House of Commons

Communities and Local Government Committee

The draft Homelessness Reduction Bill

Fifth Report of Session 2016–17

Report, together with formal minutes relating to the report

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Communities and Local Government Committee

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The current staff of the Committee are Mark Etherton (Clerk), Helen Finlayson (Second Clerk), Craig Bowdery (Committee Specialist), Tamsin Maddock (Committee Specialist), Tony Catinella (Senior Committee Assistant), Eldon Gallagher (Committee Support Assistant), Gary Calder (Media Officer) and Alexander Gore (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Communities and Local Government Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 4972; the Committee's email address is clgcom@parliament.uk.

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Summary

A key finding of the Committee's recent report on homelessness was that the services provided to applicants for homeless support are not always adequate. We recognise the financial challenges faced by local authorities, and the increasing pressure that higher levels of homelessness bring. We believe, however, that more should be done to ensure that vulnerable people receive consistently high levels of service across the country. It is for this reason that the Committee supports the Homelessness Reduction Bill, the Private Member's Bill introduced by Bob Blackman MP, a member of the Committee. We have scrutinised the draft Bill and made recommendations to help it better achieve its aims. We believe that this report and the evidence we have taken will both improve the Bill and help the House debate its provisions, and that our experience is a model on which other Select Committees and sponsors of Private Member's Bills can draw.

We have made the following recommendations on the text of the Bill:

Clause 1: Definition of homelessness and threatened homelessness

We welcome the extension of the period that someone can be considered to be threatened with homelessness from 28 to 56 days, but we recommend that Clause 1(2) is revised so that it is clear that an applicant for support need not remain in a property where possession proceedings are underway for the local authority to treat such a person as homeless.

Clause 2: Duty of local housing authority to provide advice

We welcome the emphasis the Clause places on services preventing homelessness from occurring, and recommend that those who have experienced, or are at continued risk of, domestic violence and abuse should be included in Clause 2(4).

Clause 3: Mandatory code of practice

We welcome measures to address unacceptable levels of service at some local authorities: a code of practice for local authorities, alongside a clear explanation to applicants of the service levels they should expect to receive, need not be overly prescriptive, and could improve what is now an often hostile process.

Clause 4: Homelessness reduction duties

We welcome the requirement for an assessment and a personal housing plan as a means of providing more effective support for all applicants. We recommend that the definition of non-cooperation be clarified. We are not convinced that the requirement to secure accommodation for 12 months is workable and recommend that the period be six months, at least initially.

Clause 8: Becoming homeless intentionally

The Clause, as currently worded, is too broad. If it is to stay in the Bill, it should be redrafted to ensure that the protections for vulnerable people in priority need are not weakened.

Clause 9: Somewhere safe to stay

We support the principle behind the requirement that local authorities provide 56 days of emergency accommodation to those with nowhere safe to stay, but it is not feasible for councils to provide accommodation to all homeless people. We recommend that the Clause be revised to restrict the duty to those whose safety is at risk and call on the Secretary of State to issue guidance with objective measures to ascertain when someone is at risk of violence as compared to other forms of homelessness.

Clause 12: Definition of local connection

We do not believe that there is a consensus for changes to the local connection rules. We therefore recommend that the Clause be removed from the Bill.

Clause 14: Reviews of decisions

We agree that applicants should have the right to ask for a review of the support they receive from local authorities, but we recognise the potential impact on local authority resources of a significant increase in cases brought to review. We recommend an amendment to the Clause to restrict the scope of the reviews.

Clause 16: Accommodation suitability

We recommend that local authorities should be required both to take into account an applicant's location preference and to balance this with long-term affordability for the applicant. Consideration should be given to providing a stronger duty to accommodate certain groups within a reasonable distance of their last permanent accommodation, such as people with mental health conditions who have a support network which is helpful in managing their condition, and families with children at school.

Clause 17: Co-operation between authorities and others

We recommend that the Clause be reinforced by statutory guidance that makes it clear that the diversion of funds away from a body's primary duties is not a reason to withhold co-operation with measures to reduce homelessness.

Successful implementation will depend on a renewed, cross-Departmental Government strategy and close co-operation with local authorities.

The provisions of the Bill will undoubtedly make a significant call on the resources of local authorities. The Department for Communities and Local Government should ensure that the costs of new burdens on local authorities are fully taken into account in future funding and in arrangements for the 100% retention of business rates by local authorities. The Department should work with local authorities to develop a funding model that reflects local demand.

1 Introduction

1. Earlier this year we conducted an inquiry into homelessness ("our homelessness inquiry") that sought to understand why the levels of homelessness were increasing and how support for homeless people could be improved. We took evidence from charities, stakeholders and local authorities and heard first-hand accounts of what it is like to be homeless. We published our findings in August, and set out our conclusions and recommendations for addressing homelessness in England. A key finding was that the services provided to applicants for homeless support are not always adequate. Many local authorities deliver excellent services and work with their residents either to prevent homelessness from occurring or to help achieve a long-term solution. However, we heard too much evidence that the quality of services can vary to an alarming degree. We were told that applicants are frequently dismissed with an assumption that they were to blame or because they were not 'vulnerable enough'. We recognise the financial challenges faced by local authorities, and the increasing pressure that higher levels of homelessness bring. We believe, however, that more should be done to ensure that vulnerable people receive consistently high levels of service across the country. It is for this reason that the Committee supports the Homelessness Reduction Bill, the Private Member's Bill introduced by Bob Blackman MP, a member of the Committee.

2. The Bill received its First Reading on 29 June 2016 and is due to have its Second Reading on 28 October. Mr Blackman has published a draft Bill, which we put up on our website and have appended to this Report. The draft Bill aims to place much greater emphasis on local authorities taking preventative measures to help address homelessness before it occurs, and strengthens the provisions for 'non-priority need' households. We have conducted a short inquiry into the draft Bill, which has effectively been pre-legislative scrutiny of it. In our report we examine the provisions of the Bill and consider whether they will help to address homelessness in England.

3. **Our scrutiny of the text has reinforced our support for the principle of the Bill. We welcome the discussion it has started of the legislation governing responses to homelessness. However there are some points in the draft Bill that need further work and, where appropriate, we make recommendations to help the Bill better achieve its aims. We believe that this report and the evidence we have taken will both improve the Bill and help the House debate its provisions.**

2 The draft Homelessness Reduction Bill

Clause 1: Definition of homelessness and threatened homelessness

4. Clause 1 of the draft Bill amends section 175 of the Housing Act 1996, which provides that a person is threatened with homelessness if it is likely that they will become homeless within 28 days. The Clause extends this period to 56 days. It also makes provision for a person to be considered homeless upon expiry of a notice from a landlord who wishes to terminate an assured shorthold tenancy (known as a section 21 notice). Under the Bill, an applicant would be deemed homeless from the date that the section 21 notice expired.

5. Assured shorthold tenancies are the default legal category of private sector residential tenancies in England, with most having an initial term of six or twelve months. Landlords are able to choose whether or not to extend a tenancy beyond the initial term and can also terminate the tenancy by serving a section 21 'no fault' notice of seeking possession, which can require a tenant to vacate the property at the end of a given period. On expiry of the section 21 notice, if the tenant does not leave, the landlord can apply to the courts for an eviction order. Under the provisions of the draft Bill an applicant seeking homeless support would automatically be judged to be homeless once the period specified in a section 21 notice expired. This provision reflects the finding in our homelessness inquiry that the termination of assured shorthold tenancies has become the single biggest cause of homelessness. We found that many people lose a tenancy and then simply cannot find anywhere affordable to live. We also found that households threatened with eviction—and thus with homelessness—were regularly advised by local authorities to exercise their right to remain in occupation beyond the expiry of the section 21 notice and often until the landlord had obtained a court order for eviction and bailiffs arrived.

6. Kate Webb from Shelter told us that:

> It helps reiterate that this is about a cultural shift in the way we help people who are facing homelessness. Even though local authorities should be assisting someone within 28 days, we know at the moment … that that often still means waiting until it is a real crisis situation with the bailiffs coming. By further extending that time period, you reiterate that the intention should be about prevention rather than intervening at the point of crisis. Beyond that point of principle, it makes a meaningful difference because it gives you more time to resolve issues like benefit delays and rent arrears, which are so often at the heart of a problem, and more time for mediation.[1]

7. Matthew Downie from Crisis agreed:

> The prevention activities you need to undertake sometimes take longer than 28 days and sometimes longer than 56 days, but it gives us a better fighting chance, particularly in those situations where somebody has been issued or threatened with being issued with an eviction notice. If you think about those activities where it is about intervening with landlords or making provisions for alternative accommodation and not having to wait

1 Q3 [Kate Webb]

> until somebody is at the door of the council office with their suitcase, we can do something that is more meaningful and will cost less for everyone involved.[2]

8. Giles Peaker from the Housing Law Practitioners Association welcomed the provisions of Clause 1 and the acceptance of section 21 notices as evidence of homelessness. He told us that "We routinely see homeless people being effectively told, either by the local authority or by advisers who know what the local authority will tell them, to remain literally until they have an eviction notice. This means they also incur the court costs for a possession order, effectively for no reason."[3] Chris Norris from the National Landlords Association explained that landlords would also welcome Clause 1's provisions:

> The research that we do in-house tells us that one in five of our members has had a tenant who has received a valid Section 21 notice and who has been advised by their local authority or an advice service to stay until there is an order or even until the bailiffs turn up to end that tenancy. On the flipside of that, when we asked tenants—we run an independent tenants survey—49% of those tenants who had received at Section 21 had been told to stay put, whether they want to or not … It is just prolonging the period of instability[4]

9. Mr Norris also told us about the costs of the prolonged period of instability:

> Our members told us that the typical cost of one of those tenants or one of those households being told to stay amounted to around £3,700 if there is no damage to a property. Quite often when the relationship starts to break down, other things tend to occur, and there is damage or more wear and tear, and that increases that cost by another £2,000. On average it takes 17 weeks to get from service of a notice through to possession in most cases, although you only have to look at the Ministry of Justice figures to see that when those possession cases go to court, it takes an average of 45 weeks to regain possession. If the relationship has disintegrated, it is very unlikely that the rent is being paid during that time and it is quite unlikely the property is being taken care of. Things turn sour quite quickly, and that can lead to a great deal of problems for landlords.[5]

10. In our homelessness inquiry, we found that private landlords are becoming less willing to let to tenants who are in receipt of housing benefit and are even less willing to let to homeless households. The National Landlords Association explain that "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"."[6] The measures of Clause 1 can therefore been seen as a positive move to reduce the risk to which landlords are exposed, and therefore increase landlord confidence to let to vulnerable tenants. Accepting an expired section 21 notice as a trigger for a local authority's homelessness

2 Q3 [Matthew Downie]
3 Q53 [Giles Peaker]
4 Q53 [Chris Norris]
5 Q56
6 National Landlords Association (HRB08)

duties could however have the unintended consequence of reducing prevention work. Neil Wightman from the Association of Housing Advice Services told us that when a section 21 notice expires, it is often too late to take effective preventative action:

