

Investigation report

Crowded house

Cramped living in England's housing

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Shelter

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Foreword

Nearly one child in ten is living in overcrowded housing, a problem that affects at least half a million households in England. In the social housing sector in London, nearly one child in three lives in overcrowded housing, and, among black and minority ethnic (BME) groups, up to one in five households lacks sufficient rooms.

Overcrowding matters because it impacts on all aspects of people's lives. For children, it means increased risk of infections and a lack of space and privacy, which can affect how they do at school. For parents, it is a barrier to providing positive opportunities for their children and a constant cause of anxiety and depression.

Despite the Government's ambitious target on child poverty, and the raft of measures that are beginning to make an impact, in the last seven years there has been no reduction in the proportion of overcrowded households. In the worst affected areas – London and in the social housing sector – the proportion of overcrowded households has risen since 1997. Severe overcrowding in London increased by 60 per cent between the 1991 and 2001 Censuses.

The reasons behind this are simple. The number of social-sector homes built seven years ago, in 1996/97, was nearly double the number completed in 2003/04. In addition, the stock of family-sized homes has been reduced under Right to Buy policies while house-price rises have excluded more and more families from suitable, affordable housing in the private sector.

In a country increasingly obsessed with house prices and home improvement, the growing inequality in housing is marginalising a whole section of society, with consequences that are only just beginning to register in the political arena.

Shelter is undertaking a major investigation into this national crisis, beginning on October 28, 2004. Journalist Fiona Millar will chair the investigation panel as it tours the country, visiting families suffering in bad housing, and taking evidence from the professionals and politicians who see the reality of the housing crisis every day.

This research report for Shelter's Housing Investigation is the first in a series of four, each tackling a different aspect of the housing crisis. It calls for a significant investment boost for affordable housing, to tackle overcrowding. Until that happens, hundreds of thousands of families will continue to suffer.

Key research findings

The extent of the overcrowding problem is difficult to measure. The existing measure that the Government uses is out of date and must be changed. For the purposes of this report, figures and statistics will be based on the widely used **bedroom standard**, unless otherwise stated. This decides how rooms can be shared, taking into account the age, gender, and marital status of occupants. More detail on overcrowding measurements can be found in Appendix one.

How big is the overcrowding problem and who does it affect?

- There are over half a million overcrowded households in England. Close to 50,000 of these are severely overcrowded, needing at least two more rooms to adequately accommodate all household members.
- Close to three-quarters of overcrowded households are families with children.
- Nearly one child in every ten in England – 900,000 children – lives in overcrowded conditions. More than 100,000 are in severely overcrowded housing.
- Over a third (35 per cent) of overcrowded households live in London, with parts of inner and east London worst affected.
- In London's social housing, nearly one child in every three lives in an overcrowded home. It is little better in London's private-rented sector, where one child in every four lives in overcrowded conditions.
- Black and minority ethnic (BME) households are more than six times more likely to be overcrowded than white households. More than half of the overcrowded households in London have a household member from a BME group. Bangladeshi, Pakistani, and Black African families are particularly likely to be overcrowded.
- While BME groups have a higher likelihood of living in a large household or in the London social sector, other factors such as social deprivation¹ and discrimination in housing² are likely to play a part in these high rates.
- Although the highest rates of overcrowding are found in London and in the social sector, there are more than 330,000 overcrowded households outside London. Also, more than 200,000 owner-occupied households are overcrowded.

¹ National Strategy for Neighbourhood Renewal (Social Exclusion Unit 2000) and Social Exclusion Unit website: <http://www.neighbourhood.gov.uk>

² Office of the Deputy Prime Minister (May 2003): *Housing and Black and Minority Ethnic Communities: Review of the evidence base*

What impact does overcrowding have on families?

Living in cramped conditions can have a detrimental affect on children's health, education, and general well-being. Overcrowding can increase the spread of illness and cause unsettled sleep patterns. It impacts on privacy for all family members, and can make it harder for children to find a quiet space to read or do their homework. It can also affect the quality of relationships between parents and children, and between siblings.

Is the overcrowding problem getting smaller?

- No. The latest data from 2002/03 showed the same proportion (2.5 per cent) of overcrowded households in England as there was in 1996/97.
- The number of severely overcrowded households in London increased by 60 per cent between 1991 and 2001 on the measure of persons per room from the Census.
- While the rate of overcrowding among some groups, such as owner-occupiers and those living in the South of England, outside of London, has decreased in the last seven years, since 1997 there has been an increase in overcrowding in the social sector, the private-rented sector, and in London.
- Family-sized properties are in great demand in the social rented sector, with close to a quarter of the 1.25 million households on local authority housing registers in England specifically requiring properties with three or more bedrooms.

Why is this problem continuing?

- Social housing, as a proportion of England's total housing stock, has contracted by around a third over the last 20 years. There were 300,000 fewer homes in the social sector in 2003 than in 1997.
- The number of newly constructed units of social housing is low and has decreased each year from 1995/96 to 2002/03. The number built in 2003/04 (13,800) was only just over half the number built seven years previously in 1996/97 (25,200).
- Properties with four or more bedrooms constituted only one in 14 of the newly constructed social homes completed in the last seven years.
- Some 373,000 homes have been lost from the social sector via the Right to Buy initiative since 1997/98. Over 71,000 of these were in London.

Is the redistribution of under-occupied or empty homes the answer?

- Redistributing under-occupied housing will not solve overcrowding. In the London social sector, where overcrowding is most acute, overcrowded households outnumber under-occupied households by nearly two to one. However, there is limited scope to provide incentives for households to move to smaller properties or lower-demand areas.
- It is not practically or politically possible to propose large-scale redistribution of households, not least because close to 90 per cent of under-occupied homes are privately owned.

- Government initiatives to bring empty homes into use are widely welcomed. However, as the majority are privately owned and rates of disrepair and neglect are high, there is limited scope for significantly reducing overcrowding.

Policy recommendations

Real improvement on overcrowding will only be brought about through a long-term strategy that aims to tackle overcrowding against measures acceptable by today's modern living standards. This requires:

- greater provision of affordable, family-sized homes
- an emergency programme of acquisitions and other initiatives to increase social housing
- a nationally recognised measure of overcrowding, based on the bedroom standard, which is acceptable by today's living standards
- an overcrowding target (similar to the decent homes standard) that could be worked towards over the next ten years
- incorporating the needs of BME communities into regional and local housing strategies
- ensuring that the funding criteria and the planning system encourage the provision of the larger, three- and four-bedroom properties that are desperately needed
- greater financial incentives to persuade people who are under-occupying in the social sector to move and free up larger homes
- more initiatives to persuade people to move from high-demand to lower-demand areas
- measures to discourage private owners from leaving their properties empty for long periods of time.

Policy background

What is wrong with the existing standard?

Under the existing definition of statutory overcrowding, children under the age of 12 months are not counted as members of the household, and those between one, and ten, years old are counted as half a person. The definition includes living rooms, and even large kitchens, as acceptable places to sleep. Unlike the bedroom standard, it does not consider reasonable levels of bedroom-sharing in accordance with modern living standards. It has remained unchanged since its introduction in 1935, in response to the need to improve the slum living conditions of the inter-war period. The result is that families with children must endure very high levels of overcrowding before the statutory threshold is breached.

Case study

Melanie and Colin live in a two-bedroom property with a separate living room and kitchen. The household includes the couple's five children – two girls and three boys – who are all under ten, plus Melanie's two teenage nieces. This amounts to nine people living in a two-bedroom property, but the existing statutory overcrowding measure only recognises six and a half of them. It also deems it acceptable for members of the household to sleep in the living room or the kitchen, so they may not technically be overcrowded.

This demonstrates that the existing statutory standard is completely outdated and bears no relation to modern living standards.

Shelter London Housing Aid Centre

What is the Government doing about it?

During the course of the current Housing Bill, the Government introduced an amendment giving a power to enable the statutory definition of overcrowding (outlined above) to be set by regulations. The amendment was accompanied by a literature review of research on the link between overcrowding and poor health and educational attainment, and new analysis on the extent of overcrowding throughout England based on the bedroom standard.

The bedroom standard incorporates assumptions about acceptable levels of sharing – a standard which the ODPM research outlined as being at the 'margin of acceptability' by today's living standards.³ The bedroom standard is explained fully in Appendix one.

However, the Government has concerns about introducing a measure based on the bedroom standard as, in contrast to only 20,000 households breaching the existing standard, applying the bedroom standard increases the number of overcrowded households to over 500,000 (2.4 per cent of the population). Their main opposition is that this increase will place added pressure on local authorities.

³ ODPM, *Overcrowding in England 2000-2003*, April 2004

What is Shelter's view?

Whilst Shelter welcomes the Government's commitment to change, in order to work towards creating a system that makes a real difference to the people suffering in overcrowded conditions, we believe regulations must introduce a nationally accepted measure based on the bedroom standard.

