



Communities and Local Government Committee

Oral evidence: Homelessness Reduction Bill, HC 635

Monday 5 September 2016

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Members present: Mr Clive Betts (Chair); Bob Blackman; Helen Hayes; Kevin Hollinrake; Julian Knight; David Mackintosh; Jim McMahon; Mr Mark Prisk; Mary Robinson; Alison Thewliss

Questions 1 – 45

Witnesses

I: Kate Webb, Head of Policy, Shelter, Matthew Downie, Director of Policy and External Affairs, Crisis, and Dominic Williamson, Executive Director of Strategy and Policy, St Mungo's

II: Justine Harris, Housing Options Manager, Brighton and Hove City Council, Rhys Makinson, Director of Housing Support Services, London Borough of Camden, Cllr Frank Hont, Cabinet Member for Housing, Liverpool City Council, and Heather Wood, Head of Housing Advice and Options, South Cambridgeshire District Council

Examination of witnesses

I: Kate Webb, Matthew Downie and Dominic Williamson.

Q1 **Chair:** Good afternoon and welcome to this, our first evidence session on the inquiry into the Homelessness Reduction Bill. Thank you for coming to give evidence. Before I come over to you, I will

ask members of the Committee to put on record any interests they may have, apart from our interest as sponsor to the Bill, which I will come on to separately in a second.

I am a vice-president of the Local Government Association.

David Mackintosh: I am a Northamptonshire county councillor and also chair of the all-party parliamentary group on ending homelessness.

Jim McMahon: I am a councillor in Oldham and I employ a councillor as a member of staff.

Mr Prisk: I am vice-chairman of the all-party parliamentary group on ending homelessness.

Chair: Thank you for putting that on the record. I want to make clear the position of the Committee and its members in terms of the particular private Member's Bill that we are taking evidence on today. I just want to give a bit of background to the Committee's scrutiny of the Bill and explain how we are going to proceed.

The Committee produced a recent report on homelessness where we expressed our collective support for Bob Blackman's private Member's Bill, the Homelessness Reduction Bill. We published Bob Blackman's draft Bill on our website together with a call for evidence to enable us to scrutinise it. I am grateful for witnesses coming today who have responded in a tight timetable.

We will have two evidence sessions: one today and then one on Wednesday next week. We then plan to agree a report on our return from the conference recess, which will be published in time for Bob to make any changes that he chooses to make before his Second Reading on Friday 28 October.

Normally this place works by precedent. On this occasion, we are going to have to make up precedent as we go along. It is a slightly unusual situation, in that we believe that perhaps it is the first time a Select Committee has produced a report, given support for a Private Member's Bill and then decided to scrutinise it in this manner before its Second Reading. Members of the Committee have sponsored the Bill. We feel it is quite appropriate for them to question witnesses and come to a view on a report with suggested changes.

However, Bob is clearly in a different and potentially difficult position, in that the scrutinising of his own Bill by a Select Committee of which he is a member does present a new situation. To make sure that there is no suggestion of any undue influence, we have agreed that Bob will of course be present at our evidence sessions, but he will not be questioning the witnesses. He will be available to answer any questions of fact about

the Bill and clarify any points of uncertainty for the benefit of the Committee, but he will not take part in agreeing the Committee's final report on his Bill.

That is how we are going to proceed. What we are doing is absolutely open from the beginning. We have given support in principle to Bob's Bill; we are now going to scrutinise it and make recommendations for him. He is going to help us with it in any factual way he can, but he will not be asking questions or taking part in the final report we produce of recommendations for the Bill.

From that point, we can move forward. Thank you very much for coming today and giving evidence to us. To begin with, perhaps you can say who you are and the organisation you represent.

Matthew Downie: My name is Matt Downie. I am Director of Policy and External Affairs at Crisis.

Kate Webb: I am Kate Webb, Head of Policy at Shelter.

Dominic Williamson: I am Dominic Williamson, the Executive Director of Strategy and Policy at St Mungo's.

Q2 **Chair:** Thank you all for coming. As I say, our intention here is to recognise that there has been a general welcome for the overall intentions of the Bill, but to look at the details to see if there are any concerns, improvements or additions that you might suggest to us.

The obvious first question is: is the Bill going to help reduce homelessness? Let us begin with that question and get your initial response.

Matthew Downie: Our view is that this Bill is a special opportunity. It is an opportunity that does not come along very often. In fact, you might say that it is the best opportunity since 1977 to do something to the law that will reduce homelessness. There are a couple of things that need resolving in the Bill, but our view is that the broad thrust of it, to introduce prevention into the system, would do something extraordinary and well overdue to two key problems now within the legislation. They are, first, that a lot of people do not get any assistance, particularly because of their household type; and, secondly, a lot of other people will get assistance only when their needs have become expensive for them and the state.

For us, this is not about opening the doors to mass accommodation for people; it is about introducing the common sense of prevention and early action so that people's situations can be resolved and, crucially, they can help resolve their own situations with the right support.

Yes, we are fully in favour of the Bill, although there are a couple of elements within it that we would like to see addressed, particularly around intentionality and local connection. Those being dealt with, our view is that this is a one-off and special opportunity.

Kate Webb: In a way, it is the wrong question to be asking. What the Bill will do is make sure that we are doing more to accurately record homelessness and can be more confident that local authorities are acting to the best of their abilities to try to prevent and resolve that homelessness. We know, at the moment, there is a big problem in that a lot of homelessness goes unrecorded, which is more than just a statistical question; it means that we are not very well equipped to deal with it. It means that people who are not in priority need are often not even approaching their local authorities for help because they know it is not worth it; and local authorities cannot make the case within themselves, and to Government, about the resources that they need.

The priority-need blind approach could see recorded levels of homelessness increase, but that would be an accurate reflection of the levels of homelessness that are out there in the country. It will give much more robustness to the actions that local authorities are then taking to try to respond to that homelessness and it will bring a lot of what is often very good, but very patchy, prevention work that currently happens outside of the statutory system under the spotlight of legislation.

Dominic Williamson: Homelessness comes in different forms. The form that St Mungo's is particularly concerned about is people sleeping rough. We believe that this Bill would make an enormous difference to that situation. Of all the forms of homelessness, sleeping on the streets is not only the most visible, but also the most damaging. We see rough sleeping as an emergency in any situation and we also know it not only has a long-term impact on people, but it puts people in a position where they are at immediate risk of violence and being attacked, and we know that people who are sleeping rough die on our streets.

As the Bill stands, some tweaks may be necessary to it, but overall this would have an enormous impact on the flow of people on to our streets, and that is why we are so keen to welcome it.

Q3 **Chair:** What in particular are the effects of extending the time that someone is considered to be threatened with homelessness from 28 to 56 days? Is that a key provision in the Bill that you welcome?

Kate Webb: Yes, it absolutely is. It helps reiterate that this is about a cultural shift in the way we help people who are facing homelessness. Even though local authorities should be assisting someone within 28 days, we know at the moment, as your very good report highlighted, that that often still means waiting until it is a real crisis situation with the bailiffs coming.

By further extending that time period, you reiterate that the intention should be about prevention rather than intervening at the point of crisis. Beyond that point of principle, it makes a meaningful difference because it gives you more time to resolve issues like benefit delays and rent arrears,

which are so often at the heart of a problem, and more time for mediation. It would be a worthwhile shift.

