

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## SECURE TENANCIES (VICTIMS OF DOMESTIC ABUSE) BILL [*LORDS*]

*Second Sitting*

*Tuesday 27 March 2018*

*(Afternoon)*

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CLAUSES 1 AND 2 agreed to.  
New clause considered.  
Bill to be reported, without amendment.

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**Saturday 31 March 2018**

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**The Committee consisted of the following Members:***Chairs:* ANDREW ROSINDELL, † JOAN RYAN

† Afolami, Bim (*Hitchin and Harpenden*) (Con)  
 † Burghart, Alex (*Brentwood and Ongar*) (Con)  
 † Creasy, Stella (*Walthamstow*) (Lab/Co-op)  
 † Debbonaire, Thangam (*Bristol West*) (Lab)  
 † Docherty, Leo (*Aldershot*) (Con)  
 † Duffield, Rosie (*Canterbury*) (Lab)  
 † Hughes, Eddie (*Walsall North*) (Con)  
 † Jones, Sarah (*Croydon Central*) (Lab)  
 † Lewer, Andrew (*Northampton South*) (Con)  
 † Norris, Alex (*Nottingham North*) (Lab/Co-op)  
 † Onn, Melanie (*Great Grimsby*) (Lab)

† Phillips, Jess (*Birmingham, Yardley*) (Lab)  
 † Philp, Chris (*Croydon South*) (Con)  
 † Syms, Sir Robert (*Poole*) (Con)  
 † Tolhurst, Kelly (*Rochester and Strood*) (Con)  
 † Wheeler, Mrs Heather (*Parliamentary Under-Secretary of State for Housing, Communities and Local Government*)

Nehal Bradley-Depani, Kenneth Fox, *Committee Clerks*† **attended the Committee**

## Public Bill Committee

Tuesday 27 March 2018

(Afternoon)

[JOAN RYAN *in the Chair*]

### Secure Tenancies (Victims of Domestic Abuse) Bill [Lords]

2 pm

Clause 1 ordered to stand part of the Bill.

Clause 2 ordered to stand part of the Bill.

#### New Clause 1

##### DUTY TO REVIEW COOPERATION BETWEEN ENGLAND, WALES, SCOTLAND AND NORTHERN IRELAND

“(1) By the end of the period of six months, beginning with the day on which this Act is passed, the Secretary of State must publish a review into the potential for future cooperation between local authorities in England, Wales, Scotland and Northern Ireland in relation to the provisions of this Act.

(2) The review under subsection (1) must consider how it may be possible to extend the provisions of the Act to ensure that applications for secure tenancies in cases of domestic abuse—

- (a) from Wales, Scotland or Northern Ireland may be considered by local authorities in England;
- (b) from England, Scotland or Northern Ireland may be considered by local authorities in Wales;
- (c) from England, Wales or Northern Ireland may be considered by local authorities in Scotland; and
- (d) from England, Wales or Scotland may be considered by local authorities in Northern Ireland.

(3) The review must be laid before both Houses of Parliament.

(4) In this section, “local authority” means—

- (a) in relation to England, the council of a district, county or London borough, the Common Council of the City of London and the Council of the Isles of Scilly;
- (b) in relation to Wales, the council of a county or county borough;
- (c) in relation to Scotland, the council of a district or city;
- (d) in relation to Northern Ireland, the council of a district, borough or city.”—(*Melanie Onn.*)

*Brought up, and read the First time.*

**Melanie Onn** (Great Grimsby) (Lab): I beg to move, That the clause be read a Second time.

It is a pleasure to serve under your chairmanship, Ms Ryan. The most common scenario in domestic violence cases is that of a woman fleeing her abuser. She escapes a harmful and dangerous situation and tries to find a place of safety—often a refuge. As we said this morning, for 68% of those women that is in another local authority area. The Minister said she does not think there is a problem with that in the Bill and decided not to accept amendment 5, which we withdrew following our discussion this morning, but we still hold that there may be a problem if the cross-boundary duty is not made explicit. The situations becomes even clearer if we think of people fleeing from another country in

the UK—from Northern Ireland to England, from Scotland to Wales, from England to Wales, or from Scotland to Northern Ireland.