> it is very difficult for landlords and applicants to think about preventing homelessness at that point. We would prefer that the applicant, the person or the household approaching the local authority triggers the 56-day period for prevention of homelessness. If that is at the expiry of the notice, that is fine, but many people come to us very late in the process; they do not seek advice or come and approach us. At that point it is well beyond the expiry of the notice, and so we are into the homelessness duty. We would find it very difficult.[7]

11. We also note the concerns expressed by local authorities about acceptance of section 21 notices as a trigger for a local authority's homelessness duties. For example Harrow Council explain that:

> 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.[8]

12. Clause 1 seeks to resolve the crisis-driven approach to homeless support that we found in our earlier inquiry. **We welcome the extension of the period that someone can be considered to be threatened with homelessness from 28 to 56 days. We believe that the longer period will enable more effective work to prevent instances of homelessness from occurring.**

13. We welcome the focus and priority given to earlier intervention and efforts to prevent instances of homelessness from occurring. Similarly we welcome provisions that would ensure that households facing homelessness are able to receive support before facing the stress and indignity of being forcibly evicted by bailiffs. We recognise that some local authorities already act as early as possible to prevent homelessness—Lindsay Megson from the National Practitioners Support Service for example described a council that had had positive results by beginning prevention work at the 90 day mark[9]—and would like to see an early intervention approach standardised across the country. However we also acknowledge that section 21 notices cannot always be definitive evidence of homelessness. As Neil Wightman told us, many landlords used to issue section 21 notices at the commencement of a tenancy as a matter of administrative expediency (this now cannot be done for any tenancy that started after 1 October 2015),[10] and the existence of the notice might not always mean that the tenant is in practice likely to become homeless. We believe that local authorities are well-placed to determine this. ***We recommend that Clause 1(2) of the Bill is revised so that it is clear that an applicant for support need not remain in a property where possession proceedings are underway for the local authority to treat such a person as homeless.***

7 Q53 [Neil Wightman]
8 Harrow Council (HRB19) para 9
9 Q52 [Lindsay Megson]
10 Q53 [Neil Wightman]

Clause 2: Duty of local housing authority to provide advice

14. Clause 2 of the draft Bill amends Section 179 of the 1996 Act to clarify and strengthen the duties placed on local authorities to provide advice on preventing homelessness, securing accommodation and signposting other help that might be available. In our homelessness inquiry we heard how the advice given to homeless applicants often amounted to little more than a list of letting agents and even that was frequently out of date. **We therefore welcome the provisions of Clause 2 and the emphasis it places on services preventing homelessness from occurring.**

15. Paragraph 4(4) of the new Section 179 requires local authorities to ensure that services meet the needs of groups at particular risk of homelessness. Such groups include, but are not limited to,

- people leaving prison or youth detention accommodation,
- young people leaving care,
- people leaving the regular armed forces of the Crown,
- people leaving hospital after medical treatment for physical injury or illness or mental illness or disorder as an inpatient,
- people with a learning disability, or
- people receiving mental health services in the community

During our homelessness inquiry we spoke to young people leaving care and also heard about the particular challenges for people with multiple complex needs. We welcome the requirement that consideration be given to how best to serve these vulnerable groups, but believe that those who have experienced, or are at risk of, domestic violence should also be included. Agenda, a charity representing the interests of women and girls at risk, explained that:

> It is clear that women who have experienced interpersonal abuse and violence are at particular risk of homelessness and as such we strongly believe that they should be included in the Bill. We are concerned that if they are not included [in the list of groups at clause 2(4)], local authorities may be less likely to think about them in service planning around advice and assistance … Women who are homeless often have particularly complex needs, with extensive experiences of abuse and violence and very high levels of drug addiction and poor mental and physical health. Their needs tend to be even more complex than those of homeless men.[11]

16. ***We recommend that those who have experienced, or are at continued risk of, domestic violence and abuse should be included in Clause 2(4), to reflect their complex needs and increased vulnerability.***

11 Agenda (HRB37) paras 6 and 16

Clause 3: Mandatory code of practice

17. Clause 3 of the draft Bill introduces a requirement for the Secretary of State to provide a code of practice for local authorities that specifies how their homelessness services should operate. The code of practice would, among other things, include details on the content and standards of staff training, the minimum service standards expected under the duty to provide advice and the duty of care that local authorities owe to homeless people. In our report on homelessness we recommended that the guidance given to local authorities be strengthened because we heard that services could be hostile and at times discriminatory. We 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.[12]

18. Our recommendation was that the code should highlight and capture examples of best practice as a means of raising standards across the country. Matthew Downie from Crisis told us that a similar approach in Wales had been effective:

> we have not seen an unveiling of vast reams of extra regulation and prescription for local authorities—there are minimum standards—but, as we hear it, the big difference has been made by a culture shift on the ground: a move away from this idea that it is an adversarial applicant-against-local-authority relationship where the local authority has its checklist of things that might rule you out; and towards the idea that local authority staff are trained and supported to be the people who look for the opportunities to prevent and resolve people's homelessness.[13]

19. The existing Homelessness Code of Guidance for Local Authorities[14] was published in July 2006. It contains advice on the decision-making process but does not specify service standards or desired outcomes. This guidance would need revision as a result of new duties introduced in the Homelessness Reduction Bill. We believe that it should either be combined with or complement a new statutory measure of service standards. We note the concerns raised by Homeless Link and agree that they should be addressed:

> Homeless Link thinks the focus should be on ensuring that any current or updated guidance is followed correctly. Our members are more concerned about ensuring implementation of what is in place rather than any large-scale extension. Feedback has been that the Code of Guidance is not always followed and homelessness agencies have struggled to know how to respond to this.[15]

20. We welcome measures to address unacceptable levels of service at some local authorities. However we also appreciate concerns expressed by witnesses who feared that a mandatory code of practice could be overly prescriptive and stifle innovation.[16] The

12 Communities and Local Government Committee, Third Report of Session 2016–17, *Homelessness*, HC 40, para 67
13 Q7 [Matthew Downie]
14 Department for Communities and Local Government, *Homelessness Code of Guidance for Local Authorities*, July 2006
15 Homeless Link (HRB06) para 22
16 Q96 [Neil Wightman]

London Borough of Wandsworth argued that "A mandatory code of practice is likely to be either so woolly as to be meaningless or so prescriptive as to be unworkable. It would not and could not take into account local context, pressures and factors."[17] However it remains the case that service standards vary across local authorities and examples of poor service are not monitored. **A mandatory code of practice for local authorities, alongside a clear explanation to applicants of the service levels they should expect to receive, need not be overly prescriptive, and could improve what is now an often hostile process. Such a code of practice however will only achieve its aims if it is monitored so that non-compliance has consequences and action can be taken to deliver improvement. Monitoring of compliance with the code is an issue for the Department to address in implementing the Bill.**

Clause 4: Homelessness reduction duties

21. Clause 4 of the draft Bill places three new duties on local authorities: the duty to assess, the duty to prevent and the duty to help secure accommodation. Clause 4 also specifies how an authority should secure or help to secure accommodation.

Duty to assess

22. The Clause inserts a new Section 184A into the 1996 Act, which would require local authorities to carry out an assessment of an applicant's case if they were homeless or threatened with homelessness. The existing Section 184 of the Act requires councils to make inquiries to ascertain the eligibility of an applicant, what duty is owed to the applicant and whether that applicant has a local connection: the effectiveness with which local authorities carry out these duties varies considerably. The new section 184A seeks to address this variability by requiring an assessment of each applicant which includes consideration of how the applicant became homeless or threatened with homelessness, the housing needs of the applicant, the support needs of the applicant and the outcome that the applicant wishes to achieve from the authority's support. Following the assessment, councils would be required to notify applicants of the outcome of the assessment and provide a personal housing plan. The personal housing plan would include a summary of the applicant's case, the outcome that the applicant wishes to achieve, a summary of the advice given and steps to be taken by the Housing Officer, and a summary of the steps to be taken by the applicant.

23. In our homelessness inquiry we heard from people with first-hand experiences of approaching their local authority for support that too often they had been met with indifference because they were not in priority need. Financial pressures and increasing burdens on councils make it understandable that efforts are focussed on the most vulnerable. However this has led to many people not receiving adequate support or guidance. We therefore welcome the requirement in the Bill for an assessment and a personal housing plan as a means of providing more effective support for all applicants. We acknowledge that this will increase the workload of local authorities. The Association of Housing Advice Services conducted research on the additional caseloads of five London boroughs and found that based on data from 2015/16, there would be the following extra assessments under the Bill's duty to assess:

17 London Borough of Wandsworth (HRB26)

- South inner London borough – 10,145
- West outer London borough – 1,103
- North outer London borough – 8,340
- Central London borough – 1,779
- East inner London borough – 7,581[18]

24. It is clear that the provisions of the Bill will make a significant call on the resources of local authorities. We therefore welcome comments from Gavin Barwell MP, the Minister for Housing and Planning, suggesting that the government would provide additional resources:

> "At Westminster we will be looking at … some proposed changes to the law in relation to the duties that are put on councils and the responsibilities of government to deal with those problems, and we will be talking about it at that level. Absolutely there is a responsibility on government in terms of resourcing this important work."[19]

25. The Minister of State responsible for homelessness, Marcus Jones MP, was similarly encouraging—if slightly less explicit—about government financial support to meet the consequences of the Bill for local authorities:

> "we are looking to develop, and in fact are very advanced in developing, a significant package that may well complement any legislation that was put forward"[20]

26. **The provisions of the Bill will undoubtedly make a significant call on the resources of local authorities: however we believe that it is not acceptable to refuse support to vulnerable people on cost grounds alone. The Department for Communities and Local Government should ensure that the costs of new burdens on local authorities are fully taken into account in future funding and in arrangements for the 100% retention of business rates by local authorities.**

Duty to help prevent an applicant from becoming homeless

27. The draft Bill introduces a new Section 184B in the 1996 Act which requires local authorities to help to ensure that suitable accommodation does not cease to be available for applicants who are threatened with homelessness and eligible for assistance. The new Section also describes the circumstances under which the duty can come to an end, which include the local authority being satisfied that the applicant "is unreasonably refusing to co-operate". Several witnesses expressed concerns about what they saw as the subjectivity of the term 'unreasonably refusing to co-operate'.

