PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HOMES (FITNESS FOR HUMAN HABITATION AND LIABILITY FOR HOUSING STANDARDS) BILL

Wednesday 20 June 2018

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Sunday 24 June 2018

The Committee consisted of the following Members:

Chair: PHIL WILSON

† Allan, Lucy *(Telford)* (Con)
† Allen, Heidi *(South Cambridgeshire)* (Con)
† Blackman, Bob *(Harrow East)* (Con)
† Buck, Ms Karen *(Westminster North)* (Lab)
† Efford, Clive *(Eltham)* (Lab)
Hayes, Helen *(Dulwich and West Norwood)* (Lab)
† Healey, John *(Wentworth and Dearne)* (Lab)
† Hughes, Eddie *(Walsall North)* (Con)
† Lucas, Caroline *(Brighton, Pavilion)* (Green)
† McDonagh, Siobhain *(Mitcham and Morden)* (Lab)
† Pollard, Luke *(Plymouth, Sutton and Devonport)* (Lab/Co-op)
Pursglove, Tom *(Corby)* (Con)
† Quince, Will *(Colchester)* (Con)
† Slaughter, Andy *(Hammersmith)* (Lab)
† Trevelyan, Mrs Anne-Marie *(Berwick-upon-Tweed)* (Con)
† Wheeler, Mrs Heather *(Parliamentary Under-Secretary of State for Housing, Communities and Local Government)*

Colin Lee, *Committee Clerk*

† attended the Committee

Public Bill Committee

Wednesday 20 June 2018

[Phil Wilson *in the Chair*]

Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill

9.25 am

The Chair: Welcome to the Public Bill Committee on the Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill. Before we begin, I have a few preliminary announcements. Please switch electronic devices to silent. Teas and coffees are not allowed during sittings.

Clause 1

Fitness for human habitation

Ms Karen Buck (Westminster North) (Lab): I beg to move amendment 1, in clause 1, page 1, line 2, at end insert—

"( ) In section 8 (implied terms as to fitness for human habitation)—

(a) in the heading, after 'habitation' insert ': Wales';

(b) in subsection (1), after 'house', in the first place it occurs, insert 'in Wales'."

This amendment would ensure that the existing section 8 of the Landlord and Tenant Act 1985 (which imposes an implied covenant as to fitness for human habitation but only in relation to leases falling within certain rent limits) will continue to apply so far as relating to Wales. The substituted section 8 introduced by the Bill, which imposes the new implied covenant in relation to England, will be re-numbered as section 9A (see Amendment 2).

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

Amendment 2, in clause 1, page 1, line 3, leave out from beginning to "Fitness" in line 4 and insert—

"( ) After section 9 (application of section 8 to certain houses occupied by agricultural workers) insert—

'**9A** '".

This amendment is consequential on Amendment 1.

Amendment 8, in clause 1, page 3, line 45, leave out

"and Liability for Housing Standards".

This amendment is consequential on Amendment 15.

Amendment 9, in clause 1, page 4, line 2, at end insert—

"**9C Application of section 9A to certain dwellings occupied by agricultural workers**

(1) This section applies where under a contract of employment of a worker employed in agriculture—

(a) the provision of a dwelling for the worker's occupation forms part of the worker's remuneration, and

(b) the provisions of section 9A (implied term as to fitness for human habitation) are inapplicable by reason only of the dwelling not being let to the worker.

(2) There is implied as part of the contract of employment (in spite of any stipulation to the contrary) a term having the same effect as the covenant that would be implied by section 9A if the dwelling were let by a lease to which that section applies.

(3) The provisions of section 9A apply accordingly—

(a) with the substitution of 'employer' and 'employee' for 'lessor' and 'lessee', and

(b) with such other modifications as may be necessary.

(4) This section does not affect—

(a) any obligation of a person other than the employer to repair a dwelling to which the covenant implied by section 9A applies by virtue of this section, or

(b) any remedy for enforcing such an obligation."

This amendment, which replicates section 9 of the Landlord and Tenant Act 1985 in relation to the new implied covenant, is consequential on Amendments 1 and 2.

Amendment 10, in clause 1, page 4, line 3, leave out subsection (3).

This amendment is consequential on Amendments 1 and 2.

Amendment 11, in clause 1, page 4, line 11, leave out sub-paragraph (i) and insert—

"(i) after 'house', in both places where it occurs, insert 'or dwelling';".

This amendment is consequential on Amendments 1 and 2.

Amendment 12, in clause 1, page 4, line 15, before "any" insert

"in relation to a dwelling in England,".

This amendment is consequential on Amendments 1 and 2.

Amendment 13, in clause 1, page 4, line 27, after "habitation" insert "of dwellings in England".

This amendment is consequential on Amendments 1 and 2.