Unless this opportunity is taken, the Government will not deliver on its commitment to end child poverty and will fail to meet the housing needs of black and minority ethnic communities.

We recognise that this has been a difficult decision for the Government and that some local authorities have expressed concern that it might add to the pressure on social housing and distort allocations policies. However, as the Minister, Keith Hill, made clear in answer to a recent Parliamentary Question, statutorily overcrowded households are only given 'reasonable preference' and not extra priority ahead of others in more immediate housing need.⁴

Neither will statutory overcrowding be anything more than 'a relevant consideration' in reaching a decision on whether it is reasonable for an overcrowded household, applying as homeless under section 175 of the Housing Act 1996, to continue to occupy their current accommodation. Clearly, the general circumstances prevailing in relation to housing in the district will continue to constitute the most important consideration in the local authority's decision, and so a higher standard would not lead to an increase in the numbers of overcrowded households being accepted as homeless.

Instead, these changes could ensure that the problem of overcrowding can be properly measured. This would establish a true picture of the extent of modern day overcrowding and assist in making more accurate assessments of housing need, particularly the numbers of family-sized homes required. (A full explanation of the current legislation and local authority duties that relate to overcrowding are outlined at Appendix three).

In order to tackle overcrowding, we believe the new standard should form the basis for a target (similar to the decent homes standard) that could be worked towards over the next ten years.

A consultation paper, setting out options for defining new overcrowding standards, is likely to be published later this year.

⁴ House of Commons, Official Report, 18 November 2003: Column 807W (see Annex B)

Research background and methodology

Research can explain the overcrowding problem in two ways:

- measuring the size of the problem among different groups, through housing surveys and the Census
- understanding its impact through interviews and stories from families suffering overcrowding.

The most commonly used way of measuring the size of the overcrowding problem is by using the bedroom standard, which is used in Government housing surveys. This is the measure on which Shelter is basing its recommendations for a new way of measuring overcrowding, as discussed in the policy background section. The bedroom standard takes family relationships, and the ways in which bedrooms can be shared, into account.

The Census has the advantage of collecting data from almost every household in England and Wales, but the measures of overcrowding it uses are different to the bedroom standard. The occupancy rating from the Census is over-generous, as it allows every household two common rooms and counts some one-person households as being overcrowded. The measure of persons per room used on the Census, is not sensitive to the way in which bedrooms can be shared.

This report mainly uses the bedroom standard to estimate the size of the overcrowding problem. Census data is included where it helps to show the full extent of the problem.

Appendix one, at the end of the report, provides more detail on the most commonly used measures of overcrowding, along with the benefits and limitations of each.

This report also:

- shows findings from existing qualitative research, to understand the impact of overcrowding on the everyday routines, health, work, and education of families and children
- illustrates this further with case studies from Shelter's clients
- examines the trends in some of the many factors that have contributed, and continue to contribute, to the overcrowding problem.

Shelter will be undertaking new, primary research into overcrowding, and the findings from this will be published next year.

How big is the problem?

How many households are overcrowded in England?

Table 1, below, shows that just over half a million households lack one or more rooms according to the bedroom standard. Of these, just under 50,000 are severely overcrowded – lacking two or more rooms.

This estimate is based on an aggregation of data from the most recent four years of housing surveys conducted by the Government. The columns on the right-hand side show the number of overcrowded households, using the persons-per-room measure from the Census.

Table 1: Number and proportion of overcrowded and severely overcrowded households in England, bedroom standard, and persons-per-room measures.				
	Bedroom standard		Census – persons-per-room	
	Overcrowded: lacking one room or more	Of which severely overcrowded: lacking two or more rooms	Overcrowded: more than one person per room	Of which severely overcrowded: more than 1.5 persons per room
Number and proportion of households	510,000 (2.4%)	48,000 (0.2%)	387,000 (1.9%)	117,000 (0.6%)
Sources: ODPM 'Overcrowding in England' 2000-2003, and Census 2001, figures rounded to nearest thousand.				

Who is most likely to suffer overcrowding?

Which areas have the most overcrowded households?

Table 2 shows that the number and rate of overcrowded households is significantly higher in London than the rest of England and Wales. London households are more than three times more likely to be overcrowded than most other regions. London households account for just over a third of all overcrowded households (37 per cent on the persons-per-person measure and 35 per cent on the bedroom standard).

The north west, the West Midlands, and the south east of England contain relatively high numbers of overcrowded households, with more than 50,000 lacking one room or more on the bedroom standard.

Table 2: Number and proportion of overcrowded households by region, bedroom standard, and persons per room.		
Region	Overcrowded: lacking one room or more on bedroom standard	Overcrowded: more than one person per room
England	510,000 (2.4%)	387,000 (1.9%)
North east	18,800 (1.7%)	12,798 (1.2%)
North west	60,000 (2.1%)	40,700 (1.4%)
Yorkshire and the Humber	40,300 (1.9%)	32,200 (1.6%)
East Midlands	30,000 (1.7%)	21,000 (1.2%)
West Midlands	51,800 (2.4%)	39,000 (1.8%)
East	35,900 (1.6%)	27,300 (1.2%)
London	174,200 (5.9%)	150,000 (5.0%)
South east	57,500 (1.8%)	43,000 (1.3%)
South west	33,000 (1.6%)	21,000 (1.0%)
Sources: Census 2001, and ODPM 'Overcrowding in England' 2000-2003, figures rounded to nearest hundred.		

Where, exactly, is overcrowding most common?

The three local authorities with the highest rates of overcrowding are the same on both measures, see Table 3. These areas are all in the inner and east part of London. Additional analysis by London Housing⁵ shows that there are some wards where close to one in five households are overcrowded on the persons-per-room measure, with the most extreme example being a ward in Newham, where 21 per cent of households contain above one person per room.

⁵ 'Overcrowding in London - briefing' (Gleeson), London Housing (ALG), March 2004

Table 3: The three local authorities with the highest rates of overcrowding in England		
Local authority	Overcrowded: lacking one room or more on bedroom standard	Overcrowded: more than one person per room
Newham	15,000 (15%)	11,000 (12.0%)
Tower Hamlets	12,000 (14%)	9,800 (12.5%)
Hackney	9,000 (10%)	7,800 (9.1%)
Sources: ODPM 'Overcrowding in England' 2000-2003, and Census 2001. Bedroom standard figures are adjusted estimates and rounded to nearest thousand, persons-per-room figures rounded to nearest hundred.		

The ten local authorities with the highest rates of overcrowding on the bedroom standard are all in London. Seventeen of the top 20 are in London. Despite this, there are some 330,000 overcrowded households outside of London. Table 4 shows the areas **outside London** that have the highest rates of overcrowding.

Table 4: Areas outside London with the highest rates of overcrowding, bedroom standard, and persons per room.		
Area	Overcrowded: lacking one room or more on bedroom standard	Overcrowded: more than one person per room
Leicester	7,000 (6%)	4,200 (3.8%)
Slough	3,000 (6%)	2,700 (6.0%)
Birmingham	19,000 (5%)	14,100 (3.6%)
Sandwell (West Midlands)	5,000 (4%)	2,900 (2.5%)
Knowsley (Merseyside)	3,000 (4%)	1,100 (1.8%)
Luton	4,000 (3%)	3,000 (4.2%)
Sources: ODPM 'Overcrowding in England' 2000-2003, and Census 2001. Bedroom standard figures are adjusted estimates, and rounded to nearest thousand, persons-per-room figures rounded to nearest hundred.		

Which types and sizes of household are most likely to be overcrowded?

Table 5, on the next page, shows particularly high rates of overcrowding amongst lone parents with dependent children. This group accounts for nearly a quarter of all overcrowded households, whereas they account for less than seven per cent of all households in England.

Couples with dependent children constitute close to half of all overcrowded households, whilst less than a quarter of all households in England are of this type. Multi-person households, which are likely to be comprised of single people sharing, are also likely to be overcrowded.

The section focusing on families with children, on page 17, provides more detail on overcrowding amongst families with children.

Table 5: Number and proportion of overcrowded households by household type, bedroom standard.	
Household type	Overcrowded: lacking one room or more on bedroom standard
Couple, no dependent children	39,500 (0.5%)
Couple with dependent children	240,600 (5.4%)
Lone parent with dependent children	121,100 (9.0%)
Other/ multi-person	100,500 (7.5%)
Total households	510,000 (2.4%)
Sources: ODPM 'Overcrowding in England' 2000-2003, figures rounded to nearest hundred, total households figure rounded to the nearest thousand. One-person households are not included.	

Table 6, below, shows that the likelihood of being overcrowded increases sharply when the number of people in the household reaches five or more.

