

Nicholas J. Crowson*

.....

Revisiting the 1977 Housing (Homeless Persons) Act: Westminster, Whitehall, and the Homelessness Lobby

Abstract

The 1977 Housing (Homeless Persons) Act provided the first statutory definition of homelessness. This article examines who should be credited with inspiring the legislation. This article shows that the homelessness lobby, co-ordinating their activities through the Joint Charities Group and Campaign for the Homeless and Roofless, interposed themselves between Whitehall and Parliament and the public, mediating a message about the changing nature of 'hidden' homelessness and its growing scale. At the same time elements of the civil service, particularly within the Department of Environment, sought to harness this lobby in order to help promote its agenda for improving the utilization of, and uniformity of access to, the housing stock within Britain.

'Shelter has failed. It set out, 10 years ago in the wake of the horror of *Cathy Come Home* to fight the blight of homelessness in Britain. In that time, on the roughest available statistics, homelessness has not declined, it has doubled.'¹ This stinging rebuke for one of Britain's most high-profile homelessness NGOs explains the key difficulty facing those campaigning on behalf of the roofless found themselves facing in the mid-1970s. It appeared that despite all the anxiety that these groups had stirred up amongst public opinion, policymakers were largely unmoved. Indeed, legislative change, such as the 1972 Local Government Act and the 1974 Housing Act, appeared to be diminishing the obligations of the state towards the homeless.

*n.j.crowson@bham.ac.uk Department of History, School of History and Cultures, University of Birmingham, B15 2TT. Thank you to Jamie Perry, and to the Leverhulme Trust (grant number F00094AV) which funded this research.

¹ S. Jenkins, 'Who is Shelter trying to help?', *Evening Standard*, 12 August 1976.

In 1966 it was very different as Britain rediscovered homelessness. This was the year that the BBC transmitted Ken Loach's seminal *Cathy Come Home*. Shelter launched itself as a fundraising and campaigning homeless organization. And in that same year the National Assistance Board's report into single homelessness was published. These events occurred within a broader context of the rediscovery of poverty that characterized the social conscience of 1960s Britain.² Together these heightened the concern of the British public, who generously supported the fundraising efforts of Shelter, Crisis at Christmas, and other homeless charities.³ Whitehall appeared to be listening too, and in 1969 the Department of Health and Social Security (DHSS) commissioned two homelessness reports: Glastonbury's study of south-west England and south Wales and Greve's study of London.⁴ For Shelter's first chairman, Lord Harlech, this was evidence that by having 'kept the pressure on every level of public and political life' it had brought 'hope that a solution will be achieved'.⁵

But this was to be a false dawn. The two DHSS reports appeared to contradict one another, and the Department refused to publish either, miring and distracting the whole matter in political controversy, and seemingly failing to revive any interest in legislative change.⁶ Arguments continued over the scale of the problem. There remained no official measure or definition of homelessness, or collection of data on the numbers roofless. Instead homelessness organizations continued to devise their own measures, which inevitably pointed to the continuing problem. This suggested that the homeless groups lacked any effective political constituency and the issue had slipped down the political agenda. Ultimately, many homelessness groups felt they needed to concern themselves with rescuing the roofless; such was the scale of the problem. Others did want to campaign more overtly but felt constrained by the strictures of charity law which threatened their revenue streams if they were deemed to be engaged in party political campaigning. Still behind the scenes in the corridors of Westminster and Whitehall individual groups and coalitions, like the Campaign for

² P. Townsend, 'The Meaning of Poverty', *British Journal of Sociology*, 13 (1962), 210–27; D. Wedderburn, 'Poverty in Britain Today: The Evidence', *Sociological Review*, 10 (1962), 257–82; B. Abel-Smith and P. Townsend, *The Poor and the Poorest*, Occasional Papers in Social Administration 17 (London, 1965).

³ For Shelter's revenues see M. Hilton et al., *A Historical Guide to NGOs in Britain: Charities, Civil Society and the Voluntary Sector since 1945* (Basingstoke, 2012), 225–6; *The Guardian*, 14 September 1968, 4; 10 February 1971, 5.

⁴ B. Glastonbury, *Homeless Near a Thousand Homes: A Study of Homeless Families in South Wales and the West of England* (London, 1971); J. Greve et al., *Homelessness in London* (Edinburgh, 1971).

⁵ Shelter, *The Shelter Story: A Brief History of the First Three Years of Shelter's National Campaign for the Homeless, and a Handbook on Its Current Activities* (London, 1970), 2.

⁶ *The Guardian*, 27 May 1971, 24.

the Homeless and Roofless (CHAR), were pressing their cause. Then, in 1973, the decision was taken to form an alliance, between five groups, named the Joint Charities Group (JCG), to actively target parliamentarians to create a 'lobby' within Westminster. The outcome was the enactment of the 1977 Housing (Homeless Persons) Act, the significance of which rested upon it giving for the first time a legal definition of homelessness, and it marks the high point of state intervention in the matter until the New Labour reforms and the Homelessness Act of 2002.

This article aims to explore the campaigning success (or otherwise) of the homelessness lobby through the prism of the 1977 Act. Ultimately, this is a story of policymaking and the role that pressure groups have to play. What will emerge is a sense that these groups were important in helping to frame a debate, and were at points able to re-energize policy initiatives. But to credit these groups with undue influence will be to deny power to the established political players within Westminster and Whitehall.

For CHAR the Act was 'the most significant development in more than one way during the year'.⁷ Yet the originality of the Act, and its impact, is still debated. On the one side, there are those who see it as marking 'a change from the explanation of homelessness as the result of social pathology to the view that it was caused by housing shortage and poverty', and that it represented the 'climax' of increased state responsibility for the homeless.⁸ Others see the Act's significance lying in the recognition of the structural problems behind homelessness and consequently addressing problems of housing provision. The Act was the beginnings of 'movement away from the more primitive "explanations" of homelessness and towards explanations more firmly rooted in research'.⁹ Others have been more circumspect seeing it as 'an Act of compromise', or merely a 'softening' of the government's attitude to those deemed to be of priority need.¹⁰ Contemporary critics of the Act came from one of two opposite perspectives: either they considered that it did not go far enough and contained too many exclusions, or they suggested that it was a queue jumpers' charter. Shelter provided examples of those who fell outside 'priority need' and sympathetic peers reported these in the House of Lords debates.¹¹ In contrast, one

⁷ CHAR, *Annual Report, 1977–78*, (London, 1978), 16.

⁸ J. Moore *et al.*, *Faces of Homelessness in London*, (Aldershot, 1995), 23, 24; I. Anderson, 'Housing, Homelessness and the Welfare State in the UK', *International Journal of Housing Policy*, 4 (2004), 369–89.

⁹ R. Burrows *et al.*, 'Homelessness in Contemporary Britain: Conceptualisation and Measurement', in R. Burrows *et al.*, eds, *Homelessness and Social Policy* (London, 1997), 2.

¹⁰ L. Thompson, *An Act of Compromise* (London, 1988), 7; R. Humphreys, *No Fixed Abode: A History of Responses to the Roofless and Rootless in Britain* (Basingstoke, 1999), 154.

¹¹ *Hansard: House of Lords Debates* (hereafter *HL Deb*) vol. 385, col. 1126–79, 15 July 1977.

