

Housing, Communities and Local Government Committee

Oral evidence: Impact of Covid-19 on Homelessness and the Private Rented Sector, HC 309

Monday 14 December 2020

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Members present: Mr Clive Betts (Chair); Bob Blackman; Ian Byrne; Brendan Clarke-Smith; Ben Everitt; Mary Robinson; Mohammad Yasin.

Questions 130 - 186

Witnesses

[I](#): Giles Peaker, Partner, Anthony Gold Solicitors; Liz Davies, Joint Head of Chamber, Garden Court Chambers; and Simon Mullings, Co-Chair, Housing Law Practitioners Association.

[II](#): Joe Lane, Principal Policy Manager, Citizens Advice; Councillor Rachel Blake, Member of the Environment, Economy, Housing and Transport Board, Local Government Association; Ben Beadle, Chief Executive, National Residential Landlords Association; and Dr Cecil Sagoe, Policy Officer, Shelter.

Examination of Witnesses

Witnesses: Giles Peaker, Liz Davies and Simon Mullings.

Chair: Welcome to this afternoon's session of the Housing, Communities and Local Government Select Committee. This afternoon we have an evidence session looking at the impact of Covid-19 on homelessness and the private rented sector, a very appropriate subject to be looking at particularly in the run-up to Christmas.

Before we go over to our witnesses—we have two panels of witnesses today—I am going to ask members of the Committee to put on record any particular interests they have that may be relevant to this inquiry. I am a vice-president of the Local Government Association.

Brendan Clarke-Smith: I am still a councillor and I employ a councillor in my office.

Ben Everitt: I am also a councillor.

Ian Byrne: I am a sitting councillor in Liverpool.



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Mary Robinson: I employ a councillor in my staff team.

Q130 **Chair:** Those are all the particular interests that we need to put on the record for this afternoon. I will now go over to our first panel of witnesses. Thank you very much for joining us. I will just ask each of you to introduce yourselves, if I might.

Liz Davies: My name is Liz Davies. I am a barrister at Garden Court Chambers, where I also happen to be joint head of chambers. I am a specialist in housing law, but very particularly in homelessness and the allocation of social housing. I am the co-author of one of the two legal textbooks on the subject. I am here today on behalf of the Housing Law Practitioners Association with Simon Mullings. Although I know you have a number of questions, my particular interest is in homelessness.

I should also say, as a sort of declaration, that I have acted as a consultant to Crisis and I am also instructed by Shelter occasionally, including tomorrow as it happens. I was one of the lawyers, along with Giles Peaker, who helped draft the Homelessness Reduction Bill, which Bob Blackman took through Parliament as a private Member's Bill.

Simon Mullings: I am Simon Mullings. My day job is as a housing law caseworker with a high street firm, Edwards Duthie Shamash, in east London, but I am here on behalf of the Housing Law Practitioners Association, of which I am co-chair with Marina Sergides. This summer I have been a member, as co-chair of HLP, of the Master of the Rolls' working group on opening up possession proceedings.

Giles Peaker: I am Giles Peaker. I am a partner at Anthony Gold Solicitors in the housing and property disputes resolution team. I am a housing law specialist.

Q131 **Chair:** Thank you all very much for joining us this afternoon. The Committee appreciates that. Some of the questions we will ask will be specifically to one of you, and we will try to direct those. Otherwise, the questions will be for all of you to answer, and we will probably indicate, as members, the order in which we are going to ask you to come in and give your comments.

If you feel you simply have to agree with somebody who has spoken before you, just say you agree. You are not being paid by the minute today, so no need for complete repetition. We appreciate the time you are giving today to come and talk to us.

It has been said that so far the Government's action to try to protect private renters, while extremely helpful in a number of respects, to some extent has suspended actions and prevented things from happening. As one expert has said to us, it simply kicked the can down the road. It has not resolved anything but merely postponed it. Is that a fair summary of what has happened so far?

Giles Peaker: It is a pretty exact summary, yes. Virtually everything that has been done has simply been to delay the point where things restart. Whether it is six-month notice periods or the stay on possession proceedings in the court, each time it has just been to put off the day



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when matters restart with no real substantive change to the issues.

Simon Mullings: I totally agree with that. I was thinking that the Everyone In initiative was perhaps an example of something that had been done that was more positive and more assertive, but the way it has played out through the autumn and into winter now means that, again, it feels like a postponing activity rather than a solution-based activity. I am sure we will get into that more as the session continues. That is really just a way of agreeing with Giles but expanding on it.

Chair: We will come back to the rough sleeping initiatives later in the session.

Liz Davies: The delay caused by the moratorium on possession cases and evictions, and now the six-month notice period, would have given the Government the ideal opportunity to abolish section 21, no-fault evictions, which of course was part of their manifesto. I appreciate that the Government's position is that this is a complicated matter and they need more solid economic terrain, but, if that had happened, a lot of private renters who are now going to be anxious about what will happen in the summer would feel more relieved.

Q132 **Chair:** Moving on to an aspect of section 21 and ground 8 reasons for evictions, this Committee has said before that the changes made by the Government and the pre-action protocol ultimately do not give the courts any discretion as long as the landlord follows the new process. Is that your understanding? Would it have been relatively easy to have given the courts discretion in those two cases, without going as far as the abolition of section 21, which is a further step down the road? Liz, do you want to follow up on that?

Liz Davies: We have not yet seen the pre-action protocol, but it is impossible to see how a pre-action protocol can act as a defence to mandatory proceedings. What this Committee recommended, and an awful lot of housing campaigners and the voluntary sector have recommended, is making section 21 and ground 8 discretionary certainly for the period of the pandemic, not going as far as abolition, as you say, Clive. That would protect everybody. You could make either of them discretionary.

Where rent arrears have built up and the landlord has a proper case for possession on the grounds of rent arrears, say under ground 8—we all know the court is practising every day in cases where there is no prospect of rent arrears being repaid and every prospect that rent arrears will continue to accumulate—the court will make an order on discretionary grounds. But the court has the flexibility on discretionary grounds either not to make an order or, more importantly, to make a suspended order on terms where there is a prospect that the tenants, once back on their feet, can be paying their current rent, so arrears are not going to accumulate, and be in a position where they can start to repay the arrears.



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If the court makes an order on those terms, the tenant stays in their home; the landlord gets to recover their rent over time; and councils will not be troubled by a later homelessness application by the tenant. That seems like a win-win situation, if the courts have the flexibility to do it in the right cases. Where you have ground 8 and section 21, they do not have that flexibility.

Q133 Brendan Clarke-Smith: Good afternoon, everybody. Earlier this year, a lot of people were worried about the cliff edge of a tsunami of evictions. Is this still an ongoing concern, or is it more likely to be a slow burn over a few years?

Giles Peaker: It is unlikely to be a precipice-style cliff edge simply because of the capacity of the courts to cope. If we are seeing a large increase in possession claims being brought, it is going to be difficult for the courts to process them. We are already slowly working through the backlog of existing claims—very slowly at this point. If you start adding in large numbers of claims, they are not going to get processed. I suspect it is going to be stretched out over a period simply because of the administrative load.

Q134 Brendan Clarke-Smith: Some have suggested that it could be as many as 45,000 households. How long would it take for the courts to process that kind of volume?

Giles Peaker: It is very hard to say. We are not sure how many claims there are already in the system. Only MoJ or HMCTS could tell us that, but, at a rough guess, there is probably 30,000 or so already in the system. If you are looking at effectively doubling the number of claims at a time when they are being processed, again roughly, at a quarter of the speed they were pre-pandemic, you can see how it will play out.

Liz Davies: I have two short points. First, most claims brought under section 21 are brought under what is called the accelerated possession procedure, which means they are dealt with as a matter of paperwork in the court. Only if there is something wrong with the paperwork do they get called in for an oral hearing. In normal times they are much quicker. There tends to be about six to eight weeks, as you will hear later from the NRLA, between issue and possession order being made. In terms of volume, you have to bear in mind that a lot of those cases are going to be paperwork-based.

Secondly, quite a lot of tenants leave at the end of their notice. They do not hang on until the bitter end and wait until the landlord brings possession proceedings, and that is perfectly proper. They have left at the end of the notice, because they have been told to leave at that point. Why should they force the landlord to bring possession proceedings? I agree it is not going to be the tsunami that was talked about earlier; it is going to be slower than that, but it is not as simple as saying, "There will be this number of cases that the courts have to hear."

Simon Mullings: Briefly, it is worth delineating between cases that get heard in the court and cases that lead to orders being made for people to



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be evicted. The cases that do go through—Giles is absolutely right—are going through at 20% to 25% of the volume they did prior to March of this year. The cases that reach judges will be cases where it is much more likely, sadly, that people will be evicted, because the arrears will be higher. There is a deliberate prioritisation of very high arrears, antisocial behaviour cases and some other kinds of cases. These are cases that are much more likely to lead to possession orders.

It is really difficult to know what is going to happen next year. Possession proceedings opened up from 20 September. My members have not seen any new possession cases in a court yet. We do not think we are likely to until January at the earliest. There may be one or two, but we are mostly working through reactivated backlog cases at the moment. It is very difficult to know when new cases start. There will not be a cliff edge then.

One thing that might happen, though, is that, as the system starts to work through, the cases could accelerate to a point where it gets quite difficult to control them. At the moment there have been mechanisms put in place to flatten the curve of evictions. It is going to get difficult to control at some point. There could then be—I do not know about a cliff edge—certainly a very alarming descent at that point.

Q135 Brendan Clarke-Smith: Leading on from that, are there still concerns that tenants with rent arrears from coronavirus are going to see their credit ratings unfairly suffer if their landlord seeks a county court judgment against them?

Simon Mullings: This is going to be one of the very long-term slow-burn effects. We will end up at some point in the future, probably some considerable time in the future, with a very large cohort of private renters whose credit records and whose ability to re-enter the private rented sector, by meeting those criteria of being able to raise a deposit, to have a reference from a landlord or to rely on a guarantor, will be shot. I believe there will be a large cohort of people who are reliant on private rented accommodation but will find it very difficult to re-enter the private rented sector if they lose the home they have.

