the Government should adopt the view of the LGA and agree to a review. Perhaps the Minister will say whether we will get a review. If it is right that none of us can be absolutely certain, we need to know, within the time that the money is still being paid out, which is effectively one to two years, whether the money will be sufficient.

David Mackintosh: It is fair to point out to the hon. Gentleman that the Department for Communities and Local Government yesterday circulated to local authorities and us the background behind the funding of the new burdens for this Bill, which includes quite a lot of information about the assumptions. It talks in great detail about Wales, where there was a 28% increase in cases, and works out a sensible assumption for England. It is helpful to point that out to the Committee. I wonder whether he has seen it.

Andy Slaughter: Of course I have seen it and read it. I was slightly surprised that it appears to have come personally from the DCLG statistician, rather than the Minister. I do not know whether that is to allow the Minister, if it all turns to dust, to say, "Oh, it was just some functionary who produced that"—*[Interruption.]* Let me take the points one at a time.

First, there is the matter of quantum. Although we do not have absolute figures, because we are in new territory, all the indications so far—I quoted some of them earlier—suggest that £48 million is not going to touch the sides. I am sure the responsible Minister saw the article in "Inside Housing" on 21 December, in which a number of councils volunteered what they think it will cost them. Lewisham, for example, said it would cost £2.38 million per year and Ealing said it would cost £2.55 million per year. AHAS estimated, and I think the figure has increased since then, that the 32 London boroughs will have a combined bill of £161 million in the first year, which is substantially in excess of £35 million.

I appreciate that even in the two pages of methodology there has been no attempt yet to divvy the sum up among authorities, and I think one can anticipate that London authorities are going to get a larger share than some rural or district authorities. Nevertheless, there is such a disparity between what the professional bodies and local authorities have estimated and what the Minister has provided. It is, shall we say, unlikely that it is going to fully fund, even in the first year, the local authorities' new responsibilities.

Mr Jones: We do not recognise some of the very high figures that have been quoted. There is a lot of misunderstanding about what is within the scope of the Bill and what will be within the new burdens. There is also the question whether the savings that will offset the costs have been taken into account. Has the hon. Gentleman done any homework and asked the local authorities in question whether they have considered those issues?

Andy Slaughter: The Minister is getting ahead of me. I am dealing simply with quantum now. I will come on to the methodology next and the savings as a third point.

There is an estimated gap of nearly £200 million by the end of the decade in local authorities' current homelessness provision. If one looks at the fact that London boroughs spent £633 million in the last year for which figures were available—2014-15—on temporary accommodation, including £170 million of their own funds, and the fact that they are already subject to substantial reductions in funding, I am not surprised that they are very concerned about that. That is purely on the issue of quantum.

On the issue of methodology, I am not sure how far it takes us. Although something is better than nothing, I found it a slightly odd way of presenting the background information. I would like to see a full impact assessment. I appreciate that we may need to wait until we know exactly what the Bill is going to do. There may need to be a review of provision—the methodology concedes that—but once we know how the sum is going to be broken down, I would like to know exactly how the Government can justify their claim that this will be new burdens funding and that it will be fully funded.

On the issue of savings, of course we all hope for savings, not only cash savings but savings in human misery, bureaucracy and unnecessary action. I am, however, less sanguine than the Minister about the fact that that will all be resolved in one to two years. In part I say that because much of what the Bill will do is to encourage what we have often heard called a culture, a culture of local authorities doing more by way of prevention. Yet in a lot of the busiest authorities, prevention work is done—in 80% of cases in Camden, for example—so quite a lot is going on, and I am not persuaded that we will see an immediate culture change, or that that culture change will produce savings.

Savings are likely to come by averting homelessness for priority need cases, because that is where the substantial burden of cost comes. At the moment part of the point of the Bill is that a lot of local authorities are not taking their responsibilities seriously in relation to non-priority need cases. Thereby, if we simply see an increased focus on those cases on which there is not current expenditure, or people being turned away, I do not quite see where the savings are coming from or where the supposition comes that within two years there will be nil cost to local government. To be perfectly honest, I just do not believe it.

We could sit here all afternoon saying, "We think it is", or, "We think it isn't", but surely the sensible course is to have an early review to see whether the LGA's caution or the Minister's option is justified.

Mr Burrowes: I want to encourage an optimistic view, perhaps even a realistic one. The Welsh choice led to that 69% decrease in the first year. I understand that the assumption in the figures we are discussing is for a 30% decrease in homelessness, but is that not seeking simply to follow the Welsh model, which is a great success? The shadow Minister, however, says that there will be hardly any reduction or savings. He cannot say that. What is his concern with 30%? Is 30% too optimistic? Where would he say there will be reduction?

Andy Slaughter: The principal way in which a case could be resolved in Wales was by finding accommodation. We have been talking about Westminster for half a day, and we know that for the authorities with the most pressing housing need, finding accommodation is virtually impossible. It is not impossible in Wales; it is virtually impossible in many London boroughs. Resolving those issues will be expensive in any event—there is a higher cost attached, whether it is to mediation, landlord incentive, deposit schemes or whatever—but there is also less ability to do anything, so it will take more time and be more difficult to do. So yes, I am pessimistic about it compared with the situation in Wales.

If we do not know the answer, let us make sure that we build in a mechanism to ensure that we do know. I am sure that the Scots will agree with this, even if Conservative Members do not, but we do not want the initiative to fail, and certainly not for lack of resources. I will be delighted to make a public statement of having been totally wrongheaded about this if it turns out that within 18 months there is no additional cost to local authorities under the provisions of the Bill. At the moment, however, I am somewhat dubious about that. The Minister may call my bluff simply by agreeing to what the LGA wants.

Mr Jones: The hon. Gentleman talks about 18 months' time. Does he accept that the chances are that, in 18 months' time, we will have only a matter of months' worth of evidence on the effect of the policy and the costs and savings from it? It needs to be looked at over a longer period. The LGA is saying two years, but that is not 18 months.

3 pm

Andy Slaughter: I said 18 months because the money runs out in two years, as a maximum, but if the Minister wants to say two years, let us say two years.

My final point is one that I suspect the Minister has heard before. It is difficult to look at the Bill, especially the funding element of it, in a vacuum. There is a supply crisis, which is why my right hon. Friend the Member for Wentworth and Dearne (John Healey) urged the Government before Christmas to make additional properties available that were dedicated to relieving rough sleeping. Supply is a many-headed issue, but there is a specific issue about rehousing those who are in a particularly vulnerable position.

Mr Jones: The right hon. Member for Wentworth and Dearne may talk a good game, but the Government are playing one. We are putting in place move-on accommodation, and we are going to spend £100 million on providing 2,000 places for the very people that the hon. Member for Hammersmith is talking about. Does he welcome that?

Andy Slaughter: I gave way to the Minister because he was so insistent that I thought he had something new to say.

Supply is an issue, and so is security. We know—Government Members have said it today—that the biggest cause of homelessness is ending private sector tenancies, because of the opportunity for "no fault" possession and because of rising rents and landlord

attitudes. Our very sensible and moderate proposals for longer tenancies and for controlling rents would be a major way of controlling homelessness. The Government cannot ignore their own actions in relation to local housing allowance, the benefit cap and all the measures that we have heard mentioned today. I pray in aid Westminster City Council and other Conservative authorities, which are saying that they cannot cope because of the additional pressures that the Government are putting on them. Those pressures go right across the board for local authorities.

I will not labour the point. I simply say that the Government need to take a holistic approach and say, "Yes, of course we want the Bill's provisions to work and we want to fund them properly." However, we cannot do only that. We have to look at where the accommodation is going to be, at why people are increasingly coming to local authorities—there has been a substantial, 40% increase in the use of temporary accommodation over the last four years—and at the effects of other policies that are directly contrary to the intentions behind the Bill. I put that on the record. The question of money relates not just to the specific matters raised in the Bill, but to how the system works as a whole. At the moment the system is creaking incredibly. It is not getting better; it is getting worse.

Michael Tomlinson: I begin by picking up on one or two points from the hon. Member for Hammersmith. On a positive, optimistic note, let me start by saying what I agree with in his analysis of clause 1. He mentioned several other forms of tenancies, such as less secure tenancies; perhaps he could also have mentioned licences or those that are subject to a notice to quit rather than the more strict section 21 notice or court procedure. I agree with his analysis on that point. There are a wide range of tenancies that could have been encompassed within the clause but are not. I suspect that his analysis is right: that that is because of the sheer difficulty of juggling all the different potential tenancies. Look at the different Acts that we have to deal with, and that he had to deal with when in practice: the 1980, 1985, 1988 and 1996 Acts, all with varying levels and layers of interplay. I suspect that is why we find clause 1 drafted as it is.