Matthew Downie: Yes, absolutely. As a service provider up and down the country, this does make a difference. The prevention activities you need to undertake sometimes take longer than 28 days and sometimes longer than 56 days, but it gives us a better fighting chance, particularly in those situations where somebody has been issued or threatened with being issued with an eviction notice. If you think about those activities where it is about intervening with landlords or making provisions for alternative accommodation and not having to wait until somebody is at the door of the council office with their suitcase, we can do something that is more meaningful and will cost less for everyone involved.

Q4 **Chair:** In terms of making landlords more willing to let to people in receipt of housing benefits, is that really going to happen? Are we going to change the approach there? That is often put up as one of the real problems that people on lower incomes in receipt of benefits have.

Kate Webb: There are multiple factors as to why landlords are reluctant to let to people on housing benefits, but certainly the fact that local authorities tend to make people wait for the bailiffs is one of them. It is forcing landlords operating in that section of the market to accept that they will have to engage with the court process rather than being able to use the Section 21s that are available to everyone else. As long as the intention is clear that local authorities will be acting earlier and acting on the Section 21, it will certainly help to give them more confidence. It will not be a silver bullet, but in our view it will help.

Q5 **Mr Prisk:** Can I turn to the impact of the Bill on the role of local authorities in this field? We have a homelessness code that is now 10 years old. What do you feel should be in a mandatory code today that would make a fundamental difference?

Matthew Downie: One of the strengths of this Bill is that it puts on the face of legislation some of the things that we have come to view as good practice within the code of guidance, but that have not always been followed, particularly this idea of the Section 21 notice being considered as proof of risk of homelessness.

As to what then should be fulfilled through some form of mandatory guidance, one of the difficulties we have to try to navigate with that is not prescribing exactly what local authorities should do. There is a balance to be struck between the right robust framework of legislation and freedom for local authorities to do what applies to their local area.

There are some things that we have come to know whereby that level of freedom has been given and the right level of service has not come through. In the Bill, we have seen some prescription come through, for example, on what sort of advice and assistance should be available to those coming out of care or the prison system, whereas other areas, in

terms of the exact sort of prevention measures and how you might go about re-housing or negotiating with families, really should be down to the local commission level, in my view.

Dominic Williamson: The Committee heard lots of evidence during your inquiry about how there are many local authorities that do a fantastic job dealing with applications, but there are also quite a few where the treatment of the people coming in and asking for help is less than satisfactory. We see this as a real opportunity to raise the standard across the piece for local authorities.

A lot of the local authorities you may hear from today are probably among the better ones in terms of how they respond to homelessness and often they are picking up the pieces for the neighbouring local authorities, where they have a less proactive approach. We have to be careful about that; but we need to set some expectations about the care, support and help people are going to get when they ask for help in that desperate situation.

We have been doing a piece of research, which we hope to publish in time for the Second Reading of the Bill. We interviewed 41 people who slept rough immediately after going to their local authority, and I have a couple of quotes from that, if you will bear with me. This is a quote from a female client: "A council housing options advisor said, 'Sleep somewhere that they can find you'"—"they" meaning the outreach team; and they are meant to be there on the second night. Another said, "I felt ashamed of myself that for the first time in my life I had actually sat there and asked someone for help, and it was like I did not even get paid attention to. I felt a little heartbroken."

We are repeatedly finding that people are having very negative experiences when they ask for help in a lot of places. That basic customer care side of it needs to be reinforced through a Bill. We want to bring all local councils up to a minimum standard across the country so that we do not have these sorts of situations.

Q6 **Mr Prisk:** Do you share the view that in legislation you cannot set what that is in too much prescriptive detail? Is it outcomes or minimum service standards that we should be measuring?

Dominic Williamson: There are some minimum service standards that we also need. Part of that is setting out very clearly, in language that an applicant can understand and use, what they can expect when they ask for help. There should be something in very plain and straightforward language that sets out the things that local authorities are expected to do, and local authorities should be required to give that to somebody who is coming in so that they can get an understanding of what they can expect. There are some very straightforward things we could set out that would empower people to make the most of the process, be clear about their own responsibility to co-operate, answer the questions and make the best of the help that is available.

Q7 **Mr Prisk:** In the inquiry that we have held, we felt that the variety of performance in terms of the treatment of applicants meant that we wanted to see a mandating of councils to train staff. Is that best placed in a code? Is the requirement for training put in a code? Is there a certification level? How would that be best represented in the legislation?

Matthew Downie: You have hit on one of the central reasons why the changes to the system in Wales, although imperfect, made a big difference, in that we have not seen an unveiling of vast reams of extra regulation and prescription for local authorities—there are minimum standards—but, as we hear it, the big difference has been made by a culture shift on the ground: a move away from this idea that it is an adversarial applicant-against-local-authority relationship where the local authority has its checklist of things that might rule you out; and towards the idea that local authority staff are trained and supported to be the people who look for the opportunities to prevent and resolve people's homelessness.

There is a delicate and important balance between minimum standards—particularly minimum standards about having an offer, a proper assessment and the dignity that should come with that—and the idea that you can have a balance of responsibilities between applicant and authority based on the understanding that they will try to help you.

Kate Webb: We would certainly agree. Shelter colleagues in Wales concur that there has been a genuine change of culture in Wales. In some cases, that has meant quite significant staff changes in local authorities where people could not adapt to the new way of doing things. One of the reasons that was successful in the first place is that the way the legislation was developed was very consensual: charities, local authorities and the Welsh Government were all working together. My concern is that, if you try to impose outcomes through purely the legislation or a code of practice, you do not bring local authorities along with you in the way that you need to.

There are some cases where you would inevitably need to see the code of guidance tightened up to reflect the new clauses in the Bill, particularly on the duty around "help to secure", because there are a range of ways that that could be interpreted, given that we do not yet have case law on it. We would want to set a very clear intention from the outset that you fundamentally could not have priority-need households falling through gaps, where there was not a precise offer or self-found accommodation that they were moving into, and somehow still able to be discharge the duty.

Q8 **Mr Prisk:** If we have a mandatory code of practice, it clearly needs to be enforced. The question is: how do you do that? What are your views as to the most effective way of doing that from the point of view of both the public and the local authority? The

danger is that we will either have a very bureaucratic system that does not get to the root of the problem, or we could alternatively have something that is quite loose and continues to see a huge diversity of behaviour between neighbouring councils.

Kate Webb: To some extent, we have to accept that that diversity of behaviour is going to be inevitable when councils are dealing with such different resources and opportunities in their local area. Again, there is something about trying to start from a non-adversarial way of framing this. For example, we run a number of consultancy services where we work with local authorities to advise them of whether services could be improved; we have training and an advice line for staff. Going in via that approach is a far more constructive way than solely presenting it as, “This is what we expect you to do” with no consultation, practice or learning.

Q9 **Mr Prisk:** Following on from that, quite naturally we were struck in the inquiry by the number of people with very intense needs. The legislation understandably focuses on particular people with particular vulnerabilities, but there are also people—and it is fair to say that young, single men very often fall into this category—who do not fit into the category, although single persons occasionally do, of being a priority, and they are very often the ones who slip through the rules and regulations. How do we ensure that, particularly in the area of prevention, that group of “non-priority” applicants is also considered and gets a fair crack of the whip?

Dominic Williamson: As it stands, the draft Bill does shift the focus more towards that group. The panel that met and advised on the change in legislation had an objective to ensure that we were not taking resources away from families and diminishing the help that families get. A very important principle when we go forward with the Bill is that we do not diminish that help; but it is very important that many of the people who at the moment are turned away almost immediately upon seeking help, because they fit into the category that you are talking about, very often just need a little bit of help very quickly.