Table 6: Number and proportion of overcrowded households by household size, bedroom standard, and persons per room.		
Household size	Overcrowded: lacking one room or more on bedroom standard	Overcrowded: more than one person per room
One or two people in household	48,500 (0.4%)	30,900 (0.2%)
Three or four people in household	179,700 (3.0%)	99,000 (1.7%)
Five or more people in household	274,900 (19.7%)	246,000 (17.3%)
Sources: ODPM 'Overcrowding in England' 2000-2003, and Census 2001, figures rounded to nearest hundred.		

Do rates of overcrowding differ by tenure?

Table 7, on the next page, shows that the highest rates of overcrowding, on both measures, are found in the social-rented sector. In London, nearly one in eight (93,700; 12 per cent) of households renting from councils and registered social landlords (RSLs) are overcrowded, based on the bedroom standard.

Table 7: Number and proportion of households overcrowded on bedroom standard and persons-per-room measures, by tenure, bedroom standard and persons-per-room.

Tenure	Overcrowded: lacking one room or more on bedroom standard	Overcrowded: more than one person per room
Social rented	218,200 (5.4%)	158,000 (4.0%)
Owner-occupied	204,000 (1.4%)	157,700 (1.1%)
Private rented	80,300 (3.8%)	71,100 (2.9%)
Sources: ODPM 'Overcrowding in England' 2000-2003, and Census 2001, figures rounded to nearest hundred.		

In Yorkshire and the north east of England, the private-rented sector has a higher proportion of households lacking a room on the bedroom standard than other tenures. Within the social sector, households renting from councils have been slightly more likely to be overcrowded than those renting from RSLs, in each of the last four years.

Although the rate of overcrowding is relatively low amongst owner-occupiers in England, they account for four in every ten (41 per cent) of households lacking one room or more in accordance with the bedroom standard; some 200,000 households.

Do rates of overcrowding differ by ethnic group?

Table 8, below, shows that black and minority ethnic (BME) groups are more than six times more likely than white households to be overcrowded. BME households account for nearly a third (32 per cent) of overcrowded households on the bedroom standard, despite the 2001 Census showing that BME households account for just under seven per cent of all households in England.

More than half (51 per cent) of overcrowded households in London are from BME rather than white ethnic groups. These households accounted for 23 per cent of the total London population in the 2001 Census.

Table 8: Number and proportion of overcrowded households by white and BME groups, England and London, bedroom standard.

Ethnic group of household reference person	Overcrowded: lacking one room or more on bedroom standard – <u>England</u>	Overcrowded: lacking one room or more on bedroom standard – <u>London</u>
White (inc. White Irish)	339,600 (1.8%)	83,600 (3.6%)
BME	159,200 (11.1%)	87,600 (12.6%)
Sources: ODPM 'Overcrowding in England' 2000-2003, figures rounded to nearest hundred. Numbers of London households derived from Census population statistics.		

Reliable data by individual ethnic group is more difficult to obtain, because of the sample sizes involved. The ODPM has produced data for Shelter that aggregates four years of housing survey results, to give a good indication of the numbers and rates of overcrowding amongst specific BME groups.

Table 9, below, shows the results of this analysis. From this, we can see that the aggregated BME data in table 4 disguises significant differences between individual ethnic groups. Nearly a third (30.5 per cent) of Bangladeshi households are lacking at least one room on the bedroom standard, and a Bangladeshi household is close to 18 times more likely to be overcrowded than a white household. The rate of severe overcrowding appears to be even higher amongst Pakistani households than Bangladeshi households (five per cent).

Table 9: Number and proportion of households overcrowded and severely overcrowded by individual ethnic group, bedroom standard.

Ethnic group of household reference person	Overcrowded: lacking one room or more on bedroom standard	Of which severely overcrowded: lacking two or more rooms on bedroom standard
Bangladeshi	19,100 (30.5%)	2,600 (4.1%)
Pakistani	37,200 (21.2%)	8,700 (5.0%)
Black: African	23,100 (13.5%)	2,600 (1.6%)
Indian	27,200 (8.8%)	4,300 (1.4%)
Chinese	4,500 (7.7%)	300 (0.5%)
Other or mixed	33,600 (7.6%)	3,400 (0.8%)
Black: Caribbean	17,000 (6.8%)	2,100 (0.8%)
Black: Other	2,700 (6.4%)	-
White	327,100 (1.7%)	22,100 (0.1%)

Sources: ODPM data from Survey of English Housing 2000-2003 combined, figures rounded to nearest hundred.

Although people in BME groups are more likely to form larger households and live in London and in the social sector, similarly-sized white households in the same area and housing sector are less likely to be overcrowded. So it is not the case that certain BME groups are overcrowded just because they have larger families or are more likely to live in areas where overcrowding is already a problem.

Case study

Mrs Wek's family is made up of two adults and four children. The family lives in a one-bedroom council flat and is Somali speaking. One of the children, Aziza, suffers from epilepsy. They have been told that they are 62nd on the register to be re-housed, which, in London, means they are likely to have to wait for at least five years.

Mrs Wek is concerned that her children have no space to play or learn.

Shelter London Housing Aid Centre

Case study

Mr Khan, a housing association tenant in the north-west of England approached Shelter after waiting two years for a transfer from the one bedroom flat he shared with his wife Nazreen and their two young children. The property was also damp and the health of the family was beginning to suffer. Shelter helped the client access a larger property after a further six months.

Shelter Lancashire Housing Aid Centre

Families with children

How many families with children are overcrowded?

Table 10, below, shows that 362,000 families with children are overcrowded according to the bedroom standard. This is likely to be a slight underestimate, as it may not include households where a dependent child is living with people who are not their parents.

Table 10 also shows the number of children living in overcrowded households. The figures for regions outside London are derived estimates. Table 11, on the next page, provides more detail on children living in overcrowded conditions in England and in London.

Families with children constitute around three-quarters (at least 72 per cent) of all overcrowded households, despite accounting for little more than a quarter (28 per cent) of all households in England. They are more than twice as likely as all households to be overcrowded (6.3 per cent of families with children are overcrowded, national average is 2.4 per cent).

In London, one in every seven (13.8 per cent) families with children is overcrowded.

Table 10: Number and proportion of families with children and children lacking rooms on the bedroom standard, by region.		
Region	Families with children lacking one or more rooms on bedroom standard	Children lacking one or more rooms on bedroom standard
England	361,800 (6.3%)	905,000 (9.2%)
North-east	11,800 (3.9%)	31,400 (6.3%)
North-west	46,700 (5.6%)	123,800 (8.9%)
Yorkshire and the Humber	32,400 (5.5%)	86,000 (8.5%)
East Midlands	21,900 (4.6%)	57,900 (6.9%)
West Midlands	36,700 (6.0%)	97,300 (8.9%)
East	26,600 (4.3%)	70,400 (6.5%)
London	118,700 (13.8%)	261,000 (18.1%)
South-east	41,100 (4.6%)	109,000 (6.9%)
South-west	25,800 (4.6%)	68,200 (7.3%)
Source: ODPM data from Survey of English Housing 2000-2003 combined, figures rounded to nearest hundred. Figures for children in regions other than London are derived estimates, and proportions are calculated using Census data.		

How many children live in overcrowded households?

Table 11, on the next page, combines two years of housing survey data to show the number of children living in overcrowded and severely overcrowded conditions in England and in London. It is likely to be a slight underestimate, as only children up to the age of 15 are counted.

Table 11, below, shows that over 900,000 (close to one in ten) children in England lack rooms according to the bedroom standard. Of these, over a hundred thousand are lacking two or more rooms and are severely overcrowded.

In London, over a quarter of a million (close to one in five) children are overcrowded on the bedroom standard. Over 40,000 are severely overcrowded. The likelihood of a child in London living in an overcrowded household is almost double the average for all children in England.

Table 11: Number and proportion of children (0 – 15-years-old) lacking rooms on the bedroom standard, England and London.		
Region	Overcrowded: lacking one or more rooms on bedroom standard	Of which severely overcrowded: lacking two or more rooms
England	905,000 (9.2%)	109,000 (1.1%)
London	261,000 (18.1%)	41,000 (2.8%)
Source: ODPM, Survey of English Housing 2002 and 2003 combined.		

Additional data reveals that children living in social and privately rented housing in London are particularly likely to live in overcrowded conditions. Close to **one in every three** (30 per cent) children in social housing in London live in an overcrowded household. In the London private-rented sector, **one child in every four** (26%) suffers overcrowding.

Case study

Rachel lives with her husband and their two sons, Laurie and Tom (13 and three), in a one-bedroom, housing association flat. Despite the size of their accommodation and their kitchen being too small for a table, they may not be statutorily overcrowded. There are six flights of stairs up to her flat and there is no lift.

Tom has epilepsy triggered by stress and there is nowhere secluded for him to go when fitting. Laurie has Irritable Bowel Syndrome. Stress and overcrowding aggravates this condition.

Rachel suffers from inflammatory bowel disease and Crohn's disease, causing frequent problems with vomiting and diarrhoea. She needs to get up in the night and often wakes the family. Rachel is concerned that there isn't a quiet place in the home for Laurie to study and feels that overcrowding is having an adverse affect on his schooling.