There are significantly fewer resources in towns than in cities. For those living in the more far-flung reaches of our country, access to support services, including housing, may be much more limited. The homelessness services provided by, for example, Crisis, are well known, but Crisis clearly operates somewhere where a significant amount of rough sleeping occurs—London. The excellent services it provides at its Crisis Skylight centre in central London are much harder to come by in, say, Norfolk or Wiltshire, although it now has an excellent service in South Yorkshire. The groundbreaking work and the centrepiece services tend to be in cities, and the same is true for domestic violence services. It stands to reason that the more people there are, the broader the range of support services catered for, and the greater the experience and knowledge base that is built up.

The anonymity of cities can be a draw for victims. If there are services to support those experiencing domestic violence, or if that is the nearest place where spaces are available, that is where victims will go. Complications may arise if someone who lives in a border town—for example, Wrexham—is directed to or heads to Manchester to seek sanctuary. Similarly, people from Northern Ireland may head to Birmingham, which my hon. Friend the Member for Birmingham, Yardley tells me contains the largest diaspora of Irish people in the country, to be supported by extended family members. Will the rights conferred by the Bill travel with them? Will the rights follow the victim? When the system differs among our devolved nations, will victims find that they do not receive the same treatment and housing opportunities as someone who straightforwardly moves from one council house in their local authority area to another in that same local authority area? I fear that the Government are looking at this matter far too simplistically and that down the line they will come a cropper as they realise that the Bill has not worked as intended.

Lord Bourne of Aberystwyth recognised the issue presented by the Bill and has committed to taking this particular matter to the Ministry’s devolved Administration roundtable, which I believe is due to convene in Cardiff in April. He has also committed to provide the Library with a copy of the letter that follows the outcome of that roundtable. I am unclear about what that might mean for the Bill, because the outcome of that roundtable will surely serve as some form of response to some of the issues that have been flagged up in debates so far.

I very much accept the difficulties and sensitivities involved, so the new clause will not force England-only duties on to the devolved nations. It strives to ensure that full collaboration is exercised and provided for to enable all victims to be treated fairly and equally, wherever in the country they come from and wherever they end up. To do that, there must be some method of reviewing the issue, and I personally prefer to understand the issue that we are trying to fix with the import of new legislation.

The new clause would recognise that there should be no detriment to anyone travelling between Northern Ireland, Scotland, England or Wales who requires security of tenure. At the moment, the Bill does not do that, despite the recognition of the problem. The new clause therefore proposes a review period of six months to establish where the problems lie in the legislation and to enable the Government to take steps to resolve them.

We do not want to see anyone dissuaded from getting themselves to a place of safety if that place is in one of the devolved nations. The matter was recognised in debate in the Lords. Rather than having to reflect on a missed opportunity, and in full understanding that this is an issue of a premise accepted by Lord Bourne, I urge the Minister to take the necessary steps to future-proof this Bill.

**Sarah Jones** (Croydon Central) (Lab): I want to speak in support of new clause 1 and the principle of co-operation, and to give a couple of examples. I used to work for Shelter, and I lobbied successfully for the Homelessness Act 2002. It was a groundbreaking piece of legislation because, for the first time, local authorities had to have a strategy in place to tackle homelessness. It also extended the definition of priority need to many different groups who had not fallen into that category before, including people fleeing domestic violence, as well as 16 and 17-year-olds and people leaving care, prison or the armed forces.

Shelter put a huge amount of resource into lobbying for the legislation. We worked during the passage of the Bill and lobbied civil servants on the guidance that followed. It was a good Bill and there was good guidance, but we knew that we could not necessarily guarantee that it would be implemented in the way that legislators had intended. As a charity, we funded about 15 full-time members of staff to work with every single local authority to help them understand the legislation and implement it.

My point is that even though we had a good Bill, good guidance and all this extra resource from Shelter, which was used widely by all local authorities, there were still differences in implementation, with pockets of good practice and pockets of bad practice. For example, the good practice was that a local authority should have a safe place—a safe room or a safe opportunity—for people once they came to the local authority and said that they were fleeing domestic violence. Not every local authority does that; there are differences in implementation. The implementation and what is written in the Bill are absolutely crucial.

We know that there are different definitions of priority need in different nations. If someone is fleeing domestic violence in England, the category of priority need is stronger than it would be for someone fleeing in Wales. If someone is fleeing in Wales, they have to have been the victim of domestic violence. In England, they have to be the victim or at risk of domestic violence. There is a slightly different way of interpreting that legislation, because it is different in the two nations. I would hate, as I am sure the Minister would, for us to introduce legislation that does not enable every single person we can possibly help to get the support that they need.

