

Levelling Up, Housing and Communities Committee

Oral evidence: Pre-legislative scrutiny of the Supported Housing (Regulatory Oversight) Bill, HC 809

Wednesday 9 November 2022

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Members present: Mr Clive Betts (Chair); Bob Blackman; Mrs Natalie Elphicke; Florence Eshalomi; Kate Hollern; Mohammad Yasin.

Questions 1 - 24

Witness

I: Justin Bates, Barrister, Landmark Chambers.

Examination of witness

Witness: Justin Bates.

Chair: Welcome, everyone, to this morning's meeting of the Levelling Up, Housing and Communities Select Committee. This morning we are going to have a session looking at pre-legislative scrutiny of the Supported Housing (Regulatory Oversight) Bill. That is quite a mouthful, but essentially it is a Bill to put in place certain requirements, regulations and other measures to do with exempt accommodation. That is accommodation provided for people with particular needs and vulnerabilities, which is exempt from housing benefit.

The Committee has looked at that in an inquiry and produced a report. Now we are moving to the stage where one of the members of our Committee, Bob Blackman—he is with us today, but he will be observing at this stage—is bringing a private Member's Bill to the House of Commons for Second Reading a week on Friday. The Committee is going to be looking this morning at what we would like to see in the Bill. At this stage, we do not have the Bill before us.

I just move on now to the members of the Committee and ask them to



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put on record any interests they may have. I am a vice-president of the Local Government Association.

Mohammad Yasin: I am a member of the Bedford town deal board.

Florence Eshalomi: I am also a vice-president of the LGA.

Kate Hollern: I employ a councillor in my office.

Mrs Elphicke: I am a vice-president of the LGA.

Bob Blackman: I am a vice-president of the LGA. I employ councillors in my office, and I have a number of properties in the private sector, which I am renting.

Q1 **Chair:** Thank you, everyone. Over to our witness this morning, Justin, can I ask you to introduce yourself and your role in this legislation?

Justin Bates: My name is Justin Bates. I am a barrister at Landmark Chambers. I am the editor of the *Encyclopaedia of Housing Law and Practice*. I have been helping Mr Blackman with the drafting of his private Member's Bill, together with input from Crisis.

Q2 **Chair:** Thank you very much. Thanks for the help you are giving to get these proposals into legislation. Thank you for coming this morning to talk to the Committee about what you think the Bill ought to be including in order to make a difference to the lives of some very vulnerable people. In our inquiry, we found that these people were often in very poor accommodation, with lots of housing benefit being charged for it and often without the support they need.

In general terms, what should we be looking for in this legislation to improve the lives of vulnerable people in supported housing?

Justin Bates: At the risk of turning this into too friendly a session, for my part your report got this more or less completely right. Having read your report, there are broadly three strands to the problems you are identifying.

The first is what can be done immediately to address the problems relating to poor standards of accommodation and poor standards of care. You talk in the report about having national standards and empowering a local authority regulatory regime. I could not agree more. You need to push hard for those things.

Secondly, your report draws on the fact that we do not really have enough data about this sector. It seems to me, therefore, that we need to make proper provision for the collection and sharing of data between the various bodies that are involved here, whether that is the regulator, the local authorities or the DWP.

Thirdly, there needs to be an element of future proofing. As you have alighted upon in the report, while there are lots of very good providers,



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many of which are quite established and have been working in this field for some years, this sector has attracted some relatively recent entrants that appear to be in it primarily for the money rather than anything else.

There is no point in simply closing one set of loopholes they can use but allowing others to be there. It is about how we ensure they do not simply move from exempt accommodation into some other aspect of supported housing and carry on with the abuse of residents and public funds that your Committee has found.

I would have thought those are the three things you are looking for: solving the immediate problem, improving data retention, and then future proofing.

Q3 Chair: I have a couple of follow-up points. Should we be looking to legislate to improve the experience of those who live in the surrounding areas in which exempt accommodation is located as well as the people who actually live in the exempt accommodation?