Shelter London Housing Aid Centre

Case study

Mick, a single parent, and his daughter Zoe visited Shelter's outreach service. They had been sharing the bedroom in a small one-bedroom flat for 18 months. They are on the housing register, but have been told that their living arrangements are 'suitable' and that they are only halfway up the waiting list.

Shelter Somerset & Dorset Housing Aid Centre

What impact does overcrowding have on families?

Living in cramped conditions can have a detrimental effect on children's health, education and general well-being. Overcrowding can increase the spread of illness, make it harder for children to find a quiet space to read or do their homework and cause unsettled sleep patterns, particularly if different age siblings have to share rooms with each other or with their parents. It can also have a detrimental impact on the quality of relationships between parents and children, and between siblings.

Health

In May 2004, the Government published a literature review of existing research which identified the impact of overcrowding on people's physical and mental health, education, child development and growth⁶. The review concluded that there were strong links between overcrowding and particular health conditions, in both children and adults; including respiratory conditions, meningitis and helicobacter pylori which is a cause of stomach ulcers.

*'Evidence from good quality large scale studies points to a relationship between overcrowding in childhood and respiratory conditions in adulthood.'*⁷

Studies have also found possible associations between overcrowding and child mortality.⁸

Well-being

The stress of sharing bedrooms and inadequate cooking, cleaning, and toilet facilities is well documented as a cause of tension between family members in overcrowded homes. In some circumstances, it can lead to a breakdown in family relationships and to homelessness for older 'children'. The lack of privacy is a major concern for adults⁹, but can be a particular problem for teenage girls sharing bedrooms with brothers or older

⁶ The Impact of Overcrowding on Health and Education, A Review of evidence and Literature, ODPM, May 2004 (Centre for Comparative Housing Research and the Health Policy Research Unit, De Montfort University)

⁷ Ibid

⁸ Ibid

⁹ Elaine Kempson, Overcrowding in Bangladeshi households – A case study of Tower Hamlets, Policy Studies Institute, 1999

male relatives. Disturbed sleep patterns can be a particular problem for people having to sleep in communal rooms.¹⁰

Living in overcrowding conditions can make it difficult for families to spend their meal times together. A study of overcrowding in Tower Hamlets revealed problems with having to prepare meals in kitchens that were too small, and families having to eat in shifts or in their bedrooms.¹¹

The tension and stress in an overcrowded environment can worsen existing health problems and often leaves parents, particularly mothers, suffering from anxiety and depression.

Education

Living in cramped conditions can also affect children's educational attainment. Overcrowding can make it hard for children to find a quiet space to read or do their homework, which becomes even more acute for those sitting GCSEs or A levels.¹² Children sharing bedrooms or sleeping in living rooms often have their sleep disrupted by other family members. The Tower Hamlets study showed this to be a particular problem, where older siblings were arriving late from work and disrupting the sleep patterns of their younger siblings who were still at school.¹³

A French study on the links between overcrowding and children's school performance found a clear correlation between the two. It showed that 'children who grow up in a home with at least two children per bedroom are both held back and drop out of school before earning a diploma much more often than other children.'¹⁴ Using a sample of 15 year-olds, it also showed that 60 per cent of those living in overcrowded conditions had been held back a grade in primary or middle school.¹⁵

¹⁰ Elaine Kempson, *Overcrowding in Bangladeshi households – A case study of Tower Hamlets*, Policy Studies Institute, 1999

¹¹ Ibid

¹² Ibid

¹³ Ibid

¹⁴ Dominique Goux and Eric Maurin, *The effects of overcrowded housing on children's performance at school*, Paris, Centre for Economic Policy Research, March 2003

¹⁵ Ibid

Trends in overcrowding

Overall trends

Chart 1 shows that little progress has been made in reducing overcrowding over the last seven years.

Table 12, below, shows that the number of overcrowded households reduced significantly in the 1980s and early 1990s. Despite this, the same proportion of households (2.5 per cent) were below the bedroom standard in 2002/03 as they were in 1996/97. More households (54,000) were lacking two or more rooms in comparison with the bedroom standard in 2002/03 than in 1996/97 (52,000).

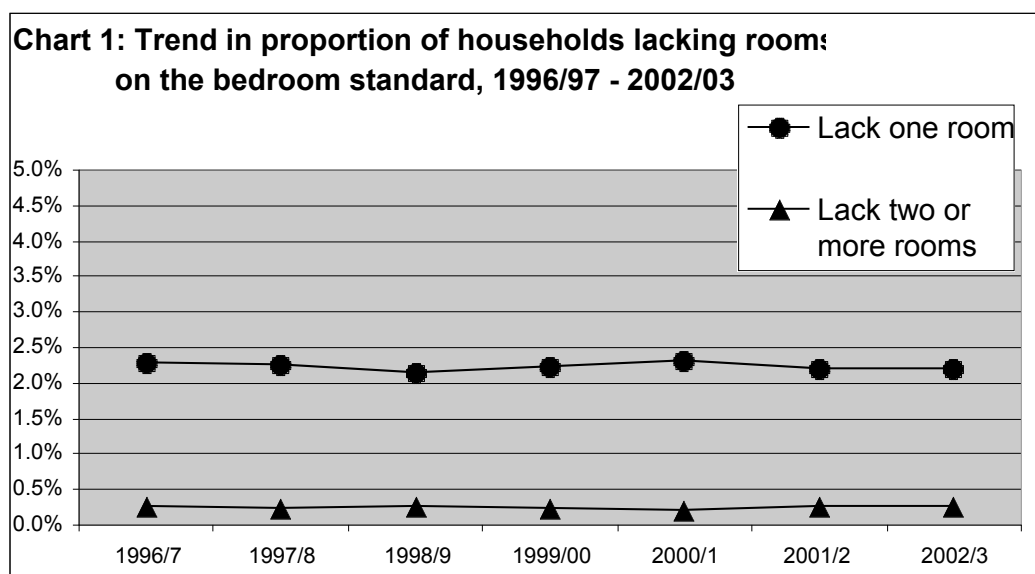


Table 12: Key data from Chart 1 – trend in number and proportion of households below bedroom standard (selected years)

Rooms below bedroom standard	1996/97	2002/03
Lack one room	456,000 (2.3%)	447,000 (2.2%)
Lack two or more rooms	52,000 (0.3%)	54,000 (0.3%)
All lacking rooms	508,000 (2.5%)	501,000 (2.5%)

Source for chart and table: Survey of English Housing 2002/03, ODPM website table S132/A1.29. Figures rounded to nearest thousand.

Have trends in overcrowding varied by tenure?

Table 13, below, shows that the proportion of households lacking one or more rooms on the bedroom standard has decreased significantly since 1984 in all but the council-owned social-rented sector and the private-rented sector, over the last seven years.

Table 13: Trend in number and proportion of households lacking one or more rooms on the bedroom standard by tenure (selected years).		
Tenure	1996/97	2002/03
Social rented (council)	181,000 (5.2%)	152,000 (5.6%)
Social rented (RSL)	45,000 (4.5%)	54,000 (4.3%)
Private rented	67,000 (3.3%)	87,000 (4.2%)
Owner-occupier	216,000 (1.6%)	208,000 (1.4%)
Source: Survey of English Housing 2002/03, ODPM website table S132/ A1.29. Figures rounded to nearest thousand.		

Have trends in overcrowding differed by region?

The regional trend on the bedroom standard is only readily available from 1999/00 to date. Table 14, below, shows that outside of London the rate of overcrowding has, at worst, remained steady, with indications of slight downward trends in the north and south-east, over the last four years. The rate of households falling below the bedroom standard in London, however, has increased by nearly one per cent over the last four years and there were around 23,000 more overcrowded households in London in 2002/03 than in 1999/00.

Table 14: Trend in number and proportion of households lacking rooms on the bedroom standard by region (selected years).			
Region	1999/00	2000/01	2002/03
London	164,000 (5.4%)	178,000 (5.9%)	187,000 (6.3%)
South Engl (not inc. London)	134,000 (1.8%)	137,000 (1.8%)	114,000 (1.5%)
Midlands	80,000 (2.0%)	85,000 (2.2%)	86,000 (2.2%)
North England	126,000 (2.1%)	117,000 (1.9%)	115,000 (1.9%)
Source: Survey of English Housing 2002/03, ODPM website table S140. Figures rounded to nearest thousand.			

Is it possible to track trends in overcrowding amongst BME groups?

The small size of some BME groups makes trending, on the sample-based methodology of the bedroom standard, difficult. The ODPM has produced an analysis for Shelter, which shows a comparison between a combination of four years of data from the mid 1990s and the most recent four years, split by BME group. This should still be treated as indicative, due to the sample sizes involved. A summary of this analysis is in Table 15 (next page) and it suggests that whilst the rates of overcrowding have decreased for most groups, the number of households affected by overcrowding have remained similar, or only increased slightly, in most BME groups.