28. As discussed in paragraphs 17–20, the relationship between applicant and local authority should be based on open conversation and not become adversarial, as it often is now. It is therefore appropriate that the applicant should be expected to work with and

18 Association of Housing Advice Services (HRB04), table 1
19 Quoted in "*Barwell pledges action to tackle rough sleeping 'moral shame'*", Inside Housing, 5 September 2016
20 Q 81

not against the authority, and to behave in a way that will help resolve their homelessness sooner. Heather Wood from South Cambridgeshire District Council told us that she welcomed the new expectation that applicants should co-operate and work with housing officers:

> Sometimes people's expectations are not realistic about what is deliverable. As we have already said, by having that frank conversation at the beginning we can try to offer realistic solutions by listening on both parts. However, applicants have to understand that a housing authority cannot make houses appear out of nowhere. There has to be some recognition of the challenges that a local authority faces and a responsibility for doing as much as you can to safeguard your own accommodation. It is very much a partnership.[21]

29. Matthew Downie from Crisis described how his organisation had considered a duty for applicants to co-operate in their panel reviewing homelessness legislation:

> The panel that we convened looked very closely at this, because the idea that, particularly for prevention and relief activity, there should be a balance of responsibilities was seen as absolutely central. The argument was that there must be incentives on both sides, and we completely concur with that, as long as we can be clear that any breach of that is not constituted by a failure to co-operate that is inherent to the circumstances of homelessness: not being able to attend particular appointments or keep up contact levels. For somebody who is homeless, some of those things are not realistic and we see the detrimental effect of that sort of regime through the sanction system.[22]

30. Kate Webb from Shelter also suggested that greater clarity was needed on this issue:

> When you are being very clear that your duty to co-operate means responding to letters and attending appointments, that is very objective. When it drifts into, "What steps have you taken to find a home? What have you done to engage with local landlords?", that opens up an area where it is very difficult to track what someone has done or is reasonable to do. You are probably setting up a situation where the local authority is going to be subject to an awful lot of challenges[23]

31. Homeless Link also highlight that the complex needs of many homeless people could lead to behaviour which might be interpreted, under the current wording of the draft Bill, as them refusing to co-operate:

> Homelessness agencies often find that a people with complex or multiple needs struggle to follow instructions which are given to them. Research has shown that it is the most vulnerable groups within the homeless population who are most likely to be sanctioned for not fulfilling benefit conditionality. This includes those with poor literacy, learning disabilities, mental health problems and substance misuse issues. The impact of these sanctions is devastating. In a similar way, Homeless Link is very concerned that the

21 Q37 [Heather Wood]
22 Q13
23 Q14 [Kate Webb]

> broad nature of the term "*failure to cooperate*" leaves open the possibility of individuals having support that will help address their homelessness being withdrawn.[24]

32. We welcome the new requirement for applicants to engage with and share responsibility for resolving their homelessness. ***However we recommend that this clause (and a similar provision in the proposed Section 184C)[25] be revised so that the definition of non-cooperation is clear and takes into account the likely behaviour of homeless people with complex needs.*** Factors arising from the financial circumstances of many homeless people, such as a mobile phone being out of credit or not having a consistent or reliable postal address, should not be used as evidence of a failure to meet any duty to cooperate.

Duty to help secure accommodation for homeless applicant

33. Clause 4 of the draft Bill inserts a new Section 184C into the 1996 Act. Section 184C requires local authorities to help to secure accommodation for all applicants who the authority is satisfied are homeless and eligible for assistance, regardless of priority need. Provisions are also made for the circumstances under which the duty comes to an end. These include:

- after a period of 56 days;
- when the applicant ceases to be eligible;
- once the local authority is satisfied that 'reasonable steps' have been taken to help secure suitable accommodation; and
- when suitable accommodation is available for a period of at least 12 months.

There is also provision for councils to discharge the duty if the applicant refuses an offer of accommodation that the authority judges to be suitable, and if the applicant unreasonably refuses to co-operate. (We discussed concerns over the expectation that applicants co-operate fully in paragraphs 27–32.)

34. We welcome measures that will give effective support to applicants not judged to be in priority need. However the requirement that accommodation be secured be for at least 12 months could prove problematic. Andy Gale, a housing and homelessness consultant, argued that the 12 month requirement was not achievable:

> The 12 month clause in the Homelessness Reduction Bill fails to recognise the reality of housing markets in London and across many parts of England where the only 12 month outcome would be an offer of social housing that cannot be delivered because of the lack of 1 bedroom availability … The 12 month clause would perversely create a situation whereby the only accommodation that a local authority is able to secure to end the 184C duty is likely to be of a 6 month duration. However, this would not end the duty and an applicant would be able to refuse that offer of accommodation

24 Homeless Link (HRB06) para 16
25 *Draft Homelessness Reduction Bill*, August 2016

> leaving the local authority under the 'help to secure' duty for the remainder of the 56 days that duty is owed. At the end of 56 days the applicant would be left homeless with no accommodation unless they were in Priority Need.[26]

35. Harrow Council also highlight that the 12 month requirement could prevent councils from using supported hostel accommodation:

> We know that many hostel places give 6 month agreements, which generally are extended over again for up to 2 years provided the occupant engages with the support and services at the hostel. We know that many vulnerable people can't manage an AST, and a supported hostel is the only and best option available to them. The 12 month proposal could rule out this option as a valid form discharging the help to secure duty if the hostel offers an initial licence for 6 months.[27]

36. Lindsay Megson from the National Practitioners Support Service told us that the 12 month requirement would also not be practicable when placing people in the private rented sector:

> Lots of landlords may be willing to work with homeless households, but 12 months is too much. They would not grant a 12-month tenancy to somebody who was not coming through the local authority, so why would they grant that tenancy to a homeless household? Six months would definitely widen prevention options.[28]

37. **We acknowledge and welcome the intention of the 12 month requirement and the increased stability that it would provide. However we are not convinced that it will be workable. *We therefore recommend that section 184C(5) and 184C(7) be amended to require councils to help secure accommodation for a period to be set out in secondary legislation. We would expect this initially to be six months, but believe that it is important to have the flexibility to extend the period if the market changes.***

Clause 8: Becoming homeless intentionally

38. Clause 8 inserts a new subsection into section 190 of the 1996 Act which provides that a person can be considered to be intentionally homeless if they have not accepted a reasonable offer of accommodation from the local authority or a private landlord, or they have otherwise failed to cooperate with the support given by the local authority. As stated in paragraph 32, we are concerned that the term 'failed to cooperate' is not clear enough and recommend that this provision is redrafted. The Clause does not specify what a 'reasonable offer of accommodation' constitutes.

39. Some witnesses expressed concern at this provision, on the grounds that it might weaken the support given to priority need households. Crisis explained:

> This would for the first time introduce a duty to cooperate for priority need households (mostly families and very vulnerable adults), significantly undermining their existing protections. This may put homeless families at

26 Andy Gale (HRB01) page 10
27 Harrow Council (HRB19)
28 Q100 [Lindsay Megson]

> risk of being ineligible for any assistance at this late stage, when they will already have fallen through the safety net of the prevention and relief duties … [Existing intentional homeless provisions] assess the circumstances in which a household became homeless, not their behaviour after the fact. This could have far-reaching consequences in restricting the protections afforded to some of the most vulnerable in society, including by preventing families and very vulnerable adults from applying for homelessness assistance in future.[29]

40. **In our view, the provision in Clause 8, as currently worded, is too broad and might be seen as running counter to the wider objectives of the Bill by significantly weakening the protections that already exist for priority need households. In our report on homelessness we called for services to provide a compassionate approach that gives individuals an element of choice and autonomy.[30] Despite measures elsewhere in the draft Bill that foster a partnership approach, Clause 8 reverts to the adversarial 'take it or leave it' approach. If the Clause is to stay in the Bill, we believe that it should be redrafted to ensure that the protections for vulnerable people in priority need are not weakened.**

Clause 9: Somewhere safe to stay

41. Clause 9 inserts a section 192A into the 1996 Act which would create a duty for local authorities to provide 56 days of emergency accommodation to homeless applicants with a local connection but who are not in priority need and who have nowhere safe to stay. This duty would only apply to a first application and would not apply if the applicant had accessed services in the previous six months. The clause specifies that an applicant would meet the 'nowhere safe to stay' criterion if there were no accommodation available for them, or if it is probable that the only accommodation available would lead to violence against the applicant or their family.

42. We heard from local authorities that this provision caused particular concern because of doubts over its feasibility. Neil Wightman told us that:

> This is one of the key areas. It is not workable due to the potential cost. We have done some research through AHAS to look at London local authorities and how that would work. We have done the analysis based on the current footfall for last year. We have discounted it by 30% for potential repeat visits and by another 30%, assuming a prevention rate of 30%, and used the net average TA [temporary accommodation] cost for eight weeks after housing benefit has been taken off. That comes to about £100 million for London based on the current figures. That does not include any new demand.[31]

43. These concerns were shared by the Local Government Association, which argued that "it is difficult to see how local government will be able to deliver a 56 day accommodation duty to all applicants. Many councils are already struggling to source a sufficient supply of accommodation for those in priority need and supply is falling as a result of housing and

29 Crisis (HRB20) paras 18–19
30 Communities and Local Government Committee, Third Report of Session 2016–17, *Homelessness*, HC 40, para 67
31 Q101

welfare reforms."[32] We note the suggestion from some witnesses that the 'nowhere safe to stay' duty be restricted only to verified rough sleepers[33] as a way of building upon the work of the No Second Night Out programme. However we heard during our homelessness inquiry about the difficulties street homeless people face accessing services, and restricting the duty to rough sleepers would mean that the only way that someone at risk of violence, for example a young person forced to leave home as a result of family disagreements and relationship breakdown, could access support would be to spend time sleeping rough. This would not be an effective or efficient way of supporting vulnerable people.

44. We also heard concerns that this provision could overwhelm councils as it might encourage the 'hidden homeless', such as sofa surfers, to claim accommodation. The Association of Housing Advice Services, drawing on research from Crisis which suggested that there were between 310,000 and 380,000 people who were relying on a series of short-term arrangements for accommodation, argued that councils could not cope with the additional demand:

> Providing TA for 56 days under a relief duty will put significant strain on local authority budgets and will be available for all single people irrespective whether they have a support need or not … In addition to costs, the process of acquiring and accessing housing to provide relief for all these additional people does not currently exist and cannot be procured. It is likely that the private housing market will react to this financial opportunity by creating thousands of nightly rated bed and breakfast accommodation at astronomical costs which will have to be paid for by the local taxpayer.[34]

45. We recognise that this Clause, and the Bill as a whole, will increase the demands on local authorities, and we discuss the funding of new burdens later in the report. Giles Peaker argued in favour of

> a limited duty of emergency accommodation for a period of 56 days, in order to help people get on their feet until they find something else … In principle, you are dealing with people who are not necessarily [legally] vulnerable but are at risk. Rough sleepers and those fleeing domestic violence are the two obvious categories, in that they are not otherwise in priority need. It is a breathing space, hopefully to enable these people to obtain something where they are otherwise at serious risk … Conceived of as a limited emergency duty, where safety is the concern, it is valuable.[35]

46. ***We support the principle behind the requirement that local authorities provide 56 days of emergency accommodation to those with nowhere safe to stay. However we also recognise the reality that it is not feasible for councils to provide accommodation to all homeless people. We therefore recommend that Clause 9 be revised to restrict the duty to those whose safety is at risk and call on the Secretary of State to issue guidance with objective measures to ascertain when someone is at risk of violence as compared to other forms of homelessness.***

32 Local Government Association (HRB10)
33 Andy Gale (HRB01) recommendation 1; Harrow Council (HRB19) recommendation 3
34 Association of Housing Advice Services (HRB04) para 5
35 Q104

Clause 12: Definition of local connection

47. Clause 12 amends the definition of local connection in Section 199 of the 1996 Act. Under the Housing Act, a person has a local connection with an area:

- if they are or were a resident there,
- if they are employed there,
- because of family associations, or
- because of special circumstances.

