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Human Rights Centre 

# Poverty and Social Rights in Essex

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# Abbreviations

|  |               |
|--|---------------|
| Broad Rental Market Area                                       | <b>BRMA</b>   |
| Chartered Institute of Public Finance and Accountancy          | <b>CIPFA</b>  |
| Colchester Borough Council                                     | <b>CBC</b>    |
| Colchester Borough Homes                                       | <b>CBH</b>    |
| Colchester Emergency Night Shelter                             | <b>CENS</b>   |
| Committee on Economic, Social and Cultural Rights              | <b>CESCR</b>  |
| Department of Work and Pensions                                | <b>DWP</b>    |
| Essex County Council   | <b>ECC</b>    |
| Economic, Social and Cultural Rights                           | <b>ESCR</b>   |
| Joseph Rowntree Foundation                                     | <b>JRF</b>    |
| International Covenant on Economic, Social and Cultural Rights | <b>ICESCR</b> |
| Local Housing Allowance  | <b>LHA</b>    |
| Resolution Foundation  | <b>RF</b>     |
| United Nations   | <b>UN</b>     |
| Universal Credit   | <b>UC</b>     |

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# Human Rights Local

**Connecting, driving change locally and building bridges through human rights to equality, freedom, dignity and respect.**

Launched in 2020, Human Rights Local is a project of the Human Rights Centre of the University of Essex to make human rights locally relevant.

Human Rights Local seeks to identify opportunities to make human rights locally relevant. Human rights are closely linked to everyday life. By establishing effective relationships with local and community groups, local authorities, and national and international partners, we aim to channel a positive vision of rights for the local community, one that is empowering, protective, enabling and problem-solving through research, partnerships, advice and support. We believe that this brings human rights closer to the ground, adapting international standards and principles to the local context. By identifying local priorities and needs, we support local communities to translate their concerns into rights-based demands for change while creating avenues for dialogue and participation.

Published in October 2021, the report “Human Rights and Local Government – Lessons from Human Rights Cities in Europe”,<sup>1</sup> written by Irem Arf and Dr Koldo Casla, looked at nine European cities, three of them in England, to see how they use human rights to have a positive impact on the local community. Seven of the cities have declared themselves as Human Rights Cities, where businesses, organisations and local authorities refer to the Universal Declaration of Human Rights in everyday activities and policies. The report identifies some of the common characteristics among these cities, as well as the potential benefit of becoming a Human Rights City. It also draws on the experience of both Brighton & Hove and Newcastle, which have not yet self-declared as Human Rights Cities but have adopted certain human rights principles in specific areas, in particular housing and homelessness.

In 2021/22, Human Rights Local was funded by ESRC Impact Acceleration Account. This report is also funded by the same scheme.

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<sup>1</sup> Irem Arf and Koldo Casla, ‘Human Rights and Local Government – Lessons from Human Rights Cities in Europe’ (University of Essex Human Rights Centre, 2021) <<https://www.essex.ac.uk/research-projects/human-rights-local>> accessed 4 February 2022.

# 1. Introduction

Drawing on quantitative and qualitative desk research and interviews, this report analyses the relationship between poverty and the state of Economic, Social and Cultural Rights (ESCR) in and near Colchester, in accordance with the International Covenant on Economic, Social and Cultural Rights (ICESCR).

## 1.1. Background

The ICESCR includes the right to work and rights at work (Articles 6 and 7), the right to social security (Article 9), protection of family (Article 10), the right to an adequate standard of living, including food, water, clothing and housing (Article 11), the right to the highest attainable level of mental and physical health (Article 12), the right to education (Article 13), and the right to take part in cultural life and to enjoy the benefits of scientific progress and its applications (Article 15).

The UK is a signatory to the ICESCR,<sup>2</sup> meaning it has made a legally binding commitment to respect, protect and fulfil the rights contained within this treaty.<sup>3</sup> However, the UK has historically been opposed to the legislative incorporation and justiciability of ESCR,<sup>4</sup> and therefore, the ICESCR is not directly enforceable in domestic courts. Furthermore, the UK is not a party to the Optional Protocol to ICESCR,<sup>5</sup> which would allow individuals to submit complaints to the UN Committee on Economic, Social and Cultural Rights (CESCR). The UK has generally failed to meaningfully acknowledge and fulfil recommendations from the CESCR's last six reviews on the UK's compliance with ICESCR.<sup>6</sup>

In November 2018, then UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, visited Essex as part of his official UN mission to the UK. At the end of this mission, he issued a series of recommendations to local and national authorities in relation to evictions, access to social housing, social services, and the legal recognition of ESCR.<sup>7</sup>

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<sup>2</sup> 'United Kingdom of Great Britain and Northern Ireland Ratification Status' (*United Nations Treaty Bodies | Body Database*, 2022) <[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CESCR&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CESCR&Lang=en)> accessed 4 February 2022.

<sup>3</sup> Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331 art 26; UNGA, 'Report of the United Nations High Commissioner for Human Rights' (2016) UN Doc E/2015/59 para 16 – 30.

<sup>4</sup> Katie Boyle, *Economic and Social Rights Law Incorporation, Justiciability and Principles of Adjudication* (Routledge 2020) 104 - 111.

<sup>5</sup> United Kingdom of Great Britain and Northern Ireland Ratification Status (n 2).

<sup>6</sup> Aveendra Khare, Ada Romero Pastor, Chloe Goldthorpe and Laura Grob, 'Thrive, Not Survive: A Review of Economic, Social and Cultural Rights in the UK (SOAS, University of London and Just Fair 2022)' <<https://justfair.org.uk/wp-content/uploads/2022/03/Thrive-Not-Survive-Just-Fair-22-February-2022.pdf>> accessed 10 March 2022.

<sup>7</sup> UN Special Rapporteur on Extreme Poverty and Human Rights, 'Visit to the United Kingdom of Great Britain and Northern Ireland: Report' (2019) UN Doc A/HRC/41/39/Add.1 paras 94 – 97.

The purpose of this report is twofold. First, to provide a snapshot of the state of ESCR in and near Colchester. Secondly, to make sure that the situation in and near Colchester is brought to the attention of the UN CESCR for its forthcoming 7<sup>th</sup> review of the UK in 2022-24.

## **1.2. Structure**

Chapter 2 analyses the issue of access to housing, specifically looking at social and private housing, rent arrears and evictions, temporary and emergency accommodation, and rough sleeping homelessness, as matters relating to Article 11 ICESCR. Chapter 3 examines social security and social assistance, briefly discussing cuts and freezes to welfare benefits throughout the 2010s, with a specific focus on the UK Government's decision to reduce the £20 a week uplift of Universal Credit in October 2021, and the adverse impact this has on people's standard of living, issues relating to Articles 9 and 11 ICESCR. Chapter 3 also examines access to food banks, looking at the rising use of food banks and how this relates to Article 11 ICESCR, and data around child poverty rates and how the eradication of child poverty must be more readily pursued by local and national authorities for the realisation of various articles contained in ICESCR. Finally, Chapter 4 presents a case study around libraries as an issue relevant to the right to take part in cultural life under Article 15 ICESCR, demonstrating the importance and effectiveness of human rights advocacy and campaigning in protecting this right. Chapter 4 also looks at the temporary closure of libraries during the pandemic and a possible reduction of services to libraries in Essex.

## **1.3. Methodology**

The research was carried out between October 2021 and April 2022. It consisted of desk-based literature review on access to housing, social security, food banks, child poverty and library closures, as well as field research involving interviews concerning these issues with stakeholders from the local community. Interviewees were representatives and officials from Colchester Borough Council, local community groups, local charity and non-profit organisations and academics.

The desk-based research included a review of publicly available, international, national and local, reports, data and statistics on access to housing, social security, foodbanks, child poverty and library closures, and the rights contained in ICESCR.

There were 13 interviews, all lasting approximately one hour, held online via Zoom. Interviews adhered to safe and ethical practices, going over issues of consent and data anonymity at the beginning of each interview. Interviewees were free to withdraw their consent at any point during the interview, or indeed

after the interview until the moment of publication. Interviewees would remain anonymous, unless they expressly stated that they wanted to provide their name. We did not record the interviews, but we did take notes. We are extremely grateful to the interviewees for their time and participation, and for all the information they shared with us.

Additional information was received via email from Colchester Borough Council and Essex County Council in May 2022 in relation to a number of points in this report.

This report frames the research issue by issue to interpret these matters through the prism of the rights contained in ICESCR. The report analyses the documentation, data and statistics in light of the local and national authorities' obligation to respect, protect and fulfil the rights contained within the Covenant, subject to the principles of progressive realisation and non-retrogression, maximum available resources and minimum core obligations under Article 2(1) ICESCR.<sup>8</sup>

#### Maximum Available Resources

“The obligation to use the maximum of available resources (MAR) means that a government must do all that it can to mobilise resources within the country in order to have funds available to progressively realise ESC rights. While any country typically has a range of potential resources (human, natural, etc.), the financial resources represented by the government’s budget are key to realising ESC rights. The MAR obligation means that, as long as fuller realisation of ESC rights requires that more government resources be devoted to it, the government must make all possible efforts to raise as much revenue domestically as it can, without, of course, undermining the long-term viability of the economy. This means that the government must make every effort to collect all taxes and other revenue due it, all the while complying with the obligations of progressive realisation and non-discrimination, and ensuring that people have access to the relevant information.”<sup>9</sup>

#### Progressive Realisation

“The concept of “progressive realisation” describes a central aspect of States’ obligations in connection with economic, social and cultural rights under international human rights treaties. At its core is the obligation to take appropriate measures towards the full realisation of economic, social and cultural rights to the maximum of their available resources. The reference to “resource availability” reflects a recognition that the realization of these rights can be hampered by a lack of

<sup>8</sup> Report of the United Nations High Commissioner for Human Rights (n 3).

<sup>9</sup> International Budget Partnership. ‘The Use of Maximum Available Resources’ (International Budget Partnership 2014) 3 <<https://www.internationalbudget.org/wp-content/uploads/Maximum-Available-Resources-booklet.pdf>> accessed 30 March 2022.

resources and can be achieved only over a period of time. Equally, it means that a State's compliance with its obligation to take appropriate measures is assessed in the light of the resources—financial and others—available to it.”<sup>10</sup>

“The concept of progressive realisation is sometimes misinterpreted as if States did not have to protect economic, social and cultural rights until they have sufficient resources. On the contrary, the treaties impose an immediate obligation to take appropriate steps towards the full realisation of economic, social and cultural rights. A lack of resources cannot justify inaction or indefinite postponement of measures to implement these rights. States must demonstrate that they are making every effort to improve the enjoyment of economic, social and cultural rights, even when resources are scarce. For example, irrespective of the resources available to it, a State should, as a matter of priority, seek to ensure that everyone has access to, at the very least, minimum levels of rights, and target programmes to protect the poor, the marginalized and the disadvantaged.”<sup>11</sup>

### Non-Retrogression

“Retrogression should be avoided even in extreme economic conditions. Measures that would result in a deterioration in economic social and cultural rights are only permissible if they meet certain criteria. They must be temporary, legitimate in the sense that they are designed to contribute to the ultimate realization of human rights, reasonable, necessary, proportionate, non-discriminatory, protective of the minimum core content of economic, social and cultural rights, and designed and adopted consistent with the requirements of transparency, participation and accountability.”<sup>12</sup>

### Minimum Core Obligations

“Under the ICESCR, there are obligations considered to be of immediate effect to meet the minimum essential levels of each of the rights. They are called minimum core obligations. If a State fails to meet these because it does not have the resources, it must demonstrate that it has made every effort to use all available resources to satisfy, as a matter of priority, these core obligations. Even if a State has clearly inadequate resources at its disposal, the Government must still introduce low-cost and

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<sup>10</sup> OHCHR, 'Human Rights, Fact Sheet No. 33: Frequently Asked Questions on Economic, Social and Cultural Rights' (OHCHR 2008) 13 <<https://www.ohchr.org/sites/default/files/documents/publications/factsheet33en.pdf>> accessed 22nd March 2022.

<sup>11</sup> Ibid 14.

<sup>12</sup> UN Human Rights Special Procedures, Special Rapporteurs, Independent Experts & Working Groups, 'How to Make Economic Reforms Consistent with Human Rights Obligations: Guiding Principles on Human Rights Impact Assessment of Economic Reforms' (OHCHR 2020) 6 <[https://www.ohchr.org/sites/default/files/GuidePrinciples\\_EN.pdf](https://www.ohchr.org/sites/default/files/GuidePrinciples_EN.pdf)> accessed 17 April 2022.

targeted programmes to assist those most in need so that its limited resources are used efficiently and effectively.”<sup>13</sup>

## Poverty

“When a person’s resources (mainly their material resources) are not sufficient to meet their minimum needs (including social participation).”<sup>14</sup>

In other words, “poverty means not being able to heat your home, pay your rent, or buy the essentials for your children. It means waking up every day facing insecurity, uncertainty, and impossible decisions about money. It means facing marginalisation – and even discrimination – because of your financial circumstances. The constant stress it causes can lead to problems that deprive people of the chance to play a full part in society.”<sup>15</sup>

“Existing alongside the more familiar privations relating to lack of decent work, insufficient and insecure income and material and social deprivation, three dimensions are relational. These draw attention to the way that people who are not confronting poverty affect the lives of those who are: social maltreatment; institutional maltreatment and unrecognised contributions. The three dimensions that constitute the core experience of poverty place the anguish and agency of people at the centre of the conceptualisation of poverty: suffering in body, mind, and heart; disempowerment; and struggle and resistance.”<sup>16</sup>

In light of ICESCR, the CESCR has stated that “poverty may be defined as a human condition characterised by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights. While acknowledging that there is no universally accepted definition, the Committee endorses this multi-dimensional understanding of poverty, which reflects the indivisible and interdependent nature of all human rights.”<sup>17</sup>

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<sup>13</sup> Human Rights, Fact Sheet No. 33: Frequently Asked Questions on Economic, Social and Cultural Rights (n 10) 16.