Table 15: Trend in number and proportion of households lacking one or more rooms on the bedroom standard by ethnic group, mid 1990s compared to latest four years.

BME group	1993 - 1996	2000 - 2003
Bangladeshi	19,200 (42.4%)	19,100 (30.5%)
Pakistani	28,100 (23.7%)	37,200 (21.2%)
Black African	20,000 (17.9%)	23,100 (13.5%)
Indian	32,900 (12.5%)	27,200 (8.8%)
Chinese	3,100 (7.0%)	4,500 (7.7%)
Other or mixed	17,100 (8.0%)	33,600 (7.6%)
Black other	4,400 (10.0%)	2,700 (6.4%)
Black Caribbean	16,600 (6.8%)	17,000 (6.8%)
White	383,700 (2.0%)	327,100 (1.7%)

Source: ODPM data from Survey of English Housing, 2000-2003 and 1993-1996 combined and compared, figures rounded to nearest hundred.

What does comparing the 2001 Census results with the 1991 Census tell us about the trend in overcrowding?

The Census data backs up the picture that emerges from the trends on the bedroom standard above. Total overcrowding, in England as a whole, appears to be static. There are, however, more than 24,000 more households experiencing extreme overcrowding, on the persons-per-room measure, in 2001 than in 1991 (see Chart 2, and the table beneath it, on the following page).

Chart 2, using Census data, also shows that London has experienced the sharpest increases in overcrowding between 1991 and 2001. In 2001 there were more than 36,000 more overcrowded households in London than there were in 1991, and the number of households suffering severe overcrowding in London has increased by nearly 23,000 households (a rise of 60 per cent).

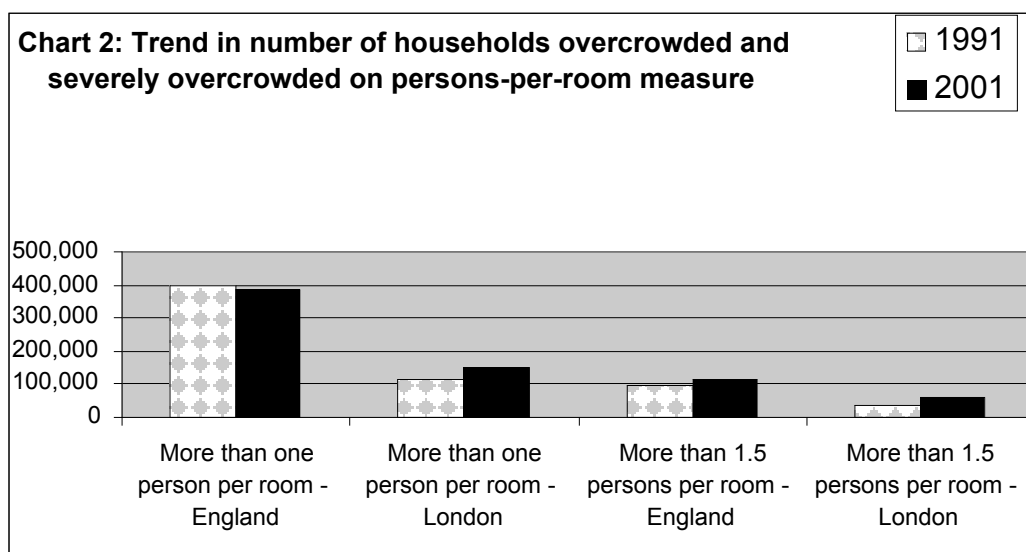


Table 16: Data from Chart 2, trend in number and proportion of households overcrowded and severely overcrowded, on persons-per-room measure from Census.

	Overcrowded – more than one person per room		Of which severely overcrowded – more than 1.5 persons per room	
Year	England	London	England	London
1991	396,400 (2.1%)	94,500 (0.5%)	113,900 (4.1%)	38,200 (1.4%)
2001	386,800 (1.9%)	116,800 (0.6%)	150,000 (5.0%)	61,000 (2.0%)
% Change 1991 - 2001	- 2.4%	+ 31.7%	+ 23.6%	+ 59.7%

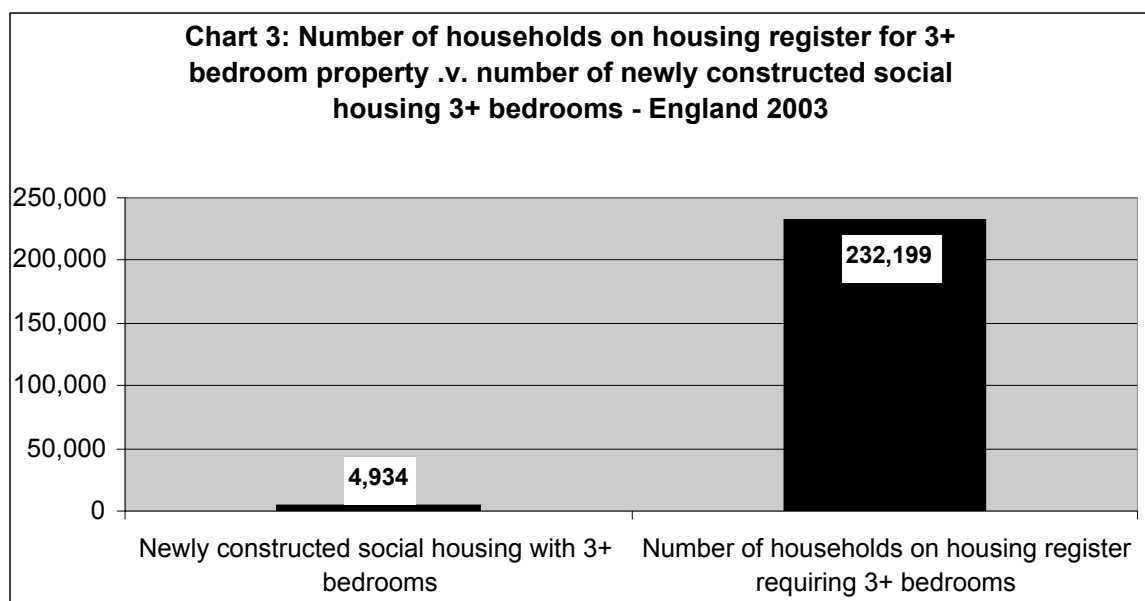
Source: 1991 and 2001 Census.

Waiting-lists for social housing

Data on the numbers of households on local authority housing registers and their size requirements can be analysed to give a further sense of the amount of demand-led pressure on social housing. This is not intended to be an accurate predictor of the level of overcrowding, as the current circumstances and size of these households is not known from this data.

In 2003, there were over 1.25million households registered on the local authority waiting-lists for social housing in England, and this number has risen from just over a million households in 2000. Close to **a quarter of a million** of these households require properties with **three or more** bedrooms. **Less than 5,000 units** of social housing with **three or more** bedrooms were completed in 2003.¹⁶ Chart 3, on the next page, compares the demand for larger properties with the rate of newly constructed larger properties.

¹⁶ ODPM, HIP Housing Strategy Statistical Appendix, 2003



Source: ODPM house-building statistics, 2003/04, table 252, ODPM HIP HSSA 2003.

Why hasn't more progress been made?

The social-housing sector has the highest rates of overcrowding and should be an area in which the Government is more able to intervene. Therefore, this section focuses on social housing.

Chart 4, below, shows the decline in the social-housing sector stock as a proportion of the total housing stock in England. Data on the size of dwellings in the social sector is not available. Fewer households living in the social-rented sector should not in itself adversely affect rates of overcrowding; but, as the amount of stock has reduced, the chance of allocating suitably sized properties to those households who remain in social housing, and to new households requiring it, is reduced.