Justin Bates: For my part, the answer is clearly yes. The report brings home that various residents suffer with antisocial behaviour associated with this property. It seems to me that you need to grapple with—and the report does—why that antisocial behaviour emerges from that property. It is primarily, I can see, for two reasons.

One is the inherent vulnerability of many of the residents. You are dealing with people who are recovering drug addicts, for example. There is a degree of chaos that comes with their lives, which needs to be dealt with. Secondly, it is the poor quality of the management. If you build a scheme that improves the support to vulnerable residents and seeks to drive up the standards of management, the knock-on implication of that should be to improve the experience of neighbours as well.

When the Bill is published and generally when you take this forward, I would urge you to think about your own experiences, and those of the local authorities in your constituencies, with existing forms of landlord licensing. HMO licensing has been around for quite some time. That kind of licensing is broadly effective at driving up management standards and in reducing the antisocial behaviour associated with properties. It seems to me that is a model that could be adapted for this kind of housing quite easily.

Q4 Chair: Finally, I just have a very specific point. There have been some concerns that very often the people who live in this accommodation are so vulnerable that they get threatened by landlords: “If you complain or if you do not do exactly what we say, we will throw you out of the door and the local authority will not rehouse you because it will be your fault and you will be intentionally homeless”. Do we need to address that particular issue in the legislation as well?

Justin Bates: Absolutely, yes. The report finds clear evidence of that. It is consistent with the experience of local authorities; it is consistent with



the experience of clients I have represented on the local authority side and on the homeless person side.

This is a uniquely vulnerable part of the private rented sector. The ability of rogues to abuse their power over these vulnerable residents should not be underestimated. Taking away the threat of intentionality would help enormously.

Q5 **Kate Hollern:** Good morning, Justin. What problem or problems should this Bill be trying to solve?

Justin Bates: It is really about trying to solve as many of the problems you identified in your report as you can. In the report, you identify that local authorities either are trying to force this housing into existing regulatory regimes not very successfully or are reliant upon the goodwill of providers to comply with voluntary schemes.

The obvious flaw with a voluntary scheme and goodwill is that no one suggests for a second that St Mungo's or Centrepont are the focus of this. They will have good standards without a voluntary scheme. We need something, and it has to be through legislation, because the rogues will not comply with the voluntary schemes. If we do not have a scheme to deal with them, this will continue.

You pick up in the report, rightly, on the fact that it is possible—the rogues have done this—to structure your business in such a way as to avoid existing licensing under the HMO powers. The rogues are not stupid. They can read the Acts and work out what they have to do to avoid regulation. We have to close those loopholes. Simply saying to the rogues, "Please be nice," will not have any effect at all. That is why we need to legislate on this. There is a section of the market that is determined to abuse its power.

Q6 **Kate Hollern:** On that theme, what problems with exempt accommodation might be left unaddressed or under-addressed?

Justin Bates: In the Bill as it currently stands—I appreciate you have not been able to see it yet, but I am sure it will be with you fairly soon following our last batch of discussions with the Government—it seems to me that there are two things to worry about, neither of which you touch on in your report.

The first is what you do if you regulate exempt accommodation but the rogues simply move to another form of supported housing. Specified accommodation would be the technical term for it. We know there is enough money to be made here to make it worthwhile to try to find ways around whatever you do. It seems to me that you need to think about how we can expand this without needing to come back and have another Select Committee report and another private Member's Bill, or even a Government Bill, if the rogues try to move into another sector.



Secondly, there is a related but separate point about how we keep this sector generally under control or under review. You will have noticed from your report that you are the first people in decades to have looked at this systematically and systemically. We need to have some other way of keeping this under review so that, as problems arise, the Secretary of State, or Parliament if appropriate, can respond accordingly.

We need those two elements of future proofing, both the narrow future proofing to make sure they do not move to another sector of housing and a broader way to ensure the regime stays up to date. Those are the key things I would focus on.

Q7 **Kate Hollern:** Do you see this as the start of a lengthy process that has to be almost constantly under review? As you say, rogues will find a way to bypass it.