Amendment 14, in clause 1, page 4, line 27, at end insert—

"( ) In section 302 of the Housing Act 1985 (management and repair of houses acquired under section 300 or retained under section 301), in paragraph (c)—

(a) for 'section 8' substitute 'sections 8 and 9A', and

(b) for 'does' substitute 'do'."

This amendment is consequential on Amendments 1 and 2

Amendment 15, in clause 2, page 4, line 32, leave out

"and Liability for Housing Standards".

This amendment would change the short title of the Bill so as to leave out the reference to liability for housing standards (see the explanatory statement for Amendment 16).

Amendment 16, in title, line 3, leave out from "habitation;" to "and" in line 5.

This amendment would remove the second of the objects mentioned in the long title in relation to amendments of the Building Act 1984 making provision about liability for works not complying with the Building Regulations. There are no such amendments in the Bill so this part of the long title is unnecessary. As a consequence it is proposed that the short title of the Bill changes so as to leave out the reference to liability for housing standards (see Amendment 15).

Ms Buck: It is a pleasure to serve under your chairmanship this morning, Mr Wilson. I am very grateful to the Minister and to everyone who spoke on Second Reading and who has agreed to serve on this Committee.

The first group of amendments are broadly technical. With your permission, Mr Wilson, I will spend a minute or two setting them in the context of the Bill. I hope that that means we will not have to spend time later on clause stand part.

Clause 1 is, in effect, the Bill. It would amend the Landlord and Tenant Act 1985 to ensure that homes are required to be in a condition that is fit for human habitation at the beginning of the tenancy and throughout the tenancy. Landlords are not currently required to

ensure that the properties they rent out are free of potentially harmful hazards. There are statutory obligations on most landlords to keep in repair the structure and exterior of their properties and to repair installations for the supply of water, heating, sanitation and so forth. However, provisions requiring landlords to ensure that their properties are fit for human habitation have ceased to have effect over the past half century as a result of the annual rent limits, which have not been updated.

This short Bill would amend the 1985 Act to require that residential rented accommodation is provided and maintained in a state of fitness for human habitation. There is to be an implied covenant in a lease that a landlord must ensure that their property is fit at the beginning of the tenancy and for its duration. Where a landlord fails to do so, the tenant would have the right to take action in the courts for breach of contract on the grounds that the property is unfit for human habitation.

Currently, tenants must rely on local authority environmental health departments to enforce against bad landlords on their behalf. As I found in my research with Dr Stephen Battersby, and as Generation Rent confirmed this weekend in its research, enforcement is wholly inadequate to the task almost everywhere, and non-existent in some places. If the tenancy is with the local authority, the position is even more restricted, since environmental health departments cannot enforce against themselves.

Despite a long-term improvement in housing conditions over recent years, around 1 million properties remain in such a state that they represent a serious hazard to health. That affects about 3 million people who are overwhelmingly the most vulnerable and deserve our protection.

The Bill would do three things: it would ensure that any home has to be fit for the tenant to live in; it would update the fitness standards; and it would apply the legislation to local authority housing as well as to other forms of rented housing. It would do so by replacing section 8 of the Landlord and Tenant Act 1985 in its entirety for England. The proposed new sections in the Bill set out the implied covenant regarding fitness, the various exemptions and the leases to which the implied covenant applies.

There are two groups of amendments to clause 1, the first being largely technical. Amendments 1 and 2 and 9 to 13 address the position of Wales. The Bill extends to tenancies in England only. Housing is a devolved matter and section 8 is a matter for the Welsh Government in Wales. Until any changes are made, sections 8 to 10 of the 1985 Act will continue to apply in Wales in their existing form. The amendments provide for that, while introducing the provisions of the Bill for England.

Amendments 8, 14 and 15 correct the short and long titles of the Bill to remove the wording that originally related to a contemplated clause addressing liability for failure to comply with building regulations. That clause was not brought forward on Second Reading, so the short and long titles should be amended to reflect that.

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Mrs Heather Wheeler): It is a pleasure, Mr Wilson, to serve under your chairmanship.

I congratulate the hon. Member for Westminster North on successfully taking the Bill through Second Reading and, more generally, on raising awareness about the importance of improving standards in the rented housing market. I look forward to working with her as the Bill proceeds through its many stages.

We are in favour of these technical amendments and I have nothing more to add.

Amendment 1 agreed to.

Amendment made: 2, in clause 1, page 1, line 3, leave out from beginning to "Fitness" in line 4 and insert—

"( ) After section 9 (application of section 8 to certain houses occupied by agricultural workers) insert—

'**9A** '".—*(Ms Buck.)*

This amendment is consequential on Amendment 1.

Ms Buck: I beg to move amendment 3, in clause 1, page 2, line 7, after "landlord" insert "or other third party".