Local authorities have agreed[36] that a local connection means that the applicant must have lived in the area for six out of the last 12 months, or three out of the last five years. The provisions of Clause 12 alter the local connection definition by requiring that an applicant is or was a resident for an unbroken period of six months, is or will be employed in the area for six months without a break, because of family associations or for special circumstances.

48. In our report on homelessness we recommended that the Government should consider the guidance given to local authorities for when families moved from lower cost areas into higher cost areas, and then subsequently presented as homeless after a short period in privately rented accommodation.[37] High cost areas such as London are already struggling to meet the housing demand across all sectors and it is not appropriate that stretched resources be used in this way. However we are concerned that the proposed revision to the local connection criteria will fail to address this issue and could potentially make it harder for homeless households to access support.

49. Shelter argued that the revised definition could have adverse consequences for people in insecure employment (such as those on zero hour contracts)[38] who would have difficulty proving six months' employment. Ryedale District Council also had concerns regarding employers in the tourism and food manufacturing industries who took on large numbers of seasonal staff. Such employees would be able to claim a local connection based on short-term employment, even if their permanent residence was elsewhere.[39] Neil Wightman from the Association of Housing Advice Services and the London Borough of Lambeth told us:

> We would prefer local connection to remain largely as it is, related to where you are living or where your last local connection has been. We are worried that if you widen it out and make it more flexible, it is going to provide another layer of investigation to determine whether somebody had a local connection in your area at whatever point in time. Multiple applications and local connections create a layer of complexity that is not needed over the current rules.[40]

36 Department for Communities and Local Government, *Homelessness Code of Guidance for Local Authorities*, July 2006, Annex 18, para 4.1

37 Communities and Local Government Committee, Third Report of Session 2016–17, *Homelessness*, HC 40, para 56

38 Shelter (HRB30) para 30

39 Ryedale District Council (HRN03) para 7

40 Q98 [Neil Wightman]

50. Witnesses were also troubled by the implication that the required six months of unbroken residence in an area could have been many years ago. Justine Harris from Brighton & Hove City Council argued that it would be "very hard to investigate six months at any point in someone's life".[41] Rhys Makinson from the London Borough of Camden also told us:

> What we are most concerned about is that, if you discharge duty and somebody goes off and then happily lives in another area for two or three years, they could then come back again and say, "We have lived in Camden previously; we want you to find other accommodation for us somewhere else." You could end up with a big circle where we discharge duty, they come back, we discharge duty, they come back.[42]

51. Clause 12 also alters the local connection rules by shifting the burden of proving a connection onto the applicant. The 1996 Act states that a person has a local connection if they have a connection. However Clause 12 of the Bill states that a person has a local connection if they can *prove* they do. Lindsay Megson from the National Practitioners Support Service argued that:

> It did appear that the burden to prove the local connection rested with the applicant, and the burden to disprove it with the local authority. I know many of us would struggle to prove where we lived for six months at some point in our lives. We do not support the idea that a homeless household, possibly at crisis point, should have to do that. In our opinion, the local connection criteria works as it is, and there is no need for a revision.[43]

52. ***We do not support the changes proposed in Clause 12 of the draft Bill. We do not believe that there is a consensus for changes to the local connection rules. We therefore recommend that the Clause be removed from the Bill.***

Clause 14: Reviews of decisions

53. Clause 14 of the draft Bill amends Section 202 of the 1996 Act to give applicants the right to request additional reviews of a local authority's actions under the new duties to assess, prevent and help to secure accommodation. The Clause also outlines what should be included in the reviews. For reviews concerning the authority's duty to assess, measures such as the information taken into account in connection to the assessment and any decision which is adverse to the applicant's interests are subject to review. For reviews concerning the duties to prevent homelessness and to help secure accommodation, the nature and extent of assistance given and the suitability of accommodation are included.

54. The London Borough of Wandsworth argued that:

> This whole section is misconceived as it extends the right to seek a review of virtually everything under the legislation … There seems to be little logic in extending the right to review to matters that have been overtaken by events … or indeed any decision `adverse to the applicants interest'. That

41 Q42 [Justine Harris]
42 Q42 [Rhys Makinson]
43 Q98 [Lindsay Megson]

> sub clause is a particularly strong example of imprecise drafting as the bill is set out. One can imagine endless, futile and expensive arguments about what that precisely means.[44]

55. Harrow Council described the Bill as "a litigant's charter"[45] and argued that:

> The current review process is already lengthy and complex. The proposal to add another four review stages in each case to an already burdened service is disproportionate and unworkable. It will have the effect of making all assessments grind to a halt when applicants could stop the process at so many stages.[46]

56. Giles Peaker told us that he did not oppose the provisions of the Clause and the additional rights of review:

> These are all significant decisions. Each of those decisions is either a decision to end a duty or that a duty has been fulfilled or that there has been a failure to engage with the duty in the first place. It is not a question of necessarily a whole sequence of decisions being challenged. These are the key decisions, and as such capability of review is vital.[47]

57. **In light of the examples of poor service we found during our homelessness inquiry, we agree that applicants should have the right to ask for a review of the support they receive from local authorities. However we recognise the potential for a significant increase in cases brought to review and the impact that this will have on local authority resources. *We therefore recommend that sub-paragraph (1B)(d) "any decision which is adverse to the applicant's interests" be left out of Clause 12(5) of the draft Bill. Reviews should address whether the local authority has met its duties and fulfilled the actions it committed to in an applicant's personal housing plan.***

Clause 16: Accommodation suitability

58. Clause 16 amends the criteria in Section 210 of the 1996 Act used to determine what a local authority should consider when assessing whether or not a property is suitable for an applicant. It provides that the authority shall not have regard to the applicant's preferred location of the property.

59. In our homelessness inquiry we heard that many London boroughs struggle to find affordable accommodation within their boundaries, and so place homeless households in cheaper areas elsewhere in the country. The Royal Borough of Kensington and Chelsea argued that:

> An expectation should be placed on applicants to pursue housing options that will reduce reliance on welfare benefit budgets … in the longer term,

44 London Borough of Wandsworth (HRB26)
45 Harrow Council (HRB19) para 1
46 Harrow Council (HRB19) para 8
47 Q62 [Giles Peaker]

> including options that may be on occasion some distance away from the assisting borough. Therefore, affordability must be a key consideration when considering whether an offer of accommodation is suitable.[48]

60. Similarly Neil Wightman told us that:

> There are significant areas, London and outside London, where there simply is not any affordable accommodation at all, and if we are placing single people or families in accommodation, we want that to be sustainable. The only way you can make it sustainable as a long-term family home is if it is affordable. If there simply is no accommodation locally, affordability has to be brought into the suitability dimensions.[49]

61. Giles Peaker told us that he recognised the importance of affordability as a key consideration, but would want to retain some consideration of location. He told us that "simply removing locality as a factor that is important to people risks … people simply being shipped to other areas without any consideration as to whether there was some alternative in between".[50] During our homelessness inquiry we heard from Daisy-May Hudson who told us that her family was offered accommodation that was a two hours away from the school attended by her sister who was part-way through her GCSEs. When the family refused the placement, they were told that doing so would mean they would be judged as being intentionally homeless and the council's duties would come to an end. It was only when the family sought to challenge the decision in the courts that the council agreed to look for accommodation closer to the area.

62. In our homelessness report we concluded that "Housing people away from their homes and support networks should be an action of last resort, but we appreciate the pressures that councils are under and do not oppose out of area placements in principle."[51] ***We recommend that when assessing a property's suitability, local authorities should be required both to take into account an applicant's location preference and to balance this with long-term affordability for the applicant. Consideration should be given to providing a stronger duty to accommodate certain groups within a reasonable distance of their last permanent accommodation, such as people with mental health conditions who have a support network which is helpful in managing their condition, and families with children at school.***

Clause 17: Co-operation between authorities and others

63. Clause 17 of the Bill amends the 1996 Act to require co-operation between social services and housing teams within local authorities, and between local authorities and other bodies including social landlords, the NHS, probation services, Jobcentre Plus and the police.

64. In our homelessness inquiry we heard that different homeless support services often operate in isolation. For example people leaving prison were given little or no support to

48 Royal Borough of Kensington & Chelsea (HRB21) para 6.1
49 Q61 [Neil Wightman]
50 Q61 [Giles Peaker]
51 Communities and Local Government Committee, Third Report of Session 2016–17, *Homelessness*, HC 40, para 53

find accommodation, and prison services frequently sent ex-prisoners to local authorities with little attempt to support their resettlement.[52] Dominic Williamson from St Mungo's noted the Committee's findings on co-ordinating mental health support. He told us that:

> there is a real problem with getting the right support to people with mental health problems who are sleeping rough. This element of the Bill would help cement some of those relationships that you desperately need at a local level between the NHS and housing. It is quite reasonable to expect that co-operation to happen between public bodies. We see a lot of cost shifting between the different siloes in the system otherwise. If a local council does not do its job and someone ends up on the street, gets assaulted, is picked up by an ambulance and goes to hospital, the costs are shunted into the health service—or maybe they are arrested. This is part of the problem with our siloed public services, and wherever possible we need to hardwire in that co-operation and raise the expectation that our public services will talk to each other and work together strategically on a case-by-case basis for individuals to ensure that the best outcome happens.[53]

65. Subsections 2 and 3 of the new Section 213 introduced by Clause 17 outline the circumstances under which co-operation can be withheld: if doing so is incompatible with a person's duties, or if co-operating would have an adverse effect on their functions. While recognising that there will be instances when a public body has legitimate grounds to withhold co-operation, we are concerned by the uncertainty of this Clause. **It is unclear whether an organisation could deny a request for co-operation on the grounds that it would divert funds away from its primary duties or residents.** ***We recommend that this Clause be reinforced by statutory guidance that makes it clear that such grounds would not be a valid reason for failing to co-operate with measures to reduce homelessness.***

52 Communities and Local Government Committee, Third Report of Session 2016–17, *Homelessness*, HC 40, para 86
53 Q10 [Dominic Williamson]

3 The Bill's impact on homelessness and implications of the Bill

The wider causes of homelessness and the limits of prevention duties

66. We are confident that the Bill will help to reduce levels of homelessness, and will improve the services delivered by councils. However our report on homelessness made a wide range of recommendations and this Bill does not, and cannot, address them all. Nor can legislation effectively tackle the consequences for homelessness of the wider housing market and levels of rent in the private rented sector. We acknowledge and support the view expressed by the Local Government Association:

> Legislative change will only deliver on our ambitions if implemented as part of a coherent, workable, long-term national strategy for ending homelessness. A successful strategy would review the impact of national policy on homelessness trends and bring together local housing, health, justice and employment partners. It would also address the increasing gap between household incomes and rising rents and allow councils to protect and build more affordable homes.[54]