Brendan Clarke-Smith: Liz, I can see you are nodding. Do you want to add anything?

Liz Davies: No.

Giles Peaker: I agree with that.

Q136 Ian Byrne: I will direct this one to Liz first, if that is okay. Why are the Government resisting providing a solution to rent arrears when the National Residential Landlords Association, along with other groups such as Shelter, Crisis and Generation Rent, back a package of grants and loans for tenants?

Liz Davies: The proposal was initiated by Generation Rent. As you say, Ian, it has then been supported by all those groups, including landlords. They call it the coronavirus home retention scheme. It provides grants to landlords for lost rent arrears up to 80% of the income lost up to a



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maximum of £2,750 a month. It was modelled entirely on the self-employed support scheme that was in operation over the summer and that has recently come back.

It would principally benefit small landlords. It would, of course, allow tenants to remain in their homes. There was an argument at one point that the problem with writing off rent arrears is that it is against the European convention, but if the Government step in with 80% of the arrears that is almost certainly compatible with a landlord's European convention right to peaceful enjoyment of their possessions.

You are going to have to ask the Government, but I can only assume it is economic because, as I say, it would allow for tenants to remain in their homes and landlords to continue to receive a great proportion of the rent they rely on as part of their businesses.

Giles Peaker: I would have to agree. The challenge would seem to be simply the money. There would be a lot of detail to be worked out around such a scheme, but in principle it is a form of business support.

Simon Mullings: Just to amplify that again, that form of support rightly identifies the situation that landlords face. They are basically people running small businesses, and this is a form of support for them.

Q137 **Ian Byrne:** I will just follow up on that, because we want to talk about tenants as well. The suggested schemes include interest-free loans, grants and discretionary housing payments, which I know are favoured by ACORN Liverpool. The wiping out of debt is another option, which has not been discussed. Certainly, DHPs have piqued interest in Liverpool. What are the strengths and weaknesses of the main policy solutions I have just outlined to deal with rent arrears? What pointers could we give the Government?

Simon Mullings: We have touched on one of the problems with loans. We can all possibly foresee real difficulties for renters just financially. Adding another layer of debt to that cohort is going to be very difficult. With that said, the Committee will be aware that the Welsh Government have adopted that scheme. I was looking at it over the weekend. It is quite a limited scheme; it does not reach everybody by any means. I have had soundings from colleagues who work in Wales and who are interested in Welsh law that they are in favour of it, but there is a worry about debt being added on to renters. If that can be avoided, discretionary housing payments is a very serious proposition that needs to be looked into very carefully.

The discretionary nature of it makes it very difficult. It makes it hard for local authorities. I suppose it is ring-fenced funding, but it is still hard for local authorities to administer that. I would imagine it is quite burdensome, but it is a form of help that should definitely be promoted, because it does not lay that debt at the feet of the tenant. As Liz has said, the Generation Rent proposal is, in my view, the most equitable



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scheme and the easiest to administer. A mixture of the Generation Rent proposal and the discretionary housing payments would be the way to go.

Liz Davies: I share the concern about debt in terms of loans, because you are making loans available to people who are already in debt by definition, having accrued rent arrears. I agree that grants would be the best solution. If not, increases in benefit are better than loans. You have to balance two things. First, in relation to the discretionary housing payments, as Simon says, the clue is in the name: they are discretionary. I think they last for six months. I would have to check that, but it is hard for the tenant to know whether they are going to be renewed in her favour.

The alternatives are an increase in the local housing allowance, the base level of housing benefit, or universal credit. That is much better, in that it is a rights-based entitlement so you know what you are getting. The difficulty is that, if you continue to have the benefit cap at the current level, any increase in local housing allowance or universal credit means that you are going to tip more households into the benefit cap. Benefit-cap households have doubled since February, so that is already a big concern. Discretionary housing payment does not count as far as the benefit cap is concerned, because it is discretionary. That is helpful.

There are a lot of swings and roundabouts in relation to doing it through benefits. Either you go with a discretionary benefit, which means uncertainty, or you go with a benefit as a right, but that tips too many people into the benefit cap. Your Committee recommended suspending the benefit cap for the duration, and in my view that would be extremely helpful.

Giles Peaker: I broadly agree with both Simon and Liz. There is a distinction, though, between thinking about short-term relief, a grant or DHP to cover an immediate rent arrears debt, and making changes to the local housing allowance to cover what is likely to be a fairly long-term situation.

We are certainly going to be looking at the impact of what has happened for quite some time, even after things have hopefully returned more to normal. In that situation, in those circumstances, looking at local housing allowance or the housing element of universal credit, rather than a one-off grant or loan, is probably going to be a better longer-term support to those affected.

Ian Byrne: That is a really good point. Clive talked about kicking the can down the road, and the loans would be kicking the can down the road once again. There is a systemic failing, and that is what we have to address.

Q138 **Chair:** Both Liz and Simon made the point that discretion created problems because it was not automatic, but surely any grant would not be automatic either, would it? The grant would presumably be targeted at individuals who had rent arrears that were due to the Covid situation



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specifically: their incomes were such that they could not actually pay. There is a large element of discretion in that scheme as well, is there not?

Liz Davies: There are two issues. One is the discretion within the scheme and the second is how you would check compliance with the scheme. We were talking about it this morning. At the moment, the self-employed grant scheme requires you to certify that your business has been affected by Covid and then HMRC has the figures, but you do the certification.

I would have thought that any scheme to do with a grant needs clear terms and conditions. My guess is that it would probably need an application by both the landlord and the tenant jointly. If it went to the tenant, landlords would say, "Hang on a minute. They will hold on to it." If it went directly to the landlord, the tenant might say, "Hang on a minute. I have been paying my rent." It would probably need something joint, and it would require things like national insurance numbers so as to confirm the financial situation of both parties we are talking about.

In terms of the discretion, it would depend on whether the actual terms and conditions contained discretion. That would depend on how they were drawn.

Chair: That is a helpful further explanation for us.

Q139 **Mohammad Yasin:** Throughout the implementation of changes to housing law during the lockdown, housing lawyers have at times questioned the Government's approach. Liz, my question is for you first. Do you believe the entire legal framework for evictions, as it currently stands, is working effectively for tenants and landlords?

Liz Davies: Gosh, that is a very wide-ranging question. Landlords will say that the framework for evictions does not work effectively, because it tends to be the case that, when a landlord issues a claim for possession, they have already decided in their mind that they want the tenant out. Therefore, they are at best irritated by the fact that, even under the accelerated possession procedure, even where they have a right to possession under section 21, it can take six to eight weeks in normal times and longer at the moment.

Tenants will say that they should have a right to have their cases heard before the court, and a right for the court to scrutinise why a landlord wants possession. If the reason a landlord wants possession is something to do with the tenant's fault, rather than the landlord needing to move back into the property themselves or what have you, tenants will ask for the court to look at that reason and whether the parties can come to an agreement about dealing with antisocial behaviour or repaying the arrears. Tenants will say it is important to be able to have hearings, and what is wrong with section 21 is that the landlord does not need to give a reason. Their circumstances are never looked at, and indeed there is rarely a hearing.



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The third thing that is deeply troubling is the lack of housing advice available across the country for tenants and other occupiers who need legal aid. The Law Society has produced very compelling figures on what we call housing advice deserts. Quite simply, it is very hard for people who need legal aid to be able to get housing law advice consistently across the country as a result of wholesale cuts to legal aid.

No, it is not a great system, but we need to keep a provision for oral hearings. We need to keep a provision whereby the whole of the circumstances can be looked at. We need to ensure that people who cannot afford to pay for legal advice can access it relatively straightforwardly and effectively. At the moment they cannot.

Giles Peaker: The difficulty with the current position is that so much of it has come about through a hotchpotch of interventions and last-minute secondary legislation that it is very hard for anyone to grasp. As an example, all notices require a six-month notice period unless you have rent arrears in excess of six months. Your claim will not be prioritised as a possession claim in the county courts, based on the Master of the Rolls' guidance, the operating guidance, unless there are rent arrears of at least 12 months.

On the other hand, if you actually get to the point where you are trying to evict someone, currently you cannot get a bailiff appointment unless the rent arrears are at least nine months and all accrued before 23 March 2020. Those are just the arrears thresholds for one particular set of circumstances.

It is my job to keep on top of this stuff, and it has taken up a lot of my time. Let us put it that way. For somebody whose job it is not, they would be having great difficulty in figuring out what the position is. We have possession claims based on three months' notice; we will eventually have possession claims based on six months' notice; there are still possession claims going through with two months' notice.

The dates at which those different notices cease to be valid, or at which you then require a different notice period, are crucial. Hardly anybody knows them. I do, because I spent most of my Friday evenings over the summer having to write up new interventions. There has been this piecemeal approach that has resulted in confusion, frankly.

Simon Mullings: You just heard from probably one of the few people in the country who could actually tell you that stuff anyway, such is the complexity of the arrangements at the moment. It is certainly not stuff I can hold in my head. You also have three people here who make their living out of the complexity of law and helping people with the law. We are all slightly startled about the level of complexity that has been added—I could say over the past decade, but for the purposes of this Committee certainly since March—to try to retard the level of evictions that is going to take place.



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Of course, all the steps are very welcome. When possession proceedings were stayed, that was a very welcome intervention. Many of us, certainly my members, were waiting for and expecting quite assertive measures to protect renters and the housing sector as a whole. Instead, as Giles says, we had very late and, with respect to the Government, panicky-seeming interventions that do not seem to have had a far-reaching strategy.

One understands that this has been an extremely fast-moving situation, and one sympathises with the decisions that have had to be made and the speed with which they have had to be made, but even lawyers who rely on this stuff for their daily bread have been alarmed at the levels of complexity that have been introduced in order to achieve a flattening, with no long-term strategy about how to protect the sector.

Q140 Mohammad Yasin: In your view, Simon, do the courts have the capacity to operate the framework and prioritise cases effectively?