I agree, to that extent, that as drafted and certainly as amended, the clause does not encompass a wide range of different forms of tenancy, especially those less secure. I will come back to section 8 and its interplay with section 21. However, I take issue with the hon. Gentleman and other Opposition Members on criticising and being too antagonistic towards no-fault notices and that regime. I agree that it is desirable to have as long-form tenancies as possible and I was heartened by the Minister's submission that confirmed that the average tenancy is four years. The Minister is nodding, so I heard that correctly.

Of course, that is not the whole picture but four years is a significant period. My concern, if no-fault tenancies are simply swept aside or undermined, is that landlords and potential landlords will be put off purchasing and letting out properties, so we would be in a worse position. That is a concern that the hon. Member for Hammersmith and his colleagues should look out for if they seek to undermine no-fault tenancies and those who are, on the whole, perfectly good, decent landlords, as we heard this morning. I will pick up later the points the hon. Gentleman raised on finances and his self-professed pessimistic view on life. I will encourage him to have a slightly rosier view by the time my speech finishes. Whether I succeed is another story. I see he is busy looking at his papers.

I start with sounding alarm bells on what the Minister mentioned in relation to finance of further potential burdens on local authorities. I mentioned earlier that I had had meetings with East Dorset District Council. My constituency covers three local authorities—East Dorset, Purbeck and Poole—and each will be concerned about additional burdens if additional resources do not match them.

I want to come back to finances but I was heartened by the reassurance that, if there are to be further amendments—as we understand there will be on Report—there will be an opportunity for additional funding. I simply ask that the Minister, as he has done at this stage, gives an early indication when the new clause is considered on Report of the level of funding he assesses as necessary.

I support the principle of clause 1 but my concern relates to notices given under section 8 of the Housing Act 1988. Although amendment 17 looks like it offers a neat proposal, in fact it sweeps away any reference to a valid notice being given under section 8. The Minister began to give an explanation of why notices given under section 8 are to be swept away, but I fear he did not give us as complete an answer as he may or should have done.

Section 8 notices are important. As the hon. Member for Hammersmith noted, section 21 notices are no-fault notices, whereas section 8 notices are given where there has been fault, where there has been a breach of a tenancy agreement. Section 8 notices are divided into two parts: mandatory and discretionary. If an allegation that a tenant has breached a mandatory obligation is proved, a judge as of right will give a possession order. That is the mandatory part of the notices given under section 8. If it is an allegation under the discretionary part, there is discretion as to whether a judge would make an order for possession. I therefore fear that throwing all section 8 notices out might not have been as wise a move as it looked, because what section 8 and section 21 notices have in common—at least partly—is that they may inevitably lead to a possession order.

Although I note the reasons that the Minister gave for keeping section 21 notices in—they are mandatory, and it is all but likely that they will lead to a possession order in any event—those reasons also apply to the mandatory part of notices given under section 8. Take arrears of rent: if there are two months' worth of arrears, both when the notice is issued and when the matter arrives at court, a possession order is mandatory, as it is in a no-fault procedure in relation to section 21.

However, I take on board what the hon. Member for Hammersmith said: there might still be a dispute about whether the correct notice has been given under section 21. I have stopped practising—I understand he has, too—but since October 2015, there has been a new regime for section 21 notices. They now have to be done on a mandatory form, whereas under the old system, when I was practising, there was no prescribed form for what a section 21 notice looked like.

[Michael Tomlinson]

I fear that throwing out all section 8 notices narrows things down too much, which is potentially unhelpful for those who inevitably will end up homeless. That is the thrust of clause 1 and why it has been devised: to help those who inevitably will end up homeless by inserting into section 175 of the Housing Act 1996 a change to the definition of homelessness. If it is inevitable that an individual—a tenant—will end up homeless, it is worth looking again at whether the mandatory parts of notices under section 8 should still fall into clause 1 as well.

We all want as many people helped as possible. I said I will come back to finance, but it is relevant in this instance as well. The more people who are helped earlier, the more it will help with the costs to them, local authorities, and housing associations or anyone who needs to take proceedings in court. It will also help in respect of the human cost. My understanding is that the clause's intention is to help people who are inevitably going to end up homeless, so I ask the Minister and my hon. Friend the Member for Harrow East, the Bill's promoter, to address this point: why have all section 8 notices been taken out, instead of retaining just the mandatory ones, where it is all but inevitable that a possession order will be granted?

I want to make a related point that shows the complexity of the Housing Acts. Perhaps at some stage a Government will be bold enough to look at a consolidation Bill—or perhaps not. Section 89 of the Housing Act 1980 is still in force. It relates to pleas of exceptional hardship, but that would only delay possession and not stop it. It is not a defence; it is only a mechanism to delay the inevitable. Even with that in place, it is still inevitable that people will be made homeless, and therefore help should be provided at the earliest opportunity.

Mr Burrowes: We are grateful for my hon. Friend's expertise on this issue. He has spoken about section 8, but section 7 is also not part of the amended clause, so should further consideration be given to including section 7?

Michael Tomlinson: May I clarify that my hon. Friend means section 7 of the Housing Act 1988?

Mr Burrowes: I do.

Michael Tomlinson: Section 7 is important, because it states whether possession is mandatory or discretionary. It refers to schedule 2 to the Act, which has 17 parts, the first eight of which list mandatory grounds for possession. The ninth to 17th grounds for possession are discretionary. Section 7 of the 1988 Act, which, if I understand correctly, is what my hon. Friend referred to, is what distinguishes between mandatory grounds and discretionary grounds. I can see he looks slightly puzzled, so perhaps he means something else. If he did mean section 7 of the 1988 Act, it gives effect to schedule 2 and a body of law. Part I of the schedule sets out the mandatory grounds and part II sets out the discretionary grounds. It effectively feeds into notices given and possession proceedings under section 8 of the 1988 Act.

3.15 pm

On the financial commitment, I welcome the Minister's announcement that if there are to be further amendments, they will be properly costed. I dispute what the hon. Member for Hammersmith, with his admittedly pessimistic view of life, said on finances. I will pick out one paragraph from the assumptions, which seem to be very modest. The first paragraph of the assumptions that the Minister circulated yesterday afternoon made a comparison with Wales, which saw a 28% increase in cases. Homelessness prevention is more embedded in England than Wales. Some 66% of help is via prevention in England, whereas the figure was 44% in Wales. That is important. The Minister said that the rise will not be as pronounced, and that a sensible assumption will be a 26% rise. There is a relatively small difference between a 28% increase and a 26% increase, but as prevention in England is already at 66%, as compared with 44% in Wales, the hon. Member for Hammersmith made a gloomy and overly pessimistic assessment. He is not smiling, so I have not given him the sunshine that I promised at the outset of my speech, but we can live in hope.

The funding announcement, which the Minister promised throughout our proceedings, is important. I welcome the announcement yesterday, but I press him to announce additional news on funding on Report, when the Bill eventually gets there.

Helen Hayes (Dulwich and West Norwood) (Lab): I would like to take this opportunity to comment on yesterday's long-awaited announcement of funding for the Bill. The first thing to say is that the lateness of the announcement combined with its lack of detail is somewhat at odds with the cross-party spirit in which the Bill is being brought forward. All members of the Committee want major reform of homelessness legislation, so that it has a transformative impact on homelessness, but Opposition Members have always been clear that the Bill's success will depend on the Government's commitment to resourcing the new burdens in the Bill realistically and properly.

I am concerned about several aspects of yesterday's announcement. I want to put those concerns on record, and I hope that the Minister will respond to them. First, the Government must publish more detail on the formula and the assumptions used to calculate the funding commitment. How does that commitment relate to local authorities' estimates of costs? The briefing states that it does relate to them, but does not say how. What are the assumed activities that it will fund?

A number of the Bill's clauses change the way that local authorities will work with applicants who find themselves homeless, but the funding announcement does not make explicit the nature of the activities that the money is expected to fund. The briefing talks about an increase in cases, but does not say how local authorities' activities will differ under the new prevention duty. It is based on the assumption that practice will change and that local authorities' workload will increase, but I am simply not sure how that detail has been worked through. How do the new activities that local authorities will undertake under the new prevention duty relate to an increase in applicants, who may come forward earlier in the process? How are those two dynamics flushed out in calculating the funding? How does the funding commitment

take into account regional variance in cost and, in particular, the much higher costs faced by London boroughs?