67. We asked Marcus Jones MP, Minister of State for Local Government, about what steps his Department were taking to address wider structural causes of homelessness. Mr Jones highlighted the work of the Ministerial Working Group which was looking at how the different Government Departments could better work together and gathering examples of best practice from across the country. We welcome his confirmation that the NHS is committed to working with DCLG to address the mental health needs of homeless people.[55] We reiterate the recommendation from our homelessness inquiry: ***we have concluded that the scale of homelessness in this country is such that a renewed, cross-Departmental Government strategy is needed. … All Departments need to contribute to the ending of homelessness by subscribing to a common approach.***[56]

Implementation of the Bill

68. As discussed in paragraphs 17–20, we support the introduction of a new Code of Practice for local authorities to ensure consistently high standards across the country. While we found examples of poor service provision, we have also heard about many positive approaches taken by councils. We note the experience of the new legislation in Wales[57], which introduced a duty on Welsh local authorities to provide housing advice and assistance to everyone within their area, whether or not they were homeless or threatened with homelessness. Kate Webb from Shelter told us:

> there has been a genuine change of culture in Wales … One of the reasons that was successful in the first place is that the way the legislation was developed was very consensual: charities, local authorities and the Welsh

54 Local Government Association (HRB10)
55 Qq 70–75
56 Communities and Local Government Committee, Third Report of Session 2016–17, *Homelessness*, HC 40, para 90
57 The Housing (Wales) Act 2014

> Government were all working together. My concern is that, if you try to impose outcomes through purely the legislation or a code of practice, you do not bring local authorities along with you in the way that you need to.[58]

69. Salford City Council argued for a similar approach with local authorities, as expert practitioners, being involved in the co-production and oversight of the proposed Code of Practice:

> We recognise the scale of the change, particularly in terms of reporting requirements and the need to source and commission accommodation provision. Therefore, we would request an appropriate lead-in time, as took place in Wales. This should be a minimum of 6 months, though we believe that 12 months would be more effective. Delivering this Bill effectively will require new commissioning arrangements and in particular a prolonged period of engagement with the voluntary and community sectors.[59]

70. **The evidence we have heard is clear that successful implementation will depend on close co-operation with local authorities.** ***We recommend that the Department makes a commitment to working with local authorities to develop the Code of Practice.***

The financial implications of the draft Bill

71. Many local authorities have expressed concern at the cost implications of the draft Bill. Bedford Borough Council for example argue 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.[60]

72. In addition, Bedford Borough Council estimates that its staffing levels would need to increase by 50 per cent and that the cost of the 'Somewhere safe to stay' 56 day accommodation duty would be a further £1.8 million per annum.[61] The Royal Borough of Kensington and Chelsea estimated that the Bill would cost £1.22 million to comply with the new duty to assess, £2.37 million for the duty to help secure accommodation and £2,000 gross per applicant under the 'Somewhere safe to stay' duty.[62] Given the short timescales to prepare evidence for this inquiry, the cost estimates from local authorities are understandably imprecise, but it is clear that the financial implications for local authorities could be significant. We note also the evidence from Lindsay Megson regarding the current funding of homelessness services:

> the homelessness prevention grant used to be a named grant for all local authorities and it is now within a line in the business rates retention scheme. Some local authorities, if we are starting at a funding point and the cost to local authorities, do not see any of that grant at all. We surveyed all 365

58 Q7 [Kate Webb]
59 Salford City Council (HRB11)
60 Bedford Borough Council (HRB31) para 5.5
61 Ibid paras 5.6–5.8
62 Royal Borough of Kensington & Chelsea (HRB21) paras 4.1–4.8

> local authorities about 18 months ago and found that some local authorities get no grant to prevent homelessness, some get all of it, and most get some but not all.[63]

73. As discussed in paragraphs 24–25, we welcome comments made by Ministers that the Government will help councils meet the financial burden of the new provisions. We also note that the Department hopes to complete a cost estimate of the Bill before Second Reading.[64] We expect that the amendments we have recommended to the draft Bill will reduce the costs of implementation. ***We urge the Department to complete its costing of the Bill before Second Reading and then to work with local authorities to develop a funding model that reflects local demand.***

63 Q48 [Lindsay Megson]

64 Qq 867–87

4 Pre-legislative scrutiny by Select Committees

74. There are no direct precedents for this inquiry, in which we conducted pre-legislative scrutiny of a Private Member's Bill tabled by a member of the Committee to implement some of the recommendations of a Committee report. In the 2003–04 Session Lord Lester tabled a Private Member's Bill on behalf of the Joint Committee on Human Rights, the Human Rights Act 1998 (Making of Remedial Orders) Amendment Bill [Lords], to implement recommendations made by the Committee in a report in the 2001–02 Session.[65] The Committee wrote to the Leaders of both Houses and to the Lord Chancellor seeking Government support for the Bill, which although passed by the Lords, made no progress in the Commons beyond First Reading.

75. Also in the 2003–04 Session, the Public Administration Select Committee published a report on the need for a Civil Service Bill, which included the text of such a Bill.[66] A Civil Service Bill was tabled by Oliver Heald MP, not a Member of the Committee, but this made no progress.

76. We therefore had ourselves to establish procedures for scrutinising the Bill. We were conscious of the need to avoid putting Bob Blackman, a member of the Committee scrutinising his Bill, in a position in which it could be suggested that there was a conflict of interest. We therefore agreed that although he would be present at the evidence sessions on the Bill, he would not ask questions, but he could answer questions of fact about the Bill or clarify the intention of particular wording: an analogy may be drawn with the role of the Comptroller and Auditor General at sessions of the Committee of Public Accounts.[67] (In the event, there was no need for him to intervene.) By the same token, Mr Blackman has played no part in agreeing this report.

77. We are convinced that our scrutiny of the draft Bill has been useful and hope that Mr Blackman will be able to draw on the conclusions and recommendations of this report to amend the draft in advance of Second Reading. Private Member's Bills are a subject of continuing interest to the Procedure Committee, which has recently recommended better preparation of legislation which can command widespread support in the House before introduction and certainly before Second Reading.[68] The circumstances of this inquiry—a Committee inquiry concluding in time to enable a member of the Committee who is successful in the ballot for Private Member's Bills to table a Bill to implement recommendations of the Committee's report, and the Committee having space in its timetable to conduct pre-legislative scrutiny before Second Reading—are perhaps unusual, but we believe that our experience is a model on which other Committees and sponsors of Bills can draw.

65 Joint Committee on Human Rights, Seventh Report of Session 2001–02, *Making of Remedial Orders*, HC 473

66 Public Administration Select Committee, First Report of Session 2003–04, *A Draft Civil Service Bill: Completing the reform*, HC 128

67 Qq 1 and 46

68 Third Report of the Procedure Committee, Session 2015–16, *Private Members' bills*, HC 684, paras 39–47

Conclusions and recommendations

Introduction

1. Our scrutiny of the text has reinforced our support for the principle of the Bill. We welcome the discussion it has started of the legislation governing responses to homelessness. However there are some points in the draft Bill that need further work and, where appropriate, we make recommendations to help the Bill better achieve its aims. We believe that this report and the evidence we have taken will both improve the Bill and help the House debate its provisions. (Paragraph 3)

The draft Homelessness Reduction Bill

2. We welcome the extension of the period that someone can be considered to be threatened with homelessness from 28 to 56 days. We believe that the longer period will enable more effective work to prevent instances of homelessness from occurring. (Paragraph 12)

3. *We recommend that Clause 1(2) of the Bill is revised so that it is clear that an applicant for support need not remain in a property where possession proceedings are underway for the local authority to treat such a person as homeless.* (Paragraph 13)

4. We welcome the provisions of Clause 2 and the emphasis it places on services preventing homelessness from occurring. (Paragraph 14)

5. *We recommend that those who have experienced, or are at continued risk of, domestic violence and abuse should be included in Clause 2(4), to reflect their complex needs and increased vulnerability.* (Paragraph 16)

6. A mandatory code of practice for local authorities, alongside a clear explanation to applicants of the service levels they should expect to receive, need not be overly prescriptive, and could improve what is now an often hostile process. Such a code of practice however will only achieve its aims if it is monitored so that non-compliance has consequences and action can be taken to deliver improvement. Monitoring of compliance with the code is an issue for the Department to address in implementing the Bill. (Paragraph 20)

7. The provisions of the Bill will undoubtedly make a significant call on the resources of local authorities: however we believe that it is not acceptable to refuse support to vulnerable people on cost grounds alone. The Department for Communities and Local Government should ensure that the costs of new burdens on local authorities are fully taken into account in future funding and in arrangements for the 100% retention of business rates by local authorities. (Paragraph 26)

8. *We recommend that Clause 3 (and a similar provision in the proposed Section 184C) be revised so that the definition of non-cooperation is clear and takes into account the likely behaviour of homeless people with complex needs.* (Paragraph 32)

9. We acknowledge and welcome the intention of the 12 month requirement and the increased stability that it would provide. However we are not convinced that

it will be workable. *We therefore recommend that section 184C(5) and 184C(7) be amended to require councils to help secure accommodation for a period to be set out in secondary legislation. We would expect this initially to be six months, but believe that it is important to have the flexibility to extend the period if the market changes.* (Paragraph 37)

10. In our view, the provision in Clause 8, as currently worded, is too broad and might be seen as running counter to the wider objectives of the Bill by significantly weakening the protections that already exist for priority need households. In our report on homelessness we called for services to provide a compassionate approach that gives individuals an element of choice and autonomy. Despite measures elsewhere in the draft Bill that foster a partnership approach, Clause 8 reverts to the adversarial 'take it or leave it' approach. If the Clause is to stay in the Bill, we believe that it should be redrafted to ensure that the protections for vulnerable people in priority need are not weakened. (Paragraph 40)

11. *We support the principle behind the requirement that local authorities provide 56 days of emergency accommodation to those with nowhere safe to stay. However we also recognise the reality that it is not feasible for councils to provide accommodation to all homeless people. We therefore recommend that Clause 9 be revised to restrict the duty to those whose safety is at risk and call on the Secretary of State to issue guidance with objective measures to ascertain when someone is at risk of violence as compared to other forms of homelessness.* (Paragraph 46)

12. *We do not support the changes proposed in Clause 12 of the draft Bill. We do not believe that there is a consensus for changes to the local connection rules. We therefore recommend that the Clause be removed from the Bill.* (Paragraph 52)

13. In light of the examples of poor service we found during our homelessness inquiry, we agree that applicants should have the right to ask for a review of the support they receive from local authorities. However we recognise the potential for a significant increase in cases brought to review and the impact that this will have on local authority resources. *We therefore recommend that sub-paragraph (1B)(d) "any decision which is adverse to the applicant's interests" be left out of Clause 12(5) of the draft Bill. Reviews should address whether the local authority has met its duties and fulfilled the actions it committed to in an applicant's personal housing plan.* (Paragraph 57)

14. *We recommend that when assessing a property's suitability, local authorities should be required both to take into account an applicant's location preference and to balance this with long-term affordability for the applicant. Consideration should be given to providing a stronger duty to accommodate certain groups within a reasonable distance of their last permanent accommodation, such as people with mental health conditions who have a support network which is helpful in managing their condition, and families with children at school.* (Paragraph 62)

15. It is unclear whether an organisation could deny a request for co-operation on the grounds that it would divert funds away from its primary duties or residents. *We*

recommend that this Clause be reinforced by statutory guidance that makes it clear that such grounds would not be a valid reason for failing to co-operate with measures to reduce homelessness. (Paragraph 65)

The Bill's impact on homelessness and implications of the Bill

16. *We have concluded that the scale of homelessness in this country is such that a renewed, cross-Departmental Government strategy is needed. … All Departments need to contribute to the ending of homelessness by subscribing to a common approach.* (Paragraph 67)

17. The evidence we have heard is clear that successful implementation will depend on close co-operation with local authorities. *We recommend that the Department makes a commitment to working with local authorities to develop the Code of Practice.* (Paragraph 70)

18. We urge the Department to complete its costing of the Bill before Second Reading and then to work with local authorities to develop a funding model that reflects local demand. (Paragraph 73)

Appendix: The draft Homelessness Reduction Bill

A Bill to amend the Housing Act 1996 to make provision about measures for reducing homelessness; and for connected purposes.