Justin Bates: "It depends," is the answer. The Bill as it currently stands—this part will not change, I suspect, between yesterday and when you see it on Friday, hopefully—envisages local authorities creating licensing schemes for their areas. That starts off by focusing on exempt accommodation—the focus of your report. It is possible that a licensing scheme will prove effective to close the rogues down and some at least decide it is not worthwhile trying to move into other areas. They would find some other way to try to abuse public funds instead.

If this Bill passes, I do not know what you are going to need to do in five years' time. My strong preference would be, if this is possible, for this Bill to give the Secretary of State the power to update things, if it transpires that other problems arise. You have a very clear evidence base for a particular problem in a particular sector. That problem can and should be closed down, and this Bill will do that.

Human nature being what it is, we need to be prepared for the fact that people will try to avoid this legislation. How do we ensure that, if that happens, we can respond appropriately? That would be my slightly longwinded answer, I am afraid.

Q8 **Kate Hollern:** The former Minister for rough sleeping and housing gave us examples of councils that had improved the situation in their areas using the powers and resources they already had. Why is further legislation necessary?

Justin Bates: The Minister deals with this, and you summarise it at paragraphs 92 to 94 of your report. The Minister effectively gave two examples. First, he said it is possible to use aspects of planning law and article 4 directions to try to stop the growth of this area of housing. Secondly, he drew attention to the voluntary schemes that have been operated by Birmingham, among others. There is a third example of existing powers being used in your report. You talk about Poole Borough Council doing housing benefit checks to try to identify things there.



The problem with all three of those is that they are not really designed to achieve what you want to achieve. Article 4 directions are, as you know, notoriously unwieldy and slow. They are quite a reactive response to a problem. Secondly, voluntary schemes catch the good people and the people who want to improve, but they do not catch the criminal gangs that you are aiming at, and they never will. It is inconceivable that the criminal gangs you identify will sign up to a voluntary scheme. It is so laughable as to be discounted. It is those people we need to catch.

You cannot rely upon housing benefit as the solution here. As Sam Lister from the Chartered Institute of Housing explained in the evidence you cite back in the report, the housing benefit process is primarily a paper-based one. "Does it qualify? Are the right forms in place?" It is not about the quality of the housing or the quality of the support. It is, "Do you have your paperwork in line?" That is important, but that is not the problem that you have identified.

That is why you need a bespoke solution. This is a bespoke problem and it needs a bespoke solution.

Q9 **Mohammad Yasin:** Good morning. What regional powers, if any, should this Bill give to central Government and why?

Justin Bates: For my part, the critical role central Government should play here is twofold. It should be, one, to set national minimum standards, which a previous Secretary of State committed to. I forget how many Secretaries of State ago that was, but certainly a Secretary of State has committed to that before. That makes sense because there should be a degree of national consistency here.

The second role the Secretary of State and central Government should play is to deal with the future-proofing element. It is only ever going to be the Secretary of State who has that holistic view across the whole of the country. The local authorities deal with the problems in their areas, but for obvious reasons Birmingham has no power and very little interest in what happens in Coventry and vice versa.

It seems to me the Secretary of State comes in at the beginning with the overarching national standards, and then the Secretary of State plays the future-proofing and updating role. Otherwise, for my part, I would try to get the local authorities to deal with this because at the moment this is primarily a local authority problem. This is not a national problem just yet. Secondly, local authorities know their areas much better than the Secretary of State ever will.

The officers on the local authority are much better placed to know which areas need to be examined and to make that value judgment about who you enforce strongly against and who you enforce with advice and assistance, or who you give six months to comply as opposed to three months. That is a classic local authority on-the-ground officer decision-making power. That is the divide, for my part.



Q10 Mohammad Yasin: That takes me nicely to my next question. In your view, what additional powers, if any, should this Bill give to local councils and why?

Justin Bates: I am firmly and clearly of the view that they should be given a power to introduce a licensing regime for this kind of accommodation, akin to the licensing regimes that they already operate for HMOs and privately rented houses under parts 2 and 3 of the Housing Act 2004.