<sup>14</sup> Chris Goulden and Conor D’Arcy, ‘A Definition of Poverty’ (JRF 2014) 1 – 10 <<https://www.jrf.org.uk/file/45780/download?token=zilY4i-J&filetype=full-report>> accessed 22 March 2022.

<sup>15</sup> Joseph Rowntree Foundation, ‘What Is Poverty?’ (JRF, 2022) <<https://www.jrf.org.uk/our-work/what-is-poverty>> accessed 22 March 2022.

<sup>16</sup> ATD Fourth World and University of Oxford, ‘The Hidden Dimensions of Poverty: International Participatory Research’ (ATD Fourth World 2019) 8 <[https://www.atd-fourthworld.org/wp-content/uploads/sites/5/2019/05/Dim\\_Pauvr\\_eng\\_FINAL\\_July.pdf](https://www.atd-fourthworld.org/wp-content/uploads/sites/5/2019/05/Dim_Pauvr_eng_FINAL_July.pdf)> accessed 17 April 2022.

<sup>17</sup> CESCR ‘Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights: Poverty and the International Covenant on Economic, Social and Cultural Rights’ (2001) UN Doc E/C.12/2001/10 para 8.

The issues covered in this report were selected based on relevancy to the local community, the need to highlight such issues to the CESCR and the limit in the scope of this report. This report does not suggest that other ESCR, and other related issues, are of less importance. Further national and local research on matters involving the right to education, health and work would be welcomed to portray a fuller understanding of the state of ESCR in and near the Colchester area.

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ESRC Impact Acceleration Account

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Sophie Mattei, Head of Housing at YMCA Colchester, Colchester

## 2. Access to Housing

According to the Joseph Rowntree Foundation (JRF), “almost half (46%, 1.9 million people) of private renters pulled into poverty by their housing costs; compared with a third (33%) of social renters dragged into poverty by housing cost.”<sup>18</sup> The unaffordability of the private and social rental sectors not only increases levels of poverty and deprivation in itself, but can ultimately result in a chain of possible further struggles, such as getting into rent arrears that may result in evictions, being placed in temporary or emergency accommodation, or becoming homeless.<sup>19</sup> Moreover, these issues have only been further exacerbated due to the effects of the Covid-19 pandemic.

This unaffordability problem is in direct contradiction of the UK’s obligation to ensure the realisation of the right to adequate housing under Article 11(1) ICESCR.<sup>20</sup> “The right to housing should be defined as the right to live in a home in peace, security and dignity, and include security of tenure, availability of services, affordability, habitability, accessibility, appropriate location and cultural adequacy.”<sup>21</sup> This chapter examines access to social/council housing, no-fault evictions and rent arrears, temporary and emergency accommodation, and rough sleeping homelessness, presenting conclusions and recommendations to the local and national authorities on how best to address these issues to ensure the realisation of the right to adequate housing.

### 2.1.Relevant Domestic (UK/English) Law

There are various domestic laws and policies that are relevant to the issues of social/council housing, no-fault evictions and rent arrears, temporary and emergency accommodation, and homelessness. Under the Housing and Regeneration Act 2008, social/council housing must be “made available to people whose needs are not adequately served by the commercial housing market”<sup>22</sup> by the local authority, and such housing is regulated by the Regulating the Standards guidance.<sup>23</sup> Moreover, part 6 of the Housing Act 1996 states that local authorities must have regard to guidance set under Allocation of Accommodation Guidance for Local Housing Authorities in England in relation to the allocation of

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<sup>18</sup> Joseph Rowntree Foundation, ‘UK Poverty 2022: The Essential Guide to Understanding Poverty in the UK’ (JRF 2022) 44 <<https://www.jrf.org.uk/report/uk-poverty-2022>> accessed 22 March 2022.

<sup>19</sup> Crisis, ‘Cover the Cost: Restoring Local Housing Allowance Rates to Prevent Homelessness (Crisis 2019) 8 – 9 <<https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/benefits-and-employment/cover-the-cost-restoring-local-housing-allowance-rates-to-prevent-homelessness/>> accessed 22 March 2022.

<sup>20</sup> ICESCR art 11(1); CESCR ‘General Comment No. 4: The Right to Adequate Housing’ (1991) UN Doc E/1992/23 para 8.

<sup>21</sup> Ibid paras 8(a) – (g).

<sup>22</sup> Housing and Regeneration Act 2008, ss 68 – 71.

<sup>23</sup> UK Government, ‘Regulating The Standards (Accessible Version)’ (GOV.UK, 2022)

<<https://www.gov.uk/government/publications/regulating-the-standards/regulating-the-standards-march-2022>> accessed 30 March 2022.

social/council housing.<sup>24</sup> In regard to no-fault evictions, section 21 of the Housing Act 1988 allows for landlords in England and Wales to give notice and end a person's tenancy without giving any reason.<sup>25</sup> During pandemic lockdowns and restrictions, the Coronavirus Act 2020 provided protection to social/council and private housing tenants by preventing bailiff enforcement of evictions and delaying when landlords could evict tenants under section 21.<sup>26</sup> Under Part VII of the Housing Act 1996, as amended by the Homeless Reduction Act 2017, local authorities, across the UK, also have a 56 day prevention duty (meaning that they must take reasonable steps to prevent individuals and households from becoming homeless within 56 days) and relief duty (meaning that they must take reasonable steps to help individuals and households secure suitable accommodation within 56 days) to relieve and prevent homelessness.<sup>27</sup> In England, local authorities also have a legal duty to assess whether an individual or household has become homeless intentionally under section 191 of the Housing Act 1996 before awarding the full housing duty under section 193.<sup>28</sup>

## 2.2. Access to Social/Council Housing

There is no statutory definition of 'affordable housing', which has resulted in a great deal of ambiguity of what is meant by this term.<sup>29</sup> The UK Government has stated that affordable housing "includes social rented, affordable rented and intermediate housing, provided to specified eligible households whose needs are not met by the market... [i]t can be a new-build property or a private sector property that has been purchased for use as an affordable home."<sup>30</sup> This understanding of 'affordable housing' includes various types of accommodation, such as "social/council rent housing (low rent, secure housing prioritised by need); affordable rent housing (higher rent, less secure housing prioritised by need); shared ownership (housing that you buy part of and rent part of); and intermediate rent homes (80% market rate housing)."<sup>31</sup> However, this report will primarily consider social/council housing (built or bought by local authorities), meaning low-cost rental and low-cost homeownership accommodation that

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<sup>24</sup> Housing Act 1996, pt VI; Ministry of Housing Communities & Local Government, 'Allocation of Accommodation: Guidance for Local Housing Authorities in England 1 – 37' <[https://assets.publishing.service.gov.uk/media/60df2d0de90e0771784b991f/Current\\_allocation\\_of\\_accommodation\\_guidance.pdf](https://assets.publishing.service.gov.uk/media/60df2d0de90e0771784b991f/Current_allocation_of_accommodation_guidance.pdf)> accessed 30 March 2022.

<sup>25</sup> Housing Act 1988, s 21.

<sup>26</sup> Coronavirus Act 2020, s 81, sch 29.

<sup>27</sup> Homelessness Reduction Act 2017.

<sup>28</sup> Housing Act 1996, s 196.

<sup>29</sup> Wendy Wilson and Cassie Barton, 'Research Briefing: What is Affordable Housing?' (House of Commons Library 2022) 5, 16 – 17 <<https://researchbriefings.files.parliament.uk/documents/CBP-7747/CBP-7747.pdf>> accessed 22 March 2022.

<sup>30</sup> UK Government, 'Affordable Housing Supply' (GOV.UK, 2021) <<https://www.gov.uk/government/collections/affordable-housing-supply>> accessed 22 March 2022.

<sup>31</sup> John Bibby, 'What Is 'Affordable Housing'? – Shelter' (*Blog.shelter.org.uk*, 2015)

<<https://blog.shelter.org.uk/2015/08/what-is-affordable-housing/>> accessed 22 March 2022; What is Affordable Housing (n 29) 5 - 16.

must be “made available to people whose needs are not adequately served by the commercial housing market” by the local authority.<sup>32</sup>

### 2.2.1. National Perspective

Due to social homes being sold or demolished, and not enough being built, people are being forced into renting privately.

Between 2020 and 2021, over 21,000 social homes were sold (through the right to buy scheme) or demolished,<sup>33</sup> with less than 6,000 being built.<sup>34</sup> This is consistent with a trend in less social/council housing being built since the 1990s.<sup>35</sup> Moreover, according to Shelter, “over one million households, in England, are waiting for social homes in 2021... [with] many households have been forced into renting in the private sector which has more than doubled in this time.”<sup>36</sup> The UK Government has also reported that “[a]n estimated 11 million people rent privately in England, and the sector has doubled in size in the last 20 years... [o]n average, private tenants spend 32% of their income on housing, more than those living in their own properties (18%) or in social housing (27%).”<sup>37</sup> With “low-income private renting households paying much higher housing costs and spending a higher proportion of income on housing costs” than those in social renting or paying off a mortgage,<sup>38</sup> this national social housing deficit is likely to result in further struggles for low-income earners, such as rent arrears, evictions, temporary housing or homelessness for those unable to obtain social housing. To tackle this deficit and fulfil its obligations under Article 11 ICESCR, the UK Government must considerably increase the supply of social/council housing.<sup>39</sup> The homelessness charity Crisis estimates that “100,000 social homes a year must be built across Great Britain over the next 15 years, with 90,000 a year of these built in England.”<sup>40</sup>

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<sup>32</sup> Human and Regeneration Act (n 22) s 69(c).

<sup>33</sup> UK Government, 'Social Housing Sales and Demolitions 2020-21' (GOV.UK, 2022) <<https://www.gov.uk/government/statistics/social-housing-sales-and-demolitions-2020-21-england/social-housing-sales-and-demolitions-2020-21>> accessed 30 March 2022.

<sup>34</sup> UK Government, 'Live Tables On Housing Supply: Indicators Of New Supply' (GOV.UK, 2022) <<https://www.gov.uk/government/statistical-data-sets/live-tables-on-house-building>> accessed 30 March 2022.

<sup>35</sup> Shelter, 'Social Housing Deficit - Shelter England' (Shelter England, 2021) <[https://england.shelter.org.uk/support\\_us/campaigns/social\\_housing\\_deficit](https://england.shelter.org.uk/support_us/campaigns/social_housing_deficit)> accessed 30 March 2022.

<sup>36</sup> Ibid.

<sup>37</sup> Committee Of Public Accounts, *Regulation of Private Renting* (HC 2021 – 2022, 996) 8 <<https://committees.parliament.uk/publications/9608/documents/163793/default/>> accessed 5 May 2022.

<sup>38</sup> Robert Joyce, Mathew Mitchell and Agnes Norris Keiller, 'The Cost of Housing for Low-Income Renters' (Institute for Fiscal Studies 2017) 2, 12 – 41 <<https://ifs.org.uk/uploads/publications/comms/R132.pdf>> accessed 30 March 2022.

<sup>39</sup> Crisis, 'Cover the Cost: Restoring Local Housing Allowance Rates to Prevent Homelessness' (Crisis 2019) 9 – 10 <<https://www.crisis.org.uk/ending-homelessness/homelessness-knowledge-hub/benefits-and-employment/cover-the-cost-restoring-local-housing-allowance-rates-to-prevent-homelessness/>> accessed 30 March 2022.

<sup>40</sup> Ibid 47.

## 2.2.2. Local (Colchester and Essex) Perspective

Between the period of April 2020 and March 2021, Colchester Borough Homes (CBH), which is a subsidiary of Colchester Brough Council (CBC), built no new social/council homes.<sup>41</sup> However, during this period, according to information provided by Pam Donnelly, the Chief Executive of CBC,<sup>42</sup> CBH did acquire 34 social/council homes through the Housing Acquisitions Programme and 25 other properties through the 100 Homes Project, a total of 59 social/council homes bought.<sup>43</sup> On the other hand, 741 new homes were built by private developers in the Colchester area,<sup>44</sup> with only 42 of these new builds being affordable housing units built by private developers and transferred to registered providers.<sup>45</sup> Colchester Borough Council reports that “the number of affordable homes delivered during this year has decreased due to Covid and specifically around access to construction materials and the impact on the market.”<sup>46</sup>

CBH stated that the Covid-19 pandemic resulted in the “lowest number of new build affordable housing units delivered in the last four years”,<sup>47</sup> during the period of April 2020 and March 2021.

It is the role of central government to ensure that local authorities “have the necessary financial, human and other resources effectively to discharge responsibilities for the implementation”,<sup>48</sup> but local authorities also have obligations under Article 11 ICESCR<sup>49</sup> to ensure a “sufficient supply of social/council housing for the most disadvantaged and marginalised individuals and groups, such as those in low-income individuals and households and those in poverty.”<sup>50</sup>

According to CBC, as of 28 January 2022, the average price of a privately rented three bed property in Colchester was £1,036 per month,<sup>51</sup> whilst the average price of a social/council house rented three bed property in Colchester was £437.97 per month.<sup>52</sup> Hence, with a lack of social/council housing being

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<sup>41</sup> Colchester Brough Council, ‘Authority Monitoring Report 2021’ (CBC 2021) 25 – 26

<<https://cbccrmdata.blob.core.windows.net/noteattachment/CBC-planning-Authority-monitoring-report-2021-2021%20AMR.pdf>> accessed 30 March 2022.