Tory MP, speaking on behalf of the Association of District Councils, in the 1977 debate called the homeless 'queue jumpers, rent dodgers, scroungers and scrimshankers'.¹²

The impact of the Act was that it extended homelessness provision to non-traditional households, but it also extended the liabilities of local authorities and it was evident that 'few authorities responded to the Act with any enthusiasm'.¹³ This article is less concerned with the actual significance of the Act and more with seeking to understand how and why the legislation emerged. The dominant narrative of the historiography is that this legislation arose because of the homeless lobby which in an innovative and clever campaign, with the support of the media, created a climate that obligated Parliament to act. The Act was a 'culmination of lobbying' and 'concerted' campaigning from homelessness groups, and especially the 'influential' JCG. By 'filling the political vacuum' they ensured 'legislation was rushed through parliament'.¹⁴ However an alternative discourse argues that it was the bureaucratic need for uniformity and consistency of provision in housing policy that encouraged the civil servants of the recently created Department of Environment (DoE) to innovate and initiate legislation.¹⁵ This article offers a more cautionary tale, which recognizes the qualities and strengths of the homelessness lobby but also accepts the limitations of its influence. It offers an insight into the often complex world of pressure group influence accepting its contribution but without denying the power of the established political players. The article points to the often contradictory attitudes to the homelessness problem within Whitehall and between ministerial departments. It suggests that whilst the homeless lobby certainly created a climate of opinion amongst a core of parliamentarians that favoured legislative action, they were useful pawns in the DoE's desire to make homelessness the responsibility of housing. Ranged against them were elements within the Treasury and Home Office hostile to the plight of the homelessness, and the vested interests of the local authorities for whom responsibility for public council housing stock rested. In this, the campaigning charities represented a useful tool for the civil service who appeared to play the homeless lobby off against the local authorities. At face value it appears

¹² Burrows *et al.*, 'Homelessness', 2; similarly Hansard: *House of Commons Debates* (hereafter *HC Deb*), 18 February 1977, vol. 926, col. 921, Rees-Davies and col. 929, Jessel; 27 July 1977, vol. 936, c. 882, Rossi.

¹³ M. Drake, 'Fifteen Years of Homelessness in the UK', *Housing Studies*, 4 (1989), 124–5.

¹⁴ J. Oldman, 'Beyond Bricks and Mortar', in J. Roche *et al.*, *Youth in Society* (Oxford, 2004), 112; B. Widdowson, 'Turning Back the Clock', *Housing*, September 1988, 14; J. Richards, 'A New Sense of Duty', *Roof*, September/October 1991, 35; N. Raynsford, 'The 1977 Housing (Homeless Persons) Act', in N. Deakin, ed., *Policy Change in Government* (London, 1986), 53; M. Ravenhill, *The Culture of Homelessness* (Aldershot, 2008), 64.

¹⁵ P. Somerville, 'Homelessness Policy in Britain', *Policy and Politics*, 22 (1994), 163–78.

as if the lobby made a difference with the 1977 Act, but the reality is much more ambiguous. As will become apparent the lobby was successful in framing the debate, but its influence was also limited by a mix of self-inflicted difficulties and the nature of the British policymaking process.

The extent to which collectively single-issue pressure groups are able to mediate public and political debate was historically overlooked until the 1960s, in preference for considering the significance of commercial and professional lobby groups.¹⁶ Although individual organizational case studies have illustrated the interaction with policymakers, a political science literature written in the 1950s and 1960s in particular has underplayed their contribution.¹⁷ This notion was perpetuated by the politicians themselves. Clement Attlee denied the existence of such pressures upon government.¹⁸ And early pioneering studies were similarly dismissive: it was the political parties who framed public thinking about policy; the campaigning groups had to operate within this paradigm.¹⁹ Where 'consumer' groups, as Beer called them, were seen to be influential, they were regarded as the exception rather than the rule.

Some did dissent. Robert McKenzie concluded that 'pressure groups, taken together, are a far more important channel of communication than parties for the transmission of political ideas from the mass of the citizenry to their rulers'.²⁰ But the 1960s saw the emergence of a new breed of single-issue cause groups, such as the Child Poverty Action Group (CPAG).²¹ These were led by a new, young, non-establishment generation, which triggered the rise of the lobbyist and the professionalization of the entire sector. Where these groups went, others, and especially the older established and often inherently conservative campaigning groups, found themselves obligated to follow.²² In subsequent

¹⁶ E.g. see: S. Finer, *Anonymous Empire: A Study in Lobby in Great Britain* (London, 1966); H. H. Eckstein, *Pressure Group Politics: The Case of the British Medical Association* (Stanford, 1960); J. Christoph, *Capital Punishment and British Politics: The British Movement to Abolish the Death Penalty* (Chicago, 1962). See also D. Marsh and R. A. W. Rhodes, eds, *Policy Networks in British Government* (Oxford, 1992).

¹⁷ M. Ryan, *The Acceptable Pressure Group: Inequity in the Penal Lobby: A Case Study of the Howard League and RAP* (Farnborough, 1978); M. McCarthy, *Campaigning for the Poor: CPAG and the Politics of Welfare* (London, 1986); M. Oliver, *The Politics of Disablement* (Basingstoke, 1990).

¹⁸ P. Hennessy, *Whitehall* (London, 1989), 338.

¹⁹ S. Beer, *Modern British Politics: A Study of Parties and Pressure Groups* (London, 1965), 347.

²⁰ R. McKenzie, 'Parties, Pressure Groups and the British Political Process', *Political Quarterly*, 29 (1958), 5–16.

²¹ F. Field, *Poverty and Politics: The Inside Story of the Child Poverty Action Group Campaign in the 1970s* (London, 1982); McCarthy, *Campaigning for the Poor*.

²² N. Deakin, 'The Perils of Partnership: The Voluntary Sector and the State, 1945–1992', in J. D. Smith et al., eds, *An Introduction to the Voluntary Sector* (London, 1995), 50; Hilton et al., *Historical Guide to NGOs*, chapter 9.

work, political scientists have remodelled their approaches such that the existence of these pressure groups has been taken into account.²³ Pressure groups have therefore moved from invisibility to celebrated re-discovery. As will become apparent in the following pages, the example of the homelessness lobby suggests the need to exercise caution in attributing influence.

Framing the Problem

From the late 1950s, a range of homelessness groups began to re-orientate the debate away from solely being one of 'rescue' towards offering explanations for the predicaments these individuals found themselves encountering. Many were faith-based groups, such as Christian Action, The Catholic Housing Aid Society, and the Simon Community, alongside longer term groups such as the Salvation and Church Armies, often themselves involved in providing emergency accommodation and motivated by a desire to understand what brought their clients to their door. Fundraising drives, rallies in Trafalgar Square, and publicity stunts all sought to heighten awareness, not least amongst the liberal print media.²⁴ These groups helped develop a discourse of ideas about the best means to respond to the needs of the homeless. The ideological debate revolved around whether homelessness should be characterized as a problem in its own right or as an element of a wider problem of poverty and structural issues in the housing market. If the latter position was accepted, then a response based upon broad welfare and housing policy interventions was required.²⁵ If the former position of causality was adopted, then homelessness was an individual rather than a societal problem. This notion has a long historic pedigree, and contends that the homeless are morally responsible for their own situation. It was enshrined in the 1948 National Assistance Act, which spoke of 'persons without a settled way of living' and assumed that homelessness was due to individual failings, such as alcoholism and pauperism, and was predominately associated with single males seeking to sleep rough.²⁶

Organizations such as the Salvation and Church Armies, which provided large-scale hostel accommodation alongside the state's

²³ W. Grant, 'Insider Groups, Outsider Groups and Interest Group Strategies in Britain', University of Warwick Department of Politics Working Paper, 19, 1978; W. Grant, *Pressure Groups and British Politics* (Basingstoke, 2000); G. Jordan *et al.*, 'Interest Groups and Public Policy: The Insider/Outsider Model Revisited', *Journal of Public Policy*, 14 (1994), 17–38.

²⁴ *The Guardian*, 23 March 1964, 3; 21 December 1964, 3.