I say that for two reasons. First, as you note in the report, if part 2 of the Housing Act 2004 applied to this accommodation, the chances are that you would have been able to shut down the worst abuses already.

Secondly, just purely practically, local authorities are quite good at licensing. They have been doing it now for, what, 16 years since the 2004 Act came into force. It lets them build a scheme that is appropriate for their area. If you only have one unit of exempt accommodation in your area, you probably do not need a licensing scheme. If you are a local authority that is facing hundreds of units with more being developed every month, you need some way of keeping control of it. That is why you should give them a power akin to those they already have for normal private sector licensing.

Q11 Mohammad Yasin: Thanks for that. In terms of planning, the former Minister was reluctant to consider changes to the planning system. However, there is evidence that points out that there is a limit to what local strategies for exempt accommodation can achieve without planning reforms. What is your view?

Justin Bates: Ultimately, if you want to control the growth of this area, planning is the only way to do that. The licensing powers I am talking about regulate it once it has sprung up; they do not stop it springing up in the first place. They are not designed to stop that.

We have had this discussion in the course of the Bill with the civil servants. I understand, at a policy level, the reluctance to change planning law. The concern is that, if you create a bespoke regime for this one particular class of housing, a whole raft of other people with similarly bespoke classes of housing will come along and want changes to planning law. I see the force of that.

The position that has been reached in this Bill is that the licensing scheme I have been describing will come first and the Secretary of State will have to bring that forward within a set period, and then he will have to, within three years of the licensing schemes being in force, carry out a review of their effectiveness. If they have not worked to stop the growth of this accommodation—and they might not work—the Bill directs him to consider changing planning law in response.

That strikes me as a sensible compromise between the inherent broader policy concerns that central Government has about changing planning



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law, which I understand, and the fact that ultimately everyone agrees that we have to do something to stop the abuses. If licensing is not the answer, planning would be the only option to go back to.

Planning is effectively the nuclear option here. If it is the nuclear option, I can understand why it might be thought sensible to move to it only when other solutions have failed, which means we should try the others first.

Q12 Kate Hollern: We know that good practice is not universal across all councils. Would it be viable to have a national training offer on the new powers that councils will have so there is some consistency?

Justin Bates: Absolutely, yes. This may be something you want to pick up with the Minister in due course. I would anticipate that Birmingham, Hull and a handful of other councils you identify in your report would take the lead on this. I would anticipate that you would see their voluntary schemes becoming new mandatory schemes, if this Bill goes through as Mr Blackman proposes.

I would imagine, therefore, that the sensible thing to do would be to second officers from those councils to help teach the others how it works and does not work. Central Government has no expertise or experiencing in running these schemes. They are all local authority schemes. There is no such thing as a central Government housing register. I suspect that will be the Secretary of State's role going forward: to co-ordinate best practice among the local authorities. As I say, you could second people from one authority to teach the others.

Q13 Chair: Moving on, one of the concerns has been that good providers might be pushed out of the sector, particularly if the remit was widened to cover supported housing generally. That could be an unintended consequence. How is that going to be protected against?

Justin Bates: We spent a long time discussing the best way to do this with officials. There are two things to look for in the Bill that strike the right balance here. First, the licensing scheme will initially apply only to exempt accommodation. It will apply only to the forms of accommodation that you scrutinised in your report. The Secretary of State will have a power to extend it to others in due course, but that power cannot be exercised until there has been a statutory consultation process and the results of that have been considered et cetera.

The second safeguard against that is that we have moved from trying to create an entire licensing scheme on the face of the Bill—that is what I wrote originally, which would have meant you had a 60-clause Private Member's Bill to deal with—to a scheme whereby the Bill will set the principles and the framework, but the Secretary of State and regulations will write the details of the licensing scheme.

Part of writing the details is to enable the Secretary of State to talk to the sector about what kind of exemptions we will need to see. You can imagine various ways that you might want to exempt various kinds of



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providers. The detail of those will be quite important, and it is probably not suitable to legislate that on the face of the Bill because we will need really detailed consideration with the sector.

