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Public Bill Committee

HOMELESSNESS REDUCTION BILL

Fourth Sitting

Wednesday 14 December 2016

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Sunday 18 December 2016

The Committee consisted of the following Members:

Chair: Mr Christopher Chope

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

Glenn McKee, *Committee Clerk*

† attended the Committee

Public Bill Committee

Wednesday 14 December 2016

[Mr Christopher Chope *in the Chair*]

Homelessness Reduction Bill

10 am

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

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

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

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

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

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

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

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

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

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

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

Question put and agreed to.

Clause 5

Duties owed to those who are homeless

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.15 am

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.30 am

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

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

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

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

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

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

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

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

[Mr Marcus Jones]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10.45 am

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

Michael Tomlinson: Will the Minister give way?

Mr Jones: I will give way one last time.

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

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

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

Ms Buck: Will the Minister give way?

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

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

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

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

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

[Bob Blackman]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Question put and agreed to.

Clause 5 accordingly ordered to stand part of the Bill.

Clause 6

DUTIES TO HELP TO SECURE ACCOMMODATION

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

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

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

11 am

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

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

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

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

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

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

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

[Will Quince]

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

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

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

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

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

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

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

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

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

Question put and agreed to.

Clause 6 accordingly ordered to stand part of the Bill.

Clause 10

Duty of public authority to refer cases to local housing authority

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

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

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

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

Jon Sparkes of Crisis said

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

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

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

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

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

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

11.15 am

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

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

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

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

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

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

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

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

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

[Mr Burrowes]

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

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

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

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

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

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

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

Mr Jones: Following on—

11.25 am

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

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