Simon Mullings: That is a good question. We will see that better next year. The period between the end of September and January will be seen as a kind of overture, really, developing the themes. The substance will happen next year. We will know better probably by February how well the courts system is managing. Again, HMCTS has been asked to do things at very great speed, and it has reacted very quickly to problems that have arisen, but those problems have arisen because of the speed and the lateness at which things have been done.

I can tell you that the Master of the Rolls' working group, which includes the MoJ, HMCTS and MHCLG, has been working incredibly hard, to incredibly tight deadlines. That has led to mini-disasters, which have been resolved very, very quickly. Everybody is working very hard, but a more assertive strategic grip on the situation would suit all areas of the housing sector.

Giles Peaker: I am not sure I have much to add on the capacity of the courts. There are questions. We will see how it plays out, but I suspect, certainly if there is any increase in numbers, there will be capacity problems. My understanding is that an additional 400 judges and tribunal judges were trained up on possession claims, but there is no extra money to pay them to sit. It is still very much whether the courts can find the cash to get extra sitting days out of these trained judges. We are going to have to wait and see, but my strong suspicion is that it is going to be problematic

Q141 Mohammad Yasin: Giles, if a judge adjourns a case under the guidelines in practice direction 55C, one thought is that it simply delays an inevitable future eviction. Do you agree?

Giles Peaker: It depends at what point they are adjourning and why. If it is simply because the landlord has not provided the information requested in the reactivation notice, yes, it is just delaying the whole case, which may or may not inevitably result in an eviction; it depends on the case. The information a landlord has to provide in a reactivation



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notice is pretty limited. If they do not know, they can simply say, "I do not know," so it is not a tremendous hurdle.

If the case is adjourned at some other point, as was always the case, there is usually some reason for that, whether more information is required or whether somebody needs to take a procedural step. I am not convinced that PD 55C will make a tremendous difference. If there are adjournments resulting from failure to provide reactivation information, yes, it is just a delay.

Q142 Mary Robinson: Giles and Simon have been partly answering my question, which is about how easy it has been for tenants and landlords to understand their rights and duties throughout the year. You have been talking from the lawyer's perspective about how difficult and complex it has been. Liz, landlords and tenants are not expected to have this depth of knowledge. How have they been coping?

Liz Davies: As both Giles and Simon said, even pre-pandemic, housing law was incredibly complicated. It is our day job, but we look things up all the time. I have to say that, for section 21, there is a whole checklist about how there can be defences; I always have to look it up. Giles is about the only person in the world who can keep it in his head. That is at normal times. In the long run—it has nothing to do with the pandemic—there is a very compelling case for codification of housing law, which the Law Commission should be looking at. It has been done piecemeal for well over 40 years. You can trace modern housing law to about the late 1970s.

It is very complicated. There are good websites from the tenant's perspective: Shelter and the CAB. NRLA provides advice on its website for landlords. Both tenants and landlords find in normal circumstances that they fall foul of what courts consider to be critical provisions. As far as the tenant is concerned, many of whom will need legal aid, though not all, I come back to the housing advice deserts. Citizens advice bureaux do a wonderful job. You are going to hear from them at some point in this session, and I am sure they will have figures for the increase of people who have been approaching them.

Outside citizens advice bureaux, there is a real dearth of housing advice in very significant areas of the country. In most of the West Country, most of East Anglia and so forth, it is very, very hard to find legally aided housing advice. We are talking about advice, not representation in court. "What do I do with this claim form? How do I respond to it? Can you help me fill it in? When do I have to get out?" We need a real injection into housing advice and, we would say, legal aid representation, but early advice is the most crucial.

Q143 Mary Robinson: When laws are unclear or things change quickly, things can be done in the wrong way. Safer Renting has said that illegal evictions have increased in what it calls the shadow private rented sector, where highly vulnerable tenants are targeted by rogue landlords who deliberately breach tenancy and housing law to maximise profits. Have



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you seen any evidence of such an increase in evictions during the ban?

Simon Mullings: The way in which we have done our jobs since March has been very, very odd. We have been working remotely. It is one of our great fears that there has perhaps been this shadow world of unlawful evictions. People are not getting through to lawyers to get help with that. Ben of Safer Renting is probably the person who would know best on that. If that is what he is saying is happening, I would take that to be absolutely right. It is a massive concern. As with any legal system, there is a degree to which, if people feel it is not working in the way it is supposed to, it loses credibility and therefore people can feel, absolutely wrongly, that their only redress is to take things into their own hands.

Unfortunately, as Liz says, the housing advice deserts have meant that there is not the supervising effect of there being a general redress against unlawful eviction in housing law. Landlords in a local area get to know if there is an active housing lawyer who is suing rogue landlords. If there is not an active housing lawyer in a local area suing rogue landlords, landlords get to know about that as well. Most will behave properly, but the ones who behave improperly will do so with reasonable impunity, because they know they are unlikely to be sued.

Giles Peaker: I talked to Ben about Safer Renting's experience and the increase that has been seen. I would perhaps inject a note of caution as to what the causes would be. People have been quite tempted to say it is, "I cannot get my tenant out legally. Therefore, I am going to illegally evict them." It is quite possible that a lot of these landlords are the ones would illegally evict anyway but, where there is an increase, it might well be down to the economic situation of their tenants. They are the kind of landlords who will throw people out, but they now have a lot more tenants with rent arrears. I am not sure it is quite as clear cut as to what the drivers of any increase would be.

Liz Davies: That is right. The point is that it is a shadow sector. By definition, illegal evictions are committed by landlords who have complete disregard for the law. Clearly, that is a minority of landlords. They do not care about the consequences.

One of the reasons they do not care about the consequences is that the enforcement mechanism for what is both a crime and a breach of tenancy—somebody can be sued for a breach of tenancy, so the law is clear—is very weak indeed. There are not nearly enough tenant-relations officers in local authorities, who are the best people to enforce it. I have made the point about the lack of legal aid housing advice. Traditionally, the police do not take illegal eviction seriously. They characterise it as civil when, in fact, it is also a crime. Usually, it will also be a crime. They do not arrest or prosecute people and so forth.

It is principally about having state funding for relative forms of enforcement on that, because there is going to be this minority of landlords who have complete disregard for the court, court process and the law and who just think they can evict people.



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Q144 Mary Robinson: I have one final question on landlords. Is it true that, at the moment, landlords cannot gain control of their property if a tenant leaves without notice or otherwise informing the landlord?

Simon Mullings: No, it is not right. If a landlord suspects their property has been abandoned and the tenant has left, they should very carefully make inquiries as to whether that is in fact the case, in such a way that it could not be suggested that they were trying to harass a tenant who is there. Reasonable inquiries as to whether a property has been vacated are not going to come back and bite a reasonable landlord in any way at all. There might be a bit of myth-making going on there.

Mary Robinson: If it is just a myth, I will not ask for any other views on it.

Q145 Ben Everitt: Liz, is the law currently clear on what local authorities can offer homeless people or rough sleepers with no recourse to public funds?

Liz Davies: It really is not. The statutory homelessness framework under part 7 of the Housing Act is as clear as it can be. Bob Blackman in particular is an expert on it, because he piloted the amendment to the Act through Parliament a few years ago. The guidance issued by the Government in March, which is what we call Everyone In, was about accommodating rough sleepers who would not be accommodated under part 7, usually either because they do not have a priority need or, as you say, because they have no recourse to public funds.

That was guidance. It was clear in March that everybody should be accommodated. That is why it is called Everyone In. I will deal with NRPF in a second, but since then, for the whole cohort, Government guidance has been clear that people should be moved on to accommodation and not returned to the streets. The extent to which councils are currently under any sort of guidance to be accommodating rough sleepers who do not fall within part 7 of the Housing Act is very, very unclear. The most recent pronouncement from MHCLG was on 5 November, where it said, "We want to move forward with our goal of eliminating rough sleeping." It is not at all clear that there is current guidance that all rough sleepers should be accommodated.

The NRPF cohort is even more complicated. While the March guidance said it included people who were not eligible because of NRPF, their immigration status, in May and June the Government said, confusingly, "That is not the case unless there is a risk to life." Analysing that from a legal point of view, it suggests that, if you are a rough sleeper with NRPF and your human right to your life being protected is at risk, you should be accommodated, but otherwise you should not. Since then, they have been saying similar things.

I can tell you that, helpfully, there is a case in the Administrative Court tomorrow looking at whether councils have duties to provide accommodation to rough sleepers who have NRPF conditions on them. I am representing Shelter in it. We do not expect a decision tomorrow but in the next few weeks. That should provide clarity. The MHCLG position in



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that case is that there is no duty on local authorities to provide accommodation for NRPF rough sleepers, so that is very different to their position in March.

If the court does not give clear guidance in a few weeks' time, frankly, councils should be seeking it from MHCLG, because it is very, very confused. Half the councils in the country are prepared to offer accommodation to that cohort of people and roughly half are not. Both of them believe they are acting lawfully.

Q146 Ben Everitt: The confusion is the key thing here. When it comes to the policy, the messaging, the powers and, as you mentioned, the duties, what is your understanding of the Government's guidance for this winter? Does the Everyone In campaign still go on? Is it still the same as the advice for the spring?

Liz Davies: It is hard to know. It does not seem to be the same as the advice from the spring. As I say, it was last announced on 5 November. The press release said that councils were offering everyone who is sleeping rough on our streets today somewhere safe to go. Obviously, there was the huge success of Everyone In from March. Simon was right to refer to this earlier. It was not kicking the can down the road; it was a very positive step to say, "We will accommodate people. We do not want people sleeping rough on our streets at the time of a global health pandemic." That was amazing, but since then it has not been at all clear.

Although initially 14,000 people, and in September, according to MHCLG, 29,000 people, have been accommodated who would not otherwise have been, which is great, from May we did see figures of rough sleeping increasing. You had whole new cohorts of rough sleepers coming on to the streets. Many of them had insecure accommodation and therefore will have lost their accommodation in the kinds of circumstances we were just talking about, where the landlord either did not bother to go to court or, if they were lodgers, people who were sofa-surfing who were just asked to leave and so forth, did not need to go to court. You had new cohorts of rough sleepers. It is very unclear what is going to happen there and whether they are covered by the guidance at the moment.