²⁵ Greve *et al.*, *Homelessness*; M. Drake *et al.*, *Single and Homeless* (London, 1981); J. Greve and E. Currie, *Homelessness in Britain* (York, 1990).

²⁶ National Assistance Board, *Homeless Single Persons* (London, 1966), 2.

National Assistance 'Spike' hostels, were accepting of this position. But from the 1950s, and particularly during the 1960s, it was undermined. Some, such as the Golborne Centre, Simon Community, and the Cyrenians challenged the notion that large hostels were the model for provision and instead sought to develop therapeutic, community-based strategies. At the same time, such groups engaged in an ideological re-definition of the meaning of homelessness. The Catholic Housing Aid Society and Shelter sought to widen the notion of homelessness towards issues of housing accessibility, acceptability, and affordability, and stressed that the family was most disproportionately affected and that much of this homelessness was 'hidden'. In the 1970s, Centrepoint especially tried to respond to the needs of particular cohorts, such as women and the young, widening still further the accepted notion of what, and who, constituted the homeless.²⁷ The need to challenge the 'hidden' nature of homelessness meant that, in the absence of any reliable official statistics, the organizations themselves developed their own counting methodologies.²⁸ Some went still further in their radicalism. The Family Squatters Advisory Service sought to place families in abandoned and condemned local authority housing, and then to negotiate a licensed short-term lease agreement with the local council with provision for vacation of the property at an agreed point.²⁹ 'The aim', explained Des Wilson, Shelter's first Director, 'was to relate homelessness to housing security, and not to welfare'.³⁰

This typified a reorientation of the debate towards a discussion of 'rights'. The notion that the 'home' was a basic right of citizenship became a powerful message, although it was hardly a new idea. Politically, the right to a home had been a battleground for the mainstream parties since at least the First World War, whether it was Lloyd George's pledges of 1918 or Harold Macmillan's of 1951 and the oft-repeated Conservative mantra of a 'property-owning democracy'.³¹ Socially too, there was a strong voluntary and philanthropic concern for the 'home' dating back to at least the 1840s that had an interest in the

²⁷ B. Saunders, *Homeless Young People in Britain: The Contribution of the Voluntary Sector* (London, 1986).

²⁸ Moore *et al.*, *Faces of Homelessness*, 15.

²⁹ J. Radford, 'The Point of the Battle is to Win It', in H. Curtis and M. Sanderson, eds, *Unsung Sixties*, 1–18; C. Ward, 'The Hidden History of Housing', *History and Policy*, 2004 <www.historyandpolicy.org/papers/policy-paper-25.html#squatters> accessed 9 September 2011; K. Reeve 'Squatting since 1945: The Enduring Relevance of Material Need', in P. Somerville and N. Sprigings, eds, *Housing and Social Policy: Contemporary Themes and Critical Perspectives* (Abingdon, 2005), 197–216.

³⁰ Shelter, *The Shelter Story*, 19.

³¹ P. Shapeley, *The Politics of Housing: Power, Consumers and Urban Culture* (Manchester, 2007); M. Daunton, *A Property-Owning Democracy? Housing in Britain* (London, 1987); A. Aughey *et al.*, *The Conservative Political Tradition in Britain and the United States* (London, 1992), 32–55.

quality of housing and sanitary provision for the working classes, and which linked to ideas of problem families that was such a strong narrative in Victorian notions of morality.³²

From the 1960s, campaigners sought to highlight inequities of rented accommodation and of families obliged to share multi-occupancy properties.³³ Academic studies, notably, John Greve's various examinations of London, began to challenge the prevailing assumptions of policymakers. These studies argued that the main cause of homelessness was the serious restriction in the amount of unfurnished accommodation at a time of rising household numbers, slum clearance, the sales of rented houses to sitting tenants, and middle-class flight: all placed a squeeze on the existing housing stock.³⁴ For organizations such as Shelter, this was confirmation that their campaigning message should be about housing policy and not welfare.³⁵ They attempted to change the narrative from one of 'problem' to 'homeless' families, and began to list the basic requirements of acceptable accommodation, such as access to sanitation and to privacy.³⁶ Shelter even looked to the Haslemere declaration and took the view that poverty in Britain shared similarities to the Third World experience.³⁷ Des Wilson, who also chaired the Human Rights Year Housing Group in 1968, drew on Article 25 of the Universal Declaration to argue for 'the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services'.³⁸

Whitehall's Attitude to Homelessness

The Second World War had wrought considerable material damage on Britain's housing. Of a stock of 12.5m houses nearly three-quarters of a million had been destroyed, severely damaged, or were uninhabitable. In 1946, there were 50,000 living in former military camps, shared houses, or a succession of local authority properties. House building was a major political issue. Initially, the emphasis was on temporary

³² A. Briggs, *Victorian Cities* (Oxford, 1963); A. Wohl, *The Eternal Slum: Housing and Social Policy in Victorian London* (London, 1977).

³³ SWAT, *Hotels for Homeless Families* (London, 1974); Shelter, *Bed and Breakfast* (London, 1975); CHAR, *One in Four* (London, 1977).

³⁴ J. Greve, *London's Homeless* (London, 1964); Greve *et al.*, *Homelessness*.

³⁵ Shelter, *The Shelter Story*, 19.

³⁶ A. Harvey, *Casualties of the Welfare State* (London, 1960); Shelter, *Face the Facts* (London, 1969).

³⁷ Shelter, *I Know It was the Place's Fault* (London, 1969), 119–20.

³⁸ Article 25, *Universal Declaration of Human Rights* (New York, 1948) < www.un.org/en/documents/udhr/ > accessed 27 July 2011; Shelter, *Housing is a Human Right* (London, 1968); *The Guardian*, 9 September 1969, 9.

'miserable rabbit hutches' prefabs of which 125,000 were built in 1948, but soon the decision was taken to switch to permanent builds.³⁹ In 1946, 55,400 new builds were completed, 136,690 in 1947, but the severe winter of 1947–8 and shortages in materials slowed matters. Contemporary graffiti near Tower Bridge in London in 1946 had the head of an individual with a surprised and slightly outraged face snooping over a fence with the legend above 'The State can't do it' and below 'WOT! No Houses!'.⁴⁰ The Conservatives promised in 1951 to build 300,000 new homes a year, a target achieved in 1953 when the government built 318,000 homes and consequently convincing itself that it had solved the housing problem.⁴¹ The 1954 Housing Repairs and Rents Act reduced the subsidies for housing building. At the same time slum clearance and the improvement of unfit dwellings became a major priority from 1951, and peaked during the 1960s with 60,000–70,000 houses being cleared a year. Yet unfit housing persisted.⁴² This was despite the rapid expansion of new towns such as Stevenage, Basildon, and Crawley. The impact of this, in a time when owner occupation of properties was accelerating, was that there became a scarcity of private rented accommodation and that which remained was often of a poor quality and with insecure tenancies.⁴³ Controversially, the Macmillan government thought that the problem could be alleviated by relaxing the controls on rents, first introduced in 1915. However, the free market in rents established by the 1957 Rent Act escalated the problem and by the end of the decade the scarcity of rented accommodation and the insecurity of tenants in the big cities saw growing poverty and property overcrowding.⁴⁴

In 1956, Labour politician Anthony Crosland confidently predicted 'the final disappearance of primary poverty'.⁴⁵ The creation of the National Health Service (NHS) in 1948, Britain's economic recovery after the ravages of the inter-war depression and world war, and the growing sense of affluence perhaps gave reason to be optimistic. London County Council reported in 1960 that it had only identified six rough sleepers in central London and concluded that the remainder of

³⁹ The quote is attributed to Bevan.

⁴⁰ Collin Brooks MSS, unpublished journal, 3 January 1946, private possession.

