

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

HOMELESSNESS REDUCTION BILL

Third Sitting

Wednesday 7 December 2016

CONTENTS

CLAUSES 3, 8, 9 and 4 agreed to.

Adjourned till Wednesday 14 December at Ten 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 11 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/.

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>) | † attended the Committee |
| † Mackintosh, David (<i>Northampton South</i>) (Con) | |
| † Matheson, Christian (<i>City of Chester</i>) (Lab) | |

Public Bill Committee

Wednesday 7 December 2016

[MR CHRISTOPHER CHOPE *in the Chair*]

Homelessness Reduction Bill

Clause 3

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

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

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

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

9.30 am

Question again proposed, That the amendment be made.

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

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

See amendment 4.

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

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

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

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

Since then, the Minister helpfully requested a meeting with me and the hon. Member for Harrow East. We talked about what was in the code of guidance and I accept that there are probably more things in there than

in my amendment. The problem is that many local authorities are not having proper regard to that and are not carrying out their responsibilities in the way we would like.

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

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

The Parliamentary Under-Secretary of State for Communities and Local Government (Mr Marcus Jones):

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

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

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

The Chair: Order. Minister.

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

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

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

Amendment, by leave, withdrawn.

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

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

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

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

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

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

A more personalised approach will definitely help local housing authorities to get it right first time and prevent people from becoming homeless. The tailored approach will help the applicant and the housing authority to understand the actions that have to be taken and the

responsibilities on both sides. The clear intention is to help both the housing authority and households to become more effective in preventing and alleviating homelessness, thereby diverting more households from the crisis point.

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

Question put and agreed to.

Clause 3 accordingly ordered to stand part of the Bill.

Clause 8

LOCAL CONNECTION OF A CARE LEAVER

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

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

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

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

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

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

[Mrs Flick Drummond]

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

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

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

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

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

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

9.45 am

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

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

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

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

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

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

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

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

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

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

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

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

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

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Clause 9

REVIEWS

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

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

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

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

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

My amendments are probing—I do not intend to press them to a vote—because at the end of the day having a review provision in the Bill is right. I am sure Committee members have read the briefings we have had from London Councils and the LGA. London

Councils estimates at least four additional stages for which a review might be requested. The very helpful explanatory notes to the Bill give eight examples of circumstances in which a decision may be reviewed.

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

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

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

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

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

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

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

[Ms Buck]

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

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

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

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

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

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

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

which comes from the fact that the authority

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

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

10 am

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendment, by leave, withdrawn.

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

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

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

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

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

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

‘A notice under this section must be given in writing’

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

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

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

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

[Mr Marcus Jones]

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

In addition to this requirement under the existing legislation, clause 2 of the Bill, which is on the “Duty to provide advisory services”, states that each local housing authority in England must provide, among other things:

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

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

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

10.15 am

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

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

Specifically, with the decisions that can already be reviewed, individuals have the right to request a review when a housing authority decides: what steps it will take to help to prevent an applicant threatened with homelessness from becoming homeless, or to help an applicant to secure suitable accommodation; what duties are owed to all eligible persons who are homeless or threatened with homelessness; to end the duty to help to prevent an applicant who is threatened with homelessness from becoming homeless, or the duty to help to secure suitable accommodation when an applicant—this is a very important aspect of the review process—has “deliberately and unreasonably” refused to co-operate with the authority when exercising its prevention or

relief functions, or to take up any agreed step in the personalised plan to prevent or relieve their homelessness, or to take any step that the authority considers reasonable and has recorded when no agreement could be reached; what duties are owed to such applicants, and the suitability of accommodation offered by way of a “final Part 6 offer” or a final accommodation office offer.

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

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

Question put and agreed to.

Clause 9 accordingly ordered to stand part of the Bill.

Clause 4

DUTY IN CASES OF THREATENED HOMELESSNESS

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

“such steps as it considers reasonable”.

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

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

“such steps as it considers reasonable”.

See amendment 5.

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

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

“such steps as it considers reasonable”,

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

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

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

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

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

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

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

I shall briefly express my support for clause 4—

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

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

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

Under the measure as currently drafted, the authority must already consider what steps it is reasonable to take, taking account of all relevant factors. The existing reference to reasonableness brings in an objective standard, which is based on what steps a reasonable authority in the actual authority's position would take in relation to that particular applicant, with all the characteristics, abilities and so on of that applicant. I hear what the

hon. Member for Hammersmith said about his hopes and aspirations that may one day be fulfilled by the Government's accepting one of his amendments. I do not wish to dash his hopes and aspirations but, as he feared, I urge him to withdraw the amendment for the reasons I have mentioned.

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

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

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

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

Amendment, by leave, withdrawn.

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

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

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

[Bob Blackman]

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

“suitable accommodation available for occupation”

when there is a “reasonable prospect” of retaining that accommodation

“for at least 6 months”.

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

10.30 am

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

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

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

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

“specify which of the circumstances apply”

and inform the applicant that he or she

“has a right to request a review of the authority’s decision”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.45 am

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

[Ms Buck]

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

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

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

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

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

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

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

Michelle Donelan: I echo colleagues' comments that clause 4 is the heart and core of the Bill—it is fundamentally about preventing homelessness, which is why we are

here. The clause would end the current postcode lottery—it is also a time lottery, because someone can get help one day when they might not the next. It can depend on the area, which person they see, and a number of factors such as how busy the council is.

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

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

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

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

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

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

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

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

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

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

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

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

support so that they avoid going into the crisis management that inevitably ensues, whether they are intentionally or unintentionally homeless.

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

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

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

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

11 am

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

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

[Mr Betts]

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

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

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

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

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

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

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

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

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

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

Ms Buck: And lots that do not.

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

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

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

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

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

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

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

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

The hon. Members for Westminster North and for Sheffield South East mentioned affordability, discretionary housing payments and the local housing allowance. They will know that the amount set aside for discretionary

housing payments has doubled in this Parliament to £870 million. I understand the hon. Lady's point about discretionary housing payments being a temporary measure, but they allow households and authorities the time and space to look again at the circumstances and take action. In some cases, it gives the time to help people move into work or improve their situation in other ways.

11.15 am

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

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

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

Are those agreements included in the duty?

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

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

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

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

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

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

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

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

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

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

“to make provision about measures for reducing homelessness”.

The hon. Gentlemen is courteous enough to say that it is reasonable to raise such matters. I would have thought that, given the matters covered by the Bill, the issues that my hon. Friend the Member for Dulwich and West Norwood and I have raised on supply, financial measures

that are effectively increasing homelessness—whether LHA or other measures—and the nature of the private sector market are on point.

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

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

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

Mr Jones: Will my hon. Friend give way?

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

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

Question put and agreed to.

Clause 4 accordingly ordered to stand part of the Bill.

11.25 am

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

Adjourned till Wednesday 14 December at Ten o'clock.