When NRPF was brought in, under Everyone In, in March, it was a very short-term measure to deal with public health. It need only be a short-term measure; nobody is talking about local councils suddenly accommodating people who have no recourse to public funds permanently and in the long run. They are talking about accommodating these people, first, so that they are not on the streets in the context of all the risks both to themselves and to everybody else that this involves. Secondly, people who are NRPF are usually in the process of applying lawfully to change that condition. Many of them are entitled to work anyway, so they are looking for jobs.

It is about short-term safety net measures; it is not about housing people indefinitely, providing permanent accommodation, social housing or anything like that.



Q147 Ben Everitt: With regards to those who have been taken off the streets and perhaps do not meet that criterion of having their lives at risk to access the further funding, in the current situation, is it inevitable that a significant proportion of that cohort will end up back on the streets, unless we change the system?

Liz Davies: It looks like it, yes. Those are the facts of the case that is being considered tomorrow. This was a man who had the right to support from the Home Office but who was not helped to get that support. The council just said, "No, we have no power to help you because we cannot help NRPF people," and he was rough sleeping for about six weeks.

He is now in Home Office accommodation. He has been signposted to the right sort of support, which was always available, but the council did not help him get there.

Q148 Ben Everitt: Thank you, Liz. That is a comprehensive answer. Giles, on a wider level, do local authorities, councils, have adequate powers to prevent evictions?

Giles Peaker: They have extremely limited powers to prevent evictions, frankly. Liz was talking earlier about the lack of tenancy relations officers. That is very sadly true: an awful lot of councils have effectively got rid of their TROs. They were often quite effective in intervening at a point before a tenancy went completely wrong and either preventing an eviction or smoothing over relations between the tenants and the landlords. Those have largely gone.

Councils have DHPs, but that is a postcode lottery, to be honest. Otherwise, apart from the homeless unit basically checking the validity of section 21s, which it does to try at least to defer any eviction, there is very little that councils do or can do.

Q149 Ben Everitt: That is a bleak assessment of the powers and the situation ahead. Simon, from your perspective, is there any cause for optimism in relation to solving this problem?

Simon Mullings: There are things that can be done, yes, but it will take some assertive measures rather than the sort of nudging that has happened so far. I really do think that.

As an example, Liz referred to the 5 November announcement from MHCLG. I am acting for people who rely on Everyone In, so I will try to put it at its highest point just in case anybody is watching this, but that announcement says the winter rough sleeping plan should run alongside the Everyone In campaign. I would have it that Everyone In is still running and the winter rough sleeping plan is alongside that. One way or another, my clients should be housed under those plans.

However, the messaging from some local authorities is that Everyone In has stopped. When I have asked local authorities about their winter rough sleeping plan, they have gone conspicuously quiet. I denigrate no one, but I suspect maybe they do not have a winter rough sleeping plan to show me, and are either scrabbling around trying to find one or trying



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to put me off by not saying anything. While the measures are welcome, unless they are put assertively, it will not have the long-term effect it should do.

Giles Peaker: We have had this history of interventions at the last minute when the previous one is about to run out. We now have two further dates coming up. On 11 January, evictions will restart unless something else has happened. If much of the country is in tier 3, as it looks like it might well be, what is going to happen around that? At the end of March, the schedule to the Coronavirus Act expires and the six-month notice periods end. We are looking at dates coming up really quite soon when either further measures need to be in place or they need to be clear that this is it and it will be all over.

Ben Everitt: To summarise, we are looking for clarity, forward planning and some real ambition in terms of the strength of the policies. Thank you very much.

Q150 **Ian Byrne:** To build on what Ben said, really, about ambition and strategy, it is quite disheartening to listen to what you have said about the lack of availability of guidance and legal advice. In Liverpool West Derby, we have had to part-fund a solicitor. We have some magnificent housing solicitors but, my God, they are thin on the ground.

As an overview of what we have just heard—we are talking about what happens post-Covid, building back—what effect has LASPO had on the ability to cope with Covid from the housing perspective? How would you fix the solution once we get out of this to ensure that tenants actually get housing advice?

Liz Davies: LASPO has been devastating. I can write to your Clerk with the figures, because I do not have them off the top of my head. Roughly, the numbers of people providing housing advice are a third of what they were in 2012. As I say, there are advice deserts all around the country.

You are absolutely right: Liverpool has some great housing lawyers, but there are not enough of them. That is also true of Manchester, Birmingham, Sheffield and, of course, London. Outside those big conurbations, it is very difficult. Inside those conurbations, every firm like Giles's and Simon's—I can say this, because I am a step back from them—has a massive waiting list, a lack of capacity, et cetera. Just getting to see a Giles or a Simon is very difficult.

I would put money into early legal advice, law centres, housing advice centres, citizens advice bureaux and that sort of thing. I would also put money into legal representation. It is a bit counterintuitive in relation to the public perception of lawyers, but what housing lawyers do most of the time is resolve the problem as quickly and effectively as we can. If it is about rent arrears, we try to maximise the benefits available. We look at getting a repayment plan together. If it is about antisocial behaviour we talk to our client about whether that is true and, if it is, what can be managed about it.



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We try to resolve things, and the whole experience of LASPO, both in housing and in other areas of the law, is that without lawyers court cases are more protracted, more complicated and involve people who are less likely to want to resolve things, because when you are the party yourself you get drawn into the adversarial situation and it is very hard to get out from that. I would also add money into mediation, because mediation is a very helpful tool for litigation. Money at the early advice stage really pays off, because if that advice is effective it can stop all the knock-on costs of courts, possession, bailiffs, homelessness, et cetera.

Simon Mullings: I was asked earlier for some optimism and could not provide it. I will try now. The housing possession court duty scheme, of which I am a member—one of my jobs is to turn up on duty day and represent people on an ad hoc basis—has been overhauled during the summer as part of the Master of the Rolls' working group arrangements. Every county court up and down the country, bar three, is now covered, and they are being retendered. I have a history of fighting the Legal Aid Agency, I am afraid, about legal aid matters prior to LASPO, but certainly since LASPO. The negotiations and discussions about the duty scheme since March have been swift, effective and frank, and the LAA has really come through in terms of that.

That is a cause for optimism from me. I would like to see that kind of working moved across right through the legal aid sector, because as Liz says, rather counterintuitively—it is a really controversial view—money spent on legal aid is a real saving in many, many other areas.

Giles Peaker: I would not want to spoil Simon's positive note, so I will leave it there.

Ian Byrne: Liz, can you make sure that you put the report about LASPO to the Clerk for us? That will be really interesting to put in the report.

Liz Davies: Yes.

Chair: Thanks to all three of you for that evidence. That has been really helpful. You are three absolute experts in the field of housing law, and that has really helped the Committee to understand all the details, challenges and problems, but with a note of optimism at the end. We will leave on that particular point. Thank you all for coming.

Examination of Witnesses

Witnesses: Joe Lane, Councillor Rachel Blake, Ben Beadle and Dr Cecil Sagoe.

Q151 **Chair:** We now move on to our second panel of witnesses. I will ask you to introduce yourselves one by one.

Ben Beadle: Good afternoon. I am Ben Beadle. I am the chief executive of the National Residential Landlords Association. We represent almost 90,000 private sector landlords. We provide advice, training and support, as well as advocacy and campaigning. At this opportunity, I should also out myself as being a landlord, too. Thank you for the invitation.



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Councillor Blake: Good afternoon. I am Councillor Rachel Blake. I am deputy mayor of the London Borough of Tower Hamlets, and I am here today representing the environment, economy, housing and transport policy board at the Local Government Association.

Joe Lane: I am Joe from Citizens Advice. I am a policy manager. Citizens Advice is an independent advice charity. We provide confidential advice online, on the phone and in person. We help around 2.7 million people a year and our website gets about 25 million visits, a big chunk of those around housing issues.

Dr Sagoe: I am Cecil Sagoe, policy officer at Shelter. We are a housing charity that provides support for people who are experiencing bad housing and homelessness, but we also campaign strongly for solutions to the housing problems that people face and to end the housing emergency and homelessness.

Q152 **Chair:** Thank you all for coming this afternoon. As I said before, if you agree with what somebody else has said, you can say you agree, without repeating the whole of the statement. Obviously, if you disagree, you have every right to disagree and make your own point. Committee members will indicate who they would like to answer the question. We will give an opportunity for everyone to answer all the questions, but there are four witnesses, so we will keep an eye on the clock as we go through to try to ensure that all the questions we have to ask get answered.

First of all, let us look at rent arrears. It is a big issue. There might be a bit of surprise that landlords, Shelter and Citizens Advice have all joined together to put forward a proposal for grants and loans to help tenants in rent arrears, bearing in mind the forecast that a million extra people might become unemployed next year. You have managed to agree with each other; why can you not get the Government to agree?

Ben Beadle: As you rightly observe, it does not very often happen that we all agree. It is probably all the more reason to get on and give it consideration. The point I am keen to get across is that landlords do not want good tenants out on the street. We certainly encourage landlords to sustain tenancies and work with their tenants to resolve problems. I can only put the current lack of action on this point down to the financials. It cannot be for any other reason, because we have seen extended notice periods and a whole range of nips and tucks. As the previous panel indicated, we are lacking a longer-term strategy to help the sector. The types of measures that we have set out with colleagues from Crisis, Citizens Advice and others are a route to sustaining tenancies, which is what everybody wants, frankly.

Joe Lane: One reason is that the Government have a perception that they have done enough. It is definitely right to say that the Government have successfully intervened in the private rented sector to protect renters from the really severe impacts and financial difficulty in pausing,



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closing the courts initially and stopping evictions now. That is directly helping people.