From what I can tell from the detail behind the announcement, there appears to be an assumption that most of the additional money will be spent on administration and officer costs, not costs related to, for example, supplementing somebody's rental payments in order to sustain their tenancy during a period in which they are working through a benefit sanction. We need to understand that, because local authorities need to understand how the funding can be applied practically, and whether it is enough to make the difference we want.

It is important that the Government publish the distribution of funding across the country, by local authority, as soon as possible. On the face of it, if the funding is evenly spread, which I do not think it will be, £300,000 will be allocated per council area. If that is the distribution, or if the distribution looks anything like that, that is of great concern to me. It is significantly less than the sum—possibly considerably more than £1 million—allocated to the London Borough of Southwark under the trailblazers programme. That sum was presumably what the Government believed Southwark needed to undertake that work as a trailblazer. We need to understand how the distribution will work across the country and how it will relate to local authorities' calculations about their additional costs.

Finally, it is of some concern that the Government's announcement shows funding for two years, but none at all for the third year. While the Bill is clearly intended to reduce costs and homelessness, the desperate shortage of genuinely affordable housing, in London in particular, and the need for other measures—such as, in my view, tenure reform of the private rented sector—to help to reduce homelessness, it is at least possible, if not probable, that the reduction in costs and homelessness will not be entirely achieved within the first two years.

Without a commitment to looking again at funding beyond the first two years, and to fund local authorities as needed beyond that period, this really does not look like a long-term commitment from the Government to sorting out homelessness; it looks like a headline announcement to tick a box that says that the Government have fulfilled their pledge to fund the new burdens in the Bill. I am concerned that, having received the announcement very late in the day, we are left without time to consult properly with local authorities at a detailed, fine-grain, local level, or to scrutinise properly the level of funding, what it will fund and how local authorities have worked that through. Without that, I am concerned that this funding commitment simply lacks credibility. I therefore ask the Minister to confirm the funding arrangements beyond the first two years, and to come back with the further detail I have requested.

The lateness of the announcement, combined with the announcement we will receive and further amendments to the Bill on Report, somewhat undermine effective scrutiny of the Bill. Scrutiny, particularly of a Bill that commands cross-party support, is about strengthening legislation and making it as good and effective as possible. It is an important process from which the Government have nothing to fear. I regret that we have received this information so late in the day that the Committee, members of which have such a significant amount and depth of knowledge of homelessness and the process in the Bill, has not had the opportunity to scrutinise and debate it in greater depth. I therefore hope that the Minister will provide additional information as soon as possible, and that on Report we will have an opportunity to debate and scrutinise the clause with the benefit of further input from local authorities.

I represent two local authorities, Lambeth and Southwark, which are at the forefront of the intensification of the problem of homelessness. They are both under extreme pressure from the growth of homelessness in recent years, and are both doing the best they can on this significant set of challenges. Both authorities welcome the principle and intention behind the Bill, but they cannot be expected to work miracles. They need the Government to put the resources into officer time, and the funding necessary to mitigate and prevent homelessness properly within existing arrangements; into the provision of more genuinely affordable housing; and, perhaps more importantly than anything else in the very short term, into the reform of the private rented sector, so that authorities do not feel the pressure of successive no-fault evictions under the section 21 process presenting at their door.

Will Quince: I support clause 1. Extending the period for those threatened with homelessness from 28 to 56 days is one of the Bill's core elements, and it will make the biggest difference.

I very much welcome the clear definition of tenants as homeless once a valid section 21 notice has expired. I have been one of the largest critics of local councils that routinely dish out the advice to stay in a property until the bailiffs arrive. I have had numerous people come to my constituency surgeries who have reached crisis. They went to the council at the first available opportunity, when they knew they were getting into difficulty—they were getting into rent arrears or had complex needs, as the Minister pointed out earlier, or problems such as relationship breakdown—and their landlord was looking to end the tenancy, but they were told at that point by the local authority, "Stay in the property. Come back to us when you're in crisis—the point at which the bailiffs are knocking on your door." I have raised concerns about that for numerous reasons. Apart from the financial pressure it puts on that family, there is a huge social cost to them as well. I have two young children, and I cannot imagine what that is like.

I had a call recently from a constituent who told me that the bailiffs were at the door, and because she would not let them in, they smashed the window and tried to encourage and coax the children to open the door while she was not looking. That will stay with those children forever. If local councils are giving out this advice, it is disgraceful.

Mrs Flick Drummond (Portsmouth South) (Con): Does my hon. Friend agree that that approach discourages landlords from taking in people who may be on benefits, which reduces the number of houses available to them?

Will Quince: My hon. Friend is right. The reputation of local housing authorities among landlords is, in my view, at an all-time low, because of the approach that those authorities are taking to section 21 notices—not

[Will Quince]

all of them; many are very good, but some take this approach, and it leads to terrible reputational damage among landlords.

For the first time in our nation's history, there are more private-sector lets than social lets. The role of the private sector is vital, but we may undermine that by the approach we take with local authorities. If I were a landlord, would I take someone who is on social security benefits, or recommended by the LHA? I do not know the answer to that, but if there were other options, I probably would take them. At the moment, because of a shortage of housing supply, and because of the demand, landlords have other options, hence we see rent increases. The advice to stay until the bailiff arrives is not good advice in nearly all instances.

3.30 pm

I hope that the Minister can give me a little comfort on a point of concern: I preferred clause 1 as originally drafted; I wholly understand that advice has been given, and that soundings were taken from the LGA, landlord groups and others, but an element of flexibility is important. I am quick to chastise any local authority that dishes out, willy-nilly, the advice to stay in the property until the bailiffs arrive, for all the reasons I just gave; I have mentioned children, but there is also the point that if someone gets into further rent arrears and the landlord has to take court proceedings, and a county court order is issued in the tenant's name—guess what? Local authorities do not have an abundance of social housing stock, and the result, ultimately, is that they rely more and more on putting people back into the private rented sector. What private landlord will take someone with a county court judgment against their name when there are other options? The answer is: very few will.

Michelle Donelan: Does my hon. Friend accept that failing to act early not only hinders our ability to combat homelessness but allows complex needs and problems to escalate over time? Many charities in my constituency have echoed the message to me that the quicker we act and the earlier we get in, the less those needs will escalate and develop. That will save the NHS, local authorities and other sectors money in the long run.

Will Quince: My hon. Friend is right to suggest that prevention is always better than cure, but there is also the question of rewarding the right kind of behaviour. We want to encourage people to come to us at the earliest possible opportunity, when they are not in crisis but can foresee a risk of homelessness. Then we can take the most appropriate action. She is right to say that at that early opportunity people have options, but when they reach a crisis they have few, and they are expensive.

To return to the point about which I am concerned, I hope that the Minister can give me comfort on the Government amendment, because this is important. As I have said, I am the first to chastise local authorities or housing authorities that routinely advise tenants to stay in the property, for all the reasons I gave—I recently met representatives of my local housing authority, and I have been a critic of it—but on occasion, that can be the right advice. A hypothetical example might be a local authority that has no option but to rehouse a family out of area that week; it might work with the landlord, and say, "I understand why you have done what you have, that you would like them to leave, and that you have served the section 21 notice, but we are happy to cover the rent, if you are happy for the tenants to stay there for three more weeks, when we know there will be a more suitable property locally." My concern—this is why I like the original wording—is that we should include conditions in which it could be considered reasonable to stay until the expiry of the possession order.

Michael Tomlinson: I invite my hon. Friend to look at my submission on section 8 notices. As he has acknowledged, section 21 notices are no-fault notices, and what he has described, rightly and properly, are cases where tenants have fallen into arrears of rent, which would ordinarily come under a notice served under section 8. If there are sufficient rent arrears, that is a mandatory ground, and therefore homelessness is inevitable, and the case should be caught by the clause. Does he agree?

Will Quince: I absolutely agree with my hon. Friend, who makes a valid point based on his experience and practice. I hope that the Minister will answer those points.

My hon. Friend the Member for Chippenham made a good point about emphasising early intervention. The clause encourages those at risk of homelessness to seek advice at the earliest opportunity, and I worry at the moment about the advice being given to local authorities. This advice disseminates quickly across local authority areas so people know that is being given out and it discourages them from going to the local authority. For example, first and foremost, they will often go to their Member of Parliament, the local council or a citizens advice bureau. If they say the likely advice from the council is this, they will be reluctant to take it. As my hon. Friend rightly said, the crisis point is far too late. We must intervene earlier, which will lead to far fewer people reaching a crisis.