There clearly is another group of people. The ones St Mungo’s spends most of its time working with are those with multiple complex needs—overlapping mental health, drug and alcohol issues—who need a lot of support and need to be in supported accommodation. We find that those people often slip through the net as well. One great thing that the Bill does is to ask local authorities to assess the needs of the applicant and to look at a much wider range of issues, in terms of understanding what the applicant might need going forward. The absolute key to this is to have really good assessment, triage and pathways built in at local authority level. Some local authorities are already doing this. We work very closely with some local authorities: we have the Hope project, which, alongside a local council in West London, works with that group of people who are very unlikely to be found in priority need. It works with them to

try to prevent their homelessness, but also to find a route to settled accommodation that avoids sleeping rough.

We know that local councils can put these approaches in place. It is very much about understanding the needs and what is appropriate, not channelling everybody into a hostel or that sort of place, which is inappropriate for the vast majority of people who come and ask for help. Most people just need a very quick bridge to their next accommodation and can then get on with their lives. That would mean that we could all focus much more on those people with those higher needs who really need the support.

Matthew Downie: Absolutely, yes. I would just point out that the statistics for single homelessness show that half of all single homeless people are first homeless when they are under 21 and a third under 18. That tells you just how open that opportunity is to develop solutions for somebody before things escalate and their issues get worse. One of the things that perhaps surprised us when we went through the Crisis expert panel, where we had local authorities and others feeding in, was local authorities saying that quite often, when resources are stretched, it is the groups that they know they can help fastest and easiest that they do not help because they do not meet the criteria for who should be helped. That has to change, and I think a preventative approach will help us to deliver a lot of solutions for those people.

Q10 **Julian Knight:** Broadening out Mark's questions on the local authority, how important and realistically achievable are the provisions in Clause 17 of the Bill on co-operation between local authorities, other public bodies and other quasi-public bodies such as NHS, police and social landlords?

Matthew Downie: Those provisions are in there, quite rightly in our view. It is obvious to a lot of people that the opportunities to prevent homelessness are quite often not about housing. If it is to do with discharge from hospital, prison or even the care system, a lot of those opportunities come without housing attached. Some do need housing, absolutely.

As to how realistic the co-operation duties are, I am not best placed to comment on how easily that is done, but I would say again that there are plenty of fantastic examples of pathways being agreed between different agencies at local level, particularly between the police, the criminal justice system and the prison discharge system. It is about tightening those things up so that it is something you can rely on, and local authorities quite rightly say that, without that, it will be very difficult for them to discharge their prevention duties.

Kate Webb: Likewise, we have had the Bill for a week, so I do not feel we can give a full analysis of how workable those clauses are, but the intention is to pick up on the very good intentions of the 2002 Act, where it was trying to move to an emphasis on homelessness strategies. If we

are going to have genuine homelessness prevention, that involves intervening much before 56 days, looking at how all of the stakeholders in the local authority are joining up and trying to work on those pressure points around hospital discharge, release from prison and that sort of thing. The intention is certainly very worthwhile.

Dominic Williamson: I know the Committee spent quite a lot of time thinking about mental health and homelessness, and the report certainly emphasised findings that we agree with: that there is a real problem with getting the right support to people with mental health problems who are sleeping rough. This element of the Bill would help cement some of those relationships that you desperately need at a local level between the NHS and housing. It is quite reasonable to expect that co-operation to happen between public bodies. We see a lot of cost shifting between the different siloes in the system otherwise. If a local council does not do its job and someone ends up on the street, gets assaulted, is picked up by an ambulance and goes to hospital, the costs are shunted into the health service—or maybe they are arrested. This is part of the problem with our siloed public services, and wherever possible we need to hardwire in that co-operation and raise the expectation that our public services will talk to each other and work together strategically on a case-by-case basis for individuals to ensure that the best outcome happens.

Q11 **Julian Knight:** Have you come across any best practice out there to copy?

Dominic Williamson: There are lots of examples where local authorities have built good, strategic relationships with different parts of the system or there have been initiatives that have cemented those relationships. Those of us who have been involved for long enough will remember the Homeless Mentally Ill Initiative of the 1990s; some of the teams that were set up then are still working. Those are mental health professionals going out on the streets and they work very closely with the local councils in the areas. Unfortunately, there are not as many teams as there used to be, but where they do exist they work very closely in co-operation with the local councils and ensure there are clear pathways for people. It could be someone picking up somebody who is mentally ill off the streets, getting them into hospital and then the local authority providing the next-stage accommodation so they do not go out of hospital and back on to the streets.

That co-operation is there and there are some great examples of that around the country, but it is very patchy and reliant on leadership at the local authority level for all these one-off initiatives. It is certainly not universal. We need to keep raising this expectation that every local authority should be doing this minimum work to make sure that provision is in place.

Q12 **Julian Knight:** In terms of the requirement for authorities to identify the outcome that the applicant wishes to achieve, what

would be the result of that for authorities?

Kate Webb: It has to be part of the conversation if this is going to be meaningful and drive the cultural shift that needs to underpin it. If we want homelessness to be resolved sustainably, then there has to be a conversation about what applicants actually want and need from their housing because the only occasions in which you see tenancies breaking down, or the very small number of applicants who refuse an offer, tend to be where there has been way too little regard paid to what the applicants need, particularly when we are talking about priority need households, where you have the additional complexities of school places, caring arrangements and that sort of thing.

It also helps to have the conversation in a non-confrontational way about: "This is what you want, these are the resources we have and this is the level of housing benefit available to you." Having that expectation put in at the start of the process, so people are very clear about what they can reasonably expect and what their rights are, is a sensible way to start the process.

Matthew Downie: There is an opportunity to do that through the personal housing plan initiative within the Bill. There are concerns that that may be used as a way in which to find people non-co-operative rather than a consensual agreement, so we need to ensure that that does not come to pass. The experience from Wales is that it is not a fixed thing; it can develop over time and when someone's circumstances change the plan can adapt so it is clear to everyone, all along, what is expected from both parties.

Quite often, it is true that there will be applicants where what they may be seeking may be unrealistic. An opportunity to put that down on paper and say, "No, we are going to be working towards this and it may not be a housing outcome for somebody" is okay.

Dominic Williamson: St Mungo's runs the No Second Night Out service in London. Part of that model is a single service offer, so there is a thorough assessment and a conversation with the people coming in, but at the end of the day the options are very restrictive for people. I support what the other two have said, in that the single service offer, or single offer, has to take into account what the applicant wants; but it is a balance because we are talking about a severe shortage of affordable housing for people, so the options are going to be limited. That conversation has to happen and it should be taken into account. Local authorities should be able to show that they have taken into account, as far as is possible, what the preferences are.

Q13 **Julian Knight:** Is the applicant's duty to co-operate important from your perspective? How should that be defined?

Matthew Downie: The panel that we convened looked very closely at this, because the idea that, particularly for prevention and relief activity, there should be a balance of responsibilities was seen as absolutely

central. The argument was that there must be incentives on both sides, and we completely concur with that, as long as we can be clear that any breach of that is not constituted by a failure to co-operate that is inherent to the circumstances of homelessness: not being able to attend particular appointments or keep up contact levels. For somebody who is homeless, some of those things are not realistic and we see the detrimental effect of that sort of regime through the sanction system.