Earlier, we were talking about kicking the can down the road. That is more equivalent to rolling a snowball in a snowy field. That problem is not just getting delayed; it is potentially becoming bigger as we go along. All those problems that we are not dealing with now are financial difficulties that need to work their way through the system at some point. One of the risks we have at the moment is that the financial difficulties people have experienced because of the pandemic become very long-lasting financial difficulties, which weigh down on their own financial capability, on the sector, on their ability to consume and on their ability to re-enter the rental market. It is really important that the Government do not see this short-term protection as something that has been completely effective. There is still a big problem there.

The second reason the Government have not been alive to that is that a lot of the problems people are facing are hidden from view, really. Lots of the questions we are talking about today are questions that we should not even have to ask. We should know how many section 21 notices have been issued, for instance. As policymakers yourselves, and as service providers, we are in the dark a bit in terms of how things are transpiring in the private rented sector. We heard earlier about Safer Renting and illegal evictions. At Citizens Advice, we have seen evidence of problems continuing to occur, even while those protections have been in place. We have seen a big jump in people with problems related to harassment by their landlord, and those issues are hidden from view. Those are two further reasons to add to Ben's.

Q153 Chair: Cecil, can I challenge you a bit? Part of the package of measures that you, along with the other bodies, have signed up to, includes the potential for loans. As we said before, is that not merely putting people who are already in debt more in debt? Is that really a helpful way forward?

Dr Sagoe: The question of why the Government are not doing more on it is an excellent question to put to them. We are obviously very concerned about it as an issue. We produced a report earlier this year called *Renters at Risk*, which highlighted that, from the start of the pandemic until the time the research was conducted in August, there were at least 322,000 private renters who had fallen into arrears. It is a massive issue that Government need to address.

As you have highlighted and other people have spoken about, we have joined other organisations in calling for a pot of money to be available to provide financial support to renters who are at risk. Our measure is a form of financial support that does not make renters worse off, so a lot of emphasis is on the grant element that is available to renters.

People have also talked about what long-term measures are needed. While a pot of funding would be really welcome and would enable us to clear Covid arrears, we also need to have a long-term look at the welfare



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system and help prevent people in financial difficulty from getting into arrears in the first place. There are several issues that have been mentioned. The benefits cap has impacted a huge number of households and prevented tens of thousands of households from benefitting from the measures that the Government introduced, such as the increase in local housing allowance.

We are really concerned that, as part of the spending review, Government announced a freeze to local housing allowance rates, and we would want them to remain at the 30th percentile in perpetuity to make sure that people do not experience serious shortfalls between their housing costs and what they receive in benefit. It is really important to highlight the issues experienced by people who have no recourse to public funds as well.

Q154 **Chair:** We will come back to that issue later. Rachel, the point has been made about not just the here and now, but the whole issue of the longer term. What can Government do in these circumstances in terms of the powers that are available to them?

Councillor Blake: I agree with those statements. The observation about the hidden arrears issue is particularly serious, and makes it difficult for local authorities to plan. The LGA wants real investment in homelessness prevention measures. The spending review provided some welcome increases to council funding but, if I may, I am going to share with you the list of funding streams that councils have to respond to. Some of these are competitive and some just come to us. We have the private rented access scheme, the flexible homelessness support grant, the HRA burdens fund, the cold weather fund, the rough sleeping initiative and many more. I can share these with you.

One thing that councils are finding really difficult, particularly when these are competitive funding rounds, is to get together, rightly, with third-sector partners, which is what we want to be doing, and corralling people into making bids for these sorts of funding to prevent people from becoming homeless, when what we really need is certainty around the long-term outlook, because at the moment that is still unclear.

Q155 **Chair:** That is a really good point, Rachel. The director for housing in Sheffield has said to me that she has staff who are doing nothing but filling in bid forms, instead of doing the work they should be doing.

Councillor Blake: I was speaking to our team earlier today and they said very similar things. Let us be fair: some of these are not competitive. Some of them just come through. The DHP amount and others just come through, but the competitive ones do not. It is really welcome that there are so many serving councillors on this Committee. You will understand that there is a real cost to that. Local government understands its communities, knows its communities and should be spending its time doing the work of the frontline assessment of people, the frontline prevention measures, identifying properties and supporting them forward. There is quite a lot of challenge within the funding bids to



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identify the measures and keep understanding the levels of homelessness, when really we need long-term, consistent funding.

Q156 **Mary Robinson:** Our evidence suggests that, at the moment, evictions might triple, meaning 45,000 extra households are likely to be evicted. What is your estimate of the scale of the problem facing private tenants?

Dr Sagoe: Is that evictions in the round?

Mary Robinson: Yes.

Dr Sagoe: One of the areas we have been looking at, but which is hard to predict, is evictions relating to arrears. It is quite a difficult question to answer due to some gaps in official stats, with one of the key issues being that the Ministry of Justice does not log reasons for possession hearings. It is worth noting that things are also quite informal within the private rented sector. We conducted a landlord survey last year, which showed that only 47% of landlords who remove tenants issue a formal notice, and only 20% of removals of tenants end up going to court. A big majority of landlords who have driven removals do not reach court and we cannot capture them in statistics.

Bearing that in mind, as part of our landlord survey this year, we asked landlords how they deal with rent arrears cases. A fifth, 19%, of landlords who have a tenant in two months' rent arrears or more go to court. About half, 51%, remove them in other ways. About 30% do not remove them and find other ways to resolve arrears issues. That is how landlords talk about what they do, to project what may happen, but with the usual caveats that it is a prediction of what is happening. It does not necessarily account for illegal eviction cases either, which is a risk at this particular time as well.

Q157 **Mary Robinson:** Ben, does it sound right to you that about 45,000 extra households are likely to be evicted?

Ben Beadle: I obviously hope not. We commissioned YouGov to do a survey in September to give us some insight into what landlords have been doing since lockdown. This was not a survey of NRLA members; it was a wider landlord survey, although some would have been NRLA members. That research of over 2,000 landlords told us that 97% of landlords have not issued a notice since the end of March, since lockdown. You can draw whatever you wish from that, but I am keen to get across the point that, as an organisation, we are encouraging landlords to sustain tenancies, to talk to their tenants and to engage with their tenants. We have seen quite a lot of willingness to do that. We were fairly influential in the drawing up of the so-called golden rules for when the courts reopened. It was basically a pre-action protocol that you had to follow to demonstrate that you had explored every opportunity.

With the Covid situation being far from concluded—from Wednesday I find myself in tier 3—and the situation likely to get worse, we are talking about the outcome of failed Government policy, in a way. All of this is within the Government's grasp to be able to prevent, particularly when it



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comes to making sure that people can afford their homes and have the means to pay their rent. From our own surveys, we do not necessarily recognise those figures, but I accept that, with the wider jobs market being as it is and the economic forecast being as it is, it is inevitable that more people are not going to be able to afford their rent and sustain their tenancies. That is why the focus has to be on better supporting the sector to help both landlords and tenants through this period, rather than focusing on the actual output, which is, frankly, something that neither landlord nor tenant wants to see.

Q158 Mary Robinson: Joe, from your point of view, is it likely that we are going to see evictions on that scale?

Joe Lane: The simple answer is that that scale feels right. We are probably at risk of not seeing the wood for the trees if we circle around a precise figure too much. It is definitely true that, across surveys, people have found around 6% or 7% of private renters are in arrears, which is roughly double the number that normally shows up in the English housing survey or similar surveys. If that fed through to a similar increase in court claims being made for possession, you would see between 20,000 and 30,000 additional possession claims made.

It is really important to highlight that this is only a proportion of the evictions and possessions that take place. The only data we are collecting is once it gets to court. As lots of people have said already, even when a lawyer is involved, those cases are often prevented from going to court through trying to resolve problems early. Often they will involve a tenant leaving their home.

From a Citizens Advice perspective, we have pretty concrete evidence that there is an increase in people suffering from arrears and being worried about evictions. Our webpage dealing with rent arrears has seen a 45% increase in visits this year compared with last year, and in October we helped a third more people with private rented sector issues generally. That has to be seen in the context of the challenge of delivering advice in the current environment. Many offices are still closed. They have moved their services to online and on the phone, in terms of those two figures, and there is similar data to suggest that there is a group of renters who are struggling due to coronavirus.

Q159 Mary Robinson: Rachel, I would be interested in your perspective on this, because in May London Councils and Crisis told us that they were worried about a tsunami of homelessness when evictions are fully permitted again. Is that still a concern, or could the crisis be more of a slow burn? The scale sounds worrying.

Councillor Blake: We are worried about the scale. The Local Government Association does not have a clear estimate. It is really difficult to anticipate this, but we are particularly concerned about the period around the end of January. The impact of winter and the ongoing pandemic is an area where we are particularly concerned. Hearing from panellists earlier, the way that the courts are working was notable. There



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might be a slower period over the spring where we are seeing some of that.

The difficulty is that local authorities are not in a position to be planning our own budgets to reflect those estimates, because we do not have clear estimates of how those are going to be coming forward at a time when we do not have a long-term spending settlement, which goes back to earlier comments about the need for long-term investment in housing options and frontline services.

Q160 Mary Robinson: Joe, comments were made earlier about harassment and the issues around harassment of tenants. Citizens Advice has seen a huge increase in tenants asking for help with landlord harassment. What types of harassment have tenants seen during lockdown, and to what extent do you think this stems from some landlords looking to pressure tenants to leave when formal eviction processes are unavailable to them?

Joe Lane: It is worth saying, just for the tone of the conversation, that when we highlight these issues we are not trying to taint all landlords or suggest all landlords are up to this type of thing. The one that stuck with me was a case I came across where a landlord had gained access to the property and made adjustments—the tenant assumed it was something to do with the fuse system—which meant that the tenant could no longer access electricity. They were still in the property; there was no possession made; they still had their keys and their possessions, but they were not able to use electricity in the property. That was seen by them as a means of making it uncomfortable and encouraging them to leave.