Finally, I want to touch on funding. I was pleased about the funding announcement. As the hon. Member for Dulwich and West Norwood rightly pointed out, it would have been helpful to have it sooner, but nevertheless it was useful to have it before this sitting. I welcome the £48 million and, as I mentioned in an intervention on the hon. Member for Hammersmith, I was interested to read the LGA's response because, given the fact that it is a membership organisation representing local authorities across the country, I was expecting its response to be, "It's not enough money." I expected that response whatever the sum was.

It is hugely to the credit of the Minister and the officials in his Department for using the methodology that the LGA concurs, rightly in my view, is the right one and hence why a rather bland statement does not question the amount of money. It would certainly be worthwhile to review it after two years. Nevertheless it was somewhat disappointing, given the reaction of the LGA, to hear the response from the hon. Members for Hammersmith and for Dulwich and West Norwood. There is no indication from the membership body of

local authorities—which, incidentally, will be the LHAs implementing the Bill—to suggest that the funding is not sufficient.

Mr Burrowes: Good authorities are already, before the legislation is in place, fulfilling the mandate to do a lot of prevention, so they will welcome the fact that they will now have a lot more money than before.

Will Quince: My hon. Friend makes an important point. He is right to suggest that good local authorities up and down the country are already doing a lot of this work, which eats into other budgets, so for them this is very valuable. We know there will be a transition, training requirements and a cultural change within organisations. LHAs—I spoke to my LHA only last week on this very point—do not want just to implement the Bill in full; they want to do it well. They want to make sure it works and they want emphasis and focus on prevention.

I very much support the clause, but I would like some reassurance from the Minister that there will still be flexibility in the advice, particularly in relation to ending a tenancy via a section 21 notice.

David Mackintosh: I share some of the concerns that have been raised about the timing by the hon. Member for Dulwich and West Norwood and my hon. Friend the Member for Colchester. I also share my hon. Friend's view that the LGA has put forward a much more positive response than anticipated. I agree that there should be a review of the funding formula going forward and I also agree with some of the comments by my colleague on the Select Committee on Communities and Local Government, the hon. Member for Dulwich and West Norwood, that the Bill alone will not solve some of the homelessness issues. The Select Committee recently had evidence sessions with the Director General, Housing and Planning, and questioned her on some of these issues. She rightly pointed out, as I am sure will the Minister, that the Government are planning to publish very soon a White Paper on housing, which may address some of the issues that my colleague on the Select Committee raised. They are valid points, but will not necessarily be addressed in the Bill.

Moving on to the amendments, I am pleased that they have been raised. They help to prevent some unintended consequences. For example, amendment 16 will help to prevent the trauma of people and families being forced to wait for a local authority to get involved and a bailiff to knock at the door, as outlined by my hon. Friend the Member for Colchester. In my experience, the sooner a council can start helping, the more help can be offered without a long-term effect on people's wellbeing or credit rating because of county court judgments. We have heard about that throughout our discussions.

I worry about the effects that we see under the current rules, including tenants being served with eviction notices. I am sure that all hon. Members have dealt with families who have contacted them when faced with eviction, which often comes out of the blue, and as well as the practical challenges there is also huge trauma for people to deal with. They face having to leave their home and often their community or social support networks, perhaps without much notice, and then they face being told by the council that they cannot be helped until they have been physically evicted.

Therefore, I am pleased that amendment 17 allows those households that have received an eviction notice, even if it has not expired, to be treated as "threatened with homelessness", thereby coming under the duty on local authorities to prevent the household from becoming homeless, as we discussed at length when we considered clause 4. This is a really positive step forwards that will make a huge difference in the future to people facing eviction.

As for the rest of the clause, when the Communities and Local Government Committee started looking into homelessness, we developed a clear idea of things that could be done to help to prevent homelessness. Indeed, other work that has been done by the all-party group on ending homelessness has also fed into the hopes and aspirations that the law will be changed.

However, I must confess that things have moved much faster than I had imagined and we now look forward to this Bill becoming law—hopefully. The Bill being chosen by my hon. Friend the Member for Harrow East has propelled this agenda forward so much quicker than we could have hoped. I am grateful that that is happening, but I also have some questions for the Minister about how the Bill can be implemented, which I hope he can address in his response.

How can local authorities cope with this sudden change in legislation when the Bill becomes law, as anticipated? What lessons can we learn from the changes implemented in Wales and what detailed measures are being put in place to ensure that that best practice is spread as far and wide as possible? How fast can training be put in place, not only for local authority staff but for other staff in the public sector, so that they can properly understand these big changes in the legislation and any new responsibilities they might have to refer people at risk of becoming homeless? Also, I urge the Minister to talk to his counterparts in other Government Departments, to make sure that they are aware of these changes and that that knowledge filters down through them.

Michael Tomlinson: I note my hon. Friend's comments and he has confined them specifically to section 21. I hope that he heard my suggestion about section 8 notices; it may be that there is some policy reason why it cannot be done. However, does he agree that this issue should at least be looked at again, to check that for the mandatory grounds—where possession of a property is all but inevitable—there is a good reason why those section 8 notices should not be brought back in relation to clause 1?

David Mackintosh: I am grateful to my hon. Friend for raising this issue and I did indeed hear the argument he made so eloquently earlier. I am sure that the Minister and his officials also heard it, and that this issue will be looked at properly before we move forward. It is important that we consider all the options available. We have spent a lot of time in Committee debating matters, but I know the Minister is still considering some of those ideas.

As for this clause, I strongly welcome the relative speed at which things have developed, from the Select Committee inquiry to—I hope—a change in the law,

[David Mackintosh]

and I look forward to hearing the Minister's update on how he can consider implementing in the future some of the changes that we have discussed.

Mr Burrowes: This clause goes to the heart of the concern that led to this Bill, namely the reality that the Select Committee and others have identified, which is that the termination of assured shorthold tenancies has become the single biggest cause of homelessness. While we can talk about the issue of the supply of affordable homes, we must go to the heart of this problem and this clause seeks to do so, in a more flexible way than other measures.

I will just talk about where support can come from and where it can feed into the issue of the supply of affordable rented homes. The Select Committee itself drew attention to the response of the National Landlords Association to the draft Bill. The association said:

"There are numerous reasons why a landlord might be reluctant to let their property to such households, but in the NLA's experience they can generally be summarised as 'risk'".

Clause 1, as amended, will provide a positive move to reduce the risk to which landlords are exposed, therefore increasing their confidence in letting to vulnerable tenants. In my borough, and no doubt in other boroughs as well, the supply of homes available for rent to those on benefits, and particularly to those who are homeless, is decreasing. Unless there is supply, we will struggle to fulfil all our ambitions for the Bill. The amendments will help.

3.45 pm

It is important to consider the knock-on effects. As well as ensuring that there are appropriate trigger points for providing preventive advice and support, we must also consider how to provide confidence in the whole sector. That is why I pay tribute to my hon. Friend the Member for Harrow East and the Minister for their great efforts to build not just a cross-party coalition but, perhaps even more significantly, a coalition of the willing among those involved in the sector, including landlords and charities, and those who need to be involved. That has an impact on our consideration of the Bill here and in the other place.

The amendments to clause 1 are welcome. In that context, I want to pick up on the helpful speech made by my hon. Friend the Member for Mid Dorset and North Poole, with his expertise on issues that I, coming from the criminal field of law, have not had much to do with. Plainly, the biggest risks are tenants who do not pay, who are antisocial or who damage property, all of which are grounds for section 8 evictions, as I understand it. The households that we are dealing with can often—not always—be chaotic, with vulnerability issues including mental health that can lead, for example, to property damage. They may have problems paying rent; there may be allegations of antisocial behaviour. All those issues and factors may come into play when a landlord seeks eviction via section 8, which I understand can happen at any time during the fixed term, as opposed to a section 21 notice, which is based on the time period rather than being triggered by those grounds.

Section 8 is relevant to the households that we are dealing with, so I look forward to hearing from the Minister in relation to its absence from the revised clause. I also suggest that if dealt with carefully within an amended clause 1, it could also give confidence to landlords and reduce risk.

Michael Tomlinson: I am grateful to my hon. Friend for his support on this. If there is a substantive reason why section 8 should not form part of clause 1, so be it, but he raises an important example. He mentioned antisocial behaviour, which in fact will fall within the discretionary grounds that are often relied on alongside a lesser outstanding rent. Where two months' rent or more is outstanding both at the time of the service of the notice and the time of arriving in court, that falls under the mandatory grounds. It is worth looking at it in the round.