<sup>42</sup> Pam Donnelly, Chief Executive of Colchester Borough Council via email (28 January 2022).

<sup>43</sup> Ibid.

<sup>44</sup> Authority Monitoring Report 2021 (n 41).

<sup>45</sup> Information provided by Colchester Borough Council via email (18 May 2022).

<sup>46</sup> Information provided by Colchester Borough Council via email (17 May 2022).

<sup>47</sup> Authority Monitoring Report 2021 (n 41).

<sup>48</sup> UN Special Rapporteur on Adequate Housing, ‘Guidelines for the Implementation of the Right to Adequate Housing’ UN Doc A/HRC/43/43 (2020) para 63(b).

<sup>49</sup> Koldo Casla, ‘Making the Right to Housing Real in Newcastle: How can Newcastle City Council Implement the Internationally Recognised Right to Adequate Housing to end Homelessness?’ (NCC-Crisis Partnership, 2021) 3 – 7 <<https://essexlawresearch.files.wordpress.com/2021/08/koldo-casla-june2021-crisis-and-ncc-right-to-housing-v2.pdf>> accessed 4 February 2022; UN Special Rapporteur on Adequate Housing, ‘Report on the Roles of Local and Other Subnational Levels of Government’ UN Doc A/HRC/28/62 (2014) para 70.

<sup>50</sup> CESCR, ‘Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland’ (2016) UN Doc E/C.12/GBR/CO/6 para 50(a).

<sup>51</sup> Pam Donnelly via email (n 42).

<sup>52</sup> Ibid.

built in the Colchester area, those seeking to gain social/council housing will be forced into the rental sector where the rent appears to be 2.4 times higher. In 2021, the median salary for Colchester during this period was £29,300, compared to the UK median salary for this period which was £31,300.<sup>53</sup> This means that, on average, renting a three-bed private property in Colchester would take up 42.4% of the median salary in Colchester in 2021. Furthermore, in the same period, the female median salary for Colchester was £26,800, similar to but still lower than the UK female median salary for this period (£26,900).<sup>54</sup> This means that, on average, renting a three-bed private property in Colchester would take up 46.3% of the female median salary in Colchester in 2021, which is significantly more than the generally used benchmark of 30% of household income pre-tax devoted to housing cost. Although, we do not have data on other groups at greater risk of harm or discrimination, such as single-parent households, migrants, and Black, Asian and Minority Ethnic individuals and households, the insufficiency of social/council housing is a concerning factor in forcing people into a private property market that is taxing for even median salary earners.

| Average Length of Wait in Months for Social/Council Housing in Colchester (March 2022) <sup>55</sup> |        |        |        |
|--|--------|--------|--------|
|  | Band A | Band B | Band C |
| Studio   |        | 5.7    | 10.7   |
| 1 Bed  | 7.3    | 7.2    | 16.4   |
| 2 Bed  | 8.7    | 9      | 21.2   |
| 3 Bed  | 24.8   | 34.3   | 133.9  |
| 4 Bed  |        | 46.2   |        |

As of 31 March 2022, 2,880 people were on the waiting list for a social/council house in the Colchester area, compared to 3,009 in March 2021.<sup>56</sup>

The waiting list for social/council housing in Colchester is organised into five main categories, or 'bands', of need (from A to F) under the Gateway to Homechoice online system.<sup>57</sup> These extensive waiting times for social/council housing are again indicative of the need for more social/council housing supply in Colchester. These long waits for individuals and households to find appropriate social/council

<sup>53</sup> Plumplot, 'Colchester Average Salary and Unemployment Rates in Graphs and Numbers.' (*Plumplot.co.uk*, 2021) <<https://www.plumplot.co.uk/Colchester-salary-and-unemployment.html>> accessed 30 March 2022.

<sup>54</sup> Ibid.

<sup>55</sup> Information provided by Colchester Borough Council via email (17 May 2022).

<sup>56</sup> Ibid.

<sup>57</sup> Gateway to Homechoice, 'Prioritising Applications - Homechoice' (*Gatewaytohomechoice.org.uk*, 2021) <<https://www.gatewaytohomechoice.org.uk/content/Information/PrioritisingApplications>> accessed 30 March 2022.

housing accommodation are likely to result in amplifying and prolonging already overcrowded or inaccessible housing conditions.

Representatives from a Colchester-based domestic-abuse relief charity, Next Chapter, told us that they were sceptical that recently introduced Domestic Abuse Act<sup>58</sup> would help survivors of domestic abuse gain priority (band A) access to social/council housing. They state that “it’s not easier than it used to be” for domestic abuse survivors to gain priority from the Act due to there being many other groups in the band A priority list, including people with mental and physical health conditions.<sup>59</sup> However, this Act only came into force in 2021; therefore its full impact is yet to be understood and assessed.

Nonetheless, as recommended by the UN Special Rapporteur on Adequate Housing, the UK and its local authorities should “ensure that emergency shelters are available and accessible to women, and that women who are victims of domestic violence are specifically able to benefit from transitional housing programmes and social housing.”<sup>60</sup>

CBH and CBC should do as much as possible, within the financial, human and other resources provided for by central government, to contribute to the 90,000 social/council homes that Crisis has estimated are required in England to address the social/council housing deficit and realise the right to adequate housing under Article 11 ICESCR. In the same vein, CBH and CBC should also ensure that a sufficient supply of social housing is built so that low-income individuals and households, and those in poverty, can access their right to genuinely affordable housing and are not forced into an unaffordable private property market. Likewise, to prevent such lengthy waiting times and fulfil their obligations to provide adequate housing, CBH and CBC should build and buy more social/council housing so that individuals and households at greater risk of harm, disadvantage or discrimination are not living in unsafe, overcrowded or unfit housing conditions for unreasonable extended periods.

## 2.3. Evictions and Rent Arrears

Forced evictions (evictions that occur against the person’s will and without provisions and access to legal and other forms of protection)<sup>61</sup> are incompatible with Article 11 ICESCR.<sup>62</sup> The Coronavirus Act 2020 provided protection to social/council and private housing tenants through preventing bailiff

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<sup>58</sup> Domestic Abuse Act 2021.

<sup>59</sup> 'Prioritising Applications – Homechoice' (n 57).

<sup>60</sup> UN Special Rapporteur on Adequate Housing, 'Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context, Raquel Rolnik' (2011) Un Doc A/HRC/19/53 para 67.

<sup>61</sup> Guidelines for the Implementation of the Right to Adequate Housing (n 48) para 34; CESCR 'General Comment No. 7: The Right to Adequate Housing and Forced Evictions' (1997) Un Doc E/1998/22 paras 3, 15 and 16.

<sup>62</sup> Guidelines for the Implementation of the Right to Adequate Housing (n 48) para 38 (a), (b); General Comment No. 4: The Right to Adequate Housing' (n 20) para 18; CESCR 'General Comment No. 7 (n 61) para 1.

enforcement of evictions and delaying when landlords could evict tenants under section 21.<sup>63</sup> This protection from evictions only lasted during periods of lockdowns and restrictions.<sup>64</sup> Although there was some help for people struggling with rent arrears (Discretionary Housing Payments and £65 million through the Homelessness Prevention Grant provided to local authorities),<sup>65</sup> according to the Joseph Rowntree Foundation the pandemic has resulted in 950,000 of the 11.6 million households, with an income below £24,752 in rent arrears across the whole of the UK.<sup>66</sup>

### 2.3.1. National Perspective

Section 21 of the Housing Act 1988, which allows landlords in England and Wales to give notice and end a person's tenancy without giving any reason, has been widely contested to be against Article 11 ICESCR.<sup>67</sup> The National Audit Office reported in 2017 that the ending of private sector tenancies under section 21 was the biggest single driver of statutory homelessness in England.<sup>68</sup>

On the matter of security of tenure, the CESCR has established that, "where some evictions may be justifiable, such as in the case of the persistent non-payment of rent or of damage to rented property without any reasonable cause, it is incumbent upon the relevant authorities to ensure that those evictions are carried out in a manner warranted by a law which is compatible with the (ICESCR) and that all the legal recourses and remedies are available to those affected."<sup>69</sup> In this regard, the CESCR stated that tenants must be able "to object or lodge an appeal so that the judge might consider the consequences of the eviction and its compatibility" with Article 11 ICESCR.<sup>70</sup>

Although the UK Government has made a commitment to abolishing no-fault eviction under section 21 through the Renters Reform Bill,<sup>71</sup> the Bill has been continuously delayed.<sup>72</sup> Thus, the UK Government must urgently abolish no-fault evictions under section 21 of the Housing Act 1988, to comply with Article 11 ICESCR.

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<sup>63</sup> Coronavirus Act 2020, s 81, Sch 29; UK Government, '[Withdrawn] Guidance for Landlords And Tenants' (GOV.UK, 2022) <<https://www.gov.uk/government/publications/covid-19-and-renting-guidance-for-landlords-tenants-and-local-authorities/coronavirus-covid-19-guidance-for-landlords-and-tenants>> accessed 17 April 2022.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Rachele Earwaker and Morgan Bestwick, 'Dragged Down By Debt: Millions Of Low-Income Households Pulled Under By Arrears While Living Costs Rise' (JRF 2021) 9 <<https://www.jrf.org.uk/report/dragged-down-debt-millions-low-income-households-pulled-under-arrears-while-living-costs-rise>> accessed 17 April 2022.

<sup>67</sup> Koldo Casla, 'Unpredictable and Damaging? A Human Rights Case for the Proportionality Assessment of Evictions in the Private Rental Sector' (2022) (3) European Human Rights Law Review <<http://repository.essex.ac.uk/32694/>> accessed 17 April 2022.

<sup>68</sup> National Audit Office, 'Department for Communities and Local Government: Homelessness' (NAO 2017) 6 <**Error! Hyperlink reference not valid.**<https://www.nao.org.uk/wp-content/uploads/2017/09/Homelessness.pdf>> 17 April 2022.

<sup>69</sup> General Comment No. 7: The Right to Adequate Housing and Forced Evictions (n 61) para 11.

<sup>70</sup> CESCR 'MBD et al v. Spain' Communication No 5/12015 (5 July 2017) UN Doc E/C.12/61/D/5/2015 paras 13.4, 21.a.

<sup>71</sup> Renters Reform HC Bill (2019-2020).

<sup>72</sup> Meera Chindooroy, 'Rental Reform White Paper Pushed Back To 2022 | NRLA' (Nrla.org.uk, 2021) <<https://www.nrla.org.uk/news/rental-reform-white-paper-pushed-back>> accessed 17 April 2022.

Whilst there were only 4,853 repossessions by landlords from July 2021 to September 2021 due to protection from evictions granted by the Coronavirus Act,<sup>73</sup> this figure represents a postponement of people that will face no-fault evictions after the extensions of notice on evictions has stopped.

The number of people facing and owing more money in rent arrears has exponentially increased. A survey of 2,000 private renters in England and Wales by the National Residential Landlords Association found average rent debt owed as a result of the pandemic had increased by 41% between May 2021 and December 2021, with the affected tenants' average debt increasing to £1,270, up from £900, during this period.<sup>74</sup>

While it is the State's duty to take necessary measures to prevent evictions occurring as a result of rent arrears,<sup>75</sup> the UK Government has not provided enough Local Housing Allowance rates (LHA; housing benefits for private renters) to prevent the worsening of this crisis.

In April 2011, the Government made reforms which reduced the LHA rates to below the 30<sup>th</sup> percentile of rents in each Broad Rental Market Area (BRMA), and absolute caps were placed on rates depending on property sizes.<sup>76</sup> This trend has generally been continued by subsequent governments, whilst rent in the private and social/council housing sectors has continuously risen.<sup>77</sup> This reduction to the coverage of the 30<sup>th</sup> percentile of local rents has resulted in a significant reduction of homes that are affordable to housing benefit recipients.<sup>78</sup> Evidence from Shelter and the Institute for Fiscal Studies indicates that in order to deal with the low levels of LHA, households are compromising on the size of the property they live in, raising concerns about overcrowding and health and safety issues.<sup>79</sup> Organisations such as Crisis are campaigning to restore the coverage of LHA rates of the 30<sup>th</sup> percentile of local rents in order

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<sup>73</sup> UK Government, 'Mortgage and Landlord Possession Statistics: July To September 2021' (GOV.UK, 2022) <<https://www.gov.uk/government/statistics/mortgage-and-landlord-possession-statistics-july-to-september-2021/mortgage-and-landlord-possession-statistics-july-to-september-2021#overview-of-landlord-possession>> accessed 17 April 2022.

<sup>74</sup> Wendy Wilson, 'Research Briefing: Coronavirus: Support for Landlords and Tenants' (House of Commons Library 2021) 6 <<https://researchbriefings.files.parliament.uk/documents/CBP-8867/CBP-8867.pdf>> accessed 17 April 2022.

<sup>75</sup> Guidelines for the Implementation of the Right to Adequate Housing (n 48) para 38(c).

<sup>76</sup> Amy Clair, 'The Effect of Local Housing Allowance Reductions on Overcrowding in the Private Rented Sector in England' (2021) 22 International Journal of Housing Policy <<https://www.tandfonline.com/doi/full/10.1080/19491247.2021.1964253>> accessed 17 April.