We have seen other instances of frequent contact, misrepresentation of powers and misrepresentation of the future impact on people, such as playing on uncertainties about the impact on your credit rating or the ability of the landlord to get enforcement agents to throw you out and access your property. As a big picture aspect of that, one of the panellists earlier made the point that the causes of that are a bit uncertain. Is it due to landlords struggling to access the courts, or is it because those types of landlords, the people who are likely to behave in that way anyway, are now more likely to be experiencing issues such as rent arrears? There is a mixture of causation there.

From a Citizens Advice perspective, a conclusion we have drawn is that there is a big opportunity for the Government to resolve some of this in the upcoming Renters' Reform Bill. The oversight of the sector is completely insufficient for what is now probably the most important consumer market. When we compare what the Government know about landlords and where the landlords are complying with the law with what we know in other sectors, it is completely unacceptable in terms of making sure that tenants are getting safe and decent outcomes in such an important consumer market.

Q161 Mary Robinson: Ben, Citizens Advice is saying that it is quite clearly not all landlords, but is this something that you recognise?



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Ben Beadle: I am grateful for that clarification, Joe. Thank you. Yes, of course it is not all landlords. I would start by saying that it is behaviour that we would totally condemn and not want to see from any landlords. Any landlord who does that has no place in the sector or in my organisation, that is for sure. The point I would respectfully make is that, while I do not know for sure whether it is landlords who cannot access the courts service, so they are very irritated, or whether they would have done it anyway, we need more robust enforcement of this sector.

The Renters' Reform Bill is a real opportunity to tidy up some of these long-term strategic problems and deliver a sector that works for both landlords and tenants, because there will be a lot of landlords like me who will listen to that story and just think it is totally unacceptable. I am not defending it by any stretch of the imagination, but the point I would also put on record is that some of the measures that have been taken during the pandemic, quite properly, are causing significant hardship to landlords.

Look at the stay on evictions. Say you were a landlord—and some of our members fall into this position—who had nine or 12 months' rent arrears, had got their court order and was just about to get their warrant to get possession. Then lockdown came. They then had another nine months added to that. Depending on whether they have nine months' pre-Covid arrears, it could be eight months and then a further nine months. They could be carrying 17 months' worth of arrears. What I am saying is that, in the same way as we have very significant hardship of renters, we have a pocket of landlords who are probably very desperate if they are caught in this situation. That is not to say that behaviour is acceptable by any stretch, but it is worth pointing out the context.

Dr Sagoe: I would just like to add a point on the enforcement side of things. There is obviously a huge relationship between harassment, illegal eviction threats and illegal evictions. In the last session, people talked about the decline in tenancy relation officers. I would emphasise that, where a renter is experiencing harassment in the first instance, if they have a local authority with a tenancy relation service, it can provide them with support, engage with the tenant and landlord, and hopefully deescalate the situation, which prevents illegal eviction threats and illegal evictions. Local authorities and tenancy relation services can also step in if things get worse down the line.

I would recommend that the Government introduce measures and overall funding for local authorities that allow them to have a properly resourced tenancy relations service, with the right powers to help support renters who are experiencing harassment, and help prevent illegal evictions from taking place.

Councillor Blake: Our statutory homelessness statistics saw around 500 cases of acceptances as a result of illegal evictions, and 22,000 people this year as a result of the end of an AST. We are seeing this really happening and we do not know how many of those ends of assured shorthold tenancies have been as a result of that kind of behaviour. It is



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really important to recognise as the Local Government Association how much pressure housing options services are under. It is very unusual to find full tenancy relations teams as you would have expected several decades ago. They do not have the powers to work alongside environmental health officers, who have the powers around the quality of the accommodation.

The Committee should be considering the overall funding around prevention, and homelessness and housing advice services, but also the powers that local authorities might need to intervene where there is landlord harassment and illegal eviction. At the moment, as local councillors yourselves, some of you will feel quite powerless to intervene. I know that people often feel they need to go into the voluntary sector, which itself struggles with funding for that kind of advocacy work.

Q162 **Chair:** Rachel, can I challenge you on that? We did a report about the private rented sector not too long ago, and we found that local authorities have a whole suite of powers on enforcement. The real challenges were twofold. One was funding, which is absolutely right, and the second was political will. Some councils seem to demonstrate an awful lot more political will than others in tackling these problems.

Councillor Blake: When it comes to the powers around evictions, that is where we may need to look more specifically at what local authorities can do. There is political will to push for this at a local level, where we understand our communities, but, as you point out, making sure there is the capacity within those teams in terms of staff across the board may still be a struggle.

Chair: I am sure we will come back on the Renters' Reform Bill to look at the issue of local authority powers. That is something we will pursue in due course.

Q163 **Ben Everitt:** You may be aware that, in May, this Committee recommended that the Government, as a matter of urgency, should legislate to allow courts to use discretion where arrears are due to Covid. Section 21 and ground 8 have no discretion, and the Government did not take this forward. Are we now in a situation where large-scale evictions due to Covid are inevitable?

Councillor Blake: I said earlier that it is really difficult to predict and anticipate how many evictions are going to come forward. Local authorities are concerned about that period around January. We are also concerned about how many will be coming through the courts, but this could be over a sustained period, which makes it particularly difficult for homelessness acceptances and for the people making those decisions to plan and to have the measures in place to prevent homelessness.

Joe Lane: The reason we have worked with the NRLA on this package of financial support is that we hope to solve the cause of the problem rather than the process of dealing with the problem. In the absence of that financial support for renters and landlords, there is going to be an increase in evictions, and probably an increase in homelessness as a result.



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One big point that the issue around judicial discretion highlights is the limited administrative powers available to the Government and the Minister to shape this market, to make sure that it responds to a really challenging time and that we have the policy mechanisms we need to make sure that people are getting positive outcomes in the sector. In the short term, Citizens Advice would like to see that package of financial support rather than further protections through the legal process.

In the longer term, we would like to see the Renters' Reform Bill modernise the private rented sector, and put it in a situation where we are not relying on something as uncertain and complicated as judicial discretion. As we discussed earlier, it is pretty unclear as to how judges are going to use that and how they should be using that. Nobody has oversight of that, which is not a perfect situation for renters and landlords who are struggling to know what to do next.

Ben Beadle: I will not repeat the point that was eloquently made about the need for renter funding, but to the point around the discretionary nature of section 21 and section 8, frankly, we already have it. As part of the golden rules that we drafted in the judicial working group, that requires the landlord to exhaust every opportunity to sustain tenancies. That was done very deliberately, because, if I as a landlord have a realistic prospect of a tenancy coming good or being sustained, as long as I know what that is, and it is agreed and can be broadly stuck to, I do not want to involve the courts service in any resolution to the problem.

By virtue of these golden rules, rather than rely on judicial discretion, they actually allow judges to say, "Landlord, have you followed this process? Have you signposted your tenant to this, that and the other?" If they are not satisfied, the case can be adjourned until that takes place. Although there was a slight difference of opinion from Liz earlier, that is broadly what she is saying. All I am saying is that the landlord needs to demonstrate that as part of their application to the court, and if the judge is not satisfied they should go away and try again. This is about sustaining tenancies that can be sustained, but obviously, where tenancies cannot be sustained, landlords need to be able to get possession of their property back.

What we are also saying, back to the point that Joe made, is to take it out of the hands of landlords and tenants. Give extra funding to the sector and the problem goes away. It will not resolve antisocial behaviour or every single case, but for the most part it will resolve the financial elements. I know there are lots of arguments about section 21, but I suspect a lot of those cases have a financial element to them and are not no-fault.

Q164 **Ben Everitt:** This refers to the pre-action protocols that you referred to in your answers to Mary. If the judge were able to adjourn a case because the rules had not been followed, would that not fit the criteria of the phrase that has been used in this and the previous evidence session of kicking the can down the road? Does it not delay the inevitable for those evictions?



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Ben Beadle: I do not think it does, because a decent landlord will come armed with all of that information and serve it up to the court. The judge will have a very good view at the court hearing of the likelihood of that tenancy being able to be sustained. As I say, the vast majority of landlords will want to sustain tenancies. They will just want to know that they have a clear roadmap for the tenancy to be sustained. I would argue that, by suspending section 21 and section 8, that actually kicks the can down the road a lot further, to be honest with you.

Q165 **Ben Everitt:** Cecil, I would imagine you have views on this.

Dr Sagoe: You would be right. We are definitely in agreement with the financial package for private renters. As I am sure you are aware from the previous time you ran a hearing on this and asked for written evidence, we are really supportive of the need to make current mandatory grounds for possession, including section 21, discretionary, so that judges can consider the full set of circumstances that are contributing to a private renter's situation, which is only right at this time where a range of circumstances are contributing to a range of difficulties for private renters.

People have spoken about the long-term interventions that are needed and have spoken a lot about the Renters' Reform Bill as well. That is a key bit of legislation that we see as crucial, where we feel there can be the long-term changes that are needed, including abolishing section 21, which will give private renters the security of tenure that they need, and protect them from evictions as well.

Q166 **Ben Everitt:** You have high hopes that the abolition of section 21 is going to be in that Renters' Reform Bill?

Dr Sagoe: It is something that the Government themselves have committed to, so we would expect that to be delivered. Like I said, it is a really important measure for helping to develop greater security in the sector for renters.

Q167 **Ben Everitt:** I agree. The reason I ask is that, in her earlier answer, Liz eloquently described the situation in the market at the moment, where the Government have said the rental market is too much in flux to abolish section 21 right now. Do you buy that logic?

Dr Sagoe: No, I would not agree with that logic. A really important thing to note is that the Government's argument is, "When the market returns back to normal," but the previous normal for private renters was untenable. Private renters have experienced a range of issues, which have impacted on their experience of the Covid-19 pandemic. We have talked about renters who have got into arrears, but the issues are broader than arrears and evictions. It touches on housing conditions. In lockdown alone, 15% of private renters had some kind of housing maintenance problem that was causing stress to them or someone they were living with.



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There is also discrimination in the sector, which is preventing people from accessing homes. A YouGov survey that we ran this year found that 63% of private landlords either operate an outright ban on tenants receiving housing benefit or say they do not prefer to let to this group. There are a broad range of issues that constitute the norm in the private rented sector, which we feel Government need to act on now.