Mr Burrowes: Yes, and I look forward to hearing the Minister do that for us. Plainly, the essence of clause 1 is to prevent various local authorities, advice centres and indeed Members of Parliament from being complicit in a failed system by saying simply, "Sorry, nothing can happen until the bailiffs knock on the door." We are dealing then with crisis management rather than with any kind of prevention. The trigger is the important element. Amendments 16 and 17 seek to change the trigger from an expiry notice under section 21 to the serving of the notice. I know that that has been particularly asked for and welcomed by the Association of Housing Advice Services, which has wanted to ensure early opportunities for prevention.

It is also worth recognising that there are some noises off. Not everyone agrees, as my hon. Friend the Member for Harrow East will know. Indeed, such noises off have come his way—and the Select Committee's way—from his local council. Harrow Council says:

"If applicants are to be considered as homeless as soon as they receive a notice, then local authorities are not going to be able to prevent homelessness…There are at least 14 reasons why a s.21 notice can be invalid and homelessness can be prevented even after a court order using the legal processes and negotiations with a landlord."

That draws on some of the concerns about the question of a valid notice. The word "valid" was also in clause 1 as originally drafted. No doubt the advice of lawyers and others says that one has to have that word and notices have to be valid. I would nevertheless be interested to hear from my hon. Friend, because his council has expressed concern that notices can be used in a lot of ways.

I understand that notices now cannot simply be used for administrative expediency. There was a time when section 21s were served pretty much when the landlord arrived at the door, as a way of covering all bases. I understand that that has not been allowed since October 2015, but a landlord may try it on, so it is worth ensuring that that bad practice is not allowed, that landlords do not abuse the essence of this trigger and that the notice has proper validity, if I can use that word, and applies genuinely. Section 21 notices have a wide application. Obviously, such a notice being served does not necessarily mean that there is a danger of homelessness, but they will allow the prevention duties to be put in place.

I also want to highlight some of the caution expressed by Crisis, which has been involved in the Bill from an early stage. I understand that Crisis had reservations

about amending clause 1. In its briefing note—this draws out the comments made by my hon. Friend the Member for Colchester about his campaign against a crisis-management approach on receipt of a bailiff notice—it says that the removal of clause 1(2) will preserve

"the status quo—meaning that local authorities should follow the existing Code of Guidance which clearly states that households should be considered homeless if they approach the local authority with an expired section 21 notice."

The amendments will therefore perhaps leave the door open for local authorities not to follow good practice and for people who are considered homeless being put back in that situation. We need to nail that down and ensure that all authorities are signed up to and delivering on the codes of guidance, empowered by their statutory form, as well as revised clause 1.

On funding, it is worth giving the Minister and the Government a little more encouragement and support. Frankly, without the Bill—I pay tribute to my hon. Friend the Member for Harrow East—we would not have got the extra £48 million, which we should really welcome; it is a significant amount of money. As we have all said from the very beginning, the Bill will not solve homelessness on its own, but it is an important tool in the box and encourages the good practice that is out there to be spread among councils. As I said earlier, good councils will welcome the incentive to do more of what they have been doing with existing funding, and the councils that are not doing anything will be encouraged with a carrot and stick approach. The Minister will no doubt use his codes of practice tool as well as some carrots, including funding, to say, "Get on and do what we all say should happen."

There should be broad agreement for the additional money, which is welcome, but I recognise the context in which the funding is provided—the LHA freeze and the benefits cap implications. I represent a London constituency that has a deprivation profile that is going in the wrong direction and does not fit in with what we await as a new fairer funding formula. We are going in the wrong direction in being able to catch up with the demands on our borough, not least given the lack of affordable housing. I recognise that context, but the funding should be broadly welcomed none the less.

A lot of figures expressing doom and gloom and fear around the funding implications of the duties in the Bill were thrown around on Second Reading, which I think was based on a reading of an old draft Bill rather than the new position. My local authority joined in with that. It is important for local authorities to be up to speed and to recognise that the Bill's methodology is far removed from that in the Select Committee report, which was based on Bedford Borough Council's methodology. That council said itself that:

"Using a simple extrapolation model based on the Council's existing footfall and the range of tools currently available to the Council to prevent and relieve homelessness, the Council would see a tripling of its costs incurred in discharging the duties under the draft bill. This would see an additional £1 million of cost to the Council."

Unless councils were looking at this carefully, they were making assumptions on funding, such as Bedford saying staffing levels would need to increase by 50%, or the Royal Borough of Kensington and Chelsea estimating that it would cost £1.22 million to comply with the new duty to assess and £2.37 million for the duty to help secure accommodation. I know time has been short since the ministerial statement, but it is important that local authorities look at the current funding in the context of the Government's methodology, rather than relying on their simple extrapolation model.

Michael Tomlinson: Was my hon. Friend as reassured as I that the Government looked at funding compared with Wales, which already has similar legislation, and made assumptions on that basis? These are significant figures that are based on fact, rather than, dare I say it, just plucking out figures that sound rather inflated.

Mr Burrowes: Yes, and those costs were the exact homelessness spends by local authorities taken from the data submitted by local authorities on P1E forms that are used for the Government's homelessness statistics. Research by Shelter and Acclaim also helped to inform the costs of prevention actions and of an acceptance. That, together with recognising that there are no doubt differential costs from area to area, is an important part of the reflection in the formula.

On the assumptions, I take issue with the shadow Minister, who took a very gloomy view. He cannot have it both ways. I still expect that there is cross-party support for the principle of the Bill and the fact that it will improve prevention, advice and support for those threatened with homelessness across the country. We cannot sign up to that, but say that is not going to have any effect. It is bound to have an effect over the number of years.

The Government's assumption is that they will not simply go along in a simplistic way, as they perhaps could have done. Wales saw a 69% decrease in homelessness acceptances in the first year of having its legislation, although I recognise that there are differences in housing supply. We are going to get somewhere near that. The assumption is that there will be a 30% decrease in homelessness acceptances over three years. If the Bill has not led to a 30% decrease in homelessness acceptances in a three-year period, we will be really disappointed. We will not have done a proper job in passing a Bill that is fit for purpose and achieves that. Aside from the funding issue, if it has not practically done that there will be some serious questions to answer.

If there is not a review by the Government, no doubt the Select Committee will be asking some serious questions. If it does not achieve that, why not? It certainly should not come from a lack of funding, so we need to ensure that that is in place. The Government's other assumption is that Wales saw a 28% increase in costs, so the sensible assumption for England is a 26% increase. That is a fairly reasonable assumption to make.

4 pm

The issue that really matters is the cost impact on officers. I take the point from the hon. Member for Dulwich and West Norwood that there are other costs as well as staffing costs, but at the very least we should get staffing costs right. There is a wider funding issue in local government that needs to be integrated better. On the specific issue of staffing costs, the inclusion of a 10% uplift in review costs is significant. I have recounted one or two examples from my constituency in this

Committee. Officers are hard-pressed, but sometimes these cases—some of which are quite complicated, both factually and legally—require a senior officer to be involved, particularly now, with the duty to review. The funding settlement includes a 10% uplift in review costs, to reflect that senior case officers have to carry out reviews in certain circumstances. That needs to be looked at carefully and may well need to be increased over time. Those are reasonable assumptions.

The comments of the LGA are welcome. There is broad approval for where we have got to, but it also makes the point about a review. I recognise that the Minister has worked very hard to get cross-Government commitments on the Bill and on funding. That is no easy task in these challenging times, but plainly he cannot make too many commitments beyond the spending review. I do not think any Minister could come before a Committee and make a commitment beyond a spending review. Understandably, he has factored in offsetting the savings coming through the reduction in homelessness, which is welcome. That is realistic, and if the reduction is not achieved, we will not have achieved the real purpose of the Bill. That is important.

A 30% decrease in homelessness acceptances over three years is a reasonable ambition. I expect that two years after the Bill is implemented, it will be appropriate to have a review, to see where we have got to and ensure that things change if we have not reached that aim. Frankly, as my hon. Friend the Member for Northampton South said, it has been quite rapid to get to this stage. There will be lessons to learn in that period in terms of not only funding but legislation. I would welcome the Minister considering seriously a review two years after implementation, which would take us beyond the spending review period. We can then learn lots of lessons from what will be, for authorities that have been behind the curve, a really challenging piece of legislation, but one that is so vital for the vulnerable. The Minister might like to consider that.

Mrs Drummond *rose—*

The Chair: Before I call Flick Drummond, may I say that the hon. Member for Enfield, Southgate has just spoken for 20 minutes? He did not rise in his place at the beginning of the debate, and it is quite difficult to run things unless one has an idea of where things are going.