This amendment would ensure that a landlord will not be liable under the implied covenant as to fitness for human habitation in circumstances where the required remedial works require the consent of a third party if reasonable efforts to obtain the consent are made but the consent cannot be obtained.

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

Amendment 4, in clause 1, page 2, line 28, at end insert—

"( ) Where a lease to which this section applies of a dwelling in England forms part only of a building, the implied covenant has effect as if the reference to the dwelling in subsection (1) included a reference to any common parts of the building in which the lessor has an estate or interest."

This amendment would extend the implied covenant as to fitness for human habitation in cases where the dwelling forms a part of a building to any of the building's common parts in which the landlord has an estate or interest.

Amendment 5, in clause 1, page 2, line 38, at end insert—

"'common parts' has the meaning given by section 60(1) of the Landlord and Tenant Act 1987;".

This amendment is consequential on Amendment 4.

Amendment 6, in clause 1, page 3, line 7, after "(4)" insert ", (4A)".

This amendment is consequential on Amendment 7.

Amendment 7, in clause 1, page 3, line 20, at end insert—

"(4A) Section 9A applies to a periodic or secure tenancy that comes into existence after the commencement date on expiry of a term of a lease granted before that date."

This amendment would ensure that the implied covenant as to fitness for human habitation will apply to a periodic or secure tenancy that comes into existence after the date on which the Bill comes into force in a case where the tenancy arises out of a fixed term tenancy granted before that date.

Ms Buck: Since Second Reading, I am very pleased to say that, with the co-operation of the Minister and the help of officials, we have been able to bring forward a planned amendment to extend the provisions of the Bill to common parts, which I will briefly explain.

Where a dwelling is part of a larger building—a room, for example, in a home in multiple occupation, a flat in a purpose-built block or a house that has been converted into flats—amendment 4 would extend the

[Ms Buck]

implied covenant of fitness, so that the whole dwelling would be fit for habitation, including any part of the building in which the landlord has an estate or an interest. That would include, for example, the outside walls and roof of a block of flats, and the internal common parts where the landlord owns the block.

If the common parts are in such a state that they present a risk to the health or wellbeing of the occupiers of the dwelling, the landlord will be required to take remedial action, subject to any exceptions available under, for example, the main amendments that we have made to clause 1. Amendment 4 is necessary to give effect to the purpose of the Bill, because without it the implied covenant would be restricted to the extent only of the demised property—that is, the flats—and would not catch, for example, fire safety hazards in the common parts.

Amendment 3 would ensure that where a landlord requires the consent of a third party—such as a neighbour, a superior landlord, a mortgage company or a public authority, such as one responsible for giving listed building consent—to carry out the works required to remedy unfitness, the landlord would not be liable if they had made reasonable efforts to obtain that consent but it had not been given.

Bob Blackman (Harrow East) (Con): This is an excellent Bill, which I think we all support strongly. One issue that has raised concerns is the definition of "fitness" and who decides whether a building is fit or not. Is it the individual who has the lease or is it the landlord? Who makes that decision? Is there agreement on that matter with the Government and the Minister?

Ms Buck: That matter has indeed been agreed with the Government and is included in the Bill. The Bill amends the fitness standards of the Landlord and Tenant Act 1985 and updates them to incorporate part of the Housing Act 2004, which is basically the housing health and safety rating system. It will therefore be a more comprehensive and updated list.

In some cases, the tenant would still require an assessment to be carried out by the local authority before taking legal action under the Bill. In that sense, this legislation is complementary to the work that local authorities already carry out. In some cases, the tenant will make private arrangements for that, and in some cases the unfitness will be so evident that the tenant will be able to take action themselves by gathering photographic and other evidence that will clearly imply that the property is unfit.

In incorporating the updated fitness standards, we have made sure that we have future-proofed them, because I am conscious that there is a debate about the housing health and safety rating system and the risk-based approach. I am sure that there will be an opportunity to look at that again and consider how it can best be revised. We want to ensure that the Bill can incorporate any changes of that nature in the future.

Heidi Allen (South Cambridgeshire) (Con): The hon. Lady is very kindly clearing up a few items. I am just thinking back to when I owned a flat that was originally in a leasehold property—four flats in a big Victorian house. We collectively bought out the freehold together. Is she content that the wording is tight enough to cover situations where there are multiple parts of freehold owner within one building?

Ms Buck: The Bill relates to tenants, not leaseholders. It means that if a tenant is renting a property where there is more than one landlord, the provisions that I have just outlined will apply. The tenant will have recourse through their own landlord, but if the landlord is unable, after making reasonable efforts, to secure permission to make the changes required owing to other obligations, that constitutes an exemption under the legislation.