Waiting for the market to return to normal will not address these issues that are affecting people's experience of the pandemic at the moment, so we feel that the Government should be spending the time and resources that they have available to start work to develop a Renters' Reform Bill, so that, as we move along in this pandemic and move out of it, we are developing a private rental market that works a lot better for renters, rather than letting them wait for a longer period in a sector that is causing them a lot of issues.

Ben Everitt: That was very well put. Thank you, Cecil.

Q168 **Chair:** Coming back to Rachel Blake, the Government accept that they have brought in measures that have helped, through improved welfare payments, but that have not benefited people who hit the benefit cap as a result. The Government had indicated to the Work and Pensions Select Committee that they might be looking to provide more discretionary housing payments to try to cover that situation. Where are we up to now from a local authority point of view? As far as I am aware, there was no mention of that in the spending review.

Councillor Blake: Our understanding is that discretionary housing payment has stayed the same, at £140 million. What we would like to see at the Local Government Association is restoring core and separately identified local welfare assistance, which was £176 million at the time it was devolved. At the moment, local authorities can take it upon themselves to establish their own schemes around this, their own crisis support funds, but we would like to see that restored. We understand discretionary housing payment specifically to be remaining the same.

Q169 **Chair:** Are local authorities in general not able to help people who have hit the welfare cap through DHP? Is that something that is not being done by most authorities, as far as you are aware?

Councillor Blake: The latest figures are that 98% of discretionary housing payments were spent, but, overall, 103% of the amount distributed is spent by local authorities. Lots of local authorities are topping up discretionary housing payment to make it go that little bit further. It is something that just runs out, so most local authorities spend very close to 100% of their allocation.

Q170 **Chair:** Cecil, I have raised with you before the fact that Shelter initially said to us, back in May, that you preferred DHP to loans. The package of measures that you and other organisations have now signed up to calls for different measures, including loans. Are you saying loans are simply a less preferred option for you, and you prefer DHP or grants?



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Dr Sagoe: Yes, it is worth providing some clarity on that. The pot of funding we are calling for includes grant measures, but it is important to distinguish them a bit from discretionary housing payments. Although we would want them to be administered by local authorities, the grants we are envisioning would have a wider remit in that they could be used to provide longer-term support than discretionary housing payments.

We are talking about this later, but it is crucial to emphasise that discretionary housing payments are not available to people who have no recourse to public funds at the moment. The pot of money and support we are calling for would be accessible to them, so it is important to highlight from our perspective why that is different from discretionary housing payments as they exist now. For us, another key principle is that no renter gets financially worse off from the form of financial support they are provided.

Q171 **Chair:** Is the one advantage of DHP compared with a completely new system of grants that at least it is there? People know how it operates. If you are going to set up a new system, is that not another set of administrative bureaucracy and entitlements or refusals that are going to come in?

Dr Sagoe: It is upon us to make sure that there are not new refusals that get put on to that. Like I said, the issue with discretionary housing payment is that, while it is useful and important for a lot of people, some people are excluded, and people get provided support on a more temporary, short-term basis rather than a longer-term basis. We need to improve that system, to make sure it is more accessible.

Q172 **Chair:** Joe, what is your view about the various aspects of the package that you signed up to? What would your preferences be?

Joe Lane: From our side, we would say there is a backward-looking set of measures and a forward-looking set of measures. We are talking about a group of people who have fallen into rent arrears due to coronavirus during the ongoing pandemic. The key distinction is that many of the welfare programmes we have discussed, such as local welfare assistance and discretionary housing payments, are deliberately not set up to deal with arrears. Many local authorities put restrictions on how they can be used. They are not available for people to say, "I am actually paying my rent fine now, but I have three months of arrears from when I was out of work. Can I have a discretionary housing payment to cover it?" There are two different needs here.

On the loans specifically, people are right to highlight the point that this would be adding debt to people already in debt. There is a unique use case because of coronavirus, in that there is a group of people who were artificially told not to go to work, or to close their business, and who have suffered a short-term shortfall in their income. They were able to pay their rent; they were able to make loan repayments in normal circumstances; and they will be back in that position.



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In the package we have suggested, we think there should be really close controls around that, to make sure that anyone who cannot afford repayment, or who goes into that position in the future, gets passported to the grant scheme, so it does not push people into the situation where they are making repayments that they cannot afford. We agree that there is a need for both things. There is a need for more generous, forward-looking support, whether that is through DHP or the LHA, but there is a separate use case for backward-looking support for people who have fallen into arrears during the pandemic.

Chair: Ben, you were nodding at some of the comments that Joe was making.

Ben Beadle: Yes, I agree with all those things. Specifically, though, in terms of the proposed solutions from a welfare perspective, there are a couple of things in addition to what Joe said. We support the advisory committee's view on suspending the shared accommodation rate specifically, because that will help more people access the right sort of figure they need to sustain their home. The other thing is about the mechanism of how people get the money, the wait times and the efficacy of the whole system. I will not regurgitate what Joe has said, with which I fully agree, but there are two specific points that need to be dealt with in addition.

Councillor Blake: I wanted to make an operational point about the timing of this. If we think about the period that discretionary housing payment covers and the budgets it covers, it finishes at the end of March and then a new amount starts. If we think about the time and the period that we are particularly worried about—January, February and March, coming out of what is likely to be a really difficult winter—it is worth thinking about the efficacy arguments that Ben, Joe and Cecil have been making as to how this is distributed. Once it is spent it is spent, and unless local authorities have funds available they will not be able to top it up. That is just an operational point that it is worth the Committee mulling over.

Q173 **Bob Blackman:** Our witnesses may have seen the earlier evidence given by the initial panel, but I want to follow up on some things with our new panel of witnesses on rough sleeping and no recourse to public funds. Specifically looking at rough sleeping to start with, there was a magnificent effort by Government, local authorities, housing charities and community organisations at the beginning of the pandemic to get people off the streets and into secure accommodation. As time has gone on, some people have been able to be moved on and other new rough sleepers have arrived on the streets. We have been talking about the potential for people to become homeless and, therefore, end up rough sleeping.

Rachel, there seem to be reports that some councils are placing restrictions on which rough sleepers they will help, whereas others are saying, "We will take everyone." Is it fair to say there is confusion among local authorities about whether Everyone In is finished or whether it



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continues? What should be happening for rough sleepers?

Councillor Blake: Yes, sadly, it is fair to say that there is. The level of pressure on local authorities, in terms of identifying property to move people on to and the support that is needed, means that local authorities are having to make really difficult decisions. I would not call them choices, to be honest; they are not real choices about who to help, but it is fair to say that there is real confusion about what approach should be taken. We heard a little earlier about winter plans, which local authorities will be getting in place.

It is really important at this moment to recognise just how successful the Everyone In approach can be. With rapid partnership working across different sectors, with the NHS, substance misuse services and mental health services, it really can be done, but we have to recognise that, without that clear sense of what the objective is and the funding to match it up, it is not going to be sustainable. The LGA forecasts that an additional £110.8 million was spent by housing options services over budget. We can disaggregate from that how much specifically was in this area, but that is a huge task to keep doing and there is confusion at the moment about what the direction is.

Q174 **Bob Blackman:** A lot of local authorities hired hotels, probably booking out complete hotels as opposed to individual rooms. One problem that local authorities have is move-on accommodation, settled accommodation for people who were rough sleeping and went into hotel rooms. Where do they go now? Is there a plan for local authorities to move people on in the right sort of way, as far as the LGA is concerned?

Councillor Blake: The LGA is working with authorities through our support and advice networks, supporting local authorities to make assessments of the needs of everybody who has been moved in. That is the approach that local authorities want to take. The issue is about the availability of move-on accommodation. You have an ongoing inquiry about long-term supply of genuinely affordable housing, but the real issue, as you will all know and I know from my day-to-day work, is the availability of suitable move-on accommodation. There will need to be some supported housing. Most people are now moving towards a housing-first approach, but that housing-first approach has to bring with it the right support for the people moving into that accommodation.

Q175 **Bob Blackman:** I completely agree with that. The Ministry would say, "We have provided incredible amounts of extra funding to combat rough sleeping and to help people get into accommodation." Arguably it is the highest proportional change of any of the funding that has been made available during Covid. Is it enough? How much more money would be needed to make sure that no one is going to be forced to sleep rough on our streets during the winter?

Councillor Blake: I have brought forward the analysis that local authorities spent an additional £110 million.

Bob Blackman: You said £110 million had been spent. What do we need



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going forward?

Councillor Blake: That is where we get into solving the long-term housing crisis and the recommendations this Committee made about 100,000 new social homes and resolving the ongoing right to buy issue, to really get on top of supply. We cannot lose sight of the need to address the long-term supply issues we have with affordable housing.

Q176 **Bob Blackman:** With due respect—and this is why I want to be very clear, because I have been quite acerbic towards Ministers—you cannot magic property out of the air. It is not suddenly, “Oh, we want 6,000 units.” You might want them, but they are not there at the moment. What happens over this winter when you do not have property available?

Councillor Blake: Local authorities are going to face really difficult decisions about keeping people inside. The scale of the funding that has been provided for rough sleeping has to be acknowledged, but I would agree with you. We cannot magic those properties out of the air, so at the same time we need to be tackling the long-term supply issues.

Q177 **Bob Blackman:** This is probably the critical issue. Will we face an undesirable position where we are going to have to provide night shelters, which are dormitories, and then rough sleepers face a choice: do they have a night indoors and risk getting Covid, or do they sleep rough on the streets? Are we in that position with local authorities?

Councillor Blake: At the moment local authorities are working incredibly hard to make sure that the really clear guidance about winter shelters is completely adhered to, in order to keep people safe. The Government announced the protect fund earlier today, which is about keeping people safe. That is what we need certainty around over winter, so that people can keep safe over that period.