This will probably appeal to Opposition Members. I will make a Chairman's trade union point, which is to limit the amount of time the Chair can sit without having a comfort break. We have now been debating this clause for three minutes short of two hours and sitting for more than two hours. I thought we might finish at about quarter past 4 o'clock, but if not, it is my intention to have a comfort break. It does not seem as though people want to truncate their remarks. I cannot control the way in which this runs. Would the Committee like to have a comfort break now?

Mrs Drummond: Unfortunately, I have to leave at 4.15 pm because I am speaking somewhere else. I am happy to withdraw my contributions.

The Chair: I am very grateful. It is difficult if Members speak and do not have a chance to listen to the Minister's response. In the light of that, will we finish by about quarter past 4 o'clock?

Hon. Members: No.

The Chair: The sitting is suspended for 15 minutes.

4.4 pm

Sitting suspended.

4.20 pm

On resuming—

The Chair: I hope everybody is feeling suitably refreshed. For the avoidance of doubt, this Committee can go on sitting beyond the time that the House rises, so do not feel constrained, but I think it is reasonable that we take a break every now and again.

Bob Blackman (Harrow East) (Con): Thank you for the comfort break, Mr Chope. I think Members on both sides of the Committee were ready for it.

As has been said, the Minister's amendments have been the subject of something of a rollercoaster ride during the deliberations on the draft Bill and the Bill itself. Clause 1 in the original draft Bill was very different from the clause in the draft Bill that was eventually presented to the Select Committee. It was then changed substantially after discussion with the Minister and officials, and we ended up with the Bill that was passed on Second Reading. At that point, many concerns were raised by a large number of groups about clause 1 in particular. I thank all those who came along to see me, particularly towards the end of last year, to discuss the clause. They expressed their concerns and were willing to engage constructively, which enabled us to reach a solution that is acceptable to everyone. They include the National Landlords Association, the Residential Landlords Association, the local government sector—the LGA, London Councils and other local authorities—and homelessness charities including Crisis, Shelter and St Mungo's.

The process has not been easy. The hon. Member for Hammersmith alluded to that in attempting to gain advice about how to propose amendments that achieve his aims. Given the various different organisations' requirements, ensuring that we got something that works for everyone has been like squaring a circle.

At times, some of those groups' interests appeared to me—and, it is fair to say, to the Minister and officials—to be almost irreconcilable. Local authorities said that they want clarity regarding their flexibility to try to save tenancies at risk and to facilitate moves into alternative settled accommodation directly from tenancies that are ending. That is essential if we are going to ensure that they prevent homelessness in as many cases as possible. Landlords and charities were concerned that applicants must receive proactive help so landlords and tenants do not face unnecessary costs and tenants avoid the distressing experience of eviction. It is the custom and practice of many local authorities up and down the country—particularly in London—when they are approached by individuals or families who are threatened with homelessness through a section 21 notice to say, "Go home, wait until the bailiffs arrive and then come to see us. Then we will try to resolve your problem." As has been alluded to by my hon. Friend the Member for Colchester, one of the key concerns in such cases is that landlords incur court

and bailiff costs, and the tenants incur costs and end up with county court judgments against them. In many cases, that also overloads—unnecessarily—the justice sector. We therefore have a real dilemma.

The concern expressed right from the start was that in many ways clause 1, without amendment, enshrines many of those bad practices. That was never the intention—it certainly was not my intention as promoter of the Bill. In this process we have therefore tried to ensure that we keep at the centre of our consideration the needs of those who the Bill will affect most: the people who are at risk of losing their home or those who have lost their home.

We have had the wide-ranging involvement of various groups affected by the Bill, in-depth discussions and consideration of potential impacts in order to determine a way forward. It is fair to say that we have looked at all sorts of ways to amend the clause to make it work in the Bill, and we have concluded that that is not the most practical way forward. The amendments tabled by the Minister offer a practical and achievable solution that I hope we can all support and which will be welcomed right across the sector.

Crisis made two points in its briefing that I will refer to. It supports the decision to remove clause 1(2) entirely, to preserve the status quo, which means that local authorities should follow the existing code of guidance that clearly states that households should be considered homeless if they approach the local authority with an expired section 21 notice. Under amendment 17, a household that approaches the local authority with an eviction notice that has yet to expire will automatically be considered to be threatened with homelessness. That will require local authorities to accept a duty to prevent the household from becoming homeless in the first place.

That is a vital aspect of the Bill. The intention in extending the timeframe in which a family or individuals can apply to their local authority for assistance is to ensure that the local authority and the applicants use that time as effectively as possible to prevent a family or individuals from becoming homeless. The risk we have with clause 1 without amendment is that some local authorities—I will not single any out—notwithstanding the fact that they could intervene, would not do so until such time as the family or individuals became homeless.

Michelle Donelan: Does my hon. Friend acknowledge that the amendment will simplify the Bill? The initial feedback was that the Bill was far too complicated, and we are now working towards a more simplified Bill that will be easier to roll out.

Bob Blackman: Simplifying Bills is always good news. One of the things we originally set out to do was provide detail where required but simplify processes wherever possible. It is fair to say—I ask the Minister when he responds to the debate to make this clear—that we will look at operation in practice. If local authorities are not following both the letter and the spirit of the law, in any code of practice we introduce we will ensure that there are appropriate measures to enforce that, to ensure that local authorities do honour their duties on the concerns rightly raised throughout the Committee.

4.30 pm

As I said, the London councils welcome this provision as providing clarity about when a local authority should consider a person to be homeless or threatened with homelessness. They support the intentions of the clause. The hon. Member for Dulwich and West Norwood spoke about the boroughs that she represents. She will know well that the London Borough of Lambeth deals with more homelessness applications than the whole of Wales. I will talk about operation and the costs in a few minutes, but one concern is that when we are looking at evidence from what has happened in Wales, it is often very difficult to say how something will operate here compared with Wales, because if we extrapolate from that, things are on a much bigger scale, which we must all recognise.

The clause, as amended, will retain the change of extending the period in which a person is threatened with homelessness from 28 to 56 days. That is clearly vital to creating a longer opportunity for the local authority and the household to prevent their homelessness. It has been widely welcomed—indeed, it has been welcomed by everyone involved. Everyone recognises that early intervention is far better than trying to cure the problem after it has happened. That has broad scope; everyone agrees with it.

I think that the hon. Member for Hammersmith mentioned that the prime reason why many households find themselves homeless is the end of a private sector tenancy. According to the last figures that I saw, some 41% of homelessness applications arise as a result of that. It is the main trigger for a statutory homelessness acceptance. This provision will help to ensure that more of those who are at risk of becoming homeless will receive the right support at the right time and, we hope, an offer of accommodation before the end of the tenancy so that the household can move seamlessly from one property to another without becoming homeless at all.

Michael Tomlinson: My hon. Friend has mentioned private landlords, but he has not as yet mentioned section 8, which of course does not come within the terms of our discussion. I fear that I am pressing this too hard, but I would welcome his explanation as to why a scaled-down version of the original drafting could not be acceptable to all sides. This is obviously a balancing act: we need to cater for landlords as well as tenants. I am completely aware of that, but can he envisage a situation in which a scaled-down version of the original drafting, which just narrowed the scope to the mandatory provisions under a section 8 notice, would be acceptable to all sides?

Bob Blackman: I noted during my hon. Friend's excellent contribution earlier his very detailed knowledge of the technical issues of housing law.

In the various meetings, we considered the different aspects of section 21 and section 8 and whether we could reach a compromise that would satisfy all parties. The drawback, if we set out all the procedures—almost a flow chart—in the Bill, is that unfortunately we cannot address every single reason why someone becomes homeless; we cannot set out every position in relation to section 8 or section 21 notices. Obviously, what we want to do is to make it clear that the position will be that on receipt

[Bob Blackman]

of a valid section 21 notice or, indeed, section 8 notice, the local authority will treat that as a means of starting the process of combating the threat of homelessness. That is the clear message that I want to impart as promoter of the Bill. We do not want landlords to have to go off and wait and go through a lengthy legal process, which is of no benefit to them or the tenants and, in the long run, costs the local authority substantial amounts of money when it has to put a homeless family who are in priority need into temporary accommodation. This is one of the issues that we looked at in considerable detail. I will not go on too much about this issue and the various discussions that we had. What I can say to my hon. Friend is that we looked at this in detail and concluded that the way to reach a compromise was to accept the Minister's amendments.

A planned amendment to clause 4 will also ensure greater continuity of help between the prevention and relief duties for households during the eviction process, if such a process follows. I hope that we never get to families being evicted but recognise that we cannot solve all those problems in one go.