The wording of amendment 4 follows from the Landlord and Tenant Act 1985, which imposes an equivalent liability on the landlord for section 11 repair obligations. The fitness requirements are therefore very much consistent with the repair obligations that are already well established.

The definition of common parts is taken from the Landlord and Tenant Act 1987 and refers to

"any building or part of a building"

including

"the structure and exterior of that building or part and any common facilities within it".

The same definition is used in respect of section 11 of the 1985 Act. In effect, the amendments secure consistency between the main statutory repairing rights.

Amendments 6 and 7 clarify that the implied covenant applies to any periodic or secure tenancy arising after the commencement date at the end of the fixed-term tenancy granted before the commencement date. That would include a secure tenancy after, for example, an introductory tenancy, an assured tenancy after a fixed-term starter tenancy, or a statutory periodic tenancy arising at the end of a fixed-term assured shorthold tenancy.

Amendment 4 is the most substantial amendment relating to common parts. We were unable to table it on Second Reading, but I am extremely grateful for the work that has been done by officials working with Justin Bates and Giles Peaker, who were the two lawyers who helped to draft the original legislation. Working on the Bill over the last few months to ensure that it, as a whole, is fit for our purpose and to table these amendments has been an incredibly productive experience for us all. I hope that all hon. Members will support the amendments and clause 1.

Mrs Wheeler: I, too, congratulate everyone on the Bill team and all the lawyers who have been working on this matter. This is a sensible amendment that the Government accept and are very happy to support.

John Healey (Wentworth and Dearne) (Lab): It is a pleasure to serve under your chairmanship on a Bill Committee for the first time, Mr Wilson. In the spirit in which my hon. Friend the Member for Westminster North introduced the first group of amendments, perhaps I may deal with amendment 4 but also speak a little more widely. That may help you decide, Mr Wilson, whether we should have a clause stand part debate and how wide it should be.

I underline the Opposition's continued strong support for the Bill. It sets out exactly the legal changes that Opposition Front Benchers tried to introduce two years ago into the Housing and Planning Bill. We were resisted

at that time, which is why in January I warmly welcomed the Minister and the Conservative party's change of approach. I also welcome the willingness of the Government to set up a second Committee to deal with the bottleneck that we had regarding private Members' Bills that have reached this stage.

I pay tribute to the work that the Minister and her officials have done. They have not taken this private Member's Bill and filleted it, as sometimes happens. On the contrary, on amendment 4 they have proved willing, as they suggested on Second Reading, to extend the basic provisions on the responsibility of landlords to make and keep fit for human habitation—not just to make repairs—to common parts as well. I strongly welcome that.

I, too, pay tribute to the advisers that my hon. Friend the Member for Westminster North has had in Giles Peaker and Justin Bates. They are among the finest housing lawyers in the country. The Committee and the House are very fortunate to have their unremunerated commitment and expertise behind the Bill.

Above all, I cannot let this opportunity go by without paying tribute to my hon. Friend the Member for Westminster North. This really is the Buck Bill. This is not a hand-out Bill from Government, or a Bill prepared by an outside organisation and thrust into the hands of a Member who has come out high in the private Member's Bill ballot. My hon. Friend has worked for a long time to develop the content of, and the case for, the legislation. She has also worked for some time to build the coalition of support behind the measures, which includes the Residential Landlords Association and the National Landlords Association.

The Bill is a really important step forward. My hon. Friend has mentioned the scale of the desperately bad, indefensible housing that too many people, as tenants, have to put up with across the country. You will be familiar with that, Mr Wilson, from many cases in your own part of the north-east. The provisions in the Bill are long overdue.

Finally, I say gently to the Minister that I am so glad that the Government have shifted their view and accepted, in this small way, the need to regulate more strongly a market that the Prime Minister herself described as "broken". I hope it will be a first step towards some of the other changes that are clearly necessary, such as longer tenancies, controls on rents and greater licensing of private landlords. Will the Minister give us an indication of when mandatory electrical safety checks will see the light of day, given that they are already part of legislation? They would be a great complement to the provisions that my hon. Friend the Member for Westminster North is leading on for us today.

Mrs Wheeler: I have nothing further to add, other than to say that we support the amendment.

Amendment 3 agreed to.

Amendments made: 4, in clause 1, page 2, line 28, at end insert—

"( ) Where a lease to which this section applies of a dwelling in England forms part only of a building, the implied covenant has effect as if the reference to the dwelling in subsection (1) included a reference to any common parts of the building in which the lessor has an estate or interest."

This amendment would extend the implied covenant as to fitness for human habitation in cases where the dwelling forms a part of a building to any of the building's common parts in which the landlord has an estate or interest.

Amendment 5, in clause 1, page 2, line 38, at end insert—

"'common parts' has the meaning given by section 60(1) of the Landlord and Tenant Act 1987;".