For example, you might want to have a scheme whereby an individual provider can apply to the Secretary of State for a certificate that means the Secretary of State is satisfied they are a reputable provider and therefore they are always deemed to be fit and proper, which would mean they could bypass the local authority scheme.

You might want to have provision for exemptions where there is another regulatory regime that is adequate. I know the report picks up some concerns about both the Regulator of Social Housing and the Charity Commission, but you could envisage a situation where a charity is adequately regulated under the Charity Commission's rules and so you do not need licensing on top of that.

That kind of detail is how you safeguard against an unwanted and unnecessary burden on the kinds of providers we are not worried about. As I say, I tried to write that on the face of the Bill. It ended up being incredibly unwieldy and it also became clear that the level of detail that is needed requires much more detailed discussion with the sector than you can manage in a Private Member's Bill.

Q14 Chair: We recommended making sure that all providers were registered. The proposals now have a licensing regime that local authorities run. Do we need registration, if we have licensing?

Justin Bates: "I do not know" is the answer. I would start with licensing and see what happens. The way we have put this Bill together means that, effectively, licensing is the first step. It may be the last step if it works, but, if it does not work, we have given the Secretary of State the powers to expand requirements as needed. We are also envisioning setting up a new expert advisory panel, which can be directed to investigate these issues and give advice generally.

I do not want to say no. Coming back to one of the answers I gave to one of your colleagues, that is part of what I mean by "keeping this under review". We start with a scheme that local authorities know and understand, which is licensing. We see if that works. If it does not work, what more do we need?

Q15 Chair: You just mentioned the national expert panel, which is an interesting development. Do you see this as being something the Secretary of State talks to privately or would it be a body that gives more public advice?

Justin Bates: I certainly envisage it being public. In the way it is drafted at the moment, it would have the power to respond to requests from the Secretary of State for it to investigate X, Y and Z, but it is also given freestanding powers to do investigations and give advice as it sees fit.



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We have drafted it so as to enable it to give advice about any aspect of anything related to the sector, and we have drafted it to be able to give advice to local authorities, the Secretary of State or providers. I envision it having a quite public role here.

Q16 Chair: Moving on to the money side, which is always a tricky one, first of all do you accept that there are new burdens being put on local authorities as a result of this legislation that they ought to be properly funded for?

Justin Bates: Absolutely, yes. Primarily, it is around the licensing scheme. Setting up a scheme is plainly a new burden. From what I understand, the new burdens funding rules will kick in. I would simply say that if, as is currently the intention, the licensing scheme mirrors what is in parts 2 and 3 of the Housing Act 2004, it should be capable of being self-funding. Under those schemes, if anybody breaks the conditions and is fined by the local authority, the authority gets to keep the money. They have to use it to fund their enforcement actions.

Hopefully you will have a working polluter-pays system under the licensing scheme, where rogues are fined when they do not comply and that money is used to fund the licensing scheme generally. Certainly the initial setup is a new burden.

Q17 Chair: Moving on to the other aspect of money, one of the few areas the authorities might be seen to have control at present, but in practice do not, is the payment of housing benefit to the tenants of exempt accommodation. Effectively, that goes on to the owners. A few local authorities explained how they have tried to control this in the past without a great deal of success. Are there going to be any powers for local authorities to have more control over this in the future as part of the arrangements to ensure the accommodation is of an appropriate standard?

Secondly, the support in that accommodation is often provided for or paid for by the individuals themselves out of their housing benefit. Again, is there a way of reusing the money that is there for excessive payments under this system to help provide them with support in future?

Justin Bates: Yes. There will be two ways of clawing back or protecting public funds in that way.

First, the Secretary of State will, if the Bill passes in its current form, be consulting on ways to ensure that, where there is a national standard, compliance with it is a condition of being able to receive housing benefit. The mechanics of that are quite difficult because the housing benefit entitlement is to the applicant and not to the provider of the housing. The Secretary of State, in our discussions, has been open to the idea that there should be, if we can possibly do it, a link between meeting the standards and the payment of housing benefit.