Dr Sagoe: Throughout the pandemic, while we obviously welcome programmes like Everyone In and the effort that was introduced to accommodate people in emergency accommodation and hotels initially, we feel there have been people who have fallen through the gaps as a result of the lack of clarity from the Government about the powers that local authorities should be using to accommodate absolutely everyone. For instance, right now it is still unlawful for local housing authorities to accommodate people under homelessness legislation who are not eligible for homelessness assistance, despite the Government’s announcements. That is obviously an issue that needs to be addressed.

Q178 **Bob Blackman:** Are you encountering confusion over whether Everyone In is ongoing, or do people think it has come to an end?

Dr Sagoe: Liz Davies mentioned the case that is going on tomorrow, on behalf of Shelter, which gives clear evidence that Everyone In is not going on, in the sense that not all councils are accommodating everyone, because they think there are people who are not eligible for assistance so they do not need to accommodate them. We need, in addition to the funding that the Government have announced, robust guidance that



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unequivocally outlines that everyone needs to be accommodated and indicates what powers local authorities can use to do that.

Without that, we will risk these cases where some local authorities do accommodate people in certain situations and some do not. In addition to that robust guidance, local authorities need adequate funding to procure suitable accommodation and support services for people.

Bob Blackman: Joe, do you have any views on how we are helping rough sleepers?

Joe Lane: The points I would add are around the overlap with no recourse to public funds.

Q179 **Bob Blackman:** I am going to come on to that in a minute. Ben, is the private sector going to have to ride to the rescue of local authorities and provide suitable accommodation for rough sleepers?

Ben Beadle: Very possibly. I sent that particular Department a proposal a good five or six months ago, suggesting that it look at the private sector as a plan B. I did not have a response, despite chasing. Packaged the right way, of course the private rented sector could help, but we are talking about winter. Looking at the calendar, it is mid-December and the ship has long since sailed. It is a pretty lamentable position to be in, because from my vantage point there is confusion and it is a devastating position to be in, frankly.

Q180 **Bob Blackman:** We will now come to no recourse to public funds. Joe, you are itching to get in on this. Let me put it to you first that, under Everyone In, everyone was put into accommodation to get them off the streets, almost regardless of their position, including those with no recourse to public funds. Arguably we are now in a position whereby all those who had no recourse to public funds are basically stuck in emergency accommodation. Councils cannot provide them with move-on accommodation for the reasons we have just discussed, so where do they go? Do they go back on the streets? What happens to them?

Joe Lane: The headline from Citizens Advice is that it is an issue we are incredibly concerned about. The number of people we have helped with issues around no recourse to public funds has nearly doubled this year compared with last year. We have just done some new data analysis that shows a big overlap between those issues and rent arrears issues.

In response to your question, it is worth thinking of it in a slightly more dynamic way. It is not just a stock of people who were able to go into accommodation, where there is now a question about whether there is future property or new accommodation for those people to move to. There are also people who have newly entered into that position of needing accommodation, and we touched on the confusion for local authorities in terms of what they can do for people. We are really concerned that the Government have injected some of that confusion by giving slightly contradictory guidance to local authorities.



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In a letter in May, the Government said that the legal status for migrants with no recourse to public funds had not changed, and they should be offered a voluntary return to their country of origin. There are very mixed messages from the Government. Without much clearer guidance, further funding and specifically resolving the no recourse to public funds issue, local authorities will definitely continue to struggle to interpret that, which risks undoing a lot of the good work that you have talked about from the initial Everyone In policy.

Q181 Bob Blackman: The Government have a manifesto commitment to end rough sleeping, but we had people arriving on the streets after Everyone In started. They started sleeping rough subsequently. There are issues about whether those people were assisted and what happened to a lot of them going forward. Given that the commitment is to end rough sleeping by 2024, the Government had an ideal opportunity under Covid. I suppose one of the good things that came out of Covid is that people were taken off the streets, ending their enforced rough sleeping. Do we actually know what rough sleeping means now? Who is affected by rough sleeping?

Joe Lane: One very simple thing the Government can take away is that they cannot end rough sleeping while some people have no recourse to public funds if emergency accommodation is considered a public fund. That is logically true.

Q182 Bob Blackman: One issue the Government are coming out with now is to say, "If you are sleeping rough and you have no legal basis to be in this country, that can be a reason to cancel everything and you can be deported." I am not supporting that, but that is what the Government are saying at the moment, as far as I understand it from the interpretation of the advice given.

Joe Lane: Other people know this better than I do, but that is confusing immigration statuses.

Bob Blackman: I understand that.

Joe Lane: People with no recourse to public funds often have the right to be in this country.

Q183 Bob Blackman: Yes, but part of the Government's argument is that they would cancel that right to be in this country.

Joe Lane: There is a third aspect to this. Ending rough sleeping relies on a system that people are able and willing to engage in. We heard about the success of the holistic process of Everyone In involving third-sector support partners. If we are in a process where people lose access to public support because of their need for public support, the challenge of getting help to the people who need it will be even greater. Specifically, if sleeping rough becomes a reason to cancel somebody's permission to stay, we are going to find as a sector that it becomes even harder to get help to those people who need it. That Government position will encourage rough sleeping, and they need to look at it again.



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Dr Sagoe: The no recourse to public funds policy is a real disaster, to be frank, and puts people at risk of homelessness. You have a situation where people are not able to get universal credit or access housing benefit when they are experiencing financial difficulty, which means they cannot cover their housing costs, which means they may go into rent arrears and are at risk of eviction. At the point of being evicted, because they have no recourse to public funds, they cannot get statutory homelessness assistance. They are then at risk of sleeping on the streets if they do not have a friend's place where they can stay, which is not ideal at any moment, but particularly not now when we have a pandemic and people need to be in their own homes. If Government want to make a commitment to end rough sleeping, creating a situation that potentially structures people into sleeping rough is not going to do that.

Crucially, in addition to not being able to get statutory homelessness assistance—and this links to the point you made about people being accommodated under emergency powers but then not having that long-term route to have their homelessness situation resolved—we also need to mention that people cannot be allocated social housing as there is a no recourse to public funds policy as well. You cannot get statutory homelessness assistance; you cannot have the long-term affordability issues resolved by being in social housing.

You are right to draw connections with the Government's recent deplorable announcement about deporting potential rough sleepers, because people will have no choice but to sleep on the streets. They will potentially lose the status that they have, which acts as a basis for deporting them. This is a really terrible system, which not only risks people being homeless, but threatens their livelihood within the UK. The Government need to end the no recourse to public funds policy and need not to deal with rough sleeping by putting the threat of deportation alongside that.

Q184 **Bob Blackman:** Rachel, there have been reports of some local authorities reconnecting homeless EU nationals to their countries of origin as that is the only support that councils feel they are permitted to give to the individuals. How prevalent is that practice at the moment?

Councillor Blake: Local authorities have a range of ways that they can support people out of rough sleeping. I wanted to pick up on your previous point about whether we can solve rough sleeping and whether we know how to do it. The lessons learned are really powerful.

Do we now understand what rough sleeping is? I particularly wanted to mention what we have been able to do to recognise mental health needs. A finding we have from the Everyone In scheme is that people in self-contained accommodation have felt that they could come inside after a very long time, because they felt a sense of self-worth. We need to learn those lessons, and there is a huge amount to be done there.

The Local Government Association wants to see the no recourse for public funds condition temporarily and universally lifted, for some of the reasons



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that have been mentioned previously. We have to emphasise reducing public health risks and easing pressure on our homelessness services, which have not been given real choices, for the reasons that we have talked about.

Q185 Bob Blackman: Finally, for everyone—and do not feel obliged to comment if you do not wish to—with the attention the Government are giving to the rough sleeping cohort, there is an issue about the data. For example, at the beginning of the whole pandemic, the data was saying, broadly speaking, about 10,000 people were sleeping rough. We hear that 28,000 to 29,000 people were assisted under Everyone In, which suggests that the data was skewed, to put it mildly. Potentially, there is a risk that it could end up with a perverse incentive for people to go out on to the streets to sleep rough in order to end up being accommodated. This is quite the reverse from those with no recourse to public funds. Is that a concern to anyone?

Dr Sagoe: Could you repeat the question?

Bob Blackman: Yes. The Government are giving a lot of attention to try to help rough sleepers, but people who may be sofa-surfing or in other homeless positions do not get any assistance. It then becomes a perverse incentive to go and sleep rough, because you get supported, you get help and then you get move-on accommodation. Are we in danger of creating that sort of perverse incentive to encourage people to go on to the streets in the first place, a bit like local authorities used to have with single people going into a local authority saying, “I am homeless.” The local authority says, “We have no statutory duty to help you, so go and sleep rough, and one of the housing charities will come and find you.” Are we at risk of doing the same thing again?

Dr Sagoe: From Shelter’s perspective, during the Everyone In campaign, unfortunately we did see some cases where people were advised to bed down for a night so they could subsequently be accommodated. This really points to the need—I laboured this point—for robust guidance.

Q186 Bob Blackman: For example, when I started my campaign, there were roughly 300,000 people sofa-surfing on any one day. Those are homeless people but they are just not seen on the streets. They are hidden homeless and therefore not assisted.

Councillor Blake: I will come in on the work that was done with the Homelessness Reduction Act, the role that local authorities have with those assessments and the duties that have come in around the Homelessness Reduction Act to provide advice. Some of what you have described can be recognised and can be avoided by lifting the NRPF condition that we have been talking about.

We talked earlier about investing in homelessness prevention methods. You described having some space and then going into move-on accommodation. Sadly, the process is not working as quickly as it should be and as we would all want it to be in that way. We really need to be investing in the homelessness prevention methods that we talked about



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earlier, and in frontline advice and guidance in housing options services, to avoid some of what you have just described.

Chair: It has been really helpful to get the views of all of you before the Committee today. You spelled out from different points of view, but often from the same point of view, which is interesting to see, the challenges the sector is facing, but also some of the solutions that we as a Committee can now give consideration to. Thank you all very much for coming. It has been a really helpful session for us. That brings us to the end of our public proceedings for today.