This amendment is consequential on Amendment 4.

Amendment 6, in clause 1, page 3, line 7, after "(4)" insert ", (4A)".

This amendment is consequential on Amendment 7.

Amendment 7, in clause 1, page 3, line 20, at end insert—

"(4A) Section 9A applies to a periodic or secure tenancy that comes into existence after the commencement date on expiry of a term of a lease granted before that date."

This amendment would ensure that the implied covenant as to fitness for human habitation will apply to a periodic or secure tenancy that comes into existence after the date on which the Bill comes into force in a case where the tenancy arises out of a fixed term tenancy granted before that date.

Amendment 8, in clause 1, page 3, line 45, leave out

"and Liability for Housing Standards".

This amendment is consequential on Amendment 15.

Amendment 9, in clause 1, page 4, line 2, at end insert—

"**9C Application of section 9A to certain dwellings occupied by agricultural workers**

(1) This section applies where under a contract of employment of a worker employed in agriculture—

(a) the provision of a dwelling for the worker's occupation forms part of the worker's remuneration, and

(b) the provisions of section 9A (implied term as to fitness for human habitation) are inapplicable by reason only of the dwelling not being let to the worker.

(2) There is implied as part of the contract of employment (in spite of any stipulation to the contrary) a term having the same effect as the covenant that would be implied by section 9A if the dwelling were let by a lease to which that section applies.

(3) The provisions of section 9A apply accordingly—

(a) with the substitution of 'employer' and 'employee' for 'lessor' and 'lessee', and

(b) with such other modifications as may be necessary.

(4) This section does not affect—

(a) any obligation of a person other than the employer to repair a dwelling to which the covenant implied by section 9A applies by virtue of this section, or

(b) any remedy for enforcing such an obligation."

This amendment, which replicates section 9 of the Landlord and Tenant Act 1985 in relation to the new implied covenant, is consequential on Amendments 1 and 2.

Amendment 10, in clause 1, page 4, line 3, leave out subsection (3).

This amendment is consequential on Amendments 1 and 2.

Amendment 11, in clause 1, page 4, line 11, leave out sub-paragraph (i) and insert—

"(i) after 'house', in both places where it occurs, insert 'or dwelling';".

This amendment is consequential on Amendments 1 and 2.

Amendment 12, in clause 1, page 4, line 15, before "any" insert

"in relation to a dwelling in England,".

This amendment is consequential on Amendments 1 and 2.

Amendment 13, in clause 1, page 4, line 27, after "habitation" insert "of dwellings in England".

This amendment is consequential on Amendments 1 and 2.

[Mrs Wheeler]

Amendment 14, in clause 1, page 4, line 27, at end insert—

"( ) In section 302 of the Housing Act 1985 (management and repair of houses acquired under section 300 or retained under section 301), in paragraph (c)—

(a) for 'section 8' substitute 'sections 8 and 9A', and

(b) for 'does' substitute 'do'."—*(Ms Buck.)*

This amendment is consequential on Amendments 1 and 2.

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

Ms Buck: We have had a brief discussion of the amendments in the context of clause 1, so I do not wish to detain the Committee long. Clause 1 is the substance of this short Bill. We had a good debate on Second Reading in which virtually everyone on the Committee today participated.

I am very grateful to my right hon. Friend the Member for Wentworth and Dearne for his kind words. The Bill has caught the moment in terms of housing standards. Although there has been an improvement in the quality of the housing stock over decades, millions of people still remain in unfit housing, including many children. They are often the families and individuals who have the least choice in their housing. They are people with disabilities and long-term health problems, and people on very low incomes. Although a local authority has an important role to play in enforcing behaviour, it is essential that those people have a direct means of redress against the worst landlords.

As my right hon. Friend said, this is just one of many different measures that we would like to see brought forward; the Government have brought some forward and there are other measures we would like to see that would strengthen the role of tenants. We are conducting our business at the same time as the Grenfell inquiry into the worst residential fire in modern British history is going on, and we are reminded of the critical importance of listening to tenants' concerns. The Bill is one of the ways in which we can reflect those concerns.

Mrs Wheeler: I am happy to support the clause.

Question put and agreed to.

Clause 1, as amended, accordingly ordered to stand part of the Bill.

Clause 2

EXTENT, COMMENCEMENT AND SHORT TITLE

Amendment made: 15, in clause 2, page 4, line 32, leave out

"and Liability for Housing Standards".—*(Ms Buck.)*

This amendment would change the short title of the Bill so as to leave out the reference to liability for housing standards (see the explanatory statement for Amendment 16).

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

Ms Buck: This is a brief clause that allows the commencement of the provisions of the Bill three months after the granting of Royal Assent. As far I am concerned, the sooner the better.