We wanted to see if we could design something that, instead of a failure to co-operate, was an outright refusal, so something that constitutes a wilful effort on the part of the applicant to say, "I am not going to co-operate with this." At that stage, it is clear that it is not someone falling foul of the system; they are anti what is being offered.

Julian Knight: That is quite a high bar.

Matthew Downie: It is a high bar, but we are dealing with people whose support needs are the highest and quite often people with very limited abilities to keep obligations that they may have found reasonable at some point in the past, which is why these things need to be constantly reassessed.

As a service provider, we get very good positive feedback from what we do, but we sometimes lose people from our system because they might be sleeping rough and have to move on because of safety issues. These things are real concerns, and so we did want to introduce a refusal to co-operate element to the system. Going back to the principle that we want to protect those rights that are already in the system, particularly for priority-need households, we sought to avoid having that duty to co-operate at that end of the system because, while in Wales it is there through the whole system, we had real concerns around the panel table at the time that, in a market where housing solutions in particular are very hard to come by, that might be seen as a new way out in terms of providing accommodation. That is one of the reasons why the intentionality part of the Bill is problematic for us, because it opens the door to a new way in which people would be denied assistance, who would have otherwise received it.

Q14 **Julian Knight:** Do you have any evidence from Wales in terms of how this duty to co-operate throughout the system has been detrimental?

Kate Webb: One problem is that there is a severe shortage of housing lawyers in Wales, so it is very difficult to get evidence of what is happening and where challengeable decisions are being made. We also need to note that Wales both came from a different culture in terms of how local authorities act and, as we have discussed, put a lot of effort into making sure that they also had a big cultural change with the new legislation. It is very much about working with households and that duty to co-operate being set at a high bar.

The danger is that we drift away from that as we introduce the legislation into England, because a high bar is beneficial for both sides. When you are being very clear that your duty to co-operate means responding to letters and attending appointments, that is very objective. When it drifts into, "What steps have you taken to find a home? What have you done to engage with local landlords?", that opens up an area where it is very difficult to track what someone has done or is reasonable to do. You are probably setting up a situation where the local authority is going to be subject to an awful lot of challenges, and you lose the big prize we are trying to talk about here, which is how you change the culture of local authorities so they move to a genuinely preventative process and people feel they can get help from their council much earlier, as opposed to feeling like you are back in that adversarial process where the local authority is looking for reasons to say no.

I would agree firmly with Matt that the conflation with co-operation and homelessness intentionality is an extremely worrying change and also a very fundamental shift in homelessness legislation. The public statements around this Bill have been about helping non-priority-need households who are currently turned away and moving to prevention. Changing the law on intentionality goes way beyond those very positive intentions and really risks perverse outcomes for families, where you would see people shunted from housing departments, which we would hope on the back of this are getting much better at housing people, to social services departments, which are not great at housing people and seem to find it much more expensive to do so. We would very much want to avoid that link to intentionality.

Dominic Williamson: I was really going to echo that point that Kate just made. The co-operation side of it is in there and it is reasonable to expect that and build it into legislation. There is a logical problem, in a sense, with intentionality. Intentionality in the law at the moment looks at what the applicant has or has not done prior to the homelessness happening. This slightly conflates that with how they then behave in any process later on. If possible, we should try to disentangle those two aspects of the law, try to keep them separate, be clear about what our intention is on the co-operation side of it and not tie it up with the intentionality side. It is something to look at in the next stage.

Kate Webb: It also builds in the legislation to fail in a sense, because it implies that the "help to prevent" and "help to secure" will not be meaningful or work for applicants. From our point of view, it would be far preferable to go in assuming that we can make "help to secure" and "help to prevent" work and explore what we need to do so, rather than building a backstop with perverse outcomes.

Q15 **David Mackintosh:** Does the Bill strike the right balance between ensuring on the one hand that the applicant has to be realistic, but limiting the council's ability to say, "Take this or leave it" on the other?

Kate Webb: Sorry, could you clarify how it limits the council's ability to say, "Take it or leave it"?

David Mackintosh: We all have situations where people contact us and the council offers one property that is available to them and says, "That is your choice." I wonder what balance is there between the people who are applying versus the council's ability to say, "This is your option or not".

Kate Webb: That is still here, which is why it is odd that the duty to co-operate is needed additionally or needed in its widest form, because the Bill should allow that you have the "help to secure" stage, where you can have very clear conversations with an applicant about: "These are your expectations; these are your resources; this is the state of the private market. Let us work together to see what you can get." However, it needs to be clear that ultimately it will come down to a single suitable offer or nothing. As long as that is very clear to people all along, then that is fine. At the moment, the Bill generally strikes that balance reasonably well.

We would not want to see the sort of outcomes where people are pressurised to take unsuitable accommodation that was not formally offered to them at the "help to secure" stage when they would be able to successfully challenge it because it was not suitable under the full rehousing duty. It goes back to the need for the full and honest conversation with applicants. People are realistic and realise that there is a limit to what the local authority can do for them. The key is having those conversations in a transparent and accountable way.

Q16 **David Mackintosh:** Should that include being able to oppose a placement on the grounds of location?

Kate Webb: It has to, if we are interested in resolving homelessness in a sustainable way. If the location genuinely is not suitable, and under the current legislation it is a very high bar, there is nothing preventing local authorities from sending someone to a new area; they just have to follow the correct processes to check that there will not be an extremely detrimental impact on the household. As long as that has happened, then that is fair enough. It would be hugely troubling if that was completely removed, because all you would see is people disengaging from the system, which means more people needing help from social services and the merry-go-round of homelessness prevention failing and people re-emerging in local authorities in six months' time.

Matthew Downie: A large amount of the success in Wales both for prevention and relief has been rehousing. That is a testament to the way in which the system has worked on behalf of the applicant and the local authority to make an agreement about what the most successful outcome is going to be for both parties.

The other thing to mention is that we put forward the idea, and it has made its way into the Bill, of extending the relief duty to a minimum of 12 months for a private-rented-sector tenancy. One of the reasons for

doing that was to align the offer at the priority-need stage and the relief stage, so that the honest conversation about what is really available is had earlier, and you avoid the instance of an applicant hanging around or waiting for the final bit of the system.

Q17 David Mackintosh: Is there anything that could reasonably be included in this Bill? Are there any measures that you would suggest?

Matthew Downie: One point to make about the Bill, inasmuch as it echoes the expert panel process that we went through, is that it is not a set of what we would regard as idealistic reforms; it is a set of carefully managed reforms. It is worthwhile noting that this is not based on the Scottish system, for example; we do not have the availability of affordable housing stock in England or the kinds of systems that have allowed for abolishing priority need in Scotland. I would advocate that this is not a perfect solution to end homelessness, but it will reduce homelessness and it is a carefully crafted set of initiatives, rather than a shopping list to pick and choose from, which, if knitted together, will make a meaningful difference.

Kate Webb: Yes, it certainly is very ambitious and we would not be seeking to add significant new clauses to it.

Q18 Chair: Kate, you referred to, when looking at what a suitable offer might be, taking account of things like where children are at school, the care obligations of the applicant and, indeed, the care that they may receive from others—childcare or whatever. Are you clear that that needs to be something that a local authority does as part of its assessment, although you cannot guarantee in the end that those issues can be fully taken into account in any offer that is made?

Kate Webb: Yes, we would absolutely say that, when a local authority is considering where it is suitable for someone to move to, that should be part of the consideration, because frankly, if it is not, then it just will not be meaningful to people, and that dialogue and the outcomes will break down. It goes back to the need for those conversations about outcomes to happen quite early.