The new clause is a sensible addition to the legislation. Giving six months to look at this before anything has to be introduced is sensible. We can support those victims of domestic violence who need our support. Croydon, which I represent, has the highest number of applications by people fleeing domestic violence of any London borough. We have a fantastic service in Croydon. We have the only family justice centre in Europe, which brings together all the agencies that help to support people who are fleeing domestic violence, including housing and the police. We provide brilliant support,

which I would like to see across the country and across the nations, but sadly that is not the case. I am supportive of co-operation and new clause 1.

**Alex Norris** (Nottingham North) (Lab/Co-op): Ms Ryan, this is the first time I have served under your chairship and it is a pleasure to do so.

In this morning's sitting we had a long and interesting discussion on amendment 5. It was a shame we could not reach consensus. We ended up having a conversation about whether what the amendment said was already in the Bill and it became an almost semantic conversation about whether "a local authority" is the same as "any local authority". That is what will happen when something is gone through line-by-line, and it is important that we get to that level, but it was a shame we were not able to establish consensus.

With new clause 1 we have basically the same principle, but grown out. We now know for a fact that "a local authority" falls once we get to the boundaries of England, but we also know that the need for refuges does not drop off that cliff as we meet that border.

We also spent a lot of this morning talking about not wanting to put up barriers. Our job is to remove whatever barriers there are to the survivor leaving that situation. Whether the barrier is money, housing, family or whatever, we should seek to remove it so that they can make that best decision for themselves. This is a pretty big barrier: it is a border. I almost hesitate to say that because we talk too much about borders, especially in the context of Northern Ireland, but mercifully we are not going in that direction today.

Nevertheless, we will clearly have to do something. As my hon. Friend the Member for Great Grimsby said very eloquently, the need will be the same around border towns, but the facilities will be different. In a big city such as Nottingham, we might have things that they do not have in small border towns. From the perspective of people going from Scotland or from Wales to England, I should like to think that we would be there for them if that was best for them. I am sure that everybody would share that thought.

We have to be mindful of devolution and the devolution settlement, but it seems sensible, and to behave us, to accept the clause because it will give us a proportionate way of looking at how to get to something sensible. I suspect that it will be said that there are different arrangements in these countries. I am perfectly willing to accept that; nevertheless, how the arrangements marry up with our own is really important. It is important for English survivors, but it is also important for survivors in those nations.

I do not want to rehash everything from this morning, but I thought it regrettable that we did not push forward on the question of training in amendment 1. This is exactly the sort of situation that will be very complicated for a housing officer. We ask housing officers to understand an awful lot of things about an awful lot of different needs, and this is yet another one. We need them to understand that, if they are talking about people moving to different communities, that will need to be in England. We would not want people to be advised that their secure tenancy will apply somewhere else if those are not arrangements that we have been able to secure. I do not think that that is asking for much, but it will

[Alex Norris]

certainly give us more confidence that down the line we will get to a point where we will have a stitched-up nationwide look at the issue laid before Parliament, which would be desirable.

2.15 pm

**Sir Robert Syms (Poole) (Con):** I have sat on a number of Committees in this House, and Plaid Cymru and the Scottish National party have always asked one question: have the devolved Administrations been consulted? They say little else apart from that. Whether it is a good or a bad idea to add this measure to the Bill at this stage, as a Unionist I think that if we are to ensure a good relationship between the Governments within the United Kingdom the devolved Administrations ought to be consulted first. Even on something that may be reasonable from the point of view of Government-to-Government relationships, they ought to be consulted first.

We have not yet reached the end of the Bill. There is a further stage on Report and, as Lord Bourne has already undertaken to have some discussions with the devolved Administrations, it might be better for them to be concluded before we add to the Bill, possibly ruffling feathers north of the border. Whatever the Westminster Parliament does can sometimes seem to be used by the SNP grievance machine. Therefore, we ought to tiptoe in that direction. If discussions subsequently take place so that changes can be made to the Bill, that is fine, but at this stage I am wary of adding something that, in essence, is a UK diktat—or will be seen as such by some in Scotland. I am sure that the hon. Member for Great Grimsby wants the best legislation for the victims of domestic violence, but I think it might be better for us to wait.

**The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Mrs Heather Wheeler):** The new clause calls for a review of the potential for future co-operation between local authorities in England and those in Wales, Scotland and Northern Ireland, with consideration of how it may be possible to extend the provisions in the Bill to apply across the UK. The issue was raised during passage of the Bill through the Lords and, indeed, an amendment was tabled and subsequently withdrawn.