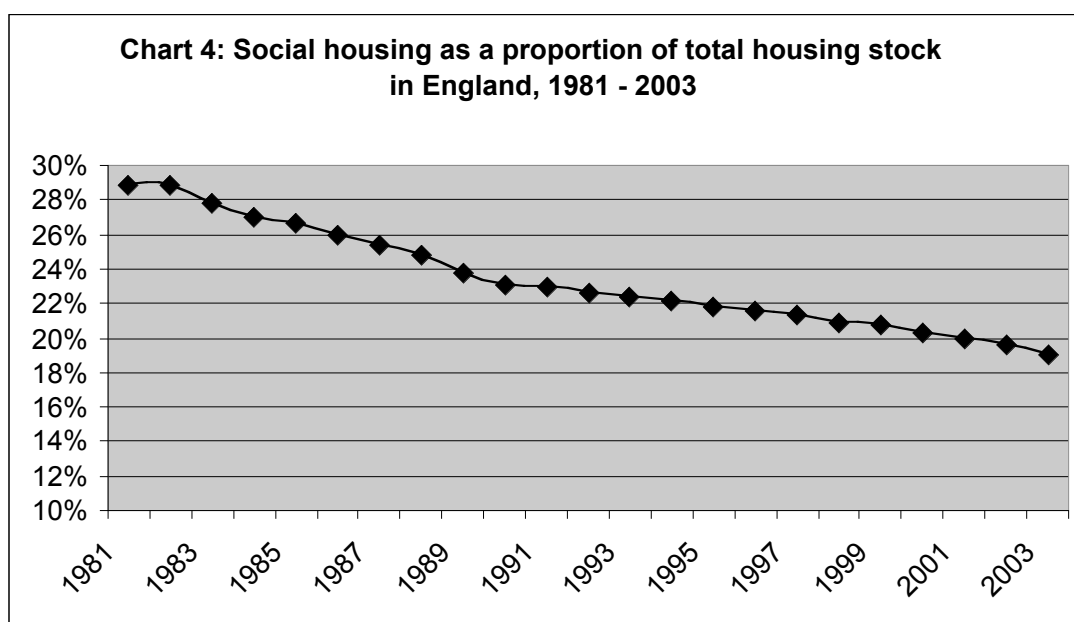


Table 17 (from Chart 4): Social-sector dwellings by volume, and as a proportion of all dwellings, 1981 - 2003, selected years.

Year	Number of social-sector dwellings, and as a proportion of all dwellings, in England
1981	5.2 million (28.9%)
1997	4.4 million (21.3%)
2000	4.3 million (20.3%)
2001	4.2 million (20.0%)
2002	4.2 million (19.6%)
2003	4.1 million (19.0%)
% reduction in stock 1981 - 2003	27.7%
% reduction in stock 1997 - 2003	7.6%
Source: ODPM housing statistics, November 2003, table 104, figures rounded to nearest hundred thousand.	

Why is there less social housing now?

Two significant factors since the early 1990s have made major contributions to this: the Right to Buy initiative and the decline in new constructions.

Over one and a half million social-sector properties have been lost from the social sector via the Right to Buy initiative, since its introduction in the Housing Act 1980. As chart 5, below, shows, although the number of properties leaving the social sector in this way appeared to peak in the 1980s, the numbers are still significant and have been on a slight upward trend through the 1990s, with more than 50,000 lost in each of the last five years. The table beneath Chart 4 shows the actual figures for 1997 to date.

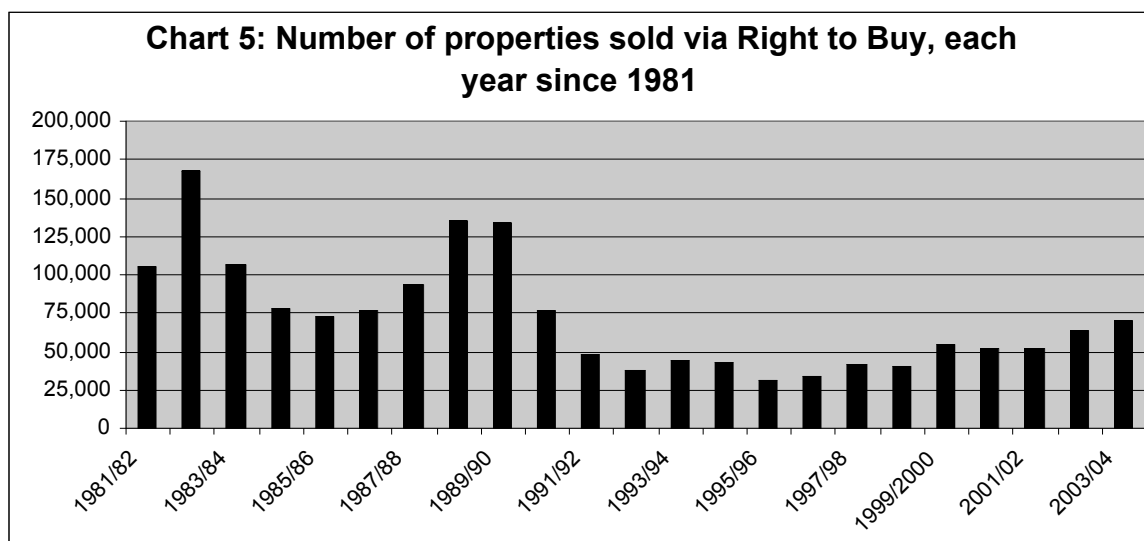


Table 18 (from Chart 5): Volume of Right to Buy sales each year, since 1997.

Year	Number of properties sold via Right to Buy
1997/98	41,300
1998/99	40,300
1999/00	54,300
2000/01	52,400
2001/02	52,000
2002/03	63,400
2003/04	69,600
Total lost since 1997	373,200
Source: Sales of local authority stock, ODPM, figures rounded to nearest hundred.	

More homes have been lost to the social sector via Right to Buy in London than in any other region (271,000 since 1981; 72,100 since 1997).

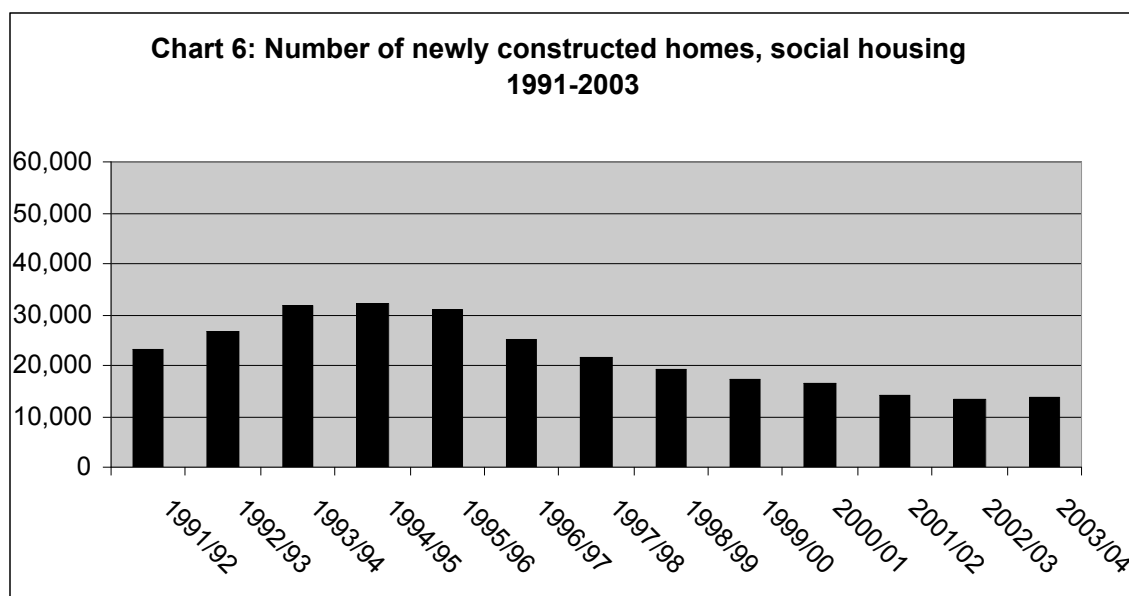
Nearly a third (32.4 per cent) of the volume of social-sector stock as it was in 1981 has been lost via the Right to Buy initiative.

Although data showing breakdowns of the size and type of properties lost via Right to Buy is unavailable, studies have shown that it is often the largest properties that have been sold off. Shelter's report on reforming the Right to Buy¹⁷, showed that although higher discounts were introduced in 1987 to encourage the sale of flats, houses still make up around 80 per cent of sales, with three- or four-bedroom homes and those with gardens being particularly popular. In Reading, for example, between 1980 and 1995, over 40 per cent of the council's stock of houses were sold, including nearly 60 per cent of its four-bedroom houses.¹⁸

In March 2003, the Government introduced a reduction in the discount for Right to Buy. Shelter welcomed this initiative, but expressed concern that this could result in a short-term increase in the number of sales before the change takes effect.

New building in the social sector

On the supply side, the number of new homes being built in the social sector is low when compared to the number of overcrowded households in the sector, and it has fallen over the last ten years. Chart 6, below, shows the number of new homes constructed in the social sector for each year since 1991.