I welcome the commitment to provide stronger encouragement for people to engage early through the forms used in the section 21 process and the "How to Rent" guide that the Department has published.

The intention is to recognise that prevention is vital to tackling homelessness. The earlier someone gets help, the less likely they are to end up in crisis. The clause works with the rest of the Bill, which should be seen as an entire package, and with current legislation in placing more emphasis on prevention, encouraging people to seek help at an early stage.

Michelle Donelan: While we continue to discuss the clause, I want to stress that it is not only large charities and organisation that have called for and welcomed the extension to 56 days. Charities in my constituency, such as Doorway, which does a great deal of work on homelessness in the Chippenham area, are delighted and have stressed how vital it is to deal with homelessness at the root and try to prevent it in future.

Bob Blackman: I acknowledge that local charities are doing brilliant work to combat homelessness. During my discussions on the Bill I have dealt mainly with national charities and some local ones which I visited. All hon. Members will be aware of the local charities that do excellent work, which is why I believe these measures are universally welcomed.

It is not logical that someone in a private sector tenancy who receives a section 21 notice or encounters the threat of homelessness should have to wait until the final 28 days before they will be on the streets. Ensuring that the clause extends that period, with a duty owed by the local authority, must be sensible to help prevent them from becoming homeless.

I trust that the provision will help increase the number of successful preventions carried out by local housing authorities. In the long term that reduces costs for them and, most importantly, the trauma experienced by vulnerable people and households.

There may be instances where the 56-day prevention duty does not work and ends, though the household is not technically homeless, as the local authority finds it reasonable for the household to continue to occupy the property. That could mean that the relief duty does not begin, potentially leaving the household without support. We clearly want to get to the position covered by clause 4 so that, in those circumstances, the prevention duty will run on until the time the relief duty begins. I was delighted that my hon. Friend the Minister mentioned that in his opening remarks.

Mr Chope, you directed that we should look at costs in this part of our consideration. I welcome the Government's announcement of £48 million and their commitment, under the new burdens doctrine, to fund all the new costs that will result from the Bill. We have already mentioned that there will be amendments to clause 7 on Report. We have already had a debate about that; I will not reopen it. There will be a further amendment to clause 4 and, after further discussions, we might consider amendments to clause 12 as well.

The hon. Member for Dulwich and West Norwood was critical, not unfairly, of the timing of the release of the money. The Government have considered our detailed discussions of the Bill and its amendments because there are cost implications. It is not fair if we end up with a running budget in Committee. We have made substantial changes and it is fair to say that the proposed changes to clause 7 would lead to additional costs for local authorities. However, I hope that if there are additional costs, the Minister will commit to their being picked up as originally envisaged under the new burdens doctrine.

The LGA and London Councils have welcomed the money that will be available. I note the concerns of the hon. Members for Hammersmith and for Dulwich and West Norwood about whether the money will be enough. Clearly, none of us is in a positon to say without fear or favour that the money will be sufficient. We will have to see how the new legislation operates. It is part of a package.

I have been clear from the word go that the Bill, if enacted, will not produce one more property or one more home. I look forward to the publication of the White Paper—hopefully very soon—which will set out the Government's method for ensuring we develop more housing. One way to ensure people are not homeless is to provide more housing in the first place. There is a shortage of accommodation in almost every part of the country, and London has particular pressures, as those of us who are London MPs know. Clearly, that will have to be addressed.

Equally, how the funding is provided needs to be considered: £35.4 million in the first year, £12.1 million in the second year and zero in the third year. I have concerns about that. Will we have solved the homelessness problem in this country after three years? As an eternal optimist, I hope we will have done. I did not mention this too much when we talked about the title of the Bill, but the original title was the homelessness prevention Bill. However, I was warned by our Clerk's predecessor that that would mean it would be illegal for an individual to be homeless, so we should be careful what we attempt to achieve.

As the hon. Member for Hammersmith said, some £633 million in 2014-15 was spent by London councils on temporary accommodation. If we can reduce that

burden by a relatively small amount, that will pay for the prevention duty. I am minded of the fact that London authorities in particular have embarked on large amounts of efforts to combat homelessness through prevention duties, and that is welcome. However, there is clearly going to be a need to review the funding and review how this works.

4.45 pm

The Chairman of the Communities and Local Government Committee, who is not in his place at the moment, asked that we have a review through the Select Committee. I think that is appropriate—we will have more data from Wales and data from when, hopefully, this Bill becomes an Act—so that we can consider the additional costs and burdens that local authorities have experienced, and so that we can conclude whether more money is required or greater efficiency needs to be applied.

I thank hon. Members for their contributions during this particular part of the debate. I have mentioned the hon. Members for Dulwich and West Norwood and for Hammersmith, and my hon. Friend the Member for Mid Dorset and North Poole. My hon. Friend the Member for Colchester rightly raised a number of issues and almost put in a nutshell some of the conversations that we have had with the various different groupings of landlords and charities.

Equally, my hon. Friend the Member for Enfield, Southgate talked about the risks of the reluctance of various landlords, and considered meetings such as those I had with my own local authority, Harrow Council, and others. They raised concerns about the cost of the Bill; indeed, on Second Reading we had concerns about the cost of the Bill. We have amended the Bill substantially from the original draft. I am afraid that is how a lot of the briefing for local authorities has been conducted—it was not necessarily on the most up-to-date version of the Bill. I was able to reassure local authorities, and Harrow Council in particular, of what was actually in the Bill compared with what was in the original draft. I think that satisfied many of their concerns, but I recognise that local authorities will be thinking about how they set out what they do. The hon. Member for Dulwich and West Norwood rightly referred to the fact that it is not just about recruiting new staff and training; it can be, for example, agreeing to fund rental costs for a period of time to prevent homelessness or providing deposits, which are often a major obstacle to people gaining a proper home for their family in an appropriate area. I do not want to see local authorities' ability to use creative means to prevent homelessness stifled, but I want them to take seriously that homelessness is their responsibility, as it is to provide help, advice and assistance.

We have also considered that this is money being given by DCLG for local authorities to control. Other considerations, such as the duty to refer, should not have a huge cost to other public bodies. Clearly, as the local authorities build up local partnerships, there are savings to be made, but there may be costs in order to achieve those particular savings.

Although I welcome the finances that the Government have allocated for the Bill—those are always welcome—I trust that we are going to get additional funds for any additional burdens that result from amendments that the Minister, or other Members, may table on Report. That means that local authorities can, by the time we get to the Bill's enactment, know with certainty what funding they are going to get, and that we will review that funding within three years to make sure that they are making the savings, being efficient and effective and reducing homelessness in its own right. In conclusion, I support the amendments.

Mr Jones: I want to respond to some of the points made during this debate. The hon. Member for Hammersmith mentioned local authorities having to judge whether section 21 notices are valid. I agree entirely that it is a complex issue, but I make the point to him that dealing with section 21 notices is already a regular part of local housing authorities' work and is the subject of specific parts of the homelessness code of guidance. We will look again at the code of guidance in the context of clause 1 and update it accordingly. A number of other points were raised about operational issues. We will have advisers going to local authorities, and they will be able to give guidance on those issues.

The hon. Gentleman also mentioned a number of impacts on welfare. We have debated them previously, and I have explained the additional £870 million that will be available for short-term issues through discretionary housing payments, and the repurposing of 30% of the potential savings from the local housing allowance, which will go back into supporting high-value areas.

Ms Karen Buck (Westminster North) (Lab): Will the Minister confirm that those contributions must be seen in the context of the £2.7 billion that has been taken away from housing support for this year alone, as the Library briefing of last week confirmed?

Mr Jones: It is clear that welfare changes are being made—I do not deny that. However, those mechanisms are there to try to help people with shorter-term issues so that they can deal with things as they go forward. That money from local housing allowance rate savings will help people in the highest-cost areas.

The hon. Member for Hammersmith also mentioned housing supply. I will not go into that in any great depth, but as I have pointed out, we are putting £100 million into move-on accommodation to help with that issue. We have also provided the Mayor of London with a record amount of money for new housing supply, which he has welcomed.

The hon. Gentleman and a number of other colleagues mentioned reviewing how the Bill is working. I have committed to doing that once the new duties have had time to bed in. If such a review is to work, having the right data will be absolutely critical, and I am committed to putting in place the work that is needed to ensure that we do.