⁴¹ H. Jones ' "This is Magnificent!": 300,000 Houses a Year and the Tory Revival after 1945', *Contemporary British History*, 14 (2000), 99–121; P. Weiler, 'The Rise and Fall of the Conservatives' "Grand Design for Housing", 1951–64', *Contemporary British History*, 14 (2000) 122–50.

⁴² J. Burnett, *Social History of Housing* (London, 1985), 286–8; J. Yelling 'The Incidence of Slum Clearance in England and Wales, 1955–85', *Urban History*, 27 (2000), 234–54.

⁴³ J. Davis, 'Rents and Race in 1960s London: New Light on Rachmanism', *Twentieth Century British History*, 12 (2001), 69–92.

⁴⁴ A. Simmonds 'Raising Rachman: The Origins of the Rent Act, 1957', *Historical Journal*, 45 (2002), 843–68; Burnett, *Social History*, 288.

⁴⁵ A. Crosland, *The Future of Socialism* (London, 1956), 59.

the homeless were using their social security payments for lodging.⁴⁶ Yet, by the mid-1960s, academics were pointing to a 'submerged' section of society who were failing to secure the benefits offered by Britain's growing affluence and consumer culture, who were locked into a spiral of low pay, poor (or even no) housing, and general destitution.⁴⁷

Nevertheless, homelessness was a matter for welfare, codified in the 1948 National Assistance Act. Successive social legislation between 1948 and 1976 expanded the remit of coverage but only in terms of encouraging action on the part of local authorities rather than obligating them, and crucially it 'retained many similarities to Victorian responses to extreme poverty' such as gender separation of families, hostel accommodation, and the use of care for children. There was a persistent narrative that characterized the homeless as being the cause of their own plight, through work shyness or drunkenness.⁴⁸ Under Part III of the 1948 Act local authorities were obliged to care for people 'in urgent need' by establishing short-term hostel provision.⁴⁹ But need was prioritized. This position was aggravated in 1972 when an amendment to the Local Government Act reduced the obligations to local authorities to care for those in urgent need to a discretionary duty. That the 1974 Housing Act failed to overturn this infuriate many of the homelessness groups.

Although historically the administration of homelessness was seen as a welfare/social services issue, the suggestion that it should in fact be addressed by housing policy, were made with unerring regularity during the post-war decades. As early as 1950, the Ministry of Health's annual report noted apparent unexpected dynamics in homelessness.⁵⁰ Whereas the 1948 legislation anticipated that the majority of homeless would be temporary (due to accident or disaster), there was concern that the majority of homeless families had in fact been evicted. At various points recommendations were made suggesting that homelessness should be the responsibility of housing ministries, first in 1955 with the Central Housing Advisory Committee and then in 1962 with John Greve's report for the London County Council. Further such calls were made following the 1968 Seebom and 1969 Cullingworth reports.⁵¹ The difference now was that there appeared to be growing Whitehall support, even if local housing authorities were less keen. This

⁴⁶ Humphreys, *No Fixed Abode*, 147.

⁴⁷ B. A. Smith and P. Townsend, *The Poor and the Poorest* (London, 1965).

⁴⁸ Burrows *et al.*, 'Homelessness', 1.

⁴⁹ Humphreys, *No Fixed Abode*, 137–8, 140.

⁵⁰ Chief Medical Officer, *Report of the Ministry of Health, 1 April 1950 to 31 December 1951*, Cmnd 8787 (London, 1953).

⁵¹ L. Seebom, *Report of the Committee on Local Authority and Allied Personal Social Services* (London, 1968), 113–4.

took a tangible step following the 1974 Housing Act when the DoE issued Code of Guidance 18/74. This circular identified 'priority groups' who should be housed and stressed the need for collaboration between housing and social services, with housing departments taking the lead role. When it became apparent that as many as 40 per cent of authorities 'do not help the homeless irrespective of where or why they became homeless' officials within the Ministry determined to legislate in the expectation that it would 'lead to a more consistent and helpful approach to the problem throughout the country'.⁵²

As was shown above, driving these calls for administrative change was the growing realization being articulated by homelessness lobby that the nature of homelessness was changing and vastly more complex. And Whitehall was willing to harness this new 'expertise'. Subsequently the Church Army, Salvation Army, Simon Community, and Voluntary Hostels Conference 'on the basis of their known interest in the problems and because in many cases they themselves provide accommodation' had been co-opted into helping prepared the National Assistance Board's 1966 report.⁵³ These findings filtered into the provisions of the 1966 Ministry of Social Security Act that compelled local authorities to provide accommodation for emergency cases and for the Ministry to provide a network of nation-wide reception centres for the homeless and the follow-up of 1968 Health Services and Public Health Act (a precursor to Care in the Community) that empowered local authorities to provide residential services for the ill and fund voluntary groups to provide such services. Many of these homeless were housed in hostels that had over 100 beds and this made it difficult to give individual targeted help. The National Assistance Board (NAB) report raised the question of whether smaller hostels was the way forward, and thus began a train of thinking that would hold sway for the next 30 years.⁵⁴ This was confirmed by the Glastonbury and Greve reports. The tangle of reasons behind homelessness appears to have been recognized by the Housing Minister, Reg Freeson, in December 1974, when he suggested to his departmental officials that 'It may be that, as with other aspects of housing, if we stop thinking of solutions to homelessness as such and apply our minds to the context in which it arises, some really effective answers will be found.'⁵⁵

Of course, the official notions of homelessness cannot be considered in isolation. The structural impact of a range of governmental housing

⁵² The National Archives (hereafter TNA): Harris, 'Preliminary Survey of Replies to Questionnaire on Homelessness', 28 August 1975, HLG118/2169; see also H. Orriss, 'Wrong to Heap all Housing Problems at Cathy's Door', *Health and Social Service Journal*, 11 September 1976.

⁵³ NAB, *Homeless*, 2, 179.

⁵⁴ NAB, *Homeless*, 176.

⁵⁵ TNA: Freeson, Minute, 31 December 1974, HLG118/2041.

policies played their part in aggravating the scale of the problem. Ironically, the measures were rarely considered in holistic terms that anticipated the implications for the homeless. By the mid-1960s the rental market had shrunk to less than a quarter of the housing stock.⁵⁶ Slum clearance had begun afresh in 1955 clearing 1.48 million housing over the next 30 years in England and Wales and displacing 3.66 million people. This was expected to occur alongside an expansion in public housing, as well as the redevelopment of 'obsolescent' housing. But by the late 1960s it was evident that this was not occurring and in 1973 the Conservative government determined to scale back clearances.⁵⁷ In partial response to this, the 1974 Housing Act expanded the potential remit for housing associations.⁵⁸

The specific response of Whitehall, between 1974 and 1977, to the lobbying efforts of the homelessness groups reveals much about the changing political dynamics of the issue. It was an issue that attracted the attention of multiple departments, so although the 1977 Housing (Homeless) Persons Act was the landmark legislation and associated with the DoE, interest went wider. The DHSS had commissioned a working party on young person's homelessness motivated by concerns about the perception that young people were heading to London as well as reviewing the issue of supplementary benefits, whilst the Home Office was considering the issue from the perspective of vagrancy and criminal trespass legislation.

Never far beneath the surface in all of Whitehall's discussions was the issue of the intentionality of homelessness. It is evident that some Ministries took a broader, more liberal, interpretation of intentional than others. The Ministry of Health's 1948 Circular 87/48 was strident in articulating the view that local authorities need only provide temporary accommodation, and that 'this provision is not one for dealing with the inadequately housed'.⁵⁹ But Britain was witnessing a rapid growth of the numbers seeking local authority temporary accommodation rising from 13,031 in 1966 for England and Wales to 25,854 in 1972.⁶⁰ Certainly the Supplementary Benefits Commission concurred in 1974. It suggested that determinates of homelessness should be limited to include rough sleepers; those present at Reception Centres; those in lodgings who queued nightly to acquire a bed; jailed vagrants; and, those in psychiatric hospitals who had no place to go. The idea to include those sleeping on friends' floors had been struck-out at the first

⁵⁶ Simmonds, 'Raising Rachman', 843–68.