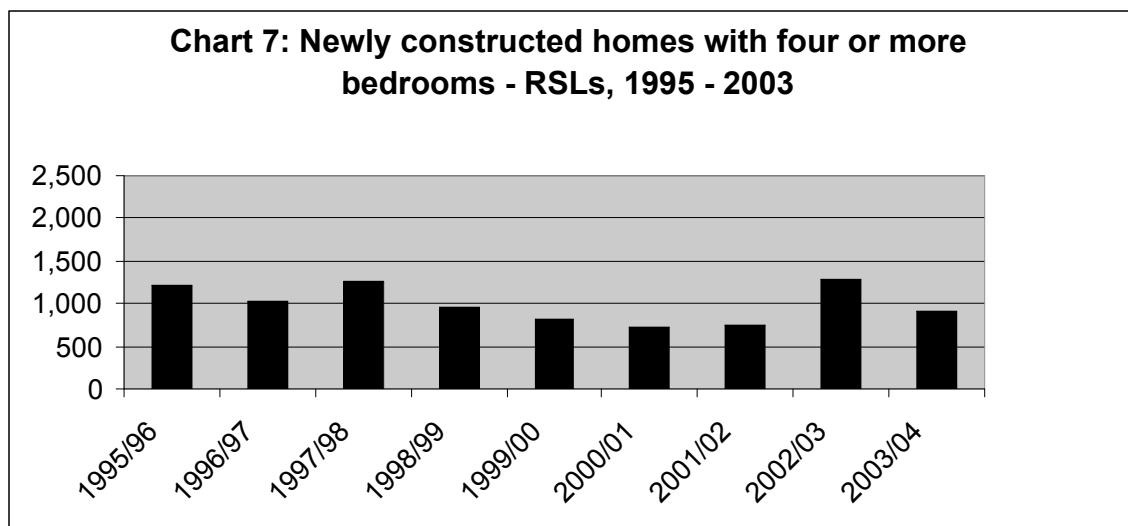


Source: ODPM House-building statistics, 2003/04, table 252.

Little more than one in twenty (five per cent) of these newly constructed social-sector homes have had four or more bedrooms. Chart 7, below, shows the number of newly constructed social-sector homes with four or more bedrooms since 1995. Property size is only known for RSL-builds, but these have constituted at least 97 per cent of all newly constructed social-sector homes in each year since 1995, so the data is not skewed by the absence of figures on the size of homes built by local authorities.

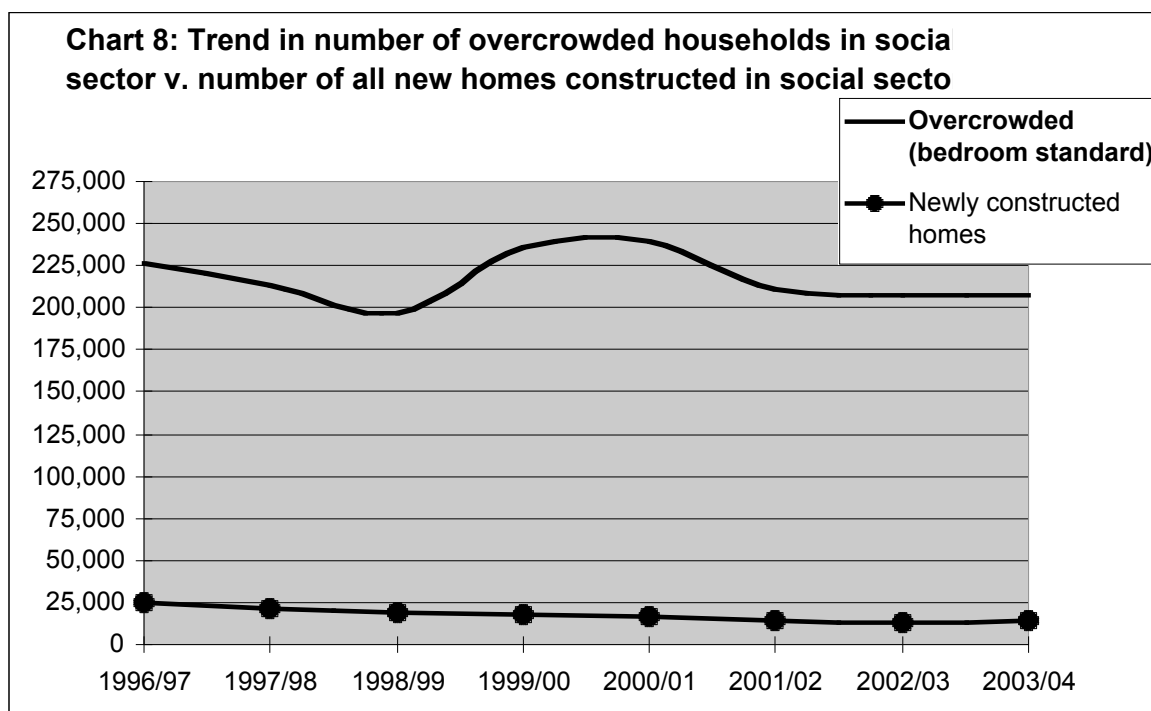
¹⁷ Patrick South, Time for Change: Reforming the Right to Buy, Shelter report, 2002

¹⁸ Jones C and Murie A, Reviewing the Right to Buy, Joseph Rowntree Foundation, 1999



Source: ODPM House-building statistics, 2003/04, table 252.

Chart 8, on the next page, shows how the rate of new constructions in the social sector compares to the numbers of overcrowded households.



Sources: ODPM Survey of English Housing 2002/03 and ODPM House-building statistics 2003/04, table 252.

Is the redistribution of under-occupied or empty housing the answer?

Under-occupation is commonly defined as a household that has two or more rooms above the number required in the bedroom standard. Being one room above the standard, does not, in many cases, equate to an actual spare room.

While there is limited scope to give households incentives to move to smaller properties or low-demand areas, this will not solve overcrowding. The vast majority (close to 90 per cent) of under-occupied homes are privately owned.

How do overcrowding and under-occupancy compare in the social sector, where redistribution may be more achievable?

Table 19, below, shows that, whilst in the social sector nationally there are more than twice as many under-occupied households as overcrowded households, regional variances complicate any argument for simple redistribution of homes. In London, even if all the households that are two rooms or more above the bedroom standard were moved to smaller-sized accommodation, and all these homes were used to place overcrowded households, little more than half of the overcrowding problem would be solved. Scenarios such as this are, of course, theoretical and ignore the practical and political difficulties of redistributing social housing.

Table 19: Overcrowding compared with under-occupancy in the social sector in England and in London		
Region	All lacking rooms on bedroom standard (overcrowded)	Two rooms or more above bedroom standard (under-occupied)
England	218,200 (5.4%)	497,600 (12.2%)
London	93,700 (12.0%)	58,200 (7.4%)
Source: ODPM 'Overcrowding in England' 2000 - 2003, figures rounded to nearest hundred and derived from the Survey of English Housing. See Appendix two for a full regional breakdown.		

In addition, making the case for redistributing homes in the social sector is more complicated in practice. As outlined in a recent London Housing article, the bare statistics can be a little misleading. 'Just because a household has too many rooms according to the bedroom standard, it doesn't mean the rooms are actually empty.'¹⁹ For example, two teenage boys may have their own room, even though the 'bedroom standard' would show the household as having an extra room since teenagers of the same sex can share. In addition, some households who are under-occupying at present but may not be in the future, as their needs will change as their children grow up.

What about empty homes?

¹⁹ James Gleason, London Housing (Association of London Government publication), June 2004

Government figures show that over 300,000 homes had been standing empty for more than six months in 2003. The vast majority are privately owned.²⁰ According to the English House Condition Survey 2001, over 100,000 empty properties were unfit for human habitation as a result of neglect or vandalism.

Empty homes are not only a problem in areas of low demand. There were over 40,000 long-term (vacant for more than 6 months) empty homes in London in April 2003. In high demand areas, properties are often left empty because the main reason for owning property is its asset value, and there is no urgent financial incentive to repair or renovate properties to let or sell.²¹

However, the scope for re-distributing empty homes to households who are overcrowded is quite limited. Local authorities find it both expensive and difficult to bring long-term empty properties into use because most are privately owned and have high levels of disrepair and neglect.

²⁰ HSSA, ODPM 2003

²¹ Greater London Authority, *Empty Homes in London 2003*

Policy recommendations

The evidence from this report demonstrates the scale of the overcrowding problem and the devastating impacts it can have on people's childhood and adulthood. While Shelter welcomes the Government's renewed focus on the needs of overcrowded families, real improvement will only be brought about through a long-term strategy which aims to tackle overcrowding against measures acceptable by today's modern living standards. The emphasis must be on more resources being available to provide more homes of the right size.

- Greater provision of affordable, family-sized homes.
- An emergency programme of acquisitions and other initiatives to increase social housing, as new-build social housing could take many years to acquire planning permission and be completed.
- The introduction of a nationally recognised overcrowding measure based on the 'bedroom standard' which is acceptable by today's living standards. We believe this measure will not overburden local authorities, since it will not create new duties or make existing statutory duties significantly more onerous.
- A national overcrowding standard would ensure that the problem of overcrowding can be properly measured. This would establish a true reflection of the problem and assist in making more accurate assessments of housing need and, in particular, the numbers of family-sized homes required.
- The introduction of a target to end overcrowding (similar to the decent homes standard) that could be worked towards over the next ten years.
- The needs of BME communities must be incorporated in regional and local housing strategies.
- Carry out a review of the funding and financial practices of both social-housing funders and providers, to ensure that the funding and 'value for money' criteria do not mitigate against providing the larger, three- and four-bedroom properties that are desperately needed. For example, value for money criteria could be measured by 'grant per bed space' rather than 'grant per unit', to encourage the building of larger homes.
- Ensure that the planning system provides a better match between what size and type of affordable homes are needed, and what is delivered.
- Introduce more generous and positive financial incentives to persuade people, who are under-occupying in the social sector, to move and free up larger homes. Such incentives must be sensitively administered, and be considerate to people's individual needs and future needs.