<sup>77</sup> Crisis, 'Cover the Cost: Restoring Local Housing Allowance rates to Prevent Homelessness' (Crisis 2019) 14 <<https://www.crisis.org.uk/media/240986/crisis-cover-the-cost-solutions-report.pdf>> accessed 17 April 2022.

<sup>78</sup> The Effect of Local Housing Allowance Reductions on Overcrowding in the Private Rented Sector in England (n 76) 121 – 122.

<sup>79</sup> Ibid; Stephanie Kleynhans and Thomas Weekes, 'From the Frontline: Universal Credit and the Broken Housing Safety Net' (Shelter 2019) 18 – 20 <[https://assets.ctfassets.net/6sxxvmdnnpn0s/63B9kQyFebssosxvKm7MuWD/c360e97c7d1809bf8d68cdb4152b31f5/From\\_the\\_frontline\\_Universal\\_Credit\\_and\\_the\\_broken\\_housing\\_safety\\_net.pdf](https://assets.ctfassets.net/6sxxvmdnnpn0s/63B9kQyFebssosxvKm7MuWD/c360e97c7d1809bf8d68cdb4152b31f5/From_the_frontline_Universal_Credit_and_the_broken_housing_safety_net.pdf)> accessed 17 April.

to combat unaffordability and subsequent overcrowding and the negative effects this has on people's standard of living and health.<sup>80</sup>

### **2.3.2. Local (Colchester and Essex) Perspective**

As of April 2021, the rate of LHA in Colchester is: £71.34 for category A housing (a dwelling where the tenant has exclusive use of only one bedroom with shared use of other facilities); £120.82 in category B housing (a dwelling where the tenant has exclusive use of only one bedroom with exclusive use of other facilities); £158.79 for category C housing (a dwelling where the tenant has the use of only two bedrooms); £195.62 for category D housing (a dwelling where the tenant has the use of only three bedrooms); and £253.15 for category E housing (a dwelling where the tenant has the use of only four bedrooms).<sup>81</sup>

Reportedly, 39 homes in Colchester were repossessed in 2021, including 36 evictions of renters, and three by mortgage lenders.<sup>82</sup> According to the same media reports, 554 households (one in 45) also received possession claims in the last year, with Colchester having the fifth highest rate of evictions out of 47 towns and cities in the east of England.<sup>83</sup>

## **2.4. Temporary and Emergency Accommodation**

Another struggle facing low-income individuals and households, as a result of a lack of social/council housing and the incurring problems of rent arrears and evictions, is being placed into unfit temporary or emergency accommodation for unreasonable periods.

According to the UN CESCR's interpretation of the right to adequate housing, States must ensure that temporary accommodation "protects the human dignity of the persons evicted, meets all safety and security requirements and does not become a permanent solution, but is a step towards obtaining adequate housing."<sup>84</sup>

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<sup>80</sup> Cover the Cost: Restoring Local Housing Allowance rates to Prevent Homelessness (n 77) 23.

<sup>81</sup> UK Government, 'Local Housing Allowance (LHA) Rates Applicable From April 2021 To March 2022' (GOV.UK, 2022) <<https://www.gov.uk/government/publications/local-housing-allowance-lha-rates-applicable-from-april-2021-to-march-2022>> accessed 17 April 2022.

<sup>82</sup> Jessica Day-Parker, 'More Homes Repossessed in Colchester Despite Emergency Ban' (Gazette, 2022) <<https://www.gazette-news.co.uk/news/19946143.homes-repossessed-colchester-despite-emergency-ban/>> accessed 17 April 2022.

<sup>83</sup> Ibid.

<sup>84</sup> CESCR, 'López Albán v. Spain' Communication No 37/2018 (11 October 2018) Un Doc E/C.12/66/D/37/2018 paras 9.3, 9.4.

## 2.4.1. National Perspective

In England, there has been gradual rise in the use of temporary accommodation by local authorities since 2011, with a sharp increase in use since the beginning of the pandemic in 2020.<sup>85</sup> According to UK Government data, by the end of September 2021, there were 96,060 households in temporary accommodation in England, an increase of 1.5% from the previous year.<sup>86</sup> This includes 121,680 dependent children housed in temporary accommodation.<sup>87</sup> The number of individuals and households placed in Bed and Breakfast (B&B) temporary accommodation saw a sharp rise in the wake of pandemic, with 9,780 households placed in this type of accommodation by local authorities in September 2021.<sup>88</sup> According to Crisis, 4,000 families with children were housed in B&B accommodation, 24% of all households in such accommodation in March 2021.<sup>89</sup>

Whilst guidance under the Homelessness Code of Guidance for Local Authorities states that “B&B style accommodation should be avoided at all costs and should only house a family for a maximum of six weeks,”<sup>90</sup> the homelessness charity Shelter has denounced that the reality of the situation is extremely different, stating that B&B style temporary accommodation “is far from ‘temporary’ – with some families living in it for over a decade.”<sup>91</sup>

Habitability is one of the key elements of the right to adequate housing under Article 11, meaning that housing must be free from cold, damp, heat, rain, wind, and other threats to health, including structural hazards, and exposure to disease vectors.<sup>92</sup> Human Rights Watch extensively detailed the experiences of people living in temporary accommodation in London, with multiple examples in several boroughs of houses plagued with dampness and toxic mould, insufficiently insulated from the cold and extremely overcrowded.<sup>93</sup>

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<sup>85</sup> Wendy Wilson and Cassie Barton, ‘Research Briefing: Households in Temporary Accommodation (England)’ (House of Commons Library 2022) 4, 10 <<https://researchbriefings.files.parliament.uk/documents/SN02110/SN02110.pdf>> accessed 17 April 2022.

<sup>86</sup> Ibid.

<sup>87</sup> Ibid.

<sup>88</sup> Ibid 4 – 5.

<sup>89</sup> Crisis, ‘The Homelessness Monitor: England 2022’ (Crisis 2022) 20 <[https://www.crisis.org.uk/media/246995/the-homelessness-monitor-england-2022\\_exec-summary.pdf](https://www.crisis.org.uk/media/246995/the-homelessness-monitor-england-2022_exec-summary.pdf)> accessed 17 April 2022.

<sup>90</sup> Research Briefing: Households in Temporary Accommodation (England) (n 85) 136 - 138.

<sup>91</sup> Hannah Rich, ‘Temporary Accommodation: The New Social Housing? – Shelter’ (*Blog.shelter.org.uk*, 2022) <<https://blog.shelter.org.uk/2022/02/temporary-accommodation-the-new-social-housing/>> accessed 17 April 2022.

<sup>92</sup> General Comment No. 4: The Right to Adequate Housing (n 20) para 8(d).

<sup>93</sup> Human Rights Watch, ‘“I Want Us to Live Like Humans Again” Families in Temporary Accommodation in London’ (HRW 2022) <<https://www.hrw.org/report/2022/01/17/i-want-us-live-humans-again/families-temporary-accommodation-london-uk>> accessed 10 May 2022.

Local authorities should do their utmost to avoid the use of temporary accommodation, especially B&B style accommodation, and ensure that any temporary accommodation is habitable and is indeed temporary.

## 2.4.2. Local (Colchester and Essex) Perspective

According to official figures from CBC, the number of households in temporary accommodation in Colchester was 230 as of 31 March 2022,<sup>94</sup> up from 209 as of 31 March 2021,<sup>95</sup> and 156 in 2020.<sup>96</sup> Waiting times in temporary accommodation for permanent accommodation are eight months from date of acceptance for one bed need, 12-15 months for two bed need, 25 months for three bed need, and 36 months for four bed need.<sup>97</sup> According to CBC, in 2020/2021, the Rough Sleeper Co-ordinator and the Outreach Team housed 144 people in rough sleeping homelessness and emergency accommodation.<sup>98</sup> However, it should be noted this was due to the UK Government's policy to "help make sure we get everyone in" during the pandemic – which saw the Government provide £700 million in 2020/21 and £750 million in 2021/22 to ensure local authorities housed (through hostel and hotels) those who are homeless and would not normally receive assistance.<sup>99</sup>

CBH states that "if you need accommodation because you have nowhere to sleep that night and you have a priority need, CBH will place you into emergency accommodation. Most emergency accommodation is bed and breakfast and may not be in Colchester."<sup>100</sup> Thus, this programme of emergency accommodation does not avoid the use of B&B style accommodation. In this regard, CBC and CBH should learn from local authorities, such as Newcastle City Council, who have not used B&B style accommodation since 2006.<sup>101</sup> Furthermore, once CBH can find the individual or household temporary accommodation, it states that "you may be in temporary accommodation for a long time,

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<sup>94</sup> Information provided by Colchester Borough Council via email (17 May 2022).

<sup>95</sup> Colchester Borough Council, 'Housing and Homelessness Summary Year end 2020 to 2021' (*Colchester.gov.uk*, 2021) <<https://www.colchester.gov.uk/housing-and-homelessness-summary-year-end-2020-to-21/?id=&page=homelessness--and--housing--advice>> accessed 17 April 2022.

<sup>96</sup> Colchester Borough Council, 'Colchester Borough Council - Housing and Homelessness Summary Year-end 2019-20' (CBC 2020) 6 <<https://cbccrmdata.blob.core.windows.net/noteattachment/CBC-Housing-Housing-and-Homelessness-Summary-Year-end-2019-20-Housing%20and%20Homelessness%20Summary%20Year-end%202019-20.pdf>> accessed 17 April 2022.

<sup>97</sup> Colchester Borough Homes, 'Emergency and Temporary Accommodation - Colchester Borough Homes' (*Colchester Borough Homes*, 2021) <<https://cbhomes.org.uk/find-a-home/homelessness/emergency-and-temporary-accommodation/>> accessed 17 April 2022.

<sup>98</sup> Housing and Homelessness Summary Year end 2020 to 2021 (n 95).

<sup>99</sup> Hannah Cromarty, 'Research Briefing: Coronavirus: Support for Rough Sleepers (England)' (House of Commons Library 2021) 5 <<https://researchbriefings.files.parliament.uk/documents/CBP-9057/CBP-9057.pdf>> accessed 17 April 2022.

<sup>100</sup> Emergency and Temporary Accommodation - Colchester Borough Homes (n 97).

<sup>101</sup> Beth Watts, Glen Bramley, Janice Blenkinsopp and Jill McIntyre, 'Homelessness Prevention in Newcastle: Examining the Role of the 'Local State' in the Context of Austerity and Welfare Reforms' (Heriot-Watt University 2019) 9 <<https://www.newcastle.gov.uk/sites/default/files/Housing%20and%20homelessness/Homelessness%20Prevention%20Trailblazer/Homelessness%20prevention%20in%20Newcastle%20-%20Examining%20the%20role%20of%20the%20local%20state%20-%20full%20report.pdf>> accessed 17 April.

depending on your household size.”<sup>102</sup> This is further supported by the long waiting periods for permanent accommodation whilst in temporary accommodation. However, with this temporary accommodation being “quite often smaller than the household’s bedroom need,”<sup>103</sup> coupled with the long periods, these housing conditions are likely to be incompatible with what is considered habitable under Article 11 ICESCR.

CBH and CBC should work towards making sure emergency and temporary accommodation is indeed temporary and learn from best practice to avoid the use of B&B style accommodation.

## 2.5. Rough Sleeping Homelessness

The unaffordability of housing will often lead to struggles with rent arrears and evictions, which may result in low-income individuals and households being placed into temporary accommodation. However, in the worst cases, people who find themselves homeless end up sleeping rough on the streets, or in sheds, garages and other unconventional buildings after falling through the cracks of public services. Nobody should be forced to sleep rough in a wealthy country such as the UK.<sup>104</sup> Rough sleeping goes against the right to adequate housing, as well as other rights, including the right to life, health, food and non-discrimination.<sup>105</sup>

### 2.5.1. National Perspective

According to UK Government data, 2,440 people in England were estimated to be sleeping rough on a single night in autumn 2021, an increase of 670 people or 38% since 2010.<sup>106</sup>

Nationally, there has been some progress made in helping improve the quality of life for people living rough, such as Crisis being successful in its campaign to get the UK Government to scrap the 200-year-old Vagrancy Act (which criminalised rough sleeping).<sup>107</sup>

On the matter of intentionality, the Scottish Government is currently in the process of amending the Homelessness etc. (Scotland) Act 2003, in order to provide Scotland’s local authorities with discretion

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<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

<sup>104</sup> Guidelines for the Implementation of the Right to Adequate Housing (n 48) para 30.

<sup>105</sup> UN Special Rapporteur on Adequate Housing ‘Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the right to Non-Discrimination in this context (2015) UN Doc A/HRC/31/54 para 4.

<sup>106</sup> ‘Rough Sleeping Snapshot in England: Autumn 2021’ (GOV.UK, 2022) <<https://www.gov.uk/government/statistics/rough-sleeping-snapshot-in-england-autumn-2021/rough-sleeping-snapshot-in-england-autumn-2021>> accessed 17 April 2022.

<sup>107</sup> Crisis, ‘Scrap The Vagrancy Act’ (Crisis, 2022) <<https://www.crisis.org.uk/get-involved/campaign/scrap-the-vagrancy-act/#:~:text=In%20December%202021%2C%20we%20supported,of%20Lords%20in%20January%202022>> accessed 17 April 2022.

to investigate whether an individual or household is intentionally homeless,<sup>108</sup> repealing the previous statutory duty to do so under section 33 of the Housing (Scotland) Act 1987.<sup>109</sup> If this legislation is amended in this way, local authorities in Scotland will no longer have a legal duty to investigate whether someone is intentionally homeless, but will instead have the discretionary power to do this. This would result in a more holistic view of the individual or household's circumstances which is likely to lead to more appropriate support from a better understanding of their homelessness situation. The UK Government should also make a similar commitment to amend Sections 190-196 of the Housing Act 1996, and let local authorities adopt discretion in the assessment of so-called intentional homelessness.

