INTRODUCTION

1. This document relates to the Homelessness etc. (Scotland) Bill introduced in the Scottish Parliament on 16 September 2002. It has been prepared by the Scottish Executive to satisfy Rule 9.3.3(c) of the Parliament’s Standing Orders. The contents are entirely the responsibility of the Scottish Executive and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 63–EN.

POLICY OBJECTIVES OF THE BILL – BACKGROUND

2. The Bill is being brought forward as part of the Executive’s ongoing efforts to promote social justice in Scotland and to close the opportunity gap. Access to appropriate housing underpins much of the social justice agenda. Tackling homelessness is crucial if individuals and families are to lead healthier lives and to have a firm base from which to access employment, education and training.

3. In order to inform the development of homelessness policy in Scotland the Executive established the Homelessness Task Force\(^1\) in August 1999, with the following terms of reference:

“To review the causes and nature of homelessness in Scotland; to examine current practice in dealing with cases of homelessness; and to make recommendations on how homelessness in Scotland can best be prevented and, where it does occur, tackled effectively.”

The Task Force published its interim report in April 2000. The recommendations contained therein were subsequently enacted through Part 1 of the Housing (Scotland) Act 2001 (asp 10) (“the 2001 Act”), which will be fully commenced by 30 September 2002.

\(^1\) Task Force membership: Minister for Social Justice, Robert Aldridge (Scottish Council for Single Homeless), David Alexander (Scottish Federation of Housing Associations), Pat Bagot (Communities Scotland), David Belfall (Scottish Executive), Suzanne Fitzpatrick (University of Glasgow), Paul Howarth (Department for Work and Pensions), Rita Miller (CoSLA), Liz Nicholson (Shelter Scotland), Catriona Renfrew (Greater Glasgow Health Board), Bill Robertson (Association of Directors of Social Work), Margaret Taylor (Glasgow Council for Single Homeless), Mark Turley (CoSLA), Mel Young (The Big Issue in Scotland)
4. The 2001 Act places a duty on local authorities to produce strategies assessing the extent of homelessness in their area and outlining plans to prevent and alleviate homelessness – the first versions of these strategies are due to be submitted to the Scottish Ministers by 31 March 2003. Interim guidance on the preparation of homelessness strategies, issued by the Scottish Executive, makes clear that local authorities must work closely with relevant partners in order to plan and deliver multi-agency provision to respond to the varied needs of people threatened by, or experiencing, homelessness. Local authorities will be required to take account of this strategic context in taking forward the new duties placed on them by the Bill.

5. The 2001 Act also amended the Housing (Scotland) Act 1987 (c.26) (“the 1987 Act”) to extend the duties local authorities owe to people who are homeless or threatened with homelessness. Most significantly it introduced a new ‘minimum package’ to which everyone assessed as homeless will be entitled from 30 September 2002. This comprises the provision of temporary accommodation and the provision of advice and assistance, as prescribed by the Scottish Ministers, to assist the household concerned in their efforts to secure permanent accommodation. The 2001 Act also ensures that all unintentionally homeless people assessed as being in priority need will be entitled to permanent accommodation.

6. The Task Force recognised, at the time of the 2001 Act, that there was a need for further in-depth consideration of the homelessness legislation. This consideration took place in the period between the publication of the initial report and the Task Force’s final report, which was issued in February 2002. This final report made 59 recommendations, which the Executive has pledged to implement. This pledge was endorsed by the Parliament following its debate on the Task Force Report on 7 March 2002.

7. The Report included several recommendations intended to improve the response of local authorities and others to homeless people by further strengthening homelessness legislation. These recommendations form the basis of the Bill. However the Task Force report, in its entirety, sets the context in which the provisions of the Bill will be taken forward. The report, the implementation of which is being overseen by the newly established Homelessness Monitoring Group, sets out an action plan to tackle homelessness in a sustainable and strategic manner over the next decade. Alongside the legislative recommendations, the report also deals with housing policy and benefits issues and sets out specific actions required to prevent homelessness among vulnerable groups and to respond effectively to homelessness where it does occur. The report stresses that a multi-faceted approach is needed – that merely providing a house cannot solve homelessness. In endorsing the report the Executive has acknowledged that partnership working, changing practices and a more strategic and effective use of resources are crucial to the effective implementation of the recommendations in a way which will benefit all those threatened by, or experiencing, homelessness.