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to serve under your chairmanship, Mr Wilson. I rise to add my congratulations and thanks to my hon. Friend, who has not only championed the Bill but, as the MP for Westminster North, has championed the rights of private tenants over a long period.

9.45 am

Now that we are giving tenants rights that they should have had all along, I plead with the Government to ensure that they have the means to enforce those rights. Many organisations—the Law Society and many civil society organisations—are pressing, as part of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 review, for early advice and legal aid to support people who are challenging a bad landlord.

We are in a state where, notwithstanding what my hon. Friend says about improvements to some of the housing stock, there has also been some deterioration in housing stock recently, forcing tenants into the private sector. The Citizens Advice briefing today points out that the number of families in private rented accommodation has tripled over the past 10 years, and generally speaking that is where the bad conditions are.

It is of course wonderful to have these new powers, but we have to have the means to enforce them. I hope that the Government are listening to that point as well.

Caroline Lucas (Brighton, Pavilion) (Green): It is a pleasure to serve under your chairpersonship, Mr Wilson. I warmly congratulate the hon. Member for Westminster North, and I echo what others have said about her hard work, much of it behind the scenes.

I simply want to add how extraordinary it is that landlords have no legal obligations to their tenants to put or keep the property in a condition fit for habitation. Like every member of the Committee, I have, over my eight years as the Member for Brighton, Pavilion, seen literally hundreds, if not thousands, of cases of people living in the most awful conditions. In my experience, it is the most disadvantaged people who live in the worst and most dangerous rented housing. I want to put on record my pleasure at the progress of the Bill. I look forward to seeing it reach the statute book very soon.

Finally, I echo the words of the right hon. Member for Wentworth and Dearne on the next challenge, which I agree is about controls on rent. I hope that one day we will get to that as well.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): I pay tribute to my hon. Friend the Member for Westminster North for her dogged determination in introducing the Bill.

Some 43% of people in Plymouth, Sutton and Devonport, live in the private rented sector. We are one of the areas in the south-west with the highest concentration of people in the private rented sector, and there are still far too many examples of really poor standards. In particular, people have been really scared about complaining. I wonder whether my hon. Friend, or perhaps the Minister, could briefly explain what education and empowerment can accompany the Bill, once it passes into law—assuming, as I hope, that it will—to help people who are living in substandard accommodation but do not complain about it for fear of being evicted.

John Healey: We are debating clause 2 stand part. Clause 2(2), which I am glad to see survived the joint work with the Department, states:

"This Act comes into force at the end of the period of three months beginning with the day on which it is passed."

The Minister and her team will be not only working on the content of the Bill, but planning and anticipating its implementation. When does she expect Royal Assent, and therefore the Act to come into force?

Bob Blackman: I echo the appreciation and thanks expressed to the hon. Member for Westminster North for introducing the Bill. She tabled an amendment to my private Member's Bill that helped vulnerable people being offered accommodation by local authorities, to ensure that their homes were fit for habitation. That was a complementary move, and I strongly support today's Bill.

I have a few questions for the Minister, which I will ask now rather than intervening when she rises to speak. My first question complements what the hon. Member for Plymouth, Sutton and Devonport said. One concern is that tenants who complain of the poor standard of the accommodation in which they live may be subject to retaliatory evictions. Clearly the Government must take action on that, or the teeth of the Bill will be irrelevant. Will the Minister ensure that the Government consider how to prevent retaliatory evictions? Will she also look at the issue of the guidance that the Department gives local authorities on enforcement? That is another key aspect of the Bill.

Thirdly, will the Minister look at the concerns that have been raised by a number of tenants' groups and representatives of organisations that are looking at the degree of tolerance of homes that are unfit? I raised with the hon. Member for Westminster North the concern of who defines fitness. It is clear when a place is terribly bad, but electrical dangers can be unseen and the tenant may not have the knowledge to be aware of them. How is that to be determined? It is part and parcel of what we want to do to ensure that tenants are safe and clear.

While I am on my feet, I draw hon. Members' attention to my entry in the Register of Members' Financial Interests.

Clive Efford (Eltham) (Lab): I do not want to detain the Committee for long, but I add my congratulations to my hon. Friend the Member for Westminster North. We have been in the House together for 21 years and she has never failed to battle on behalf of tenants, including and people vulnerable to being exploited by ruthless landlords. I want to put on record my respect for her dogged determination over so many years. In doing so, I echo the comments of other hon. Members on enforcement and the need to ensure that what is in the Bill is followed through.

Retaliatory evictions by ruthless landlords have been mentioned. That happened to a constituent of mine, which resulted in her being deemed by the local authority to have made herself intentionally homeless. That was a double whammy for that person. The local authority does not have the resources to investigate in depth to get to the bottom of why someone has been evicted.