Chair: As well as being open and honest with people about it.

Kate Webb: Yes.

Dominic Williamson: That is why it is important. The assessment element of this is a really good opportunity to have those conversations early on in the process. Part of that is about understanding what the applicant's own wishes are, as well as their needs, family situation and so on. That conversation should be happening early and it is built into the process in this Bill.

Chair: Thank you all very much for coming to give evidence to us today.

Examination of witnesses

II: Justine Harris, Rhys Makinson, Councillor Frank Hont and Heather Wood.

Q19 **Chair:** Good afternoon and thank you for coming to give evidence to our session this afternoon, looking at the Homelessness Reduction Bill. For the sake of our records, could you say who you are and the organisation you represent?

Justine Harris: I am Justine Harris from Hove Council.

Cllr Hont: I am Frank Hont, the Cabinet Member for Housing at Liverpool City Council

Heather Wood: I am Heather Wood, Head of Housing Options and Advice at South Cambridgeshire District Council.

Rhys Makinson: I am Rhys Makinson, Director of Housing Support Services at Camden.

Chair: If we have not finished by 5.55, I am going to have to leave to go to another meeting, so I apologise in advance. Mark Prisk will take over as Chair at that point if we have not got through all of our questions by then. That is just to explain why I may suddenly leave if that time is reached.

Q20 **Mary Robinson:** The Committee has conducted an inquiry and published a report into homelessness and this Bill has come about as a result of that. Will the Bill help to reduce homelessness?

Justine Harris: We welcome the focus on prevention and the 56-day duty. It is a more proactive approach. We are concerned: the resource implications are concerning and it could have the inadvertent effect of creating more homelessness, but I can explain that more later on. The current stumbling block to reducing homelessness is not necessarily in the legislation, but in the resources to do this.

Cllr Hont: We welcome the Bill. We also think it will lead to a reduction in statutory homelessness, but possibly an increase in the number of homeless that we see. We are also pleased to see clarity on the intentionality clause, which was referred to earlier; that is very helpful.

I wanted to say that, in all considerations of housing and homelessness, we would like to think that the Committee and the Government took cognisance of the individual positions of each local authority. For example, in Liverpool only 47% of our households are owner-occupied against a national average of 65%, which means that more than half of our households are in rented accommodation. Those kinds of factors have an impact on how we can address homelessness and other housing issues in the general sphere.

Heather Wood: Our council is committed to homelessness prevention and we certainly welcome anything that emphasises improving the standard of prevention across the country, but we do feel that the Bill in its current form is a little over-simplistic, and particularly with the accommodation duty it is likely to undermine some of the existing prevention protocols and partnerships that we have in place. We are already seeing those partnerships start to fray a little at the edges with the pressures on other partners and their budgets and resources. That is a real risk that we would like to see if we can discuss further.

Rhys Makinson: Just echoing that, again we support the Bill to reduce homelessness and I agree with the importance of homelessness prevention and also the focus on early intervention; that is very important. Again, the main problem in London is the access to affordable accommodation. With the additional duties we are concerned that we may have rising costs, and I can come on to that in a bit more detail.

Q21 **Mary Robinson:** Looking at the concerns regarding additional duties and resources, what will be the financial or other resource implications of the Bill for local authorities in particular?

Justine Harris: The Bill as it is set out at the moment gives an accommodation duty to everybody who is homeless and we are concerned that it does not discriminate between people who may need extra help. It can sometimes be hard for people to remain in a family home or staying with friends. Our biggest cause of homelessness in Brighton and Hove is friends and family eviction, which is a bit different to other local authorities where it is generally end of ASTs. There is a risk: if people are able to get accommodation when things do become difficult at home and it triggers this 56 day duty, then what happens at the end of the 56 days? Access for accommodation is difficult.

Cllr Hont: Yes, we foresee additional pressure on what we believe are already stretched resources. If the Bill goes through, there will be an increase in assessments, demand for temporary accommodation and the preventative interventions that we already take. The duty to provide a personal housing plan puts additional pressure on us as a local authority. There are a number of issues that would lead to additional resource requirement.

Heather Wood: We are particularly concerned about the accommodation duty and we believe that we do not have the supply of affordable housing in the district. Although we are not a London authority, we are in a very high-cost housing area and there are a lot of pressures on our social housing already. The Bill will open up increased accommodation duties for single people who are not in priority need and we already have some pathways in place for those groups; but if we had a duty to provide 56 days' accommodation to all the single-person households that come through, we just would not have the stock.

For example, on average we re-let 42 single-bedroom properties per year, but on our waiting list, within the bands that we are likely to see coming through for assistance, we have 620 people at the moment. Again, these are not the numbers we are perhaps talking about in some of the urban areas, but the demand far exceeds the supply. The challenge for us is how we would meet that need, particularly in a short space of time.

Rhys Makinson: We would seek to use the private sector to discharge the 56-day duty. For example, in Camden the rental levels are £250 a month more than the local housing allowance levels. There is no way we could afford accommodation for this duty within Camden, so we would have to look wider outside of the Camden boroughs. Even there, with everyone else in London looking for similar accommodation, we are concerned that that may drive prices upwards. This is a very difficult duty to deliver on.

In addition, we are worried that, if a large number of people approach to get 56 days' accommodation, it might move our focus away from the people who need the most help: vulnerable people.

Q22 **Mary Robinson:** Obviously there is concentration on the increased responsibilities here. Is there any way in which there could be a balance: that, by preventing people becoming homeless, there could be potential savings built into this at all?

Cllr Hont: We see our major role as preventative work. The bulk of our work on homelessness in the city is on prevention. We do that now and we have been relatively successful. For example, this year we had a 34% increase in successful preventions on our 2010-2011 figures, so we are trying hard on the preventative measures and it is the most important part of the work.

Q23 **Mary Robinson:** How successful do you feel you have been in preventing homelessness? What wider factors affect your ability to prevent homelessness in the first place?

Justine Harris: Since 2004, we have prevented about 10,500 households from becoming homeless in Brighton and Hove. Our prevention levels remain about the same, as do homeless accepts. Last year, although they are dropping, we accepted duties towards around 500 people and prevented homelessness for the same amount.

Yes, they are successful, but we could do more if there were more resources. Among the successes, we have commissioned a family mediation service for 18 to 25-year-olds, which works very well in the prevention of homelessness. In fact, all under 25s go, as a first point, to young people's services, and that effectively helps people into alternative accommodation when they need to move or helps them to remain in the family home.

We piloted a prisoner/offender release project, so preventing accommodation loss in prisons. That was very successful, with around 250 cases per year. Of those, 91 offenders had their accommodation

sustained and the rest were helped into accommodation where they needed it when they came out.

We have an accommodation panel, which is attended by probation, adult social care, children's services and young people's services, and from that we can refer people into forms of supported accommodation in the city. That is based on need and not on whether there is necessarily a statutory duty to accommodate. There are other things as well.

Rhys Makinson: We have reduced the number of families in temporary accommodation from 2,000 to 425 over the last 12 years, and that is very much because of the success of our prevention approach. We get around 800 families per year presenting as potentially being homeless and we prevent in 85% of cases, so we have a very strong track record in prevention. We also have a very strong single-persons pathway, which deals with people in priority need and also those with support needs but not in priority need. We have a very successful history and track record of prevention already.

Q24 **Mary Robinson:** In the areas where you have failed to prevent homelessness, what are the wider factors that are militating against you?