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Secondly, under the licensing regime, if, as is currently the intention, we model the new licensing regime on what is in the Housing Act 2004, it is already the position under that regime that, if you operate an unlicensed property, the occupier has the right to have all of the rent back for a maximum 12 months. It is called a rent repayment order, and it is currently dealt with in the Housing and Planning Act 2016.

The plan is for that regime to apply equally here so that people who have been paying to a provider that does not meet the minimum standards, is not licensed or provides poor-quality accommodation will have a right to recover all that money. Those rent repayment orders have proved pretty successful in the private rented sector generally. I have no reason to believe they would be any less successful here.

Q18 Chair: Will there be any way for local authorities to intervene in a process of escalating rents? Currently, providers put in freedom of information requests to find out what the going rate is in the area and simply stick their rents at that level. Those rents are often much higher than would be the norm without the exemption from housing benefit caps.

Justin Bates: Not on the face of this, no, because we would need to change the Housing Benefit Regulations 2006. For understandable reasons, the Government are reluctant to do that on the back of a Private Member's Bill without detailed consideration. You could do that, but you will need to play around with the Housing Benefit Regulations. That is not a straightforward process.

Q19 Chair: In terms of the payment of the support itself, which currently is often not provided or the individuals are charged for it when they are on very low incomes, is there a way of getting around that so that is included in the requirements for landlords?

Justin Bates: Yes. The way the licensing scheme will work is that you will be licensing to ensure that the building meets certain minimum standards and that the support provided meets certain minimum standards as well. If either of those two fail, you are unlicensed and a range of enforcement action opens up.

Chair: That is helpful.

Q20 Mrs Elphicke: Thank you for coming and speaking to us about this today. I want to explore the relationship between primary and secondary legislation, but, if I may, I also want to touch on the proposals in this Bill as against some proposals in other legislation that is coming forward. Some of the remarks we have had already suggest that it might just be worth exploring that further.

To start with, on the particular balance between primary and secondary, there are some really key areas like data sharing that need to be very clearly set out in primary legislation. I just wondered whether you could talk us through that, particularly in relation to the sharing of information



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between the regulator, the local authority and the Department for Work and Pensions and between local authorities, some of which may not be operating licensing schemes.

Justin Bates: This is one of the most technical bits of the Bill. Let me just open up the draft. As it currently stands, there will be, on the face of the Bill, powers for the Secretary of State to identify circumstances in which one local authority can share data with another, with the Regulator of Social Housing, with a housing association or with the Secretary of State or to allow for any of those people to share other information with each other.

It does not start with the local authority. Any of those four bodies can share any relevant information with each other. A local authority would be entitled to share information with another local authority. A local authority would be entitled to share it with another social landlord, the regulator or the Secretary of State. The regulator would be entitled to share information with any of those bodies or vice versa.

It identifies what we think are the four main players here and it creates a power for the Secretary of State to identify the circumstances in which those bodies can share information with each other.

Q21 **Mrs Elphicke:** There are a number of points where this Bill will provide quite extensive powers to the Secretary of State to define different areas, which, in practical terms, will allow the Secretary of State to define the purpose and implementation of the Bill. While to some extent, of course, that is usual, I just wonder whether there are particular areas we should focus on to ensure the primary legislation is clear as to the intent and operation

Justin Bates: I would urge you, when this comes before you, to have a look at what is currently in clause 5(1), which is all of the things that could be included in licensing requirements, to make sure you think that has all been adequately covered. I would also urge you to have a real look at subsections (1) and (2) of clause 11, because those are the provisions that identify the purposes for which the Secretary of State can authorise the sharing of information. Have we got those right?

Those two areas are really worth exploring. They are both going to be incredibly technical, but those are two bits where there could really be some useful scrutiny of what we have done.

Q22 **Mrs Elphicke:** In relation to the definitions of information and registration and how this will be covered for particular groups, there has been considerable concern about, for example, making sure refugees and people who are subject to domestic abuse are adequately protected, including in relation to data sharing. What would your advice be to us in relation to the balance of those provisions at the moment?