⁵⁷ Yelling, 'The Incidence of Slum Clearance', 234–55.

⁵⁸ P. Malpass, 'The Discontinuous History of Housing Associations in England', *Housing Studies*, 15 (2000), 195–212; P. Garside, *The Conduct of Philanthropy: William Sutton Trust 1900–2000* (London, 2000).

⁵⁹ Ministry of Health, *National Assistance Act, Circular 87/48* (London, 7 June 1948).

⁶⁰ Humphreys, *No Fixed Abode*, 149.

draft.⁶¹ No mention was made of families or those obliged to live in sub-standard accommodation or bed and breakfast, implying that much of Shelter's campaigning during the previous 7 years had made little impact with the Supplementary Benefits Commission (SBC). In contrast, the DoE took the view that 'homelessness now usually presents an intractable problem of finding a permanent home, instead of a short-term emergency which can be met by the provision of temporary accommodation'.⁶²

This hostility towards perceived intentionality of the homelessness is clearly apparent in Whitehall attitudes to vagrancy. This was never seen as a housing need but rather as a criminal and welfare responsibility. Those sleeping rough were intentionally homeless. Under the 1824 Vagrancy Act it was an imprisonable offence. The causes were due to moral and spiritual weakness; the homeless were socially inadequate individuals. In 1976, the Home Office's *Working Party Report on Vagrancy and Street Offences* recommended abolishing the offence of 'sleeping rough' as described in the 1935 amendment of Section 4 of the 1824 Vagrancy Act, and replacing it with a new offence of 'causing nuisance by sleeping rough'. Further legal penalties were imposed through the 1976 Supplementary Benefits Act (section 35), which introduced a clause enabling the fining and possible jailing of any individual who accepted benefits, but who refused to maintain themselves.⁶³ Certainly, these views appeared to chime with public opinion. The 1975 Eurobarometer report found that British citizens were significantly more likely than their European counterparts to see the causes of poverty as 'laziness and lack of will power' rather than injustice or ill luck.⁶⁴ The expectation behind these punitive reforms was that it would force the intentionally homeless into reforming their ways. The rise in street homelessness of the 1980s, which was accompanied by the re-emergence of begging on a scale not witnessed for over a century, suggested the failure of this expectation. The apparent contradictions evident within Whitehall in the mid-1970s 'shocked' homelessness groups, and the criminalization of homelessness with SBC and Home Office backed legislation appeared to cut across the aims of the 1977 Housing (Homeless Persons) Act.⁶⁵ When CHAR complained in 1976 about police treatment of rough sleepers in London, the SBC and Home Office were dismissive: CHAR should 'no doubt

⁶¹ TNA: SBC, Provision for the Single Homeless, AST36/1422.

⁶² TNA: '2nd Draft of a Bill Dealing with Homelessness', para. 8; DoE, DHSS, Welsh Office, 24 August 1976, AST36/1433.

⁶³ Humphreys, *No Fixed Abode*, 152.

⁶⁴ European Economic Community (EEC), *Eurobarometer*, No. 5, 1976, 72.

⁶⁵ TNA: Clare 'Background Note: CHAR Annual Report, 1976-77', 26 May 1977, HLG118/1794; Stoker to Holmes, 'Mr Armstrong's Speech to the AGM of CHAR, 28 May 1977', 31 May 1977, HLG118/1794.

suspect that with the onset of the tourist season and various State visits there might well tend to be less tolerance of the vagrant population'.⁶⁶

Civil Service/Ministerial Relations with the Homelessness Lobby

These differing Whitehall concerns reflected the age-old anxieties about local connection and vagrancy, and demonstrated the way in which different departmental cultures impacted upon the reception given to the lobbys' views. Within the DHSS and DoE there seems to have been a desire to chart a middle 'consensus' way, and although it was recognized that the homelessness lobby was on the extreme of this, their stance enabled the civil service to mitigate the opposition of the local authorities. Although the civil service, with the homelessness consultation of May 1975, was frustrated that the majority of respondents had failed to reply in the form that they had requested, there was a near unanimity about the need for legislative action to give substance to the 1974 joint circular and that the onus for implementing this should fall on housing rather than welfare departments. Although the homeless groups' responses were 'varied' they were still 'relatively predictable' and there was a 'reasonable consensus'.⁶⁷ In fact, civil servants in these departments acknowledged the 'largely useful influence' that these groups had 'exerted'.⁶⁸

In contrast, other departments were less accommodating to the lobby. They were anxious not to confer any credibility on these groups' views for fear of legitimization. The Home Office was reluctant to support the conclusions of the 1976 Young Persons working party report which had included representatives from CHAR and the National Association for the Care and Resettlement of Offenders.⁶⁹ It found an ally in the Treasury, who felt publication would imply government sanction for a raft of proposals that carried financial implications. That there was a risk of the groups involved in the report leaking the findings mattered little, in the Treasury's view, as Whitehall could deny it had sanctioned the recommendations.

Within the literature on pressure groups a notion has emerged about external groups seeking to secure privileged access to Whitehall officials and ministers by establishing reputations as alternative civil

⁶⁶ TNA: Woodman to O'Neill, 12 July 1976, HLG118/1794.

⁶⁷ TNA: 'Preliminary Analysis of Responses to Consultation Paper', 28 August 1975, HLG118/2169.

⁶⁸ TNA: Raynford to Girling, 13 October 1975, plus miscellaneous correspondence 31 October 1975, HLG118/2171; quote Girling to Armstrong, 8 December 1975, HLG118/2171.

⁶⁹ Department of Health and Social Security, *Working Group on Homeless Young People Report* (London, 1976).

services.⁷⁰ Amongst the homeless organizations it is clear that some sought to emulate this (with varying degrees of success) as homeless equivalents to CPAG. But it is evident too that some groups secured 'insider' status for reasons of perceived amenability and representativeness. During the 1970s, CHAR enjoyed the reputation of being the 'insider' lobbyists especially with the DHSS and DoE. There were two main reasons for this. First and foremost, being an umbrella organization representing 65 homeless groups (as of 1974), the civil service believed that CHAR had clout and provided 'the focal point for information exchange between the many voluntary bodies in this field'.⁷¹ Secondly, CHAR also seemed to be rather pragmatic, as opposed to some other groups. Graham Woodman of the SBC almost seemed surprised that he and CHAR agreed so readily on key issues.⁷² CHAR probably benefited from the experience of seasoned poverty campaigners, David Ennals, Frank Field, and David Moore. Moore was singled out by one official as the only non-"hippy-type" in a meeting with CHAR.⁷³ Important in this sense of credibility was the dynamics of personal inter-relations between the key characters. The role, and sympathy, of Jim Hannigan at the DoE was highlighted by those on the campaigning side of homelessness as being critical. That said the scale of admiration was not always two-way: prevalent amongst many of the Whitehall officials was the belief that these organizations were packed with naïve ideologues, unable to grasp 'between the idea and the reality'. The Treasury was uneasy with the DHSS's and DOE's relationship with CHAR, but begrudgingly agreed to provide funds for CHAR on the condition that the government is seen to support its coordinating role rather than its role as a pressure group.⁷⁴ By July 1976 CHAR thought it was beginning to win the Whitehall argument as both the DoE and DHSS appeared to have come to recognize that homelessness ought to be a housing responsibility. Yet the renewed interest of the Home Office in the powers of the Vagrancy Act and the government's intention to introduce a criminal trespass bill demonstrated the limitations of its influence.⁷⁵ The restrictions were further highlighted in January 1977 when CHAR published DoE commissioned research on Young Single Homeless People. DoE officials were adamant

⁷⁰ P. Whiteley and S. Winyard, *Pressure for the Poor: The Poverty Lobby and Policy Making* (London, 1987).