If the words on the Bill's pages are to have any meaning for some of the most vulnerable of our constituents, following through and making the resources available to enforce them is essential. I conclude by again congratulating my hon. Friend.

Siobhain McDonagh (Mitcham and Morden) (Lab): For all those people who are cynical about MPs, the Bill stands out as a shining light. My hon. Friend the Member for Westminster North regards very seriously her role of doing casework and understanding the problems of her constituents in a built-up urban area where the demands for housing outstrip supply, and where landlords can behave as they choose.

We are all beginning to understand that our local authorities are either unable or unwilling to take action to resolve many of those problems. That is either because they do not have the finances to do so or because they are concerned that, if more private tenants are evicted by landlords, they have to take on the responsibility for rehousing them and are unable to do so.

This is a great Bill born out of a great place by a great campaigning MP, but our constituents and vulnerable tenants will be able to take action only if they have support. Once again, we will fall back on the great work of our local law centres and legal advice agencies, which are also experiencing great demand and difficulty. I would be grateful if the Government took on board what needs to be done to allow the words on the page to become reality and enable some of our most vulnerable constituents to take action against their landlords.

Mrs Wheeler: It seems appropriate to wrap up my comments here. It is great news that everybody on the Committee completely agrees with the Bill. In broader terms, everyone deserves a safe and decent place to live, regardless of tenure. The vast majority of landlords work hard to ensure that their tenants live in decent and properly maintained properties. The majority of tenants are satisfied with their home, but for a minority of tenants the picture is very different.

According to the English housing survey, the social rented sector contains about 250,000 properties out of 4 million-plus with at least one serious hazard. The situation is worse in the private rented sector, where approximately 800,000 properties contains at least one serious hazard. It is unacceptable that anyone should have to live in a property with serious hazards, and we are determined to ensure that all landlords either meet their obligations or are forced to leave the sector. Local authorities have strong and effective powers to require landlords to carry out improvement works, and we expect them to be used.

We recently introduced a range of additional powers through the Housing and Planning Act 2016. Those powers include the abilities to impose a civil penalty of up to £30,000 and to ban the most serious and prolific offenders, potentially for life. We know that many local authorities are already making good use of the powers. Torbay Council, for example, has used revenue from civil penalties to fund an extra enforcement officer for its housing team. There is more to do, however. That is why the Government strongly support the Bill, which will help drive up standards in rented homes and ensure tenants get a fair deal.

The Bill will not introduce new obligations on landlords. They can already be required by their local authority to rectify any serious hazards in their property. The Bill empowers tenants to hold their landlord to account in the courts, rather than having to rely on the local authority to take enforcement action on their behalf.

Andy Slaughter: Obviously, that is what the Bill is about. Does the Minister agree that the Government also have a role to play, either by ensuring that tenants have the resources to be able to enforce their rights, as several hon. Members have said, or by looking at how local authorities and others use the private rented sector? We have seen accommodation procured that is not fit for purpose, even with the Grenfell replacement accommodation. There has been outsourcing. In the time that I have been involved with this issue, we have gone from people in bad private rented accommodation waiting to go into council flats to people who would have expected to go into council flats effectively being put into the private rented sector in substandard accommodation. I hope the Government will also look at that as part of this exercise.

Mrs Wheeler: Indeed. Interestingly, when a tenant might take a landlord to court because of a hazard, we know that 75% of those hazards are visible, such as uneven floor surfaces, excess cold or damp and so on. Where a tenant has concerns, they should ask the local authority to inspect and determine what level of hazard it is. Bodies such as Citizens Advice and Shelter can also give advice on such matters.

Siobhain McDonagh: Is the Minister aware of how many London boroughs have capital funds to do works in default where such problems in the private rented sector are very high?

Mrs Wheeler: That is exactly why we have got the fines of up to £30,000 that can be levied. As I have explained, Torbay Council has been on the front foot. It has now employed another person because of the fines it has levied and received. I think that answers the hon. Lady's question. Councils need to step up.

It was clear on Second Reading that there is wide cross-party support for the Bill and general agreement that we need to act now to require landlords to proactively ensure that their properties are free from hazards at the outset. Not to do so would be unfair on good landlords who are in the majority and who do keep their properties properly maintained. It would also mean that those tenants living in a property with serious hazards would be unable to hold their landlord to account.

It is important that tenants clearly understand their rights and know what to do if something goes wrong. Subject to the Bill successfully receiving Royal Assent—we hope it will be in spring 2019, to answer the question of the right hon. Member for Wentworth and Dearne—we will produce a short guidance document for tenants that will explain their rights under the legislation and how to represent themselves in court, should that prove necessary. The guidance will complement the "how to" series of guides produced by my Department, which have recently been revised and expanded. The revised versions will be published shortly. Tenants are already protected from retaliatory evictions where the local authority has confirmed that there is a legitimate complaint regarding a hazard.