Rhys Makinson: It is really the availability of supply and the expectations of the clients that we are dealing with as to where they can live in London. It is difficult, given the high cost of housing in Camden and in London.

Heather Wood: In South Cambridgeshire, we are absolutely committed to prevention and we have a strong track record in it. We are known locally among partner agencies for our good ethos towards finding creative solutions, but we are finding that the wider housing market and a number of external factors are making that very difficult to achieve. For example, prior to 2010 we had an almost 100% prevention success rate; we are now on a roughly 50% success rate. That is not to do with changes in staff or ethos; it is largely to do with changes to the LHA and the fact that the private rented sector is now unaffordable: it is an average of £250 per month lower than the average private rent. The house prices are eight and a half times the average salary, and average house prices are around £400,000.

Really, the only option for people is social housing. There are increasing pressures on the amount of stock that we have and things in the pipeline that mean we will have to sell some of our stock. We see it as becoming harder and harder, even though we have the will to do it. Our concern about the Bill is recognising that, even when there is a will, it is sometimes just not within an authority's power to create things that are not there, particularly with the supply. However, we were always interested in looking at other prevention pathways. There are still things we can do and the Bill will probably help us to focus our minds on the things that can still be done, but it is about not placing too much

expectation on actually producing housing, because what we need is more low-cost, affordable housing and we are not going to get that overnight.

Q25 **Mary Robinson:** Can I ask about your services and the way they will operate? Should the timeframe be extended from 28 to 56 days, what impact would that have?

Justine Harris: The 56 days for preventing homelessness, so that it starts that process earlier, is good. I totally support that, but I have concerns about seeing someone as homeless or threatened with homelessness in 56 days triggering the homelessness application.

Cllr Hont: We agree that it is a good move, but then it is delivering on that promise. That will be hard with limited resources. It goes back to the point I made earlier about the work we are already doing on prevention. For example, we use all of our housing grant on that issue so there is not much room to move at the moment.

Heather Wood: We already start prevention work as early as we possibly can. As soon as somebody is served a Section 21 notice, we will start the prevention work with them, so we do not see much of a difference, but we welcome that change because we do believe that early prevention leads to more success.

Rhys Makinson: I agree entirely with the last comment. We start our prevention work as soon as we can, so have no problems with 56 days rather than 28 days.

Q26 **Kevin Hollinrake:** Throughout this inquiry we have heard some examples of very good service from local authorities to homeless people and some not so good experiences. One of our earlier witnesses mentioned repeated negative experiences of those in need. Part of the Bill is a mandatory code of practice. Is that necessary when you have existing statutory guidance?

Justine Harris: Any public service has a duty of care towards its customers. There is already a process in place: if you take that after stage three, it goes to the ombudsman. There should be guidance, but you have to be careful legislating anything, because there will always be a challenge and it could run alongside an existing process. You could be making the process more onerous and bureaucratic than it needs to be. We all agree that we need to provide a good service and we have a duty to do that, as a local authority. We do that successfully in Brighton and Hove; our customer feedback is generally good, although there is always room for improvement and we welcome ideas for that, extra training and what have you. Legislation would be difficult.

Q27 **Kevin Hollinrake:** I accept that you do a good job, but others do not. We have heard that. What do we need that is not there now?

Justine Harris: Maybe more customer feedback and involvement in looking at how you design the service. We have just redesigned our service in Brighton and Hove, and we put the customer at the heart of

that redesign. We listened to what they said, particularly about the number of hand-offs, the confusing process and the difficulty with accessing the service. As I said, there is always room for improvement, but that should be guidance for local authorities to maybe have something in place as good practice.

Q28 Kevin Hollinrake: That is in terms of good internal practice within the local authority. What about in terms of another body monitoring this across local authorities to make sure that that kind of good practice—

Justine Harris: Is that not done by the ombudsman to an extent, because there is a customer complaints process?

Q29 Kevin Hollinrake: It is not working at the moment, because we have heard that there is variable experience.

Justine Harris: Having it legislated could still be problematic and guidance would be useful.

Cllr Hont: We welcome the code, especially the standards for training. To go back to a point one of the earlier witnesses made, we believe that part of the key to this is co-operation. We have a six-weekly stakeholders' meeting, which I chair, at which the police, the local third sector organisations, the GP practice and various health officials attend. We try to bring people together on a six-weekly basis to assess the situation and see whether there is anything other agencies can do to improve our performance.

We are quite open at that meeting. We encourage them to give us suggestions and talk to us about where they think our system might be failing. Often third sector organisations come along and say, "You are perhaps a bit bureaucratic on this or that", and we need to listen to those organisations that are working in the field. We find that six-weekly meeting very useful.

Heather Wood: There is currently a lot of guidance out there, but the current code of guidance is over 10 years old. We would welcome a refresh of that and perhaps some more strengthening of the prevention obligations enshrined in it. In terms of staff training and consistency of standards, to some extent I think it would be useful to have some level of guidance. However, there is a risk that, if you make things too prescriptive, you remove innovation, and it is a changing market out there.

You want to be able to not be only prescriptive, so that you can keep abreast of what is happening, and you do not want to be damaging to recruitment either. Some areas may rely on a high turnover of staff. I agree with what was said in the previous evidence session about it being a cultural shift. That is really important and we know that some of our colleagues in other councils do not have the same prevention philosophy as us. Anything that harmonises the standard would be good.

Q30 Kevin Hollinrake: Following on from that point, what gets

measured gets done, doesn't it? The principle behind it is setting a benchmark of standards, which somebody will then make sure happens right across all local authorities. Is that something you welcome, or not?

Heather Wood: It would depend on what is eventually in place, because the devil is always in the detail, isn't it? In principle, a refresh of the existing code of guidance, and somewhere along the line some national standards, could well be helpful. The success will ultimately depend on how that is developed, how consultative it is. It could work very well, but it depends how it is implemented.

Rhys Makinson: I would agree. The rigidity of having the standards in the Bill will be difficult. While a number of the proposals are supported and could be useful and helpful—and reviewing the code of guidance would be very useful—the problem in the Bill is that it will stifle innovation and new ideas. Potentially it could mean that we are satisfying the Bill rather than helping people to solve their homelessness problems. Of course then we get into all the details about whether we are being challenged because we have not met the Bill, rather than because we have not sorted out the individual's homelessness problem. I think an updated code of guidance would be useful but not necessarily on the face of the Bill.

Q31 **Kevin Hollinrake:** My next question is about skill levels. Are you happy with the skill levels across your own authorities? Could those be improved? What is your experience of the skill levels in other authorities you may deal with?

Justine Harris: They can always be improved, but on the whole they are good. We have run a core competency training programme. We have just started, so we expect everybody, depending on their job role, to reach a certain standard of competency. Customer service is included in that. One of the things our staff told us, when we did a lot of work around interaction with customers, was that in order to feel confident in what they are saying they have to have knowledge and competency. There is always room for more training; we have made use of the in-house training, which has been useful.

Clir Hont: Yes, we have a knowledgeable and resilient team. Our main worry is any additional pressure on those resources, but we think it is also very important to treat homeless people with dignity. We make that a major plank of our delivery of service: you must treat people with dignity and accept that any one of us could end up in that situation. One of the things we say to staff is, "Everyone is only one month away from the situation that we find some of our clients in."

Q32 **Kevin Hollinrake:** Are you able to comment on your experience of other local authorities and whether there is any consistency there?

Cllr Hont: It is difficult to comment on the performance of other local authorities.