⁷¹ TNA: Brief for Michael O'Halloran for Parliamentary Debate on Single Homelessness, 24 May 1974, para. 40, AST36/1422.

⁷² Cf. TNA: Woodman, Minute, 14 January 1976, AST36/1431.

⁷³ TNA: Bailey to Daley, 11 March 1976, BN17/15/830/2.

⁷⁴ TNA: Batchelor to Eedle, 14 April 1975, HLG118/1794; Morris to Wale, 24 March 1976, HLG118/1794; Morris to Wale, 17 June 1976, HLG118/1794.

⁷⁵ TNA: Beacock to Ennals, 2 July 1976, HLG118/1794.

that CHAR make it very clear that these findings did not represent the Department's view. 'This shows,' lamented one official, 'the inherent difficulty of getting a pressure group to carry out research'.⁷⁶

Of the other homelessness groups that were being drawn into the consultancy process, the DHSS and DoE appeared to be equally favourable, largely because to their surprise that there was such consensus. Notably, the Salvation Army, which had played significant roles in previous Whitehall working groups on homelessness during the 1950s and 1960s, was no longer 'in the loop'.⁷⁷ This was perhaps a reflection of the changing dynamics of lobbying tactics and the emergence of the new wave of campaigning groups that actively targeted Whitehall. Where the consensus broke down was with Shelter. At times, A. W. Jones of the DoE — who enjoyed 'a close relationship with CHAR and the other voluntary bodies' — found Shelter immovable. In the civil service view its rigidity threatened the success of the 1977 bill: 'They were unwilling to concede that to proceed by consensus would give us a far better chance of getting new legislation through in an acceptable form.'⁷⁸ The litany of complaints about Shelter's 'intellectual inflexibility' and abrasiveness ranged across not just Whitehall and amongst the local authorities but also extended to elements of the media and the professions.⁷⁹ Still it needs to be remembered that most of the exchanges between these campaigning groups and the civil service are little more than the bureaucrats from both sides coming together and then presenting the detail of their case.

Shelter after its first initial phase as a fundraiser, began to re-orientate itself towards becoming a research-driven campaigning group that provided repeated examples of policy pamphlets that drove home in stark, and sometime harrowing, detail the problems faced by the homeless in Britain.⁸⁰ The organization established a reputation for haranguing both local and national government for the inadequacies of their housing provision, but it appears that this could be counter-productive.⁸¹ There was, in some quarters, a sense that by the early 1970s Shelter was overplaying its hand and that the 'aggression' of its campaigning was inappropriate. Furthermore, there were quality control issues that did not go unnoticed. It was not unusual for early

⁷⁶ TNA: Minute, author unknown, 12 January 1977, HLG118/1794.

⁷⁷ TNA: Eeedle to Baird, 12 November 1975, HLG118/2171.

⁷⁸ TNA: Woodlock, Minute, 20 August 1975, AST36/1429; Minutes of Meeting between Shelter and DoE, Jones to Pearson, August 1976, AST36/1433.

⁷⁹ Quote Jenkins, 'Who is Shelter'; C. Smart (Director of Social Services, South Tyneside), 'Shelter's Shaky Foundations', *Health and Social Service Journal*, 28 August 1976.

⁸⁰ Shelter, *Back to School – From a Holiday in the Slum* (London, 1967); Shelter, *Face the Facts* (London, 1969); Shelter, *A Home of Your Own* (London, 1969); Shelter, *It was the Place's Fault* (London, 1970); Shelter, *The Shelter Story*; Shelter, *The Kids Don't Notice* (London, 1973).

⁸¹ Smart, 'Shelter's Shaky Foundations'; Orriss, 'Wrong to Heap'.

Shelter publications to contradict one another, a fault due in part to a lack of centralized publication/research control, the high turn-over of staff associated with producing the organization's pamphlets, and difficulties with the senior leadership after Des Wilson's departure.⁸² Consistently during the 1970s Whitehall complained about the quality of Shelter's research and the arguments its publications were making. 'Passionately strident rather than well thought out' was the response to the 1975 *Bed and Breakfast* report with the suspicion that Shelter was 'concerned to get publicity'. Similarly the claims of their *Blunt Power, Sharp Practices* 1976 report were deemed 'less than fair'.⁸³ The contrast with the response to those groups perceived as being more consensual is stark. A Shelter Westminster Action Team (SWAT) report *Hotels for Homeless Families* (1974) 'avoids the polemics which characterize the main Shelter pamphlet'.⁸⁴ Indeed, Lord Melchett suggested that an evaluation of the findings would be included in his 'review of initiatives' the Ministry could propose over homelessness and empty or under-used housing.⁸⁵ A positive perception could have significant ramifications. A research proposal from SHAC was 'well-formulated' and partly in order to ensure that SHAC avoided bankruptcy, the DoE agreed to work jointly with SHAC and fund the proposal.⁸⁶

Pushing for Legislation

It was in recognition that individually these organizations were less than their sum that encouraged five of the campaigning groups (Shelter, CPAG, Catholic Housing Aid Society, CHAR and Shelter and London Housing Aid Centre) combined in 1973 to form the JCG and were subsequently joined by two others (National Council for One Parent Families and Public Health Advisory Service). A similar coalition was conceived in Scotland in December 1975 to lobby for Scotland's inclusion in any legislative changes.⁸⁷ The strategy was three pronged: lobby the civil service and utilize the opportunities for consultation with its collation of casework data; lobby individual MPs, and bring

⁸² P. Seyd, 'Shelter: The National Campaign for the Homeless', *Political Quarterly*, 46 (1975), 418-31.

⁸³ TNA: Stoker to PS/Minister, 13 August 1976, HLG118/2169; Girling to PS/Minister, Brief on Shelter's *Bed and Breakfast* Report, 7 January 1975, HLG118/2041.

⁸⁴ TNA, Durham to Girling, Minute of SWAT Report, *Hotels for Homeless Families*, 17 January 1974, HLG118/2041.

⁸⁵ TNA, Durham to Girling, 17 January 1975, HLG118/2041.

⁸⁶ TNA, Adams to Girling, 28 June 1974, HLG118/1884.

⁸⁷ The Scottish Homeless Group consisted of Scottish Legal Action Group, Scottish Consumer Council, Scottish section of the British Association of Social Workers, Scottish Women's Aid, Scottish Council for the Single Homeless, and the Scottish Council for Single Parents.

pressure to bear upon the political parties by eliciting the support of constituency activists. This last tactic secured success when the 1975 Labour conference accepted a composition resolution (based on five 'inspired' constituency party resolutions) on homelessness.⁸⁸ By 1975 they had a group of twenty-two MPs who had indicated a willingness to introduce a private members bill if the opportunity arose.⁸⁹ Throughout the JCG kept the civil service aware of their intentions, provoking a wariness of the pressure being 'fostered', and an anxiety that it was these pressure groups rather than parliament who were acting as the arbiters of public opinion.⁹⁰ In the autumn of 1975, David Lane, Conservative MP for Cambridge until 1976 and a future chair of the Council for Racial Equality, won a slot on the private members ballot, and the JCG were hopeful he would bring something to the statute book. Unfortunately what was tabled was considered too weak and was coupled in a two-part measure with provisions, which would modify the Rents Acts to relax security of tenure for private tenants.⁹¹ Perversely the groups found themselves lobbying to get it scuppered. They found willing allies in the civil service who were warning the government that they would have to consider taking the bill over if it proceeded beyond a second reading as they feared the implementation of unrealistic proposals.⁹² This succeeded when it was talked out in the second reading, but not without ministerial pledges to introduce their own legislation.