As hon. Members are aware, housing is a devolved matter, so it is for local authorities, or the Housing Executive in Northern Ireland, and social landlords to decide whether to allow access to social housing under the law that operates in that particular country. Wales, Scotland, and Northern Ireland have their own homelessness legislation. There may of course be differences of approach, according to the requirements of the devolved area and the pressures on their housing stock. As I understand it, for example, in Wales, where social housing stock is in highest demand, the local authorities can and do discharge their duty to rehouse using the private rented sector.

The Minister for faith, Lord Bourne of Aberystwyth, wrote to peers on this issue following Second Reading, setting out how each devolved Administration would deal with the situation if a person, as a result of domestic abuse, were to flee from their home in England to a devolved Administration. I am more than happy to share that with the Committee.

I agree that there should be increased co-operation between England and the devolved Administrations on the question of victims of domestic abuse, including where a victim needs to move from one country to another to escape the abuse and to feel safe. Furthermore, I understand that the Minister, Lord Bourne, gave the commitment that he would raise the issue at the roundtable with the devolved Administrations, which I understand is next due to take place on 19 April in Cardiff. In fact, the noble Lord has written to ask whether the issue could be put on the agenda of that meeting. He has made it clear that he would like to explore whether we can develop a concordat or joint memorandum of understanding between the four countries on our approach to social housing and cases of domestic abuse.

I remind hon. Members that the purpose of the Bill is to remove an impediment that might prevent someone who suffers domestic abuse from leaving their abusive situation in England when the provisions under the Housing and Planning Act 2016 come into force. The Housing and Planning Act applies only to England.

In the current situation, a victim of abuse in another part of the UK, such as in Scotland, will not have an impediment to fleeing their situation from fear of losing their lifetime tenancy, as another council in Scotland will grant them a lifetime tenancy when they are rehoused. The commencement of the Housing and Planning Act does not change that.

I do not believe it would be appropriate to include a duty in the Bill, which applies to England only, to consider the potential for amending legislation in other parts of the UK. In this instance, I firmly believe that addressing the question at the devolved Administration roundtable is the correct approach, with a view to securing a memorandum of understanding or concordat. This is a common issue in which all parts of the UK have an interest, but, as I have said, the differences in housing legislation across the devolved Administrations mean that I do not believe a UK-wide provision in a Bill based on an Act that applies only to England is the correct approach. For all those reasons, I do not consider the amendment to be appropriate or necessary and I ask for it to be withdrawn.

**Melanie Onn:** Yes—yes please to the sharing of information that has been distributed by Lord Bourne. I very much welcome that, as I would a notification to confirm that the meeting of 19 April has taken place and the detail of the conversations that took place within it. I am slightly concerned that the legislation is almost being drafted with eyes shut to the reality of people's lives. I would urge every consideration to ensure that that is not the reality.

For example, I do not know whether the concordat or memorandum of understanding would be legally binding, how it would operate in an enforceable way and how, if an individual felt that they were being treated differently because they happened to cross a nation's border, they would go about challenging that, what the normal process would be, whether legal aid would be available, and so on.

There are still concerns that the legislation will not fully do what is necessary to meet the intention that has been set out, but I await the outcome of the meeting on 19 April. I agree that there should be a pause to establish

whether that meeting can resolve this issue in an amicable fashion, rather than something that seems to have a UK parliamentary overbearing overtone, which may not be well received by the devolved nations, and I mentioned the sensitivities of the issue in my speech. I beg to ask leave to withdraw the clause.

*Clause, by leave, withdrawn.*

*Question proposed,* That the Chair do report the Bill to the House.

**Mrs Wheeler:** Ever so briefly, I thank everybody for the lively debate. It has been a very well-informed discussion. I think there will be some issues on which we will be able to give greater clarity and comfort to those

who have asked questions. Ms Ryan, I thank you, and all the Clerks and staff who have helped us get through this Bill.

**Melanie Onn:** I thank the Minister for listening in an open and honest fashion to the points that have been put genuinely to try to improve the Bill. I also extend my thanks to the staff of the House authorities and the civil servants [HON. MEMBERS: "Hear, hear!"]. I thank all of those who have participated in the debate for their contributions.

*Question put and agreed to.*

*Bill accordingly to be reported, without amendment.*

2.24 pm

*Committee rose.*