Q33 **Kevin Hollinrake:** You do not have to name names, but it is important to achieve this consistency.

Cllr Hont: Yes, it is.

Q34 **Kevin Hollinrake:** You need to look at whether it is actually happening now.

Cllr Hont: Especially when you border other local authorities, where perhaps some rough sleepers would tend to come into a city centre like Liverpool, rather than the neighbouring authorities. We have to accept that we do get rough sleepers coming into the city who do not want to stay in the bordering local authorities, so we are picking up problems from some other local authorities, but that is a challenge we face with being a big city. However, I would not comment on other neighbouring local authorities.

Heather Wood: Overall we have a good skill level within our team, but we are a relatively small authority with a small team and fairly low turnover. It may well be a different challenge, if you are managing a much larger team with a higher turnover of staff, to keep the skill and knowledge consistent. There is so much change within the housing sector at the moment that a challenge for us is making sure the team is fully up to date with everything that is in the pipeline and likely to come along.

In terms of experiences of other authorities, we work very closely with our neighbouring authorities within the Cambridgeshire sub-region. Although there are sometimes small differences in philosophy, overall I would say that there is a genuine agreement to prevention. We work hard to keep those partnerships going.

Rhys Makinson: We have a number of specialist staff in prevention, with specialist prevention skills. However, you are right that obviously the level of expertise and knowledge is different between staff, and more training would help. I am not sure it needs to be prescribed in the Bill, but definitely any extra resources for training would be very welcome.

Q35 **Kevin Hollinrake:** Do you have anything to say on the question about experience of other authorities?

Rhys Makinson: Again, we share best practice across a sub-region, between London boroughs. Again, it is mixed across London. Most London boroughs are strapped for resources, so with more resources I am sure that more training would be welcome.

Q36 **Alison Thewliss:** Clause 4 of the Bill requires authorities to seek to identify the outcome the applicant wishes to achieve. Do you feel this is realistic within the existing resource allocations that you have?

Justine Harris: Everybody leaving with some sort of advice summary setting out what has been discussed, what actions they need to take and

what we have to do is useful. Part of any good advice interview is listening to what someone wants, what they want to achieve and why they have come to see you. That is the first bit of any good advice interview, to listen properly to why someone is there. As for everybody having that prescribed information and an action plan, not everybody needs it. Some people come in and they have moved to Brighton, or their student accommodation has fallen through, and they want to know how to access other accommodation. They are not asking for an action plan. For some people, it can be useful to have the prescribed information, setting out why they came to see you and what they want to achieve. It would give you the opportunity at that point to manage expectations about what might be achievable. It depends on a case-by-case basis. If you say that everybody has to have that, then potentially you are setting yourself up for a challenge if you have not provided it to everybody, and not everybody will need it.

Cllr Hont: In a perfect world there would be goodwill on both sides in that relationship. The key to it is clear, good advice to the applicant as soon as they arrive, to let them know what is on, be honest with people and sometimes—as Justine said—manage the expectations of those who are applying for help and assistance.

Heather Wood: We would agree. At the heart of any of our options interviews, we try to establish what it is that the customer wants and, if that is not realistic, to talk about what is and try to find a solution for them. In an ideal world, it would be great if everybody could have a written action plan, and that is very helpful. The challenge we have is delivering that within a team with fairly limited resources. I agree that, if the resources were there, it would be helpful to be able to implement.

Rhys Makinson: Similarly, we take a case management-type approach, so we try to establish what the client wants from their future housing, and as far as possible we give them options in terms of moving into the private rented sector and helping them to rent premises, or taking a homelessness application.

Q37 **Alison Thewliss:** How important do you think it is for applicants to have a duty to co-operate with the local authority within the Bill?

Cllr Hont: I think it is very important.

Heather Wood: We would agree. Sometimes people's expectations are not realistic about what is deliverable. As we have already said, by having that frank conversation at the beginning we can try to offer realistic solutions by listening on both parts. However, applicants have to understand that a housing authority cannot make houses appear out of nowhere. There has to be some recognition of the challenges that a local authority faces and a responsibility for doing as much as you can to safeguard your own accommodation. It is very much a partnership.

Q38 **Alison Thewliss:** To follow up on that, do you find that applicants refuse offers of accommodation because they have an unrealistic

expectation of what they will get out of the process?

Heather Wood: Sometimes it is our experience. Sometimes, once you have had those honest conversations—and our officers put a lot of work into having those conversations and trying to listen and find a solution that works for the applicant—that is enough. People just need to understand, so they can make an informed choice, but there are on occasion some people who do not want to take the options that are available to them and believe that there should be something else available, even when there is not. That is the challenge, because it is not always the best use of our own resources in terms of staff time. You are not going to be able to meet what they want if it does not exist.

Rhys Makinson: We give applicants three choices, or three offers, effectively, of private sector housing. They understand that at the start. It is almost like a negotiation at the start about what it is possible for the council to deliver. Usually they will accept one of the three offers, but if they do not then we would suggest they took a homelessness application. Then, of course, we could discharge duty after one offer, so it is almost like a contract between the council and the client.

Justine Harris: The definition of “unreasonably refusing to co-operate” could potentially be problematic. I have a concern as well that it could lead to people approaching us late, if they felt that if they approached us earlier they might get an offer of private sector accommodation in an area that they did not want. They might chance it and come later. There is potentially a risk there.

Q39 **Alison Thewliss:** Ideally you would want people to get in touch with you as early as possible in the process.

Justine Harris: Yes, absolutely.

Q40 **Alison Thewliss:** There should not be an advantage to coming in late. Clause 16 of the Bill provides for an authority not to take the location of a property into account when considering its suitability for an applicant. How important do you feel location is in determining how suitable a property is for somebody?

Justine Harris: It is a really difficult one, given housing demand. If we are talking about temporary accommodation, local authorities are already required to have a published guidance on how we allocate temporary accommodation according to need. Where we have children doing their GCSEs, we will always try to keep them near their school where possible. However, it goes back to what they actually want to achieve.

If they want to have a two-bedroom flat or a house, it is not going to be realistically achievable, probably, within this local area. They may have to look further to do that; that is just the reality of the housing market. Very often now, single parents with one child opt to go into a one-bedroom flat in the city, which is potentially storing up a problem

later on, because there is not the accommodation for us to offer them locally.

Cllr Hont: Even within the city, it is difficult to meet those expectations sometimes. People come with very clear expectations of what they want, and we are just not able to satisfy them sometimes. It goes back to what I said earlier. We need that honest conversation with people—honest on both sides: what is available, what we can achieve and what they will have to accept in some cases.

Heather Wood: We find it a particular challenge in a rural district. Although we do not often house people out of district, because South Cambridgeshire is made up of over 100 villages with limited public transport between some ends of the district, we can have people who, even if we house them within the district, may well have to leave employment, change children's schools and move away from family and support networks, just because the public transport there does not allow them to maintain those networks, if all we have is accommodation elsewhere.

We try to get round that by offering a choice of villages that people go to, so they have some control. Ultimately, they sometimes have to make the decision between having a roof over their head and, unfortunately, being able to sustain their employment. We recognise that it is not an ideal solution sometimes.

Rhys Makinson: Similarly, Camden is not affordable for most homeless households. It tends to be out of borough for most families, and we have a range of criteria to help us identify where we should seek to find accommodation for particular types of family with particular types of needs, such as health needs, employment needs, children, etc. Location is a very important factor in a suitability order.