Throughout the pre-legislative process there are numerous examples of incidents which imply the influence of the homeless lobby. The civil service were evidently aware of the potential inconvenience that these homelessness groups posed to them with their abilities to galvanize forces external to Whitehall. Concern about the parliamentary pressure being encouraged by JCG and the ability of homelessness groups to exploit public opinion, especially in light of the Gleaves affair and the Yorkshire TV documentary *Johnny Go Home*, feature in many of the internal discussions about how to respond to the problems of homelessness. When Crosland announced in November 1975 his intention to introduce legislation, this was largely seen as a coup for the homeless lobby. In the weeks prior it had increased the pressure by allowing Whitehall to see a draft of a CHAR bill they hoped to introduce by means of a private member's bill and in ensuring that

⁸⁸ Labour Party, *Annual Report of the Labour Party Conference 1975* (1976).

⁸⁹ TNA: Raynsford to Girling, 13 October 1975, HLG118/2170.

⁹⁰ TNA: Draft Minute, Lee to Woodcock and Higgs, October 1975, AST36/1429; Castle to Jenkins 27 October 1975, HO391/239; Quote Taylor to Innes, 11 June 1975, HO302/69.

⁹¹ TNA: Hannigan to Secretary of State, 12 November 1975, HLG118/2171; Girling to Hannigan, 8 December 1975, HLG118/2171.

⁹² TNA: Notes of Meeting to Discuss Homelessness, Brendon, 12 December 1975, HLG118/2171.

supportive MPs made their voices heard.⁹³ But equally the response of the civil service suggests also that it wanted to keep control of the agenda. Its concern at the perceived weaknesses of the draft legislation, heightened the DoE officials' desire to press ahead with their own more appropriate legislation. Indeed, this drafting process had been going apace since early July, and followed a meeting with various homelessness groups at which they had warned they were considering a private members bill.⁹⁴

This desire to keep the momentum for reform within Whitehall's control was also apparent elsewhere. It was particularly acute in the Home Office, who wanted 'Parliament — rather than pressure groups — to act as the arbiter of public opinion.'⁹⁵ Similar views were expressed when an early day motion (EDM) was tabled in the Commons urging the creation of a select committee 'to consider the position of the single homeless, with particular reference to the problems of young persons and inner city areas'.⁹⁶ This arose at a point when public opinion was already anxious about the number of young people arriving in London and becoming homeless or living in substandard hostel accommodation. That this EDM was securing both parliamentary support and the attention of ministers and the civil service perhaps points to a success for the homeless NGOs, but again the civil service ensured that the outcome was to their benefit. This select committee 'we want to avoid if we possibly can', wrote Barbara Castle, the DHSS Secretary of State, to her private secretary, so as to prevent 'unrealistic recommendations being made which could impose loads on public expenditure and distort our priorities'. The solution was to deflect this parliamentary pressure by instituting a working party on single young homelessness, including representations from homeless charities, and hope to 'satisfy those who say that we are acting as judge, jury and defendant'.⁹⁷

When it became evident that Labour was going to abandon Crossman's pledge to introduce a bill on homelessness in the 1976 Queen's speech, the JCG leaked the news to the *Evening Standard*. It led to a surge of sympathy from backbenchers and the 'lobby' pledging to introduce a private members bill swelled to forty. Stephen Ross, the Liberal MP for the Isle of Wight, then secured the fourth slot when the ballot was next drawn, and within 30 minutes of the result, JCG had

⁹³ TNA: Beacock (CHAR) to Tuck, 27 October 1975, HLG118/2041; Pearson to Tuck, 22 October, 11 December 1975, HLG118/2041.

⁹⁴ TNA: Harris, 'Notes of a Meeting, 3 July 1975, at Marsham Street with Voluntary Organisations', HLG118/2170.

⁹⁵ TNA, Lee to Woodcock and Higgs; Castle to Jenkins; and Taylor to Innes.

⁹⁶ TNA: EDMs, Single Homeless (Select Committee) Motion, 16 October 1975, AST36/1429.

⁹⁷ TNA: Minute Castle to Private Secretary, 22 October 1975, AST36/1429; see also Lee to Woodcock and Higgs.

tracked him down in the House of Commons, as he conducted a tour of school children. It presented him with a draft bill, which although 'too amateurishly drafted', was accepted by Ross.⁹⁸

The Legislative Process

It was not Ross's JCG bill that was ultimately presented to Parliament. In the event, officials from the DoE offered their version of a housing bill, which all parties realized was more radical and better drafted and it was this that Ross tabled.⁹⁹ It was a bill intended to recognize the changing nature of homelessness with the purpose of giving legislative effect to Circular 18/74. Although Ross attempted to make a number of amendments, he was persuaded to drop these with the exception of the inclusion of Scotland in the provision. The bill secured sponsors from all the political parties and David Steele, himself a former President of Shelter Scotland, made the application to Scotland in the bill's enactment a term of condition of the Lib-Lab alliance. During the parliamentary phases of the bill the Scottish homelessness lobby secured the advice of Bob Hughes, Labour MP for Aberdeen North, who had recently tried to include Scotland in a children's bill and consequently gained invaluable experience of the procedural niceties that were required to overcome objections from DoE officials, the Scottish Office, and some Conservative backbenchers.¹⁰⁰

During the Committee stages, Hugh Rossi, the former Conservative housing minister, instituted a series of amendments that reintroduced the notion of intentional homelessness and locality amendments which the JCG opposed but failed to overturn.¹⁰¹ These amendments to the bill and the one regarding single homeless led Shelter and Women's Aid to question whether the bill was worth having and threatened the unity of the JCG.¹⁰² They were concerned too that the bill failed to define the priority groups to be housed and realized that any guidance to be offered on these matters would not be legally binding.¹⁰³

Even during supposed moments of success, lobbying still had an amateur feel to it during these years. Much has been made of the scale of the homelessness lobby in the 1970s but insiders admit that in reality it was a far from sophisticated exercise. During the passage of bill the

⁹⁸ D. Donnison and C. Ungerson, *Housing Policy* (Harmsworth, 1982).

⁹⁹ TNA: '2nd draft of A Bill Dealing with Homelessness', DoE, DHSS, Welsh Office, 24 August 1976, AST36/1433.

¹⁰⁰ P. Gibson, 'How Scotland Got the Housing (Homeless Persons) Act', *Scottish Government Yearbook* (1978), 42.

¹⁰¹ E.g. *HC Debs*, 8 July 1977, vol. 934, cols 1597-702; 27 July 1977, vol. 936, cols 869-99.

¹⁰² *HL Debs*, 22 July 1977, vol. 386, col. 660.

¹⁰³ *The Guardian*, 14 November 1977, 4; 5 October 1979, 2; 3 December 1979, 4.

various Scottish homelessness groups combined their energies, but still found themselves isolated because of the geographical distance between London and Scotland. Although this was addressed by dispatching John Smyth of Shelter Scotland to London, the speed at which the legislature worked during the committee stage made it difficult for the representative to liaise with the different interests in Scotland. His personal interventions did result in an amendment being carried with the effect that homeless persons being turned away by a housing authority must receive an explanation in writing, and it nearly resulted in the right of appeal to the courts being written into the bill.¹⁰⁴ But this was still much less than what had originally been hoped for.

