



## Report on the Legislative Consent Memorandum for the Prevention of Social Housing Fraud Bill

### *Background*

1. The Prevention of Social Housing Fraud Bill<sup>1</sup> (“the Bill”) is a Private Member’s Bill that was introduced in the House of Commons on the 20 June 2012 by Richard Harrington MP (Conservative, Watford). The Bill has been passed by the House of Commons and is due to receive its second reading in the House of Lords on 30 November 2012.

2. The Bill is primarily concerned with strengthening the powers of social landlords to tackle tenants who sublet the whole of their dwellings for profit. The policy rationale behind the Bill is to ensure that social housing is occupied by those in the greatest housing need. The Bill would therefore create offences and make other provisions relating to sub-letting and parting with possession of social housing.

3. The Explanatory Notes accompanying the Bill summarise the effect as follows –

*“3. The Prevention of Social Housing Fraud Bill creates new criminal offences of unlawful sub-letting by secure and assured tenants of social housing. It also makes provision concerning the prosecution of these offences (including prosecution powers for local authorities). The Bill additionally provides for courts to make orders for the recovery from tenants of profits made from unlawful sub-letting, either following conviction or in separate civil proceedings. Finally, it provides that an assured tenant of a dwelling-house who parts with possession of, or sub-lets the dwelling-house cannot subsequently regain their status as an assured tenant of the dwelling-house. In this respect, the Bill brings assured tenancies into line with secure tenancies (where the restoration of secure status is already excluded following parting with possession or sub-letting by the tenant).”*

4. On the 30 October 2012, the Minister for Housing, Regeneration and Heritage, Huw Lewis AM, laid a Legislative Consent Memorandum<sup>2</sup> (“LCM”) for the Prevention of Social Housing Fraud Bill.

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<sup>1</sup> Available at: <http://services.parliament.uk/bills/2012-13/preventionofsocialhousingfraud.html>

<sup>2</sup> Available at: <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs.htm?act=dis&id=240019&ds=11/2012>

5. The LCM was considered by the Business Committee on 6 November 2012 and agreed to refer it to the Communities, Equality and Local Government Committee (“the Committee”), in accordance with Standing Order 29.4. The Business Committee also set a deadline for the Committee to consider and report on the relevant provisions by the 7 December 2012. The motion is scheduled to be considered in Plenary on 8 January 2013.

*Our view*

6. The Committee notes the provisions of the Bill are intended to counter the abuse of social housing.

7. The Committee also notes that the Bill upon introduction to the UK Parliament applied to England only and that the application of the Bill to Wales was a result of a conscious decision by the Welsh Government. The LCM states that:

*“It is the view of the Welsh Government that it is appropriate to deal with these provisions in this UK Bill as it represents the most appropriate and proportionate legislative vehicle to enable these provisions to apply in Wales at the earliest opportunity.”*

8. Accordingly, the Committee have no objection to the use of an LCM as proposed by the Welsh Government.