My hon. Friend the Member for Mid Dorset and North Poole has pursued with some tenacity the issue of section 8 notices and various types of tenancy. My hon. Friend the Member for Colchester and the hon. Member for Hammersmith have also raised those important points. I reassure the Committee that there is overarching protection for every applicant—they will be covered by the prevention duty if they are at risk of homelessness within 56 days, whatever the circumstances and whatever their type of tenancy. Section 21 notices are the most

[Mr Marcus Jones]

common circumstances, and we believe that there are specific measures that provide proportionate protection. That said, we will address section 8 notices and other types of tenancy in our statutory guidance. I entirely understand where my hon. Friend the Member for Mid Dorset and North Poole comes from on section 8, and I will take away the points he has made and ensure that they are fully considered in the work we do as a result of the Bill.

The hon. Member for Dulwich and West Norwood made a number of points about the costs. She mentioned the announcement being late, and I hear what she said. In an ideal world, I would have brought the detail of those costs forward more quickly. That said, I did commit to providing them by the close of the Committee, and I have done that. She asked for detail on the costs, and rightly so. I will publish the full new burdens assessment once the Bill has completed its passage through the House. That will ensure that the assessment considers the cost of the final Bill in the light of any amendments made, not just in Committee, but on Report. To reassure Members, we are discussing several amendments that need to be tabled by next week for Report. We will assess whether new burdens are created as a result, but those new burdens will need to be funded.

The hon. Lady also mentioned the distribution of funding and trailblazer amounts. It is important that we split the two issues of cost for the Bill from trailblazers, and I will explain why in a moment. We are committed to working closely with the local government sector to design the distribution of funding, because we recognise that costs are likely to be wildly different across the country. The amounts for trailblazers do not necessarily correlate with the funding implications for the Bill, given that many places, because of the freedoms we gave them in the trailblazer offer to local areas, are going well beyond the Bill in trying to help the people they serve.

My hon. Friend the Member for Northampton South mentioned how councils will cope with the changes that they will be expected to make. He made a good point. There will be a period of time, as we have discussed, after the Bill becomes an Act but before the legislation comes into operation. We will work carefully and closely with local government to ensure that we mitigate the issues that he raised.

The hon. Member for Dulwich and West Norwood asked what the money will be spent on. The Bill requires local authorities to do a number of additional things. For example, all households will be provided with free information and advice on preventing and relieving homelessness. A new prevention duty will extend the period in which people have to be given advice when they are threatened with homelessness from 28 to 56 days. An enhanced duty for those who are already homeless will ensure that housing authorities will support households for 56 days to relieve their homelessness by helping them secure accommodation. That is just an example of the things that the additional money will fund.

In terms of the review, I point out that once the legislation comes into effect, there will be a period of two years, and pretty much immediately after that there is likely to be a Government spending review. I am sure that the legislation will be looked at in the round with all the other things that local authorities have to do, not just in relation to housing, but all their other functions.

I thank my hon. Friend the Member for Enfield, Southgate for his strong support on the costs and for his optimism. The same is true of a number of other hon. Friends. He was right to point out that while the hon. Member for Hammersmith expressed some valid concerns, he was showing a rather gloomy and pessimistic front. That was the front he put across, at least, but we all know that some of the talk on costs has been conflated with things that are not necessarily in the Bill.

5 pm

I hope that I have satisfied my hon. Friend the Member for Harrow East on the additional cost. Let me satisfy him on the statutory code of practice. Obviously, we will update the statutory guidance to reflect the new burdens in the Bill. We fully expect local authorities to comply with the statutory code and to do things as intended by the Bill. We can also put in place a code of practice for the provisions that are in the Bill, and for those that are not, so it is a very useful tool for the Secretary of State. If local authorities do not step up to the mark—I am not being critical of them, because local authorities across the country are doing excellent work and are taking on the new trailblazer work with great gusto—we will use our fall-back position to ensure that the Bill does what it says on the tin. I thank the Committee for allowing me to clarify those points.

Amendment 16 agreed to.

Amendment made: 17, in clause 1, page 3, line 4, at end insert—

"( ) After subsection (4) insert—

"(5) A person is also threatened with homelessness if—

(a) a valid notice has been given to the person under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) in respect of the only accommodation the person has that is available for the person's occupation, and

(b) that notice will expire within 56 days.""—*(Mr Marcus Jones.)*

This amendment provides that a person will be threatened with homelessness for the purposes of Part 7 of the Housing Act 1996 if they have been given a valid notice under section 21 of the Housing Act 1988 in relation to their only accommodation and that notice will expire within 56 days.

Clause 1, as amended, ordered to stand part of the Bill.

Title

Mr Jones: I beg to move amendment 15, title, line 1, leave out

"Amend the Housing Act 1996 to".

This amendment aligns the long title of the Bill with its contents on the basis that, as well as amending the Housing Act 1996, it also amends the Homelessness (Suitability of Accommodation) (England) Order 2012 (see clause 12).

Finally, this minor amendment removes the reference to the Housing Act 1996 from the long title of the Bill. The Bill also makes changes to the Homelessness (Suitability of Accommodation) (England) Order 2012, so the reference is incorrect.

Amendment 15 agreed to.

Bob Blackman: On a point of order, Mr Chope. As we have reached the end of the proceedings, I would like to thank you for your patient, good-natured and flexible chairing of the Committee. I thank hon. Members on both sides of the Committee both for attending these sittings and for their contributions, which have added to the Bill and to our consideration of the amendments. The discussion has been consistently conducted in a consensual spirit. We have had the odd point of disagreement, which is healthy, but I believe we have worked well together to scrutinise the Bill and ensure it is returned to the House in a good state. That follows the excellent work of the Select Committee that preceded the Bill's coming to us.

I also thank my hon. Friend the Minister for marshalling the full resources of the Department to ensure that the Government support the Bill, and for allowing his officials, lawyers and the Bill team to help to draft the Bill and address issues as and when they have been identified. Finally, I thank the Clerks and the Doorkeepers for managing the Committee.

I look forward to seeing all Committee members when we next debate the Bill on Report on the Floor of the House. I feel confident that Members on both sides of the House will be able to support it in good conscience. The Report stage will take place on Friday 27 January, and the administrative arrangements for anyone who wishes to table amendments will be circulated to give them proper notice. With that, I thank you, Mr Chope, all members of the Committee and everyone who has been involved in reaching this stage of the process.

Andy Slaughter: Further to that point of order, Mr Chope. I echo the thanks expressed by the Bill's promoter to everyone involved thus far. We all agree that the sittings have been conducted with civility and, where possible, consensus. I will leave it there, other than to thank you particularly, Mr Chope, for your forbearance. Perhaps the proceedings have been a little more helter-skelter than is common in such Committees; you may have been reminded of the national lottery by the random manner in which the clauses were drawn for debate. None the less, with your usual sang froid you have kept us in order, so thank you very much.

Mr Jones: Further to that point of order, Mr Chope. I add my thanks to those expressed by my hon. Friend the Member for Harrow East and the hon. Member for Hammersmith for your chairmanship of the Committee; you kept us in order throughout. I thank colleagues on both sides for their contributions on this important measure.

I particularly thank the Opposition Front Benchers for the spirit in which they have approached the Bill so far. It is a rare experience to be on a Committee where there is such a consensus, and I shall probably have to wait a little while before I experience another that operates in the same way. The hon. Member for Hammersmith said that there had been a bit of a lottery for the clauses, but as someone who does the lottery now and again I feel we have probably had more success with the Bill than I ever do with that—although it has not always been all that easy.

I must also thank my hon. Friend the Member for Harrow East for the energy and determination, and at times patience, that he has shown during the Committee sittings. It is not easy to negotiate one's way through a Bill when there are so many different interests that we understandably want to work with on getting things right.

I also thank the officials who have worked so hard on the Bill. Parliamentary counsel worked extremely hard, especially during the many periods of recess, Christmas holidays and so on. Finally, I thank the Clerks and Doorkeepers, who have done a sterling job.

The Chair: I thank hon. Members for their expressions of gratitude to the Clerks and officials, *Hansard,* the Badge Messengers and everyone who keeps us secure. I am sure that those tributes to them are well deserved. There have been seven sittings and despite the consensual nature of the Committee they seem to have taken quite a long time. I wish all those associated with it good luck on Report. As someone who often attends on Fridays I shall feel rather frustrated that I will not be allowed to participate. As has been said, the proceedings have been conducted with good humour.

This is actually the first time I have had the privilege of chairing a Committee on a private Member's Bill; such Bills are soon to be called Back-Bench Bills, if the House implements the Government acceptance of the Procedure Committee's recommendation. Chairing the Committee has been a good learning experience for me, but that was possible only because of the good humour of all involved, and their engagement. Everyone in the Committee has participated, which is unlike what happens in many Committees, so I thank Members very much.

Bill, as amended, to be reported.

5.9 pm

Committee rose.