1 Definition of homelessness and threatened homelessness

(1) The Housing Act 1996 is amended as follows.

(2) In section 175 (Homelessness and threatened homelessness), after subsection (2), insert—

> "(2A) A person in respect of whom a valid notice under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) has been given is to be treated as homeless from the date on which that notice expires." [s175.001]

(3) In subsection (4) of section 175, for "28 days", substitute "56 days". [s175.002]

2 Duty of local housing authority to provide advice

(1) The Housing Act 1996 is amended as follows.

(2) For Section 179 (Duty of local housing authority to provide advisory services) substitute—

> "179 Duty of local housing authority to provide advice
>
> (1) A local housing authority must provide or secure the provision, without charge, of a service to provide, people in its area with:
>
> (a) information and advice relating to:
>
> (i) preventing homelessness,
>
> (ii) securing accommodation when homeless or likely to become homeless,
>
> (iii) gaining access to any other help available for people who are homeless or may become homeless, and
>
> (b) assistance in accessing help under this Part or any other help for people who are homeless or may become homeless.
>
> (2) In relation to subsection (1)(a), the service provided must include, in particular, the publication of information and advice on the following matters:
>
> (a) the system provided for by this Part and how the system operates in the particular local authority's area;

(b) whether any other help for people who are homeless or may become homeless (whether or not the person is threatened with homelessness within the meaning of this Part) is available in the authority's area; and

(c) how to access help falling under (2)(b) that is available.

(3) In relation to subsection (1)(b), the service must include, in particular, assistance in gaining access to help to prevent a person becoming homeless which is available whether or not the person is threatened with homelessness within the meaning of this Part.

(4) A local housing authority must, in particular, ensure that the service is designed to meet the needs of groups at particular risk of homelessness, including but not limited to:

(a) people leaving prison or youth detention accommodation,

(b) young people leaving care,

(c) people leaving the regular armed forces of the Crown,

(d) people leaving hospital after medical treatment for physical injury or illness or mental illness or disorder as an inpatient,

(e) people with a learning disability, or

(f) people receiving mental health services in the community.

(5) In discharging the duty under Subsection (4), a local housing authority may work with other public authorities, voluntary organisations and other persons, to identify and meet the needs of people defined by that subsection.

(6) Two or more local housing authorities may jointly secure the provision of a service under this section for their areas; and where they do so—

(a) references in this section to a local housing authority are to be read as references to the authorities acting jointly, and

(b) references in this section to a local housing authority's area are to be read as references to the combined area.

(7) The service required by this section may be integrated with the service required by Section 4 (Providing information and advice) of the Care Act 2014.

3 Mandatory code of practice

(1) The Housing Act 1996 is amended as follows.

(2) In section 182 (Guidance by the Secretary of State), after subsection (1), insert—

"(1A) The Secretary of State must provide a code of practice for local authorities on the services they provide aimed at reducing homelessness, in writing, including guidance on, but not limited to, the following areas:

(a) the duty of care of a local authority towards homeless people,

(b) the content and standards of staff training in services provided under this Part,

(c) the minimum standards required of the service to be provided under s179, and

(d) recommendations for best practice in all relevant areas, with particular regard to the duties under s179 and ss184A–184D,

(e) making a P1E return (households dealt with under the homelessness provisions of the 1996 Housing Act, and homelessness prevention and relief),and

(f) any other matter relating to advice or help for, or the recording and reporting of information about, homeless people, people threatened with homelessness, people who may become homeless or people in a group at particular risk of homelessness falling under s179(4)."

(1B) The Secretary of State may not implement a code, or amendment to a code, falling under subsection (1A) before the code or amendment has been approved by a resolution by each House of Parliament as if the code was a draft statutory instrument under the affirmative resolution procedure.

(1C) Subsection 1B does not apply to an amendment proposed to a code under this section which is accompanied by a statement by the Secretary of State that he is satisfied that the amendment is are limited to updating, correction or clarification."

4 Homelessness reduction duties

(1) The Housing Act 1996 is amended as follows.

(2) After Section 184 (Inquiry into cases of homelessness, etc.) insert—

"**184A Duty to assess**

(1) In making its inquiries under section 184, a local housing authority must carry out an assessment of the applicant's case according to the provisions of this section.

(2) The assessment must include an assessment of:

(a) the circumstances that have caused the applicant to be homeless or threatened with homelessness;

(b) the housing needs of the applicant and any person with whom the applicant lives or might reasonably be expected to live;

(c) the support needed for the applicant, and any person with whom the applicant lives or might reasonably be expected to live, to retain accommodation which is, or may become, available;

(d) to what extent the authority has a duty to the applicant under the provisions of this Part.

(3) In carrying out an assessment under this section, the authority must:

(a) seek to identify the outcome the applicant wishes to achieve from the authority's assistance, and

(b) assess whether the exercise of any function under this Part could contribute to the achievement of that outcome.

(4) The authority must keep their assessment under review during the period in which the authority consider that they owe, or may owe, a duty to the applicant under the provisions of this Part.

(5) The authority must review its assessment where:

(a) the applicant has been notified that a duty is owed to him under section 184B (duty to help to prevent an applicant from becoming homeless) and subsequently the applicant becomes homeless; and

(b) the applicant has been notified that a duty is owed to him under section 184C (duty to help to secure accommodation for homeless applicants) and subsequently it appears to the authority that a duty may be owed to the applicant under section 193 (Duty to persons with priority need who are not homeless intentionally).

(6) The authority must notify the applicant of the outcome of their assessment (or any review of their assessment) and, in so far as any issue is decided falling short of, or in contradiction to, the outcome identified under subsection (3), must inform him of the reasons for their decision.

(7) A notice under subsection (6) must:

(a) inform the applicant of his or her right to request a review of the assessment and of the time within which such a request must be made,

(b) be given in writing and, if not received, is to be treated as having been given if it is made available at the authority's office for a reasonable period for collection by the applicant or on the applicant's behalf, and

(c) provide a personal housing plan to the applicant and simultaneously, where a local connection has not been established, to the local housing authority of valid connection.

(8) A personal housing plan must contain, but need not be limited to:

(a) the name of the applicant,

(b) an address or location or email address or other means by which communications may be received by the applicant or a record of acknowledgement of the applicant that letters will be held for his inspection by the Housing Officer,

(c) the local housing authority of connection,

(d) the reason for homelessness,

(e) the outcome that the applicant wishes to achieve,

(f) a summary of circumstances or factors relevant to the applicant's accommodation needs and desired outcome,

(g) a summary of the advice given, available options described and steps to be taken, by the Housing Officer, and

(h) a summary of the steps to be taken by the applicant.

184B Duty to help to prevent an applicant from becoming homeless

(1) This section applies where the local housing authority are satisfied that an applicant is threatened with homelessness and is eligible for assistance.

(2) The authority must help to secure that suitable accommodation does not cease to be available for occupation by an applicant.

(3) Subsection (2) does not affect any right of the authority, whether by virtue of a contract, enactment or rule of law, to secure vacant possession of any accommodation.

(4) The authority shall cease to be subject to the duty under this section if:

(a) the authority is satisfied that any of the circumstances described in subsection (5) apply; and

(b) the applicant has been notified in writing of the:

(i) authority's decision that it no longer regards itself as being subject to the relevant duty,

(ii) the reasons why the authority considers its duty has come to an end,

(iii) the applicant's right to request a review, and

(iv) the period of time within which such a request must be made.

(5) The circumstances in which the duty at section 184B(2) comes to an end are where:

(a) the authority is satisfied that the applicant has become homeless; or

(b) the authority is satisfied that the applicant has ceased to be eligible for assistance; or

(c) the authority is satisfied (whether as a result of the steps it has taken or not) that:

(i) the applicant is no longer threatened with homelessness, and

(ii) suitable accommodation is available for occupation by the applicant for a period of at least 6 months; or

(d) the authority:

(i) is satisfied that the applicant is unreasonably refusing to co-operate with the authority in connection with the exercise of its functions undersection 184B(2) as they apply to the applicant, and

(ii) had notified the applicant in writing that it was minded to decide that he had unreasonably refused to co-operate, and of the reasons why, and had invited the applicant to reply orally or in writing no less than 14 days before the notification of the authority's decision under section 184B(4).

(6) At any time the authority may secure that accommodation other than that occupied by the applicant when he made his application is available for occupation by him.

(7) The Secretary of State by regulation provide for matters that may or may not be taken into account by a local housing authority when deciding that its duty at section 184B(2) has come to an end by virtue of section 184B(5)(d).

184C Duty to help to secure accommodation for homeless applicant

(1) A local housing authority must help to secure that suitable accommodation is available for occupation by an applicant, if the authority are satisfied that the applicant is—

(a) homeless, and

(b) eligible for assistance.

(2) The duty in subsection (1) does not apply if the authority refers the application reasonably to another local housing authority.

(3) The authority must have regard to:

(a) their assessment of the applicant's case, and

(b) the applicant's desired outcome,

under section 184A in fulfilling its duty under this section.

(4) The authority shall cease to be subject to the duty under this section if:

(a) the authority is satisfied that any of the circumstances described in subsections (5) or (7) apply; and

(b) the applicant has been notified in writing of:

(i) the authority's decision that it no longer regards itself as being subject to the relevant duty,

(ii) the reasons why it considers that the duty has come to an end,

(iii) the applicant's right to request a review, and

(iv) the period of time within which such a request must be made.