Justin Bates: This is a really good example because ultimately I got this wrong in the original draft. Officials were right to push back on this. I said



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earlier that, when I wrote this, I wrote quite a detailed licensing scheme on the face of the Bill. I copied large parts of what is in the existing landlord licensing schemes.

One of the things, therefore, I copied across without thinking about the implications was the possibility of there being publicly searchable databases. Officials pointed out that, while publicly searchable information may be suitable, it will not be suitable in all cases. That is ultimately why we moved from the quite detailed scheme I initially wrote to principles-based clauses with the detail coming out in secondary legislation.

Getting that wrong would have potentially disastrous consequences. It is better to take the time to consult upon the detail and do it in regulations—it would also be quicker to change, if we get it wrong—than do it on the face of the Act, but the Act should identify what the principles should be.

Q23 Mrs Elphicke: That is very helpful. I have a final question on the relationship between this proposed Bill and what we are expecting in upcoming Bills around the reform of the private rented sector. The White Paper indicates that there is going to be this registerable property portal and there are a number of other measures.

Mindful of your description of the planning proposal as potentially the nuclear option, have you given consideration to how some of the developments from this Bill may be perhaps furthered in that Bill rather than as extensive provisions for the Secretary of State to use in isolation within this Bill?

Justin Bates: The answer is yes, but there is only so far you can take it. I only have the White Paper to work from. While it is a very good White Paper, it is only a White Paper. As I understand it, the policy intent behind the new portal is not to create a licensing scheme nationally; it is to have a way of pulling together all of the different local authority datasets into one place. If that is right, there is no reason why there would be any inherent conflict between what is in here and how that scheme will work.

If there were bits of the data collected under this Bill we did not want to share, like refuge addresses, we would have to make sure they were not imported into the portal. That will not be a particular problem because this will come first. We will have worked out what we do not want to share; we will have worked out what should be accessible and what should not be.

It is something we will watch when the renters reform Bill comes forward. At the moment, beyond placeholder notes to self, I am not sure there is much more we can do, until we see what is going to be in that Bill.

Q24 Mrs Elphicke: I was just mindful of one part of that. If I may, Chair, this comes from the line of questioning on licensing. It is very patchy at the



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moment in terms of which local authorities use licensing schemes and which do not. I just wondered whether there was more that could be done perhaps going forward to make sure rogue landlords do not just move from one local authority area that is perhaps subject to a licensing scheme into another that is not without consequence. As my final question, I wondered whether that was something that is covered at the moment.

Justin Bates: That leads on very nicely from your last question because that is something the renters reform White Paper picked up as a concern. As you know, there is already a database of rogue landlords that is maintained by the Secretary of State and is only accessible to local authorities.

One of the things the White Paper proposes is to make that publicly searchable. That would help enormously because that would mean you, as a potential tenant, could put your landlord's name in and see, "My goodness, in Poole he was convicted of unlawful eviction. In Blackpool, he was convicted of housing benefit fraud. Perhaps I should not rent from this man". It would also enable you to engage more with your local authority. You will be able to say to them, "This gentleman is operating in our area. He is a rogue. We know that because the information is now available".

That is an area where, when the renters reform Bill comes forward, there may be something about that provision of it that we want to cross-refer back to this Bill. The vehicle is probably through the renters reform Bill because, as I read the White Paper, that is proposing a pretty significant change. For my part, I would bolt us on to that rather than create something here and then try to make it fit with what is going to be in the renters reform Bill.

Chair: Justin, thank you very much indeed for coming. Is there anything else you would like to inform us of at this stage?

Justin Bates: No. I would simply thank you for facilitating this remotely. Notwithstanding the cancellation of the train strikes, it would not have been possible to get down to you, I am afraid. Thank you.

Chair: Thank you very much for the work that you have done so far and that you are going to continue to do, I hope. Thank you for coming to the Committee this morning and for giving us lots of really helpful information and advice about what we should be looking for when the Bill comes before us. Thank you very much.