### **2.5.2. Local (Colchester and Essex) Perspective**

In November 2021, it was reportedly estimated by Colchester Borough Council that four people were living on the streets in Colchester.<sup>110</sup> According to media reports, CBC received more than £385,000 from central Government to help rough sleepers find long-term support and accommodation.<sup>111</sup>

Although CBC appears to be generally fulfilling its prevention and relief duties under the Homeless Reduction Act (with CBC helping to prevent or relieve homelessness for 185 of the households that sought help),<sup>112</sup> there is, nonetheless, likely to be an increase in the number of rough sleepers in Colchester since measures to prevent homelessness during the pandemic were lifted.

Colchester Emergency Night Shelter (CENS) was not open during the pandemic for health and safety reasons, and it has struggled with financial support. Speaking to us, the shelter's representatives stated that "CENS has been funded by ECC for over a decade and during their closure their funding was converted into a grant to be used towards the refurbishment so they could re-open and offer a service. CENS receives no continuous financial support from CBC other than applying for funding for specific posts via Central Government pots. The last post funded ended in 2019. It is the opinion of many that CENS brings homelessness to the area and that our closure maybe should have been permanent."<sup>114</sup>

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<sup>108</sup> Scottish Government, 'Local Connection and Intentionality Provisions in Homelessness Legislation: Consultation' (Gov.scot, 2019) <<https://www.gov.scot/publications/consultation-local-connection-intentionality-provisions-homelessness-legislation/pages/3/>> accessed 17 April 2022.

<sup>109</sup> Housing (Scotland) Act 1987, s 33.

<sup>110</sup> Robbie Bryson, 'Council Given Another £385K To Support Rough Sleepers' (*Clacton and Frinton Gazette*, 2021) <[https://www.clactonandfrintongazette.co.uk/news/north\\_essex\\_news/19321563.colchester-council-receives-385k-support-rough-sleepers/](https://www.clactonandfrintongazette.co.uk/news/north_essex_news/19321563.colchester-council-receives-385k-support-rough-sleepers/)> accessed 17 April 2022.

<sup>111</sup> Ibid.

<sup>112</sup> Housing and Homelessness Summary Year end 2020-21 (n 95).

<sup>114</sup> Colchester Emergency Night Shelter (CENS) (21 January 2022).

CBC should ensure that financial help is provided to local organisations like CENS and continue to uphold its prevention and relief duties under the Homelessness Reduction Act.

# 3. Social Security, Food Banks and Child Poverty

The cost-of-living crisis is a culmination of the effects of the pandemic, soaring energy bills, an unaffordable rental market, cuts to welfare benefits and the UK Government's inaction to increase benefits. The crisis is significantly impacting matters of social security, food bank use and child poverty as issues concerning the right to social security under Article 9 ICESCR and the rights to an adequate standard of living and adequate food under Article 11 ICESCR.

## 3.1. Social Security and the reduction of £20 a week uplift of Universal Credit

In the UK, between 2019 and 2020, 11.7 million people, 18% of the population, were in relative low income before housing costs, and 14.5 million, 22%, were in relative low income after housing costs.<sup>115</sup> The relative poverty rate, rose from 8% in 1961 for working-age adults to 20% in 2019/20.<sup>116</sup>

The need for an effective social security system that stops low-income individuals and households from being pulled into poverty, or being trapped in poverty, is needed now more than ever. The Joseph Rowntree Foundation has reported that the pandemic and the reduction of the £20 a week uplift to Universal Credit (UC) pulled an additional half a million more people into poverty, including 200,000 children.<sup>117</sup>

The UK's social security system is currently failing to provide an adequate standard of living for all,<sup>118</sup> with further concerns on the horizon such as rising energy bills and a spiralling cost-of-living crisis.<sup>119</sup>

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<sup>115</sup> Brigid Francis-Devine, 'Research Briefing: Poverty in the UK: Statistics' (housing of Commons Library 2022) 6 <<https://researchbriefings.files.parliament.uk/documents/SN07096/SN07096.pdf>> accessed 17 April 2022.

<sup>116</sup> Mike Brewer, Karl Handscomb, Gavin Kelly, James Smith & Lalitha Try, 'Social Insecurity: Addressing Trends in Social Security to Prepare for the Decade of Change Ahead' (Resolution Foundation 2022) 10 <<https://economy2030.resolutionfoundation.org/wp-content/uploads/2022/01/Social-Insecurity.pdf>> accessed 17 April 2022.

<sup>117</sup> Calum Masters and Harriet Anderson, 'UK Heading for the Biggest Overnight Cut to the Basic Rate of Social Security Since World War II' (JRF, 2021) <<https://www.jrf.org.uk/press/uk-heading-biggest-overnight-cut-basic-rate-social-security-world-war-ii>> accessed 17 April 2022.

<sup>118</sup> Social Insecurity: Addressing Trends in Social Security to Prepare for the Decade of Change Ahead' (n 116).

<sup>119</sup> Torsten Bell, 'Spiralling Energy Prices Will Turn The UK's Cost-Of-Living Crisis Into A Catastrophe | Torsten Bell' (*the Guardian*, 2022) <<https://www.theguardian.com/commentisfree/2022/jan/08/energy-prices-cost-of-living-crisis-catastrophe-low-income-bills>> accessed 17 April 2022.

Since the 2010s, cuts made under policies of austerity have weakened the UK's social security system to where it cannot effectively support the most vulnerable in society.<sup>120</sup> Those policies undermined “the idea that those with extra needs should be supported, such as the benefit cap, which now affects 165,000 families; and the two-child limit, which now affects 1.25 million children and is expected to affect 3 million when fully rolled-out by 2035,” according to the Resolution Foundation.<sup>121</sup> International human rights bodies have denounced that such measures and policies are contrary to the realisation of the right to social security.<sup>122</sup>

Whilst the UK Government has produced a “levelling up agenda” to “transform” and improve the lives of people in the UK,<sup>123</sup> this agenda fails to acknowledge the need for reform of the UK's social security system. The Government is failing to take the necessary steps to increase social security benefits; 1.3 million people, including 600,000 children, will fall into poverty as a result of this inaction, according to Resolution Foundation and Joseph Rowntree Foundation estimations.<sup>124</sup>

Under Article 9 ICESCR, the UK Government has an obligation to use the maximum of available resources to progressively realise the right to access and maintain benefits “from (a) lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age, or death of a family member; (b) unaffordable access to health care; (c) insufficient family support, particularly for children and adult dependents.”<sup>125</sup> The right to adequate social security plays an important role in poverty reduction and alleviation.<sup>126</sup> Moreover, the right to social security must also be realised so that other rights, such as the right to an adequate standard of living, can also be fulfilled.<sup>127</sup> As recognised under the Social Security (Scotland) Act 2018, social security is itself a human right and essential to the realisation of other human rights.<sup>128</sup>

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<sup>120</sup> Miranda Bryant, 'Britain's Welfare System 'Unfit for Purpose' With Millions Struggling, Experts Warn' (*the Guardian*, 2022) <<https://www.theguardian.com/society/2022/jan/23/britains-welfare-system-unfit-for-purpose-urgent-reform-experts-regardless>> accessed 17 April 2022; Daniel Edmiston, 'Plumbing The Depths: The Changing (Socio-Demographic) Profile Of UK Poverty' (2021) 51 *Journal of Social Policy* <[doi:10.1017/S0047279421000180](https://doi.org/10.1017/S0047279421000180)> accessed 5 May 2022.

<sup>121</sup> Social Insecurity: Addressing Trends in Social Security to Prepare for the Decade of Change Ahead' (n 116) 11.

<sup>122</sup> CESCR, Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland' (2016) (n 50) paras 18, 19, 40, 41, 42; OHCHR, 'Report on Austerity Measures and Economic and Social Rights' (2013) UN Doc E/2013/82 paras 35, 36.

<sup>123</sup> UK Government, 'Levelling Up: Levelling Up the United Kingdom Executive Summary' (UK Government 2022) <[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1052046/Executive\\_Summary.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1052046/Executive_Summary.pdf)> accessed 17 April 2022.

<sup>124</sup> Resolution Foundation, 'Lack Of Support for Low-Income Families Will See 1.3 million People Pushed Into Absolute Poverty Next Year • Resolution Foundation' (*Resolutionfoundation.org*, 2022) <<https://www.resolutionfoundation.org/press-releases/33284/>> accessed 17 April 2022; Grace Hetherington, '600,000 Will Be Pulled Into Poverty As A Result Of Chancellor's Inaction' (*JRF*, 2022) <<https://www.jrf.org.uk/press/600000-will-be-pulled-poverty-result-chancellors-inaction>> accessed 17 April 2022.

<sup>125</sup> CESCR, 'General Comment No. 19: The Right to Social Security' (2008) UN Doc E/C.12/GC/19 paras 2, 12 – 27.

<sup>126</sup> *Ibid* 3.

<sup>127</sup> *Ibid* para 1.

<sup>128</sup> Social Security (Scotland) Act 2018, Section 1(b).

The Welfare Reform Act 2012 introduced a system of Universal Credit (UC), replacing six so-called legacy benefits. The declared idea was to streamline and simplify the system for both the claimant and the administration. It applied to those living in the UK, aged over 18 but under the State Pension age and who have £16,000 or less in money, savings and investments.<sup>129</sup>

In May 2021, 5 million households were claiming UC; 42,000 claims were made to UC per week in the four weeks to 8 July 2021; there were 130,000 starts on UC in the four weeks to 8 July 2021; 9 million people were on UC on 8 July 2021; and 2 million households received a payment in May 2021.<sup>130</sup>

On 20 March 2020, the UK Government announced that the standard allowance of UC would be increased by £1,000 a year, or £20 a week, in order to “strengthen the safety net” during the pandemic.<sup>131</sup> In 2021, the Legatum Institute reported that, whilst the overall number of people in poverty had risen due to the pandemic, the uplift on UC protection safeguarded an additional 650,000 from being pulled into poverty.<sup>132</sup> However, this £20 a week uplift on UC ended on 6 October 2021 (after an initial extension),<sup>133</sup> with an estimated 840,000 more people being pulled into poverty after this reduction.<sup>134</sup>

### 3.1.1. National Perspective

In February 2021, the Fabian Society calculated that as a result of the withdrawal of the uplift “in all 540,000 (71%) of the people falling into poverty live in families with children; 360,000 (47%) live in a household with at least one disabled adult; and 100,000 (13%) live in a household with a carer.”<sup>135</sup> In January 2021, the Resolution Foundation projected that the withdrawal of the UC uplift would mean an increase in poverty in the UK by 1.2 million people in 2021/22, then remain relatively flat until 2024-

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<sup>129</sup> Welfare Reform Act 2012, pt 1; Frank Hobson ‘Research Briefing: The Aims of Ten Years of Welfare Reform (2010-2020) (House of Commons Library 2020) 8 <<https://researchbriefings.files.parliament.uk/documents/CBP-9090/CBP-9090.pdf>> accessed 17 April 2022; UK Government ‘Universal Credit’ (GOV.UK, 2022) <<https://www.gov.uk/universal-credit/eligibility>> accessed 17 April 2022.

<sup>130</sup> UK Government ‘Universal Credit Statistics, 29 April 2013 To 8 July 2021’ (GOV.UK, 2022) <<https://www.gov.uk/government/statistics/universal-credit-statistics-29-april-2013-to-8-july-2021/universal-credit-statistics-29-april-2013-to-8-july-2021>> accessed 17 April 2022.

<sup>131</sup> The Social Security (Coronavirus) (Further Measures) Regulations 2020, ss 1 – 10; UK Government, ‘The Chancellor Rishi Sunak Provides an Updated Statement on Coronavirus.’ (GOV.UK, 2022) <<https://www.gov.uk/government/speeches/the-chancellor-rishi-sunak-provides-an-updated-statement-on-coronavirus>> accessed 18 April 2022.

<sup>132</sup> Legatum Institute, ‘Briefing: Nowcasting Poverty – Quarter 1, 2021’ (Legatum Institute 2021) 4 <<https://li.com/reports/nowcasting-poverty-covid-uc-q1-2021/>> accessed 18 April 2022.

<sup>133</sup> The Universal Credit (Extension of Coronavirus Measures) Regulations 2021, ss 1 – 3; Poverty in the UK; Statistics (n 112) 26.

<sup>134</sup> Legatum Institute, ‘Briefing: Impact of Universal Credit on Poverty – Quarter 2, 2021 (Legatum Institute 2021) 2 <<https://li.com/reports/the-impact-of-universal-credit-cut-sept-2021/>> accessed 18 April 2022.

<sup>135</sup> Andrew Harrop, ‘Who Loses? The Impacts of Planned Universal Credit Cuts Across Society’ (Fabian Society 2021) 4 <<https://fabians.org.uk/wp-content/uploads/2021/02/Who-loses-final.pdf>> accessed 18 April 2022; Poverty in the UK: Statistics (n 115) 26.

