

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## HOMELESSNESS REDUCTION BILL

*Second Sitting*

*Wednesday 30 November 2016*

---

### CONTENTS

Sittings motion amended.

CLAUSE 2 agreed to.

CLAUSE 3 under consideration when the Committee adjourned till  
Wednesday 7 December at half-past Nine o'clock.

---

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

**not later than**

**Sunday 4 December 2016**

© Parliamentary Copyright House of Commons 2016

*This publication may be reproduced under the terms of the Open Parliament licence, which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

**The Committee consisted of the following Members:**

*Chair:* MR CHRISTOPHER CHOPE

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

## Public Bill Committee

Wednesday 30 November 2016

[MR CHRISTOPHER CHOPE *in the Chair*]

### Homelessness Reduction Bill

9.30 am

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

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

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

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

*Question put and agreed to.*

#### Clause 2

##### DUTY TO PROVIDE ADVISORY SERVICES

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

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

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

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

non-priority need homeless people. Clearly there are local authorities that do provide such services, and we do not want to hamper their ability to do so.

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

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

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

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

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

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

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

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

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

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

**Bob Blackman:** I thank my hon. Friend for that timely intervention on the ingenuity of local authorities to meet the needs of local residents. It is good news that the fund is available, and I would encourage every local

authority to bid for it and to start thinking about creative ways to help people threatened with homelessness. We want to prevent those individuals from becoming homeless in the first place. Local authorities can now get their thinking caps on, get creative and bid for that fund. I understand that up to 20 local authorities might be successful in this bidding round. I hope that it is oversubscribed, so that the Minister will have to find extra money to support that initiative in the run-up to the Bill hopefully becoming law, with every local authority in the country having to provide that service.

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

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

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

9.45 am

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Let me mention what AHAS said: is specifying the needs of groups with complex or specific problems—perhaps people with mental health problems or those leaving custody—placing a particularly onerous burden on local authorities? In other words, instead of being asked to provide general advice on how to deal with homelessness and what is available in the area, will they be asked to cater for the needs of people in those circumstances, which would better be dealt with by specialist agencies? AHAS raised the possibility of a legal challenge, which might say, “Yes, a perfectly adequate degree of advice was provided for somebody who doesn't have those needs, but the local authority should have

gone further. It should have spent more time, more money and been more concerned about dealing with these people because of their specific needs.” I would be interested to know whether, on those two points, the Government share the concerns that I and local authorities have.

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

10 am

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

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

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

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

[Will Quince]

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

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

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

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

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

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

My hon. Friend the Member for Harrow East raised a very good point about detailed advice on rights, because such advice should absolutely be tailored to each and every individual case. I mentioned earlier the complex needs of those facing the threat of homelessness. No one family and no one individual is the same as another family or individual. In one instance, it might be the case that paying that £200 in rent arrears was not only the most financially advantageous but the most

socially advantageous thing to do. In other instances, it may not be, but we need to ensure—as this clause does—that when local authorities offer advice to vulnerable people at very difficult times, they give the right advice, including the different options that are open to them.

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

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

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

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

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

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

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

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

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

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

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

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

**David Mackintosh:** It is a pleasure to serve under your chairmanship, Mr Chope. I am particularly delighted to serve on this Committee because I served on the Communities and Local Government Committee and

asked, with other Members, for the homelessness inquiry to be undertaken. I chair the all-party parliamentary group on ending homelessness. I see many cases in my constituency and through the work we did on the Select Committee where a range of different advice is offered. We even see different advice offered within the same authority, so this legislation is needed to mainstream the issue.

10.15 am

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

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

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

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

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

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

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

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

[Helen Hayes]

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

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

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

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

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

I want to ensure that we introduce clause 2, and that it will result in the provision of meaningful advice to people seeking support from local authorities. The provision of meaningful advice is to a large degree about the

provision of meaningful options. I can say to my constituent, “I advise you to contact your local authority to seek their support with housing.” The local authority will say, “We simply do not have any social housing available and we have a list of many thousands of people already waiting for that housing.” That is not meaningful advice for me to provide to my constituent. We need to focus on the issue of meaningfulness.