- Introduce more initiatives to persuade people to move from high-demand to lower-demand areas, similar to the LAWN²² scheme and the Seaside and Country Homes²³ scheme.
- Shelter supports the use of Empty Dwelling Management Orders (due to be introduced through the Housing Bill), which provide local authorities with powers to bring private-sector empty homes into use and to meet housing need on a temporary basis. However we would also like to see fiscal and other measures to discourage private owners from leaving their properties empty for long periods of time.

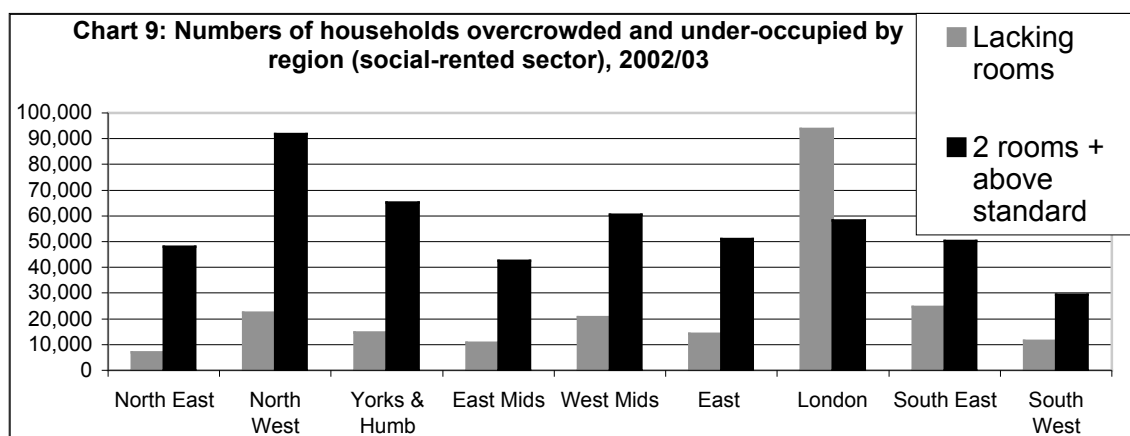
²² LAWN is an inter-regional mobility scheme that helps families move to a new home by promoting partnerships between councils and housing associations who have empty homes, or available properties, with those who have a shortage of housing.

²³ The Seaside & Country Homes Scheme, which allows pensioners to swap their council home for a smaller flat or bungalow outside London, has for many years been a useful way of freeing up family-sized accommodation. It remains popular with pensioners, and there is a long waiting-list for a move. One-bed flats and bungalows on the coast are much cheaper to build than three-bed homes in inner London. Therefore an expanded Seaside & Country Homes Scheme could have an important part to play, easing overcrowding in the short and medium-term.

Appendix one: The main three ways of measuring overcrowding

Measure:	The bedroom standard	Number of persons per room	Occupancy rating
Definition	A standard number of bedrooms required is calculated for each household in accordance with its age/sex/marital status composition, and the relationship of the members to one another. A separate bedroom is required for each married or cohabiting couple, for any other person aged 21 or over, for each pair of adolescents aged ten to 20 of the same sex, and for each pair of children under ten. Any unpaired person aged ten to 20 is paired, if possible, with a child under ten of the same sex, or, if that is not possible, he or she is counted as requiring a separate bedroom, as is any unpaired child.	A simple division of the number of people in a household by the number of rooms in the property. Bathrooms, toilets, halls/landings and storage spaces are excluded.	A room standard, much like the bedroom standard, but more generous because all households are assumed to require two common rooms. The number of bedrooms required is calculated by taking ages and relationships into account, much like the bedroom standard.
How to use the measure	Overcrowded households are defined as those falling one or more rooms short of the bedroom standard. Two or more rooms below is often described as 'severe overcrowding'.	More than one person per room defines an overcrowded household, and over one-and-a-half persons per room defines a 'severely overcrowded' household.	One room below the occupancy rating defines overcrowded households, but this is sometimes over-generous. Two or three rooms below the rating give a more accurate approximation of overcrowding, but these rarely appear on the available data.
Source	Originated in Government social research surveys of the 1960s. Used in ODPM housing surveys for the last ten years.	Censuses, 2001 and 1991.	Census 2001 only.
Benefits	Widely acknowledged as the most accurate predictor of overcrowding. Trend data on larger groups in the sample available.	A Census rather than sample-based research, allowing small groups to be analysed. Some data from previous Census (1991) available.	A Census rather than sample-based research, allowing small groups to be analysed.
Limitations	Used only in sample-based research, so figures are estimates rather than counts, and it can be difficult to analyse small groups such as severely overcrowded households and individual BME groups. Amount of analysis possible is restricted to available data only, although ODPM developing new ways of looking at the data and able to provide some basic new cuts of data.	A less accurate measure, as the way households share rooms is not accounted for. Amount of analysis possible is restricted to available data only – long waiting times for new cuts of data.	Overly generous when looking at all households, as many one-person households are counted as overcrowded and provision for two common rooms is made. Only available for 2001. Amount of analysis possible is restricted to available data – long waiting times for new cuts of data.

Appendix two: Additional charts and tables



Source: ODPM Survey of English Housing 2002/03.

Appendix three: Local authority duties

This appendix outlines the current legislation and local authority duties that relate to overcrowding.

Enforcement

The role of local authorities in enforcing contraventions of the rules on overcrowding, whether in terms of prosecuting offences or serving notices, is entirely a matter of each authority's discretion. In our experience, there appear to be few, if any, prosecutions for statutory overcrowding. With regard to overcrowding notices (or other notices), there is in practice no means of compelling an authority to take action. There is a theoretical prospect of judicial review if an authority can be accused of failing to act or acting irrationally, unfairly, or in bad faith. But, other than in highly exceptional circumstances, the Administrative Court will not interfere in decisions that Parliament has left to the wide-ranging discretion of authorities.

Homelessness

'Reasonableness to occupy'

Under the 1996 Housing Act, a person making a homelessness application shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him/her to continue to occupy (s.175(3), HA 1996). But in deciding whether it is reasonable for a person to continue to occupy accommodation, a local authority may have regard to the 'general circumstances prevailing in relation to housing' within its area (s.177(2)).

Homelessness Code of Guidance

The Code of Guidance on Homelessness (para. 6.26) states 'Overcrowding must be considered in relation to general housing circumstances in the district. Statutory overcrowding ... may not of itself be sufficient to determine reasonableness, but it can be a contributory factor if there are other factors which suggest unreasonableness.' Thus, even where a household is statutorily overcrowded, this does not mean that it is necessarily to be treated as homeless.

As the overview of case law indicates, local authorities have a similarly wide discretion in deciding whether accommodation is not 'reasonable to continue to occupy', such as to render a person homeless under the 1996 Act. Authorities are entitled to perform a 'balancing exercise', which involves comparing the applicant's circumstances with general housing conditions within the authority's district. Assuming that an authority's decision-making process is fair, and addresses the correct factors, and is not perverse on the merits of the case, the courts will not intervene.

Allocations

The 1996 Act requires only that 'reasonable preference' is given to those living in unsatisfactory or overcrowded accommodation. The reference to 'overcrowding' here is generalised (as opposed to statutory overcrowding). It is for authorities to frame their allocation schemes as they think fit, provided that they give some priority to persons in the

respective classes of preference. Each authority is able to decide for itself both the relative priorities they allow to each class of 'reasonable preference' and the criteria they use to differentiate between people within the broad bands of housing need. Again, assuming that an authority has acknowledged the statutory framework in devising its allocation scheme, there is no prospect of persuading a court to interfere.

As the Minister, Keith Hill, made clear in answer to a recent Parliamentary Question, statutorily overcrowded households are only given 'reasonable preference' and not extra priority ahead of others in more immediate housing need.²⁴

We believe, therefore, that the incorporation of the bedroom standard would have no significant implications for the legal duties of local authorities, since many decisions relating to overcrowding are made subject to other discretionary factors such as 'reasonableness to occupy' and giving people 'reasonable preference' (as outlined above). However, introducing a national measure based on the bedroom standard would allow authorities to use their existing range of powers and options to greater effect. In addition, introducing the bedroom standard would not impact upon the potential to create an incremental overcrowding target.

²⁴ House of Commons, Official Report, 18 November 2003: Column 807W (see Annex B)