25.<sup>136</sup> Even with the uplift, according to Resolution Foundation, poverty would have still risen in 2021/22 due to the rise in unemployment.<sup>137</sup>

Furthermore, the £20 a week uplift to UC was only granted to the standard allowance of Universal Credit, with the uplift not being extended to personal allowance of legacy benefits such as Employment and Support Allowance, Jobseekers' Allowance and Income Support.<sup>138</sup> There were 2.6 million households still receiving legacy benefits in April 2022.<sup>139</sup>

This failure to extend the uplift was challenged at the High Court in London.<sup>140</sup> However, while the court acknowledged discrimination due to a greater proportion of disabled people in receipt of legacy benefits compared to disabled people on Universal Credit,<sup>141</sup> it ultimately held that the Government's decision not to extend the uplift to such legacy benefits was justified.<sup>142</sup> It should be noted that the court did not take the right to social security itself into account, due to this right not being protected in English domestic legislation.

The impact of this reduction to the uplift, coupled with effects of the pandemic, an unaffordable rental market and spiralling energy prices<sup>143</sup> will plunge the UK into a cost-of-living crisis.<sup>144</sup> With low-income individuals and households facing an increase in energy bills of 40% to 47% from April 2021,<sup>145</sup> the Joseph Rowntree Foundation reports that many will have to make decisions on whether to heat their homes or skip meals.<sup>146</sup> The Resolution Foundation estimates that 5 million English households will fall into fuel stress (defined as spending 10% or more of their household budgets on energy bills) due to

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<sup>136</sup> <https://researchbriefings.files.parliament.uk/documents/SN07096/SN07096.pdf> 26;  
<https://www.resolutionfoundation.org/app/uploads/2021/01/Living-standards-outlook-2021.pdf> 44.

<sup>137</sup> Ibid.

<sup>138</sup> The Social Security (Coronavirus) (Further Measures) Regulations 2020, ss 1 – 10;  
<https://www.gardencourtchambers.co.uk/news/high-court-rules-it-was-lawful-to-restrict-20-a-week-covid-uplift-for-universal-credit-claimants-with-no-backdating-for-legacy-benefits-claimants>

<sup>139</sup> UK Government, 'Completing the Move to Universal Credit: Our 2022-24 Strategy for implementing the Final Phase of Universal Credit' (UK Government 2022) 4  
<[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1070847/completing-the-move-to-universal-credit.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1070847/completing-the-move-to-universal-credit.pdf)> accessed 2 May 2022.

<sup>140</sup> *T & Ors, R (On the Application Of) v Secretary of State for Work and Pensions [2022] EWHC 351 (Admin) (18 February 2022)*.

<sup>141</sup> Ibid [25].

<sup>142</sup> Ibid [30].

<sup>143</sup> Harriet Anderson, 'Rising Energy Bills To 'Devastate' Poorest Families' (*JRF*, 2022) <<https://www.jrf.org.uk/press/rising-energy-bills-devastate-poorest-families>> accessed 18 April 2022.

<sup>144</sup> Spiralling Energy Prices Will Turn the UK's Cost-Of-Living Crisis into a Catastrophe (n 119).

<sup>145</sup> Rising Energy Bills To 'Devastate' Poorest Families (n 143).

<sup>146</sup> Jackie Long, 'Heat or Eat: Many Forced To Ration Food And Heating Amid Surging Energy Prices' (*Channel 4 News*, 2022) <<https://www.channel4.com/news/heat-or-eat-many-forced-to-ration-food-and-heating-amid-surging-energy-prices>> accessed 18 April 2022.

the UK Government's inaction to tackle the cost-of-living crisis by raising benefits.<sup>147</sup> Many will also have similar decisions around paying rent, which is likely to lead to a rise in homelessness across the country, according to Crisis.<sup>148</sup> Citizens Advice has also reported that more than “one in six people are struggling to afford their internet (broadband) in the wake of the cost-of-living crisis.”<sup>149</sup> The Food Foundation has also found that “10.8% of UK households (5.7 million adults) were struggling with food security between August 2021 and January 2022, compared to 7.3% in July 2021,”<sup>150</sup> with “over 2.5 million children living in households that have experienced food insecurity between August 2021 and January 2022.”<sup>151</sup> Housing costs, bills and food will not be the only struggles for low-income families, with the New Economic Foundation stating that low-income families will be £8,600 worse off per year as a result of the cost-of-living crisis.<sup>152</sup> Despite all of this, the UK Government, in the announcement of its Spring 2022 Budget Statement, failed to adequately address the cost-of-living crisis.<sup>153</sup> According to the Resolution Foundation, this inaction will plunge 1.3 million people into poverty by 2024.<sup>154</sup>

As previously stated, 600,000 children are at risk of falling into poverty in the UK as a result of the Government's inaction to increase benefits in the wake of the cost-of-living crisis. Along with this inaction, the CESCR in its previous review of ESCR in the UK stated that the UK Government must reverse its decision to repeal the duty to meet national and time-bound targets on child poverty under the Child Poverty Act 2010 through the Welfare Reform and Work Act 2016.<sup>155</sup> To meaningfully alleviate and prevent child poverty in the wake of the cost-of-living crisis, the UK Government must reinstate these time-bound targets so that it understands the effects of this crisis and its inaction.

As advocated by a number of policy actors and civil society groups, the Department for Work and Pensions (DWP) should reinstate the £20 a week uplift on UC to reduce and alleviate poverty, in order to contribute to realise the right to social security under Article 9 ICESCR. Moreover, the uplift should

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<sup>147</sup> Adam Corlett and Jonathan Marshall, 'Stressed Out: April brings an Acute Squeeze on UK Living Standards as Higher Energy Bills lead to Widespread Fuel Stress' (Resolution Foundation 2022) 1 – 4

<<https://www.resolutionfoundation.org/app/uploads/2022/04/Stressed-out.pdf>> accessed 1 April 2022.

<sup>148</sup> The Homelessness Monitor: England 2022 (n 89) 126.

<sup>149</sup> Citizens Advice, 'More Than One in Six Struggling to Afford Broadband' (*Citizensadvice.org.uk*, 2021)

<<https://www.citizensadvice.org.uk/about-us/about-us1/media/press-releases/more-than-one-in-six-struggling-to-afford-broadband/>> accessed 18 April 2022.

<sup>150</sup> Food Foundation, 'Food Insecurity Tracking' (*Foodfoundation.org.uk*, 2022)

<<https://foodfoundation.org.uk/initiatives/food-insecurity-tracking>> accessed 18 April 2022; Food Foundation, 'New Data Shows Food Insecurity Major Challenge to Levelling Up Agenda' (*Foodfoundation.org.uk*, 2022)

<<https://foodfoundation.org.uk/press-release/new-data-shows-food-insecurity-major-challenge-levelling-up-agenda>> accessed 18 April 2022.

<sup>151</sup> Concluding Observations on the Sixth Periodic Report of the United Kingdom of Great Britain and Northern Ireland' (2016) (n 50) para 47; Child Poverty Act 2010, ss 1 – 11, 15, 17 and 19- 25; Welfare Reform and Work Act 2016.

<sup>152</sup> Dominic Caddick, Sam Tims and Alfie Stirling, '23.4 million People Unable To Afford The Cost Of Living This Spring' (*New Economics Foundation*, 2022) <<https://neweconomics.org/2022/03/23-4-million-people-unable-to-afford-the-cost-of-living>> accessed 18 April 2022.

<sup>153</sup> Lack Of Support for Low-Income Families Will See 1.3 million People Pushed into Absolute Poverty Next Year (n 124).

<sup>154</sup> *Ibid.*

<sup>155</sup> *Ibid.*

be extended to legacy benefits so that there is no discrimination between recipients of social security,<sup>156</sup> and the right to non-discrimination under Article 2(2) ICESCR is upheld. The UK Government, and the DWP, should also use the maximum available resources to reform the UK's social security system so that it can effectively protect the most vulnerable in society from poverty, so the State can progressively realise the rights to social security and an adequate standard of living under Articles 9 and 11. The UK Government should adopt the recommendation of Child Poverty Action Group, along with thirty other civil society organisations, to increase benefits by the consumer prices index in order to meaningfully address the cost-of-living crisis in the UK and comply with Articles 9 and 11 ICESCR.<sup>157</sup>

### **3.1.2. Local (Colchester and Essex) Perspective**

According to CBC, 14,492 people (approximately 12% of the population of Colchester) were receiving UC in Colchester as of 13 January 2022.<sup>158</sup> We do not have statistics available for the number of people that will be pulled into poverty in Colchester due to the £20 reduction on UC.

According to Turn2Us and the End Child Poverty Coalition, between 2019 and 2020, 5,739 children (23%) were living in poverty in Colchester.<sup>159</sup> Although there was a child poverty strategy provided by ECC for 2015 to 2020,<sup>160</sup> there does not appear to be an updated strategy available online. ECC and CBC should make use of the maximum of available resources to progressively realise the right to an adequate standard of living under Article 11 ICESCR and other relevant rights contained within ICESCR to prevent and alleviate child poverty.

The £20 reduction on UC is likely to have a significant adverse impact on the standard of living for low-income residents in Colchester, with decisions having to be made on whether to heat their home, miss meals or not pay rent as a result of the cut.

Speaking about the effect that the £20 reduction on UC has had on people's lives in Essex, Les Nicoll from North Essex Support Team (NEST), a small charity taking direct action to help struggling families and individuals of local communities in North Essex, stated that "people can't afford to heat homes and

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<sup>156</sup> CESCR 'General Comment No. 19: The Right to Social Security' (n 125) paras 2, 4.

<sup>157</sup> Child Poverty Action Group, 'Organisations Call For 6% Increase To Benefits' (CPAG, 2022) <<https://cpag.org.uk/news-blogs/news-listings/organisations-call-6-increase-benefits>> accessed 18 April 2022.

<sup>158</sup> Information provided by Colchester Borough Council via email (21 Dec 2021).

<sup>159</sup> End Child Poverty Coalition, 'Child Poverty in Your Area 2014/15 – 2019/20 – End Child Poverty' (Endchildpoverty.org.uk, 2020) <<https://www.endchildpoverty.org.uk/local-child-poverty-data-2014-15-2019-20/>> accessed 18 April 2022.

<sup>160</sup> Benjamin Mann, Ellie Sapsed and Nicola Park, 'Child Poverty Strategy 2015 – 2020' (ECC 2014) <<https://tdcdemocracy.tendringdc.gov.uk/Data/Community%20Leadership%20and%20Partnerships%20Committee/201501191930/Agenda/att2410.pdf>> accessed 17 April 2022.

buy food.”<sup>161</sup> Nicoll and his organisation receive requests “for help to heat home and food”, with families often having to make a “horrible choice” as to whether they can only heat their home or eat as a result of the £20 reduction on UC.<sup>162</sup> He also went on to mention that in some cases families would “walk the street because of no heating and lighting” in their home.<sup>163</sup> Nicoll also stated that he runs a “regular initiative giving out second-hand clothing, bedding and household items free of charge to struggling families through a pop-up shop system over five days in Harwich, Clacton and Colchester... giving away over 14,000 items to over 2,000.”<sup>164</sup>

Rightly, many people receiving UC in Essex see themselves as rights-holders that are owed an adequate standard of living.<sup>165</sup> Local organisations and charities have also condemned the decision by the UK Government and the DWP to put an end to the £20 uplift. Nicoll also stated that the “human ability to live is being taken away” and that he has to provide clothing and blankets as “third world solutions to first world problems.”

## 3.2. The Use of Food Banks

In the UK, food bank use has exponentially increased due to policies of austerity and welfare cuts taking place since 2010.<sup>166</sup> The pandemic has resulted in even more use of food banks in the UK, with Trussell Trust food banks, representing 1,300 food banks in the UK, providing 2.5 million emergency three-day food supply parcels between 1 April 2020 and 31 March 2021, compared to 1.9 million parcels (a 33% increase) in this previous year – with 980,000 of these going to children.<sup>167</sup> The Independent Food Aid Network (IFAN), which represents 900 independent food banks, reported a 177% increase between May 2019 and May 2020 in the number of emergency food parcels distributed

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<sup>161</sup> Les Nicoll, North Essex Support Team (NEST) (13 January 2021).

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Les Nicoll, North Essex Support Team (NEST) via email (4 May 2022).

<sup>165</sup> Darren Thiel, 'It Isn't Charity Because We've Paid Into It': Social Citizenship And The Moral Economy Of Welfare Recipients In The Wake Of 2012 UK Welfare Reform Act' [2022] 45 Qualitative Sociology <<https://doi.org/10.1007/s11133-021-09505-z>> accessed 4 March 2022.

<sup>166</sup> Human Rights Watch, 'Nothing Left In The Cupboards' (*Human Rights Watch*, 2020) <<https://www.hrw.org/report/2019/05/20/nothing-left-cupboards/austerity-welfare-cuts-and-right-food-uk>> accessed 18 April 2022.

<sup>167</sup> Trussell Trust, 'The Trussell Trust - End of Year Stats' (*The Trussell Trust*, 2022) <<https://www.trusselltrust.org/news-and-blog/latest-stats/end-year-stats/>> accessed 18 April 2022; Gloria Tyler, 'Research Briefing: Food Banks in the UK' (House of Commons Library 2021) 5 <<https://researchbriefings.files.parliament.uk/documents/CBP-8585/CBP-8585.pdf>> accessed 18 April 2022.

by 191 independent food banks surveyed.<sup>168</sup> This increase in the use of food banks is likely to continue in the wake of the cost-of-living crisis.<sup>169</sup>

Under the UK Government's responsibility to provide an adequate standard of living under Article 11 ICESCR, it has the specific obligation to use its maximum available resources to progressively realise the right to adequate food for every person. The CESCR has further clarified the duty of States to provide adequate food stating that "[t]he right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement. The right to adequate food shall therefore not be interpreted in a narrow or restrictive sense which equates it with a minimum package of calories, proteins and other specific nutrients. The right to adequate food will have to be realised progressively."<sup>170</sup> It goes on to further clarify that "[t]he availability of food [must be provided] in a quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture."<sup>171</sup> The CESCR also stresses that the right to adequate food is inextricably linked to broader requirements of States to eradicate poverty and realise other rights.