(5) Where the local housing authority is satisfied that the applicant has a priority need, the circumstances in which the duty at section 184C(2) comes to an end are:

(a) the end of a period of 56 days;

(b) where the authority is satisfied that the applicant has ceased to be eligible for assistance;

(c) before the end of a period of 56 days, where the local housing authority is satisfied that reasonable steps have been taken to help to secure that suitable accommodation is available for occupation by the applicant;

(d) where the authority is satisfied (whether as a result of the steps it has taken or not) that suitable accommodation is available for occupation by the applicant for a period of at least 12 months;

(e) where the applicant, having been notified of the possible consequence of refusal or acceptance of the offer, refuses an offer of accommodation from any person which the authority are satisfied is a suitable offer for the applicant (including availability of that accommodation for occupation by the applicant for a period of at least 12 months);

(f) where the authority is satisfied that:

(i) the applicant is unreasonably refusing to co-operate with the authority in connection with the exercise of its functions under section 184C(2) as they apply to the applicant, and

(ii) that the applicant had been notified in writing by the authority that it was minded to decide that he had unreasonably refused to co-operate, and of the reasons why, and had invited the applicant to reply orally or in writing no less than 14 days before the notification of the authority's decision under section 184C(4).

(6) The cessation of the duty under subsection (5) shall have no effect on any duty or duties of the authority to the applicant under sections 188, 190, 193 or 200.

(7) Where the local housing authority is satisfied that the applicant does not have a priority need, the circumstances in which the duty at section 184C(2) comes to an end are:

(a) the end of a period of 56 days;

(b) where the authority is satisfied that the applicant has ceased to be eligible for assistance;

(c) where the authority is satisfied (whether as a result of the steps it has taken or not) that suitable accommodation is available for occupation by the applicant for a period of at least 12 months;

(d) where the applicant, having been notified of the possible consequence of refusal or acceptance of the offer, refuses an offer of accommodation from

any person which the authority are satisfied is a suitable offer for the applicant (including availability of that accommodation for occupation by the applicant for a period of at least 12 months);

(e) where the authority is satisfied that:

(i) the applicant is unreasonably refusing to co-operate with the authority in connection with the exercise of its functions under section 184C(2) as they apply to the applicant, and

(ii) that the applicant had been notified in writing by the authority that it was minded to decide that he had unreasonably refused to co-operate, and of the reasons why, and had invited the applicant to reply orally or in writing no less than 14 days before the notification of the authority's decision under section 184C(4).

(8) The period of 56 days mentioned in subsections (5) and (7) begins on the day the applicant is notified of the outcome of the assessment under section 184A.

(9) The authority shall notify the applicant of the steps which they have taken in helping to secure accommodation under this section and the outcome of such assistance.

(10) The Secretary of State by regulation may provide for matters that may or may not be taken into account by a local housing authority when deciding that its duty at section 184C(2) has come to an end by virtue of section 184C(5)(f) or section 184C(7)(e).

184D How to secure or help to secure the availability of accommodation

(1) Where a local housing authority is required under this Part to help to secure (rather than "to secure") that suitable accommodation is available, or does not cease to be available, for occupation by an applicant, the authority—

(a) is required to take reasonable steps to help, having regard (among other things) to the need to make the best use of the authority's resources;

(b) is not required to secure an offer of accommodation under Part 6 of the Housing Act 1996 (allocation of housing);

(c) is not required to otherwise provide accommodation.

(2) A local housing authority may help to secure that suitable accommodation is available, or does not cease to be available for occupation by an applicant by:

(a) arranging for a person other than the authority to provide something;

(b) themselves providing something;

(c) providing something, or arranging for something to be provided, to a person other than the applicant, or

(d) other reasonable means.

(3) To help to secure that suitable accommodation is available, or does not cease to be available, for occupation by an applicant, a local housing authority may provide, arrange or facilitate:

(a) mediation;

(b) payments by way of grant or loan;

(c) guarantees that payments will be made;

(d) support in managing debt, mortgage arrears or rent arrears;

(e) security measures for applicants at risk of abuse;

(f) advocacy or other representation;

(g) accommodation;

(h) information and advice;

(i) other services, goods or facilities;

(j) a private rented access scheme; or

(k) other reasonable means.

(4) The Secretary of State may provide guidance to local housing authorities on how they may help to secure that suitable accommodation is available, or does not cease to be available, for occupation by an applicant.

(3) Sections 195 (Duties in case of threatened homelessness) and 196 (Becoming threatened with homelessness intentionally) are repealed.

5 Duty to accommodate in priority need cases

(1) The Housing Act 1996 is amended as follows.

(2) In Section 188 (Interim duty to accommodate in case of apparent priority need), after subsection (3), insert—

(4) Where the local authority has notified the applicant that it is satisfied that the duty to help to secure accommodation at section 184C applies and the local authority has reason to believe or is satisfied that the applicant may have a priority need, they shall secure that accommodation is available for his occupation until the applicant is notified under section 184C(4) that the duty has come to an end."

6 Intentional homelessness

(1) The Housing Act 1996 is amended as follows.

(2) In Section 190 (Duties to persons becoming homeless intentionally), in subsection (1), after the words "eligible for assistance" insert "and has a priority need".]

(3) In section 190, for subsection (2) substitute—

"(2) Where the applicant has been notified by the authority that the duty at section 184C has come to an end as a result of one of the events at section 184C(5)(a), (c), (e) or (f), the authority must—

(a) secure that accommodation is available for his occupation for such period as they consider will give him a reasonable opportunity of securing accommodation for his occupation, and

(b) provide him with (or secure that he is provided with) advice and assistance in any attempts he may make to secure that accommodation becomes available for his occupation."

7 Non-priority need

(1) The Housing Act 1996 is amended as follows.

(2) In Section 190 (Duties to persons becoming homeless intentionally), subsections (3), (4) and (5) are repealed.

8 Becoming homeless intentionally

(1) The Housing Act 1996 is amended as follows.

(2) In Section 191 (Becoming homeless intentionally), after subsection (3)(b), insert—

"or

(c) he has failed to accept a reasonable offer of accommodation provided by the local authority, or a private landlord, or otherwise failed to cooperate with assistance provided to alleviate homelessness."

9 Somewhere safe to stay

(1) The Housing Act 1996 is amended as follows.

(2) After section 192 (Duty to persons not in priority need who are not homeless intentionally), insert—

"**192A Duty to persons with nowhere safe to stay**

(1) This section applies where the local housing authority

(a) are satisfied that the applicant is homeless, meets the criteria for a local connection established under section 199, and is eligible for assistance, but

(b) are not satisfied that he has a priority need.

(2) Where the local authority is satisfied that the applicant has nowhere safe to stay, the authority must secure that accommodation is available for his occupation for a maximum period of 56 days from the date of his application under section 183(1).

(3) The duty in subsection (2) only applies in relation to a first application and does not apply if the applicant has previously accessed services under this section within a period of 6 months.

(4) An applicant has 'nowhere safe to stay' for the purposes of section 192(3), where there is no accommodation available to him or, if there is accommodation, it is probable that his occupation of it will lead to violence against him or against a person who normally resides with him as a member of his family or any other person who might reasonably be expected to reside with him.

(5) If an applicant applies for homelessness assistance under section 183(1) and the authority is satisfied that it or any local housing authority in England owed the duty at section 192(3) to him at any time in the six months immediately preceding the date of the application, the duty at section 192(3) shall not apply."

10 Duty to persons with priority need who are not homeless intentionally

(1) The Housing Act 1996 is amended as follows.

(2) In subsection (1) of section 193 (Duty to persons not in priority need who are not homeless intentionally), for all the words after "he became homeless intentionally", substitute "and are satisfied that the applicant has been notified under section 184C(4) that the duty to help to secure accommodation at section 184C has come to an end as a result of one of the events at section 184C(5)(a), (c), (e) or (f)."

11 Referrals to another authority

(1) In subsection (1) of section 198 (Referral of case to another local authority), for the words "duty under section 193", substitute "duties under sections 184C or 193".

12 Definition of local connection

(1) Section 199 (Local connection) of The Housing Act 1996 is amended as follows.

(2) For subsection (1), substitute—

> "(1) A person has a local connection with the district of a local housing authority if he is able to prove a connection with it—
>
> (a) because he is, or in the past was, resident there for a period of more than 6 months without a break, and that residence is or was of his own choice,
>
> (b) because he is, or will be, employed there for a period of more than 6 months without a break,
>
> (c) because of family associations affecting persons under the age of 18 or those with long term disabilities, or
>
> (d) because of special circumstances."

13 Duties

(1) Section 200 (Duties to the applicant whose case is considered for referral or referred) of the Housing Act 1996 is amended as follows.

(2) In subsection (1), for the words "duty under section 193 (the main housing duty)", substitute "duties under sections 184C (duty to help to secure) or 193 (the main housing duty)".

(3) In subsection (3), for the words "duty under section 193 (the main housing duty)", substitute "duties under sections 184C (duty to help to secure), 188(4), 190 and 193 (the main housing duty)".

(4) In subsection (4), for the words "duty under section 193 (the main housing duty)", substitute "duties under sections 184C (duty to help to secure), 188(4), 190 and 193 (the main housing duty)".

14 Reviews of decisions

(1) Section 202 (Right to request review of decision) of the Housing Act 1996 is amended as follows.

(2) In subsection (1), insert paragraphs as follows:

(a) "(aa) any assessment of the applicant's case under section 184A (Duty to assess),

(ab) any assistance given to the applicant under section 184B (Duty to prevent homelessness),

(ac) any assistance given to the applicant under section 184C (Duty to help to secure accommodation),"

(b) "(ba) any decision of a local housing authority that any of the duties owed to an applicant under sections 184B, 184C, 190, 192, 192A and 193 have come to an end,"

(3) In subsection (1), paragraph (b), leave out the words, "and 195 [and 196] (duties to persons found to be homeless or threatened with homelessness)".

(4) In subsection (1), paragraph (f), after the words "in paragraph (b)", insert "or (ba)".

(5) For subsection (1A), substitute—

"(1A) An applicant who is offered accommodation as mentioned in sections 184B, 184C, 190, 192A,193(5), (7) (7AA) or 200 may under subsection (1)(f) or, as the case may be, (g) request a review of the suitability of the accommodation offered to him whether or not he has accepted the offer.

(1B) A review undertaken under subsection (1)(aa) shall extend to:

(a) steps taken by the authority in carrying out the assessment,

(b) matters taken into account in connection with the assessment,

(c) any findings of fact made in the course of the assessment,

(d) any decision which is adverse to the applicant's interests,

(e) the outcome of the assessment, including any recommendation as to the nature of the authority's duties to the applicant, or

(f) any failure to review the assessment under section 184A(4) or (5).

(1C) A review undertaken under subsection (1)(ab) and 1(ac) shall extend to:

(a) the process followed by the authority in helping to prevent homelessness or in helping to secure the availability of accommodation (as the case may be),

(b) the nature and extent of any assistance given, and whether such assistance was appropriate and adequate to the applicant's circumstances,

(c) the outcome of the assistance given, and

(d) the suitability of any accommodation which may be offered to him in the course of the performance of the authority's functions under sections 184B or 184C (as the case may be)."