Q41 **Chair:** Just coming back to the other witnesses, you are not saying that when you have a conversation with people you do not listen to what they say about the locality and try to meet that if you can. It is just that it is not always possible to meet it. Is that basically what you are saying?

Cllr Hont: Yes, of course.

Justine Harris: Yes. I think around 5% of two-bedroom properties in the last quarter in Brighton and Hove were within local housing allowance rates. It might be 2%, but it is extremely low.

Cllr Hont: I would say in the vast majority of cases we can satisfy broadly what people want, but there are cases where people are asking for something exceptional.

Heather Wood: Certainly within a rural district, sometimes people come in and they particularly want to remain in one village, where they have employment, family support networks and children at school, but we know there is no affordable private rented housing in that area. There might only be one or two social rented council houses in that village that

have perhaps not come up for re-let for 10 years. We will listen, but we have to be honest about what is actually realistic.

Q42 Helen Hayes: The Bill proposes some changes to the existing rules on local connection. I wonder if you could comment on what you think the implications of those changes will be in practical terms for each of your authorities.

Justine Harris: In areas of high demand that are popular, it is really problematic. The Bill saying is six months at any point in their life. Potentially someone could go to another local authority, have their action plan setting out what they would like, and that could be, "I would like to be in Brighton." That could trigger an accommodation prevention duty by Brighton and Hove. It would not be workable for the amount of people who want to move into the city. We have large inward migration of single people in Brighton and Hove, and it would add to that. It would also be very hard to investigate six months at any point in someone's life. I would rather that was not in there.

Cllr Hont: We are very different, obviously, from Brighton. We thought the local connection rules seemed adequate for our particular needs, but, as I said earlier, every local authority faces different housing crises depending on their local circumstances.

Heather Wood: We would have concerns about the changes with the six-month connection to an area. Similarly to our colleagues from Brighton and Hove, we think in an area of high demand we could get a big influx of people who have a very tenuous connection to the area. That is a change we would prefer not to see.

Rhys Makinson: We needed a bit more time to evaluate this particular proposal. We did not absolutely realise what the reason for it was. The legislation already says that, if you have lived in the area for six months out of the previous 12, or three out of the last five years, it is a local connection. We were not quite sure what the idea behind this one was. What we are most concerned about is that, if you discharge duty and somebody goes off and then happily lives in another area for two or three years, they could then come back again and say, "We have lived in Camden previously; we want you to find other accommodation for us somewhere else." You could end up with a big circle where we discharge duty, they come back, we discharge duty, they come back.

Q43 Helen Hayes: This is the final question from me. We have listened to some of the concerns you have about some of the additional duties that are proposed in the legislation, as well as some of the challenges you already face as local authorities in relation to the duties you already have on homelessness. I just wondered, as a catchall question, whether you have any other comments at all on the provisions in the Bill. Are there any other measures that you think could reasonably be included in the Bill? Are there any practical mitigating or additional measures that you

would like to see in the Bill that might help to address some of the concerns about your ability to deliver against a set of new responsibilities?

Cllr Hont: From our perspective, we would welcome for it to be set out in law that there is a statutory duty for children's services to undertake joint assessments of homeless 16 to 17-year-olds. We think those joint assessments are absolutely essential and we would like that to be set out somewhere, if not in this then somewhere in the legislation. We know that some local authorities do not do those joint assessments. We do, but we think it is important that for 16 to 17-year-olds those joint assessments are made.

The other thing we would like to see is that we have found the notification from lenders regarding the undertaking of legal action against homeowners is extremely useful, and we would welcome the extension of this to private landlords, so private landlords notify us when they issue Section 21 notices and we are in the loop of the information. We would find that really useful. Those two additions would be good.

Justine Harris: I have concerns about the someone being homeless from the end of a Section 21 notice. At the moment, there can be a critical time period in which to work with someone when Section 21 expires and when the landlord is taking action to gain possession of the property. I agree it would improve our working practice with landlords and it is something that landlords want. However, I think we could lose something around our prevention duty. There was CLG guidance issued in June that, if we are asking people to stay post Section 21 expiry, we have to set out reasons why we are doing that. That should be enough; it is enough.

Heather Wood: We would echo that. We sometimes ask people to stay beyond the expiry of their notice. We will have already started prevention work pretty much as soon as they have come in and told us they have had a notice served on them. For example, the reason we may ask them to stay is that we know we have a place in temporary accommodation coming up in two weeks' time. Rather than moving the family out into bed and breakfast, potentially out of district, we would work with them to keep them in the accommodation longer, until the temporary accommodation becomes available. We believe this is more cost-effective to the taxpayer and less disruptive to the family.

We would also try to work with the landlord in that period, so that they are aware of the advice we have given and why. Anything in the Bill that removes our ability to use that as a flexible prevention tool would be detrimental to us.

Rhys Makinson: I would agree with that last point, and I have two other points. In relation to the suitability order, it would be helpful if affordability was more strongly included in that so that it was easier for us to make offers of affordable housing outside of borough, because clearly

there is no affordable housing in Camden. Secondly, we have a situation where a number of tenants have been in temporary accommodation for a very long time, and at the moment we have no power to discharge duty for the private sector. They are stuck in temporary accommodation and waiting for council housing.

That is because the Localism Act only gave us that power from 2012, so it would be useful to have some additional power to help longer stayers in temporary accommodation to get permanent accommodation in the private sector.

Q44 Helen Hayes: Going back to the issue of Section 21 notices and at what stage the duty kicks in, it is good to hear that, in some local authorities, work is done as soon as the Section 21 expires. That is not universally the case. There are many local authorities that will not even consider or assess somebody's need until an eviction notice has been issued. What solution do you propose to that variance across the country and the problem where the impact on somebody of homelessness and the process of becoming homeless is compounded by the unwillingness or inability of local authorities to intervene earlier in the process?

Heather Wood: It would be helpful to make it a requirement for local authorities to start taking prevention action when somebody is served with a Section 21 notice or within a certain timeframe of that notice ending. However, South Cam's concern would be if anything in the Bill was so rigid that we actually could not use it in the way I described previously. We could absolutely have some tighter legislation in there, but do not make it so rigid that, where local authorities are using it in a good practice way to hopefully achieve an effective outcome, it is taken away as a tool.

Q45 Chair: My understanding would be that that is the intention of the Bill. I do not think there is any requirement in there that, as soon as a Section 21 is served, you have to make an offer of accommodation. Bearing in mind the point that you make, that the right accommodation might be two weeks down the road, I do not think there is anything in the Bill that prevents an authority having the conversation with someone to say, "Just wait for a couple of weeks." Exactly as has been said here, there are some authorities now who will not do anything until the eviction notice is served. That is the intention: to stop them.

Heather Wood: If that balance was there, that would meet our concern.

Cllr Hont: This is an anorak's point really, but Liverpool City Council is no longer a housing authority, so we thought it might be better if the legislation referred to local authorities as opposed to housing authorities. I think most of the references are to housing authorities. It could be something to do with the fact that we no longer have any council houses, but we are not a housing authority as such.

Chair: We can make sure that is clear. My understanding is that this applies to authorities that have the responsibility to deal with homelessness, and that is the intention of it. However, it may be a point as well: I do not know whether any of you have ever had any problems getting housing associations to be helpful when housing homeless families. I do not know whether that has been a challenge. I know it has in some parts of the country, but that is certainly an issue we could have a look at in terms of their responsibility to co-operate as well, in the situation you have.

Thank you all for coming this afternoon and giving evidence to us.