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

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

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

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

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

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

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

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

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

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

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

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

10.30 am

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

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

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

**Christian Matheson:** Can I come too?

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

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

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

My final point is on the detail. I am particularly pleased that proposed new section 179(2) of the Housing Act 1996 lists “former members of the regular armed forces”,

[Michael Tomlinson]

which is right and proper. It also lists “persons released from prison or youth detention accommodation”. I am sure the Government’s ambition and intention is to reduce reoffending—if it is not, it should be. There are three key planks to that. One is housing, and the other two are education and employment. If housing or advisory support on housing were available, it would be a big step in the right direction. I strongly support the measures in clause 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.45 am

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

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

The hon. Member for Dulwich and West Norwood raised examples of poor advice and service; we could all point to areas where that is the case. She put the point well—a cultural change has to take place. My hon. Friend the Member for Mid Dorset and North Poole

raised the issue of third-party involvement, which is vital. We should be saying to all local authorities that how they discharge these duties is a matter for them to decide, but it is vital that people get the help and advice that they need. I thank my hon. Friend the Minister for giving the commitment on funding for the whole Bill, but particularly for this side of it. Negotiations are going on with local authorities already.

*Question put and agreed to.*

*Clause 2 accordingly ordered to stand part of the Bill.*

### Clause 3

#### DUTY TO ASSESS ALL ELIGIBLE APPLICANTS' CASES AND AGREE A PLAN

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

- “(i) what accommodation would be suitable for the applicant and any persons with whom the applicant resides or might reasonably be expected to reside (“other relevant persons”);
- (ii) the schooling arrangements for the children of the applicant and of the other relevant persons; and
- (iii) caring provided to or by the applicant and the other relevant persons;
- (iv) the location and natures of the employment of the applicant and the other relevant persons.”

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

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

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

*See amendment 4.*

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

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

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

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

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

[Mr Betts]

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

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

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

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

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

**David Mackintosh** *indicated assent.*

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

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

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

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

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

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

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

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

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

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

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

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

11 am

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

However, I have some concerns about the enforceability of what the hon. Gentleman proposes, partly because the requirement already exists in article 2 of the Homelessness (Suitability of Accommodation) (England) Order 2012. In my view, the solution is not duplication of existing secondary legislation, but the Government

ensuring that that legislation is given more teeth and enforceability. As well-meaning as the amendment is, my fear is that it will not achieve anything, because the existing legislation already ensures that local authorities have to take into consideration the suitability of accommodation for the applicant and issues such as schools, caring requirements and work arrangements. Subject to the Minister's approval, the obvious answer is for the Government to take the hon. Gentleman's concerns away and look at how to ensure that the existing legislation, which already requires local authorities to do what he asks, is given teeth and enforceability.

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

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

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

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

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

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

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

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

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

The first of two cases that I particularly recall involved a family placed in temporary accommodation in Edmonton who were travelling with their children to primary school in Dulwich every day. That is a very long distance, by any stretch of the imagination. The train would have been the quickest way to make the journey, but they

could not afford that, because they were a family facing homelessness. They had to leave their temporary accommodation in Edmonton at 5.30 every morning to travel with their children to my constituency for school, because they were part of a stable school community and knew that their children were receiving good support there.

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

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

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

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

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

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

11.15 am

The order states:

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

that district,

“the distance of the accommodation from the district”

of the housing authority, and

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

or, as I said,

“the members of the person’s household”.

Local authorities must also take into account

“the proximity and accessibility of the accommodation to medical facilities and other support which...are currently used by or provided to”

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

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

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

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

“matters to be taken into account or disregarded in determining whether”

the accommodation is suitable.

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

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

**Mr Jones:** I always welcome the Select Committee’s work, and if councils do not respond in the way that we ask them to respond—that is, by adhering to the 2012

order, the importance of which is reiterated in the Bill—it perhaps would be sensible for the Select Committee to look at the issue again.

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

Amendments 3 and 4 tabled by the hon. Member for Hammersmith would require local housing authorities to consider a further requirement when assessing the applicant’s case. There would be a requirement to consider, “what other support the applicant is or may be entitled to from any public authority under any other enactment”.

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

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

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

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

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

[Mr Marcus Jones]

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

**Mr Betts:** I have a difficulty because I do not think the provision is satisfactory. Equally, I understand that the Minister wants to see what is in the code of practice or code of guidance implemented. From a Select Committee

point of view, we had a clear view: we were concerned that these matters were not being properly addressed in terms of location when offers were made to people who qualify as homeless persons. We are trying to find a way forward that keeps some unanimity, but gives us more reassurance that something will be done. I take the point made by the hon. Member for Northampton South that there could be a role for a Select Committee, but there is also a role for Government.

11.25 am

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

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