(6) After subsection (3), insert—

"(3A) In relation to a review under subsection (1) (aa), (ab) and (ac), a request for review must be made before the end of the period of 21 days beginning with the day on which he is notified as provided under sections 184A(5), 184B(8) or 184C(10) (as the case may be) or such longer period as the authority may in writing allow."

15 Discharge of local housing authority functions

(1) The Housing Act 1996 is amended as follows.

(2) In section 206 (Discharge of functions by local housing authorities), after subsection (1), insert—

"(1A) In subsection (1), "securing" and "secure" include "helping to secure" and "help to secure" under sections 184B and 184C."

16 Accommodation suitability

(1) The Housing Act 1996 is amended as follows.

(2) In section 210 (Suitability of accommodation)—

(a) After subsection (1), insert—

"(1A) In determining for the purposes of this Part whether accommodation is suitable for an applicant, or any person who might reasonably be expected to reside with him, the local housing authority–

(a) shall also have regard to the fact that the accommodation is to be temporary pending the determination of the applicant's claim for asylum; and

(b) shall not have regard to any preference that the applicant, or any person who might reasonably be expected to reside with him, may have as to the locality in which the accommodation is to be secured."

(b) After subsection (2), insert—

"(3) For the purposes of this Part, accommodation secured from a private landlord as defined at section 217(1) shall not be regarded as suitable where one or more of the following apply:

(a) the local housing authority are of the view the accommodation is not in a reasonable physical condition;

(b) the local housing authority are of the view that any electrical equipment supplied with the accommodation does not meet the requirements of regulations 5 and 7 of the Electrical Equipment (Safety) Regulations 1994;

(c) the local housing authority are of the view the landlord has not taken reasonable fire safety precautions with the accommodation and any furnishings supplied with it;

(d) the local housing authority are of the view the landlord has not taken reasonable precautions to prevent the possibility of carbon monoxide poisoning in the accommodation;

(e) the local housing authority are of the view the landlord is not a fit and proper person to act in the capacity of landlord, having considered if the person has–

(i) committed any offence involving fraud or other dishonesty, or violence or illegal drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);

(ii) practised unlawful discrimination on grounds of sex, race, age, disability, marriage or civil partnership, pregnancy or maternity, religion or belief, sexual orientation, gender identity or gender reassignment in, or in connection with, the carrying out of any business;

(iii) contravened any provision of the law relating to housing (including landlord or tenant law); or,

(iv) acted otherwise than in accordance with any applicable code of practice for the management of a house in multiple occupation, approved under section 233 of the Housing Act 2004;

(f) the accommodation is a house in multiple occupation subject to licensing under section 55 of the Housing Act 2004 and is not so licensed;

(g) the accommodation is a house in multiple occupation subject to additional licensing under section 56 of the Housing Act 2004 and is not so licensed;

(h) the accommodation is or forms part of residential property which does not have a valid energy performance certificate as required by the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007;

(i) the accommodation is or forms part of relevant premises which do not have a current gas safety record in accordance with regulation 36 of the Gas Safety (Installation and Use) Regulations 1998; or

(j) the landlord has not provided to the local housing authority a written tenancy agreement, which the landlord proposes to use for the purposes of a private rented sector offer, and which the local housing authority considers to be adequate."

17 Co-operation between authorities and others

(1) The Housing Act 1996 is amended as follows.

(2) For section 213 (Co-operation between relevant housing authorities and bodies), substitute—

"**213 Co-operation between relevant housing authorities and bodies**

(1) A local housing authority must make arrangements to promote co-operation between the officers of the authority who exercise its social services functions and those who exercise its functions as the local housing authority with a view to achieving the following objectives in its area—

(a) the prevention of homelessness,

(b) that suitable accommodation is or will be available for people who are or may become homeless,

(c) that satisfactory support is available for people who are or may become homeless, and

(d) the effective discharge of its functions under this Part.

(2) If a local housing authority requests the co-operation of a person mentioned in subsection (5) in the exercise of its functions under this Part, the person must comply with the request unless the person considers that doing so would—

(a) be incompatible with the person's own duties, or

(b) otherwise have an adverse effect on the exercise of the person's functions.

(3) If a local housing authority requests that a person mentioned in subsection (5) provides it with information it requires for the purpose of the exercise of any of its functions under this Part, the person must comply with the request unless the person considers that doing so would—

(a) be incompatible with the person's own duties, or

(b) otherwise have an adverse effect on the exercise of the person's functions.

(4) A person who decides not to comply with a request under subsection (2) or (3) must give the local housing authority who made the request written reasons for the decision.

(5) The persons (whether in England or Wales or Scotland) are—

(a) a local housing authority or local authority;

(b) a social services authority in England or Wales, or social work authority in Scotland;

(c) a registered social landlord;

(d) a new town corporation;

(e) a private registered provider of social housing;

(f) a housing action trust;

(g) the National Health Service Commissioning Board;

(h) a clinical commissioning group ;

(i) an NHS trust or NHS foundation trust

(j) a Health and Well-being Board as defined at section 194 Health and Social Care Act 2012;

(k) the National Probation Service;

(l) a community rehabilitation company;

(m) a police force;

(n) a Police and Crime Commissioner; or

(o) Jobcentre Plus.

(6) The Secretary of State may amend subsection (5) by order to omit or add a person, or a description of a person.

(7) An order under subsection (6) may not add a Minister of the Crown.

(8) In this section—

"housing action trust" means a housing action trust established under Part 3 of the Housing Act 1988;

"new town corporation" has the meaning given in Part 1 of the Housing Act 1985;

"private registered provider of social housing" has the meaning given by Part 2 of the Housing and Regeneration Act 2008;

"registered social landlord" has the meaning given by Part 1 of the Housing Act 1996."

Formal Minutes

Monday 10 October 2016

Members present:

Mr Clive Betts, in the Chair

Helen Hayes	Mr Mark Prisk
Kevin Hollinrake	Mary Robinson
David Mackintosh	

Draft Report (*The draft Homelessness Reduction Bill*) proposed by the Chair, brought up and read.

Ordered, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 77 read and agreed to.

Summary agreed to.

Appendix agreed to.

Resolved, That the Report be the Fifth Report of the Committee to the House.

Ordered, That the Chair make the Report to the House.

Ordered, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned until Monday 17 October at 3.45 p.m.

Witnesses

The following witnesses gave evidence. Transcripts can be viewed on the inquiry publications page of the Committee's website.

Monday 5 September 2016	*Question number*
Kate Webb, Head of Policy, Shelter, **Matthew Downie**, Director of Policy and External Affairs, Crisis, and **Dominic Williamson**, Executive Director of Strategy and Policy, St Mungo's	Q1–18
Justine Harris, Housing Options Manager, Brighton and Hove City Council, **Rhys Makinson**, Director of Housing Support Services, London Borough of Camden, **Cllr Frank Hont**, Cabinet Member for Housing, Liverpool City Council, and **Heather Wood**, Head of Housing Advice and Options, South Cambridgeshire District Council	Q19–45

Wednesday 14 September 2016	
Giles Peaker, Executive Member for Parliamentary Liaison, Housing Law Practitioners Association, **Chris Norris**, Head of Policy, Public Affairs and Research, National Landlords Association, **Neil Wightman**, Co-Chair, Association of Housing Advice Services, and **Lindsay Megson**, Head of Service, National Practitioners Support Service	Q46–62
Marcus Jones MP, Minister of State for Local Government, Department for Communities and Local Government, and **Dee O'Donnell**, Head, Homelessness and Support Division, Department for Communities and Local Government	Q63–92
Giles Peaker, Executive Member for Parliamentary Liaison, Housing Law Practitioners Association, **Chris Norris**, Head of Policy, Public Affairs and Research, National Landlords Association, **Neil Wightman**, Co-Chair, Association of Housing Advice Services, and **Lindsay Megson**, Head of Service, National Practitioners Support Service	Q93–105

Published written evidence

The following written evidence was received and can be viewed on the inquiry publications page of the Committee's website.

HRB numbers are generated by the evidence processing system and so may not be complete.

1 Agenda (HRB0037)
2 Andy Gale (HRB0001)
3 Association of Housing Advice Services (AHAS) (HRB0004)
4 Bedford Borough Council (HRB0031)
5 Birmingham City Council (HRB0045)
6 Braintree District Council (HRB0013)
7 Centrepoint (HRB0023)
8 Chartered Institute of Housing (HRB0047)
9 City of York Council (HRB0002)
10 Clara St Kilda (HRB0038)
11 Crawley Borough Council (HRB0015)
12 Crisis (HRB0020)
13 Crisis (HRB0049)
14 East London Housing Partnership (HRB0033)
15 Elmbridge Borough Council (HRB0040)
16 Generation Rent (HRB0009)
17 Greater London Authority (HRB0041)
18 Greater Manchester Housing Needs Group (HRB0012)
19 Guildford Borough Council (HRB0024)
20 Harrow Council (HRB0019)
21 Harrow Council (HRB0051)
22 Homeless Link (HRB0006)
23 Housing Justice (HRB0050)
24 Housing Law Practitioners Association (HRB0039)
25 Joseph Rowntree Foundation (HRB0027)
26 Local Government Association (HRB0010)
27 London Borough of Camden (HRB0052)
28 London Borough of Newham (HRB0042)
29 London Borough of Redbridge (HRB0025)
30 London Councils (HRB0017)
31 Maidstone Borough Council (HRB0054)
32 Mole Valley District Council (HRB0061)
33 National Landlords Association (HRB0008)

34 Neil Morland Housing Consultant Ltd (HRB0056)

35 NOAH Enterprise (HRB0029)

36 North London Housing Partnership (HRB0043)

37 Nottingham City Homelessness Prevention Strategic Implementation Group (HRB0059)

38 Reigate & Banstead BC (HRB0058)

39 Royal Borough of Kensington and Chelsea (HRB0021)

40 Runnymede Borough Council (HRB0018)

41 Ryedale District Council (HRB0003)

42 Salford City Council (HRB0011)

43 Sevenoaks District Council (HRB0060)

44 Shelter (HRB0030)

45 Southwark Council (HRB0048)

46 Squatters Action for Secure Homes (SQUASH) (HRB0032)

47 St Mungo's (HRB0035)

48 The Children's Society (HRB0016)

49 The Domestic Abuse Housing Alliance (HRB0005)

50 The London Borough of Lewisham (HRB0028)

51 The National Practitioner Support Service (HRB0014)

52 The Papercup Project (HRB0034)

53 The Riverside Group Ltd (HRB0046)

54 The Salvation Army (HRB0053)

55 Wandsworth Council (HRB0026)

56 Waverley Borough Council (HRB0007)

57 West London Housing Partnership (HRB0022)

58 Westminster City Council (HRB0044)

59 YMCA England (HRB0036)

List of Reports from the Committee during the current Parliament

All publications from the Committee are available on the publications page of the Committee's website.

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

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Second Special Report	Private rented sector: the evidence from banning letting agents' fees in Scotland: Government Response to the Committee's Eighth Report of Session 2014–15	HC 434