The power of the civil service derives particular importance when it comes to the implementation of parliamentary legislation. The royal assent for an Act begins a process whereby the relevant departmental civil service must put the spirit of the legislation into practical application. Consequently, the impact of such legislation is not immediately obvious. It means that civil servants and ministers actually fill out the detail of the legislative framework and within that capacity they can significantly alter not only the letter but in some cases the spirit of legislation by explanatory guidelines, circulars, and the like.¹⁰⁵ This can be seen in the reassurances that sympathetic senior civil servants in the DoE gave JCG as amendments were made to the bill during the parliamentary committee stage. Homeless lobbying during the autumn of 1977 convinced DoE officials that the 'Code of Guidance' that would be produced to accompany the 1977 Act would be restructured, but with the consequence of angering officials in the Scottish Office and the chief parliamentary opponent Hugh Rossi for appearing too liberal and reinstating 'everything taken out of the original bill in Parliament'.¹⁰⁶ This was probably going too far, but even CHAR felt a modicum of achievement over the 'Code of Guidance'. It had been concerned that the single homeless had not come out well from the 1977 Act, but after participating in the autumn consultation it felt confident enough to declare that it was 'already clear that at least a third of Britain's homeless single people would qualify for housing under this Act'.¹⁰⁷

¹⁰⁴ Gibson, 'How Scotland', 36–48.

¹⁰⁵ J. Birchall, ed., *Housing Policy in the 1990s* (London, 1992), 1.

¹⁰⁶ TNA: Sinclair to Holmes, 11 October 1977, HLG118/2868; Rossi to Armstrong, 19 October 1977, HLG118/2862. This was a complaint he had first raised with the draft bill and code of guidance in November 1975, HLG118/2862; B. Widdowson, formerly Housing Advice Director SHAC <<http://www.24dash.com/news/housing/2010-05-05-Reform-and-Revolution-7-1977-Housing-Homeless-Persons-Act>> accessed 20 October 2010.

¹⁰⁷ CHAR, *Annual Report 1977–78* (London, 1978), 3.

Conclusion

The 1977 Housing (Homeless Persons) Act was a significant landmark because for the first time it gave a legal definition of homelessness and marks the high point of state intervention in the matter. In defining statutorily the priority needs of homelessness, provision moved homelessness away from being a welfare matter to being a housing issue. This marked a success for the homelessness lobby. It pointed to its success in establishing a new meaning of homelessness in the public sphere which had previously been eschewed by the political parties and Whitehall. Reviewing the debates in the House of Commons shows that the arguments about the 'hidden' homeless which the homelessness lobby had put into the public sphere were being featured. This also points to the relative strength of lobby that the JCG, Shelter, and the other campaigning groups had managed to forge within Parliament. The limitations of this influence were demonstrated by their failure to prevent amendments being introduced which re-introduced notions of intentionality and locality, and to then rely upon the willingness of civil servants to use the Act's code of guidance to dilute the impact of these amendments.

What the homelessness lobby failed to achieve was to convince Whitehall that the premise that the homeless were a marginal group 'whose accommodation difficulties were temporary' was an incorrect diagnosis.¹⁰⁸ Even as the legislation was being enacted it was becoming evident that the 'temporary' premise upon which it was based was flawed: 'it was clear that the homeless were becoming a large group and that their difficulties tended to be rather more long term'.¹⁰⁹ Under the Act, local authorities had a duty to secure accommodation for those who were assessed as actually, or imminently, homeless; those who were not intentionally homeless, who had a local connection; and importantly those who were a priority need (families, pregnant women, old age pensioners (OAPs) and the disabled, young people at risk, victims of domestic violence, those leaving care, and emergency cases).¹¹⁰ What the Act did not do was define vulnerability and therefore not all of those who are vulnerable and homeless were covered.¹¹¹ In taking the definition that it did the Act gave priority to families with dependents over the single person, taking a tone that individual deviancy had led the single towards intentional

¹⁰⁸ Moore *et al.*, *The Faces of Homelessness*, 27.

¹⁰⁹ Drake, 'Fifteen Years', 124.

¹¹⁰ P. Kennett, 'The Production of Homelessness in Britain: Policies and Processes', in M. Izuhara, ed., *Comparing Social Policies in Britain and Japan* (Bristol, 2003), 174.

¹¹¹ Drake, 'Fifteen Years', 119; J. M. Smith, 'Defining Homelessness: The Impact of Legislation in the Definition of Homelessness', paper *Constructing Understandings of Homeless Populations* European Thematic Research Network (Paris 2003) 4.

homelessness and therefore, continuing in a historical tradition, they were undeserving of the state's support. There was also an assumption that having given families priority access of accommodation, this had largely resolved the problem of family homelessness. In reality, it re-hid the problem within the cheap bed and breakfast and hotel sector, and it would re-emerge as a crisis a decade later in the mid-1980s.

The political climate of 1977 meant that the idea of homelessness as a choice was strongly prevalent in this legislation and the idea of the 'scrounger' was too strongly entrenched in public and political opinion for it to be ignored. It explains the distinction made in the Act between those who could not help their situation and were deserving (families and very vulnerable singles) and those who could 'help themselves' (the single, childless couples, and those without serious ill health).¹¹² A notion that the Act actually encouraged homelessness subsequently took hold in some quarters. The Audit Commission in 1989 made reference to the view that 'a good proportion of the so-called homeless are intentionally "on the streets", perhaps to give themselves a better chance of a council house'.¹¹³ Such claims have nevertheless been disputed. Research demonstrates that immediately after 1977 there was an increase in the numbers of homeless applications to local authorities but this dropped off before surging again in the 1980s. This can, it is argued, be largely explained by changes in housing supply and demand.¹¹⁴ Furthermore, there were those who feared that it would encourage the homeless to head for London — although the evidence contradicts this showing that amongst those accepted as homeless within London 86 per cent had lived within the immediate area of the local authority.¹¹⁵

Ultimately, what this study has shown is that there are limitations to pressure group influence. Some of these limitations are self-inflicted, as with the contradictions in Shelter's policy positions. Some are structural, in that even when they succeed in presenting themselves as alternative civil services in reality pressure groups have little direct control over the creation and amendment of legislation either in Whitehall or the debates in the legislative chambers. Where they are vital is in the shaping and framing of the debate and its language. This can be seen elsewhere in other examples of pressure group activity. The year 1967 saw the Sexual Offences Act, which decriminalized homosexual acts between consenting adults. This was the culmination of a long-term campaign by the Homosexual Law Reform Society (HLRS). The reality was that the HLRS has successfully framed the

¹¹² Burrows *et al.*, 'Homelessness', 2–3.

¹¹³ Audit Commission, *Housing the Homeless: The Local Authority Role* (London, 1989).

¹¹⁴ Drake 'Fifteen Years', 119–27.

¹¹⁵ Moore *et al.*, *Faces of Homelessness*, 27.

public policy debate, but it played no part in the parliamentary framing and passage of the bill, and indeed endured the ignominy of the bill's own parliamentary champions deliberately rejecting the broader cause of homosexual equality.¹¹⁶ Similarly, claims of pressure group success can be ascribed to the Abortion Law Reform Association and the 1967 Abortion Act, and likewise the scrapping of the death penalty in 1969 to the National Campaign for Abolition of Capital Punishment. Yet, in reality success was due to the conflation of factors: activist campaigning, willing parliamentary champions, an accepting government prepared to grant parliamentary time, all of which was located within a broader public acceptance of the need for reform that the pressure groups had helped mediate.

Ultimately, just as the HLRS was disappointed with the failure of parliamentarians to embrace the wider case for homosexual equality after 1967 so similarly, the homelessness campaigning groups were to be quickly disappointed with the 1977 Act. Instead of heralding a new, more enlightened approach, a new era began in which the homeless were either ignored, vilified, or politically stigmatized while the numbers on the street continued to rise.

¹¹⁶ A. Grey, *Quest for Justice: Towards Homosexual Emancipation* (London, 1992), 106, 117, 125.