The Bill sits very well with the range of initiatives that the Government have taken to improve conditions in the private rented sector. We have introduced fines of up to £30,000 for a range of housing offences. We also introduced legislation allowing tenants and local authorities to reclaim up to 12 months' rent for offences such as failing to comply with an improvement notice or a prohibition order. We have also introduced banning orders, potentially for life, preventing the worst landlords from renting out property. We are not resting on our laurels, however; we know there is still much more to do to drive up standards. That is why we are legislating to ban letting agent fees for tenants, thereby reducing costs and improving affordability.

10 am

We will require all landlords to belong to a mandatory redress scheme, which will help make sure that tenants are treated fairly. In addition, we have announced plans to make client money protection mandatory for letting agents, and to introduce requirements for training and accreditation to ensure that tenants are protected. On top of all that, we will be extending mandatory licensing to more houses in multiple occupation from October to help protect the most vulnerable members of our society. We have recently consulted on the five-yearly mandatory electrical checks and will announce the next steps in due course.

To conclude, the Government strongly support the Bill. It will make a significant difference to tenants and help drive up standards in both the social and rented sectors. I know that it has attracted wide support across the House, and I look forward to working with the hon. Member for Westminster North as we take the Bill forward. To finish, Mr Wilson, I cannot leave the debate without saying, "the Buck does not stop here." *[Interruption.]* It had to be done.

Ms Buck: I am not going to even acknowledge that.

I am grateful to the Minister for her positive comments, and I thank all Members who have made a contribution this morning. I thank my hon. Friends the Members for Hammersmith, for Eltham and for Plymouth, Sutton and Devonport, and the hon. Members for Harrow East and for Brighton, Pavilion.

I agree with everything that Opposition Members have said regarding the need for further support. I am concerned, even with the provisions in the Bill, that local authority finances are such that enforcement capacity is stretched. I have seen that myself through the work I have done on environmental health staffing. I do not think that the Bill in any way replaces the need for well-funded local authorities, or for the work that they do on enforcement and supporting tenants. It is a genuine problem. I also agree that there is a need for further investment in legal aid regarding housing, and for early advice. I am grateful to the Minister, who on Second Reading confirmed that legal aid would be available in cases of serious hazard under the Bill, as it is in cases of serious disrepair. However, that is clearly not enough; we know that more needs to be done.

In his short contribution, the hon. Member for Harrow East made a further reference to the issue of fitness. When I responded to him earlier, it was in the context of the definition of fitness, but ultimately—and this is the whole point of the Bill—it will be for the courts to decide on the issue of fitness, on the basis of the evidence that is brought forward. That is the purpose of the Bill, and although there is far more to be done and

no one piece of legislation provides an answer to all problems, I believe that it will give tenants an important new power and right. As I have said on many occasions, the measure of success is not how often the new legal power is used, but whether landlords respond to its introduction and recognise that they cannot get away with appalling standards.

Opposition Members have referred to the vulnerability of tenants, particularly homeless tenants in temporary accommodation—one of the passions of my hon. Friend the Member for Mitcham and Morden, who has done so much work on that issue, and of my hon. Friend the Member for Hammersmith. In addition to giving tenants the rights and powers that the Bill provides and, indeed, the other measures that the Minister and the Government are bringing forward, we must recognise that ultimately, if tenants have no choice but to accept their current accommodation because they face restrictions—particularly restrictions on their capacity to afford to find somewhere else to live—they are more vulnerable, regardless of what the retaliatory eviction powers are and how they can draw upon those. Many people will put up with appalling conditions because they simply do not think that they are going to find another property that is suitable for them—for example, if they are working or if their children are in school. That wider context is way outside of the scope of the Bill, but it is a reality.

We have ranged slightly widely on clause 2, Mr Wilson—I am grateful for your tolerance—but we are drawing to a close. I very much thank the Bill team, and I thank Giles Peaker and Justin Bates, without whom none of this would have been possible. I commend clause 2 to the Committee.

Question put and agreed to.

Clause 2, as amended, accordingly ordered to stand part of the Bill.

Title

Amendment made: 16, in title, line 3, leave out from "habitation;" to "and" in line 5.—*(Ms Buck.)*

This amendment would remove the second of the objects mentioned in the long title in relation to amendments of the Building Act 1984 making provision about liability for works not complying with the Building Regulations. There are no such amendments in the Bill so this part of the long title is unnecessary. As a consequence it is proposed that the short title of the Bill changes so as to leave out the reference to liability for housing standards (see Amendment 15).

Bill, as amended, to be reported.

10.5 am

Committee rose.