The UN Office of the High Commissioner for Human Rights emphasised that "[t]he right to food is not a right to be fed, but primarily the right to feed oneself in dignity... The right to food requires States to provide an enabling environment in which people can use their full potential to produce or procure adequate food for themselves and their families."<sup>172</sup>

The use of food banks ultimately highlights the need to fill in gaps in the welfare state, caused by welfare cuts, and represents a failure of the UK Government to respect, protect and fulfil the right to an adequate standard of food under Article 11 ICESCR.

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<sup>168</sup> Independent Food Aid Network, Independent Food Bank Emergency Food Parcel Distribution in the UK: Comparing February – May 2019 with February – May 2020 (Independent Food Aid Network 2020) 1  
<[https://uploads.strikinglycdn.com/files/0f6e2f2c-8b8a-4149-8eab-053693cc3104/INDEPENDENT%20FOOD%20BANK%20EMERGENCY%20FOOD%20PARCEL%20DISTRIBUTION\\_FEB-MAY\\_2019\\_20\\_FINAL\\_PUBLISHED\\_9.7.20..pdf](https://uploads.strikinglycdn.com/files/0f6e2f2c-8b8a-4149-8eab-053693cc3104/INDEPENDENT%20FOOD%20BANK%20EMERGENCY%20FOOD%20PARCEL%20DISTRIBUTION_FEB-MAY_2019_20_FINAL_PUBLISHED_9.7.20..pdf)> accessed 18 April 2022.

<sup>169</sup> Euro News, 'UK Cost of Living Crisis: More Turn To Food Banks In England As Inflation Soars' (*EuroNews*, 2022)  
<<https://www.euronews.com/2022/01/24/uk-cost-of-living-crisis-more-turn-to-food-banks-in-england-as-inflation-soars>> accessed 18 April 2022.

<sup>170</sup> CESCR 'General Comment No. 12: The Right to Adequate Food' (1999) Un Doc E/C.12/1999/5 para 6.

<sup>171</sup> *Ibid* para 8.

<sup>172</sup> OHCHR, 'Fact Sheet, No. 34: The Right to Adequate Food' (OHCHR 2010) 3 – 4

<<http://www.ohchr.org/Documents/Publications/FactSheet34en.pdf>> accessed 29 March 2022.

### 3.2.1. National Perspective

The Trussell Trust has estimated that 2.5% of all UK Households (700,000 households) used a food bank in 2019/20, prior to the outbreak of the pandemic.<sup>173</sup> Additionally, the Food Standards Agency found that, by October 2021, 11% of the people it surveyed said that they had used a food bank or food charity.<sup>174</sup> The Trussell Trust has stated that “[h]unger in the UK isn’t about food. It’s about a lack of income. We know the main drivers of food bank use in our network are problems with the benefits system (delays, inadequacy and reductions); challenging life experiences or ill-health; and a lack of informal or formal support.”<sup>175</sup> Without any increases to welfare benefits, the numbers of households using food banks is likely to exponentially increase due to the cost-of-living crisis. The UK Government must adopt the UK civil societies’ recommendation to increase benefits by the consumer prices index to combat food bank use and realise the right to adequate food under Article 11. Moreover, with demand only increasing for food bank parcels, there is a risk that food banks will begin to run out of food supply, which could result in another violation of the right to adequate food due to dietary and cultural needs for food not being met.

In the UK, food banks are run by volunteers, churches and charities and generally source their funding through grants and donations from charities, businesses and individuals. In May 2021, the UK Government announced £16 million for food charities, to provide meals for those in need as a result of the pandemic.<sup>176</sup> However, the UK Government has subsequently failed to deliver such support to food banks in light of the cost-of-living crisis, which is ultimately another failure by the State to adequately support the safety net of food banks, which should not exist in the first place under the State’s obligations to realise the right to adequate food.

In 2018, the DWP was found to have been ordering Jobcentre staff to use the term “signpost,” and avoid the words “referral” or “voucher,” when referring people to a food bank.<sup>177</sup> As evidenced below,

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<sup>173</sup> Trussell Trust, ‘State of Hunger: Building the Evidence on Poverty, Destitution, and Food insecurity in the UK’ (Trussell Trust 2021) 11 <<https://www.trusselltrust.org/wp-content/uploads/sites/2/2021/05/State-of-Hunger-2021-Report-Final.pdf>> accessed 18 April 2022.

<sup>174</sup> Food Standards Agency, ‘COVID-19 Consumer Tracker Survey’ (Food Standards Agency 2022) 21 <<https://www.food.gov.uk/sites/default/files/media/document/COVID-19%20consumer%20tracker%20survey%20summary%20report%20-%20waves%201%20to%2019.pdf>> accessed 18 April 2022.

<sup>175</sup> The Trussell Trust - End of Year Stats (n 167); State of Hunger: Building the Evidence on Poverty, Destitution, and Food insecurity in the UK (n 173) 25 - 89.

<sup>176</sup> UK Government, ‘£16 million For Food Charities To Provide Meals For Those In Need’ (GOV.UK, 2020) <<https://www.gov.uk/government/news/16-million-for-food-charities-to-provide-meals-for-those-in-need>> accessed 18 April 2022.

<sup>177</sup> Connor Parker, ‘Jobcentre Staff Told by DWP Not to Record Number of People They Send to Foodbanks’ (HuffPost UK, 2018) <[https://www.huffingtonpost.co.uk/entry/foodbanks-records-jobcentre-dwp\\_uk\\_5b61c1bde4b0b15aba9ebcc9](https://www.huffingtonpost.co.uk/entry/foodbanks-records-jobcentre-dwp_uk_5b61c1bde4b0b15aba9ebcc9)> accessed 18 April 2022; ‘Foodbank Signposting - A Freedom Of Information Request To Department For Work And Pensions’ (WhatDoTheyKnow, 2018) <[https://www.whatdotheyknow.com/request/foodbank\\_signposting?unfold=1#incoming-1097298](https://www.whatdotheyknow.com/request/foodbank_signposting?unfold=1#incoming-1097298)> accessed 18 April 2022.

there are no major differences between the previous “referral” form and the “signpost” form. This change in policy by the DWP suggests that it does not want the Jobcentre to keep a record of how many people it is referring to food banks due the impact of welfare cuts through attempting to amend the referral system to be less formal, even though it is still the same system.<sup>178</sup>

Referral’ Form<sup>179</sup>

‘Signpost’ Form<sup>180</sup>

The image shows two forms side-by-side. The left form is titled 'Annex 1 Jobcentre Plus Referral Slip'. It has a 'Jobcentreplus' logo and a 'Referral Change' field. The right form is titled 'Signpost Form' and has a 'Department for Work and Pensions' logo. Both forms have similar fields for client name, address, and contact information.

### 3.2.2. Local (Colchester and Essex) Perspective

In 2021, Colchester Foodbank (a Trussell Trust food bank) fed 16,500 people, with this figure increasing from 13,950 in 2020. The food bank expects to feed 20,000 to 25,000 people in 2022 due to the cost-of-living crisis and a lack of required welfare support.<sup>181</sup> In 2021, the food bank stocked

<sup>178</sup> Jobcentre Staff Told by DWP Not to Record Number of People They Send to Foodbanks (n 177).

<sup>179</sup> Patrick Butler, 'Welfare Cuts: A Tale of Two Food Bank Vouchers' (*the Guardian*, 2018)

<<https://www.theguardian.com/society/patrick-butler-cuts-blog/2013/sep/06/welfare-cuts-trussell-trust-tale-of-two-food-banks-jobcentres>> accessed 18 April 2022.

<sup>180</sup> Ibid.

<sup>181</sup> Chart provided by Michael Beckett, CEO of Colchester Foodbank; Michael Beckett, CEO at Colchester Foodbank (11 January 2022)

165,000 kilograms of food, also an increase from 130,900 in 2020.<sup>182</sup> The food bank expects to stock around 200,000 kilograms of food to keep up with demand created by the cost-of-living crisis and lack of welfare reform.<sup>183</sup> Colchester Foodbank is the second busiest in the east of England,<sup>184</sup> and will have around 300 volunteers in 2022.<sup>185</sup> The food bank provides more than just food, supplying goods such as toiletries, cleaning products and sanitary products.<sup>186</sup> However, whilst a range of foods and items are available at Colchester Foodbank, CEO Michael Beckett has noted that the “first casualty of poverty is choice,” meaning that those suffering in poverty and food insecurity can only take what is offered by food charities; at the food bank, however, “we do our best to provide a choice” when it comes to dietary and cultural needs of food.<sup>187</sup>

Beckett also stated that demand created by the cost-of-living crisis is a result of “holes within the welfare system,”<sup>188</sup> going on to note that “Colchester Foodbank are campaigning to end the two-child limit, the reduction to the six-week wait and reinstate benefits” as a solution to this crisis.<sup>189</sup> Beckett also expressed that “historically there was no money supporting food banks pre-pandemic.”<sup>190</sup> Further providing that “some pots of money have come from Essex (Essex County Council; ECC) and CBC – £500 or £1000 here or there... [the] government want to be seen to be doing something... though [this is] popular for now, but how long will this last?”<sup>191</sup> Beckett stated that he would like the “food bank to close by 2030, in an effort to pressure the UK Government to do more” to tackle this crisis.

ECC and CBC should use the maximum of available resources and provide as much funding as possible to Colchester Foodbank, and other local food charities, to help alleviate the toll it will take on food charities as a result of the cost-of-living crisis and fulfil the right to adequate food.

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<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

<sup>184</sup> Colchester Foodbank, 'About | Colchester Foodbank' (*Colchester.foodbank.org.uk*, 2022) <<https://colchester.foodbank.org.uk/about/>> accessed 18 April 2022.

<sup>185</sup> Chart provided by Michael Beckett (n 181)

<sup>186</sup> Michael Beckett, CEO of Colchester Foodbank (11 January 2022).

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

## 4. Libraries

Due to policies of austerity pursued throughout the 2010s, there has been a drop of 30% on library services across the UK.<sup>192</sup> This has not only resulted in a reduction of services function,<sup>193</sup> but as reported by the Chartered Institute of Public Finance and Accountancy (CIPFA), it also led to the closure of 800 libraries across the UK by 2019.<sup>194</sup>

Public libraries play a key role in facilitating access to culture and information and promoting human rights without discrimination. In line with Article 15 ICESCR, the right to take part in cultural life and to enjoy the benefits of scientific progress and artistic productions means that the State needs to take steps to conserve, develop and promote science and culture. The closure of libraries and the dramatic reduction in the services they provide are steps backwards in the protection and promotion of this human right.

In Essex, there has been huge success in protecting the right of access to culture and libraries through Save Our Libraries Essex's (SOLE) campaign. In 2018/2019, SOLE prevented the closure of 19 libraries and the attempted move by ECC to have 24 more run by community/volunteers or other groups.<sup>195</sup> More recently, the temporary closure of libraries during lockdown, while potentially necessary as a public health measure, highlighted the important role they play. The general closure had unintended consequences for children in low-income families and for people in homelessness who only had access to the internet through the libraries.<sup>196</sup> SOLE has also expressed concerns over ECC's future plans for libraries in Essex, stating that they are concerned with "closures by stealth."<sup>197</sup> In response to our request for more information, ECC assured us that "no libraries in Essex have closed, nor will close and they will be run by ECC funded staff. We're keeping all libraries open."<sup>198</sup>

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<sup>192</sup> Decade Of Austerity Sees 30% Drop in Library Spending | CIPFA' (*Cipfa.org*, 2019) <<https://www.cipfa.org/about-cipfa/press-office/latest-press-releases/decade-of-austerity-sees-30-drop-in-library-spending>> accessed 27 March 2022; Alison Flood, 'Britain Has Closed Almost 800 Libraries Since 2010, Figures Show' (*the Guardian*, 2019) <<https://www.theguardian.com/books/2019/dec/06/britain-has-closed-almost-800-libraries-since-2010-figures-show>> accessed 19 April 2022.

<sup>193</sup> Ibid.

<sup>194</sup> Ibid.

<sup>195</sup> Sian Cain, 'Essex Drops Library Closure Plans Following Sustained Public Protests' (*the Guardian*, 2019) <<https://www.theguardian.com/books/2019/jul/09/essex-drops-library-closure-plans-following-sustained-public-protests>> accessed 18 April 2022.

<sup>196</sup> Frank Catalano, 'How Library Closures Hurt Adult Learners as Kids Doubled Down On Digital Reading - Edsurge News' (*EdSurge*, 2021) <<https://www.edsurge.com/news/2021-03-08-how-library-closures-hurt-adult-learners-as-kids-doubled-down-on-digital-reading>> accessed 18 April 2022.

<sup>197</sup> Wendy Brading, 'Campaigners Set Out Ten-Point Plan to Revive Libraries Across Essex' (*Gazette*, 2021) <<https://www.gazette-news.co.uk/news/19579869.sole-sets-ten-point-plan-future-essex-libraries/>> accessed 18 April 2022.

<sup>198</sup> Information provided by Essex County Council via email (18 May 2022).

## 4.1. Success of SOLE Campaign

SOLE opposes public library closures or libraries being handed over to volunteers or groups. SOLE was successful in its advocacy and campaigning when it forced ECC to make a U-turn on its proposal to close 19 libraries and to have 24 more run by community/volunteers or other groups in 2018/2019.<sup>199</sup> SOLE also campaigns to ensure that all libraries are run by paid, trained staff employed by ECC and was similarly successful in pressuring ECC to reverse its proposal to offer all 44 libraries to be run by community and voluntary groups in 2019.<sup>200</sup>

SOLE campaigns for increased paid, trained staff; real, open consultation with the public; improvement of printed book stock in all libraries; extension of open hours; a fines amnesty; protection of existing public library space – not allowing it to be used for profit or inappropriate services; developing appropriate activities linked to education/culture for all; publishing a local development plan for every library; and investing in library buildings.<sup>201</sup>

ECC announced its plan to close 19 libraries and offer 24 to be run by community/volunteers or other groups in 2018.<sup>202</sup> These plans were met with fierce opposition from SOLE. The group believed the plans would infringe the basic needs of many in the community and began a campaign against them. SOLE also commissioned Dr Tarek Al Baghal, Deputy Director of Understanding Society at the University of Essex, to analyse the surveys that formed the basis of ECC's plan, with the report concluding that the design of these surveys was "questionable" and included misleading and complex questions.<sup>203</sup>

SOLE made the campaign to prevent library closures in 2018 as broad and inclusive as possible, agreeing from the outset it would be non-party political.<sup>204</sup> Starting with a handful of concerned people in various towns, it used social media not only to get its point across (public and group Facebook pages at county and local level, Twitter) but to connect campaigners across the county.<sup>205</sup> It shared data, local knowledge, freedom of information requests, campaigning ideas, professional skills, helped each other

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<sup>199</sup> Essex Drops Library Closure Plans Following Sustained Public Protests (n 192); BBC News, 'Essex Library U-Turn After Celebrity-Backed Campaign' (*BBC News*, 2019) <<https://www.bbc.co.uk/news/uk-england-essex-48922247>> accessed 18 April 2022.

<sup>200</sup> Andy Abbot and Liz Miles, SOLE (17 December 2021).

<sup>201</sup> Ibid.

<sup>202</sup> ECC, 'Essex Future Library Services Consultation Summary and Survey Form: 2019 – 20224' <<https://libraries.essex.gov.uk/media/1015667/draft-essex-library-services-strategy-summary.pdf>> accessed 18 April 2022.

<sup>203</sup> Dr Tarek Al Baghal, 'A Methodological Critique of Essex County Council's Essex future Library Services 2019-2024 Survey' (University of Essex, 2019) <<https://www.dropbox.com/s/gwt18emh4g1jkxv/Library%20Consultation%20Report%20-%20Dr%20Al%20Baghal.pdf?dl=0&fbclid=IwAR0wHMZgwMN7 IE0Y2DyvNleiYiEP3jSpLuaS-rOMWCxC02SIMgDQbEJB9>> accessed 27 March 2022.

<sup>204</sup> Andy Abbot and Liz Miles, SOLE (n 200).

<sup>205</sup> Ibid.

analyse complicated documents, and created a community with a common purpose that encouraged each other's local actions and co-ordinated county-level actions.<sup>206</sup> Campaigners approached the author Jacqueline Wilson and the comedian David Walliams, who endorsed their campaign publicly; campaigners also sent out regular press releases and encouraged waves of letters and emails to newspapers and to politicians.<sup>207</sup>

As part of the campaign, SOLE held public events and marches at county level. The marches and demonstrations in individual locations often focused on children, some of the main library users. It also launched local online petitions and held public meetings and Q&A sessions about council plans, sending speakers to county, town and parish council meetings, setting up stalls outside individual libraries, and distributing T-shirts, bags, posters and badges.<sup>208</sup>

According to some of the organisers, the campaign was a people's campaign without leaders or any hierarchy or even a bank account, but instead was comprised of individuals from all generations and broad-ranging backgrounds working both together and in small groups across the county.<sup>209</sup> Specific campaign tasks were taken up voluntarily and usually completed in collaboration with others.<sup>210</sup>

SOLE's actions turned the libraries into a high-profile issue in the media.<sup>211</sup> Local politicians said their mailboxes were swamped by objections to ECC plans.<sup>212</sup> Its emphasis on listening and talking to people face to face, while gathering petition signatures and at public meetings, meant SOLE was able to understand in depth the reasons people valued libraries, challenging ECC's assertions about the need for closures and encouraging consultation responses.<sup>213</sup> Its pooled research enabled SOLE to help people question what they were told by politicians, and its constant presence and conversations encouraged the public to believe that it was possible to change the outcome.

Local organisations and councils within Essex withdrew offers to run so-called community libraries after SOLE published information about pitfalls and negative outcomes of other community libraries, and encouraged residents to question local plans.<sup>214</sup> SOLE submitted the largest petition (60,000), and provoked the largest ever result, for an ECC survey (over 21,000 responses).<sup>215</sup> Finally, ECC

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<sup>206</sup> Ibid.

<sup>207</sup> Ibid.

<sup>208</sup> Ibid.

<sup>209</sup> Ibid.

<sup>210</sup> Ibid.

<sup>211</sup> Essex Drops Library Closure Plans Following Sustained Public Protests (n 199); Essex Library U-Turn After Celebrity-Backed Campaign (n 199).

<sup>212</sup> Andy Abbot and Liz Miles, SOLE (n 200).

<sup>213</sup> Ibid.

<sup>214</sup> Ibid.

<sup>215</sup> Ibid.

announced a U-turn, promising every library would remain open for at least five years.<sup>216</sup> A new plan for the future of libraries in Essex between 2022 and 2026, published by ECC in November 2021, does not contain any specific ambition to see libraries run by groups such as town councils.<sup>217</sup>

Overall, SOLE's campaign highlights the effectiveness of grassroots advocacy and campaigning as an empowering factor for rights holders to realise and protect their human rights, such as access of libraries under the right to take part in cultural life under Article 15 ICESCR.

## **4.2. The Temporary Closure of Libraries During the Covid-19 Pandemic Across the UK**

Reportedly, more than 80% of all UK libraries were closed during the pandemic to stop the spread of the coronavirus.<sup>218</sup> The Chartered Institute of Public Finance and Accountancy (CIPFA) reported that “physical library visits fell from 214.6m to 59.7m in the year to March 2021, a drop of 72%, as Covid-19 restrictions shut branches for much of the 12-month period,” and “the number of web visits for library resources grew by 18% to 154.7m over the same period.”<sup>219</sup> Furthermore, “65% of UK library services saw a reduction in physical loans of between 70% and 90% of pre-pandemic borrowing levels.”<sup>220</sup> “The cumulative data also revealed that almost 120 million books that were issued in pre-pandemic years were not issued in the 2020/21 lockdown period. Meanwhile, 47% of library services saw their e-loan provision rise between 100% and 200% on pre-pandemic levels.”<sup>221</sup>

Whilst accessing library resources online may have sufficed as a suitable alternative for most people, 1.5 million households do not have access to the internet in the UK.<sup>222</sup>

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<sup>216</sup> Ibid; Essex Drops Library Closure Plans Following Sustained Public Protests (n 199).

<sup>217</sup> ECC, 'Everyone's Library Service: 2022 – 2026 (ECC 2022) <<https://libraries.essex.gov.uk/media/1590621/9216-essex-library-plan-v4-accessible-1.pdf>> accessed 18 April 2022.

<sup>218</sup> '80%+ UK Public Libraries Closed' (*PublicLibrariesNews:WhatsHappeninginYourLibrary*, 2020) <<https://www.publiclibrariesnews.com/2020/03/80-uk-public-libraries-closed.html>> accessed 18 April 2022.

<sup>219</sup> Alison Flood, 'Library Use Plummeted In 2021, But E-Visits Showed 18% Rise During Lockdown' (*the Guardian*, 2022) <<https://www.theguardian.com/books/2022/feb/10/library-use-plummeted-in-2021-but-e-visits-showed-18-rise-during-lockdown>> accessed 18 April 2022.

<sup>220</sup> David McMenemy, Elaine Robinson and Ian Ruthven, 'The Impact Of COVID-19 Lockdowns on Public Libraries in the UK: Findings from A National Study' [2022] *Public Library Quarterly* <<https://doi.org/10.1080/01616846.2022.2058860>> accessed 5 May 2022.

<sup>221</sup> Ibid.

<sup>222</sup> Ofcom, 'Digital Divide Narrowed by Pandemic, But Around 1.5M Homes Remain Offline' (*Ofcom*, 2021) <<https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2021/digital-divide-narrowed-but-around-1.5m-homes-offline>> accessed 18 April 2022.

The furthering of the digital divide due to the pandemic locked children out of education.<sup>223</sup> Libraries provide a range of necessary services, such as adequate internet access, study spaces and hardware (such as laptops and tablets), that many low-income families do not have. Library closures during the pandemic forced families to seek these necessities to learn online.<sup>224</sup> Children are not the only group likely to have been affected by the closure of libraries during the pandemic. Due to benefit claims application moving to a purely or primarily online process,<sup>225</sup> low-income individuals and households that do not have internet access faced significant difficulties in accessing their social security.

According to the UK's Library and Information Association Chief Executive, Nick Poole, "the Department for Digital, Culture, Media and Sport has made it clear that councils cannot use Covid disruption as a pretext for cuts to services, and that volunteers should not be used to replace paid professional staff."<sup>226</sup>

While the closure of libraries during the lockdown was a temporary and necessary public health measure, it also brought to light the dangers and negative consequences of longer-term closures.

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<sup>223</sup> BBC News, 'Digital Divide 'Locking Children Out of Education' (*BBC News*, 2021) <<https://www.bbc.co.uk/news/uk-england-55816686>> accessed 18 April 2022.

<sup>224</sup> Ibid.

<sup>225</sup> UN Special Rapporteur on Extreme Poverty and Human Rights, Visit to the United Kingdom of Great Britain and Northern Ireland (n 7) paras 59 – 66.

<sup>226</sup> Library Use Plummeted In 2021, But E-Visits Showed 18% Rise During Lockdown (n 219).

# 5. Conclusions and Recommendations

## 5.1. Access to Housing

Overall, the unaffordability problem, and the resulting issues of social/council housing, evictions and rent arrears, temporary and emergency accommodation and rough sleeping homelessness all raise concerns from the perspective of the right to adequate housing of Article 11 ICESCR. Unaffordability, evictions, rent arrears, and homelessness drag low-income individuals and households deeper into poverty, and local and national authorities should take steps to prevent this as part of their human rights obligations under ICESCR.

### Recommendations

- CBH and CBC should build and buy more social/council housing so that individuals and households at greater risk of harm, disadvantage or discrimination are not living in unsafe, overcrowded or unfit housing conditions for unreasonable extended periods.
- The UK Government must afford more assistance to prevent evictions, occurring through rent arrears, by restoring Local Housing Allowance rates to cover the 30<sup>th</sup> percentile of local rents, and increase the supply of social/council housing to comply with the rights to an adequate standard of living and adequate housing.
- The UK Government must urgently abolish no-fault evictions under section 21 of the Housing Act 1988.
- CBH and CBC should work towards making sure emergency and temporary accommodation is indeed temporary and learn from best practice to avoid the use of B&B style accommodation.
- The UK Government should amend Sections 190-196 of the Housing Act 1996 so that local authorities may adopt discretion in their assessment of so-called intentional homelessness.
- CBC should ensure that financial help is provided to local organisations and continue to uphold its prevention and relief duties under the Homelessness Reduction Act 2017.

## 5.2.Social Security, Food, and Child Poverty

A UK social security system that supports the most vulnerable in society is needed now more than ever due to the effects of the pandemic, an unaffordable rental market, soaring energy prices and the overall spiralling cost-of-living crisis. So far, the UK Government has failed to take appropriate action in light of this crisis. The UK Government must make use of its maximum available resources to progressively realise the rights to social security, adequate food and an adequate standard of living under Articles 9 and 11 ICESCR, in order to prevent and alleviate poverty and combat the cost-of-living crisis.

### Recommendations

- UK law should recognise that social security is a human right and essential for the satisfaction of all other rights.
- The UK Government's Department of Work and Pensions should reinstate the £20 a week uplift on UC to reduce and alleviate poverty.
- The £20 a week uplift on UC should be extended to legacy benefits so that there is no discrimination between recipients of social security.
- The UK Government should increase benefits by the consumer prices index to meaningfully address the cost-of-living crisis.
- The UK Government should ensure that a record of individuals and households referred to food banks is kept, to allow the State to understand the impact of its cuts to welfare benefits.
- The UK Government must reinstate time-bound targets of child poverty to assess and keep track of the effects of the cost-of-living crisis.
- ECC and CBC should use their maximum available resources and provide as much funding as possible to Colchester Foodbank and other local food charities to help alleviate the toll it will take on food charities as a result of the cost-of-living crisis.

## 5.3.Libraries

Public libraries play a key role in facilitating access to culture and information and promoting human rights without discrimination. In line with Article 15 ICESCR, UK authorities need to take steps to

conserve, develop and promote science and culture. The closure of libraries and the dramatic reduction in the services they provide would be steps backwards in the protection and promotion of this human right.

## **Recommendation**

- ECC should maintain its commitment to keep all Essex libraries open and run by ECC funded staff.