**POLICY OBJECTIVES OF THE BILL – SPECIFICS**

8. The Task Force considered the current eligibility criteria applied under the 1987 Act (as amended by the 2001 Act) to people who apply to an authority as homeless. In line with the Task Force’s recommendations, the Bill advances the following policy objectives in relation to amending these criteria.
Priority need

9. Once an applicant has been assessed as homeless, a distinction is currently made between those assessed as being in priority need and those who are not. Applicants assessed as being in priority need, and unintentionally homeless, are entitled to permanent accommodation, whereas those who are not assessed as being in priority, or who are assessed as in priority need but having made themselves homeless intentionally have a lesser entitlement to temporary accommodation, and advice and assistance intended to help them find their own accommodation. The Task Force recommended that the category of priority should be gradually expanded so that by 2012 it encompasses all homeless people. The policy objective underlying this is to ensure that all homeless people are offered permanent accommodation. However, in cases where applicants are found to be intentionally homeless this right will be suspended.

10. This accords with the Executive’s belief that everyone should have access to decent and secure housing. The Bill sets out the framework for the phased approach to expanding priority need over the next decade. It is acknowledged that this phasing is necessary in order to ensure that local authorities and other service providers have adequate housing supply and support services in place to enable them to meet this extension of the duty. The Executive, with advice from the Homelessness Monitoring Group, and based on information drawn from homelessness strategies and local housing strategies, will develop mechanisms to ensure that the need for additional accommodation and services is identified and resourced.

11. The Bill has the effect of initially widening the categories of persons to be assessed as being in priority need to include all those set out in section 1(2). Local authorities are already encouraged in the Code of Guidance on Homelessness, to which authorities must “have regard”, to assess people falling into these categories, and others, as being in priority need as a result of their vulnerability. The objective of including these groups in the Bill is to codify existing good practice, and to ensure that those most in need of assistance are given legislative protection. The precise timing of further expansion will be determined in the light of local authorities’ own assessments of housing supply set against their assessment of the extent and nature of homelessness in their area. The Homelessness Monitoring Group, taking account of these and other national data, will advise Ministers on the timetable for expansion.

Intentionality

12. Where an applicant is assessed as being in priority need, local authorities are currently required to make a further distinction between intentional and unintentional homelessness. Applicants assessed as being in priority need but intentionally homeless are entitled only to the minimum package of temporary accommodation, and advice and assistance towards them finding their own accommodation. The Bill will achieve the policy objective, in line with the Task Force’s recommendations, of removing the duty to investigate intentionality and replacing it with a power to investigate. It is acknowledged that it will be necessary to investigate intentionality in some circumstances, to aid housing management and to increase the likelihood of establishing a sustainable solution to homelessness for the household involved. By replacing the duty to investigate with a power to do so local authorities will be given discretion in considering an application and will be better able to focus administrative effort only on those, expected to be few, cases where there is a real concern over the actions of the homelessness
applicant. The Bill will also require the local authority and the tenant to take specific remedial action where intentionality has been investigated and proved (see below).

13. The Bill also requires a change in the response to people who are assessed as intentionally homeless. Local authorities will be required to offer a short Scottish Secure Tenancy - with support to enable the conversion of this tenancy to a full Scottish Secure Tenancy. The support provided, and the tenant’s obligations in respect of this support, will form part of the terms of the tenancy. There will be periodic reviews of whether the tenant is meeting the terms of the tenancy. Where this tenancy is successfully sustained for a period of a year the local authority will have a duty to offer a full Scottish Secure Tenancy.

14. If the initial tenancy fails, the tenant’s right to permanent accommodation remains suspended, but there will be an ongoing duty on the local authority to provide accommodation on an occupancy basis covered by section 7 of the 2001 Act, alongside support. It will be open to an authority, if it thinks fit, to offer a further short SST to allow the tenant the opportunity for access to permanent accommodation. Otherwise entitlement to a short SST is suspended for one year.

15. This regime ensures that local authorities retain ongoing responsibility for people who continue to require support to address the reasons for their homelessness and that a long-term effort is made to address the issues which underlie these cases, therefore preventing repeat homelessness and rough sleeping. Some local authorities are already doing useful work in this area - the proposals will reinforce and stimulate this. The households involved will be given specific support to help prevent homelessness recurring and will have a clear route into permanent accommodation.

Local connection

16. Currently a local authority can refer an applicant to another authority if they are of the opinion that the applicant has a local connection with that other authority and not with them. The Bill gives the Scottish Ministers the power to modify the operation the relevant provisions of the 1987 Act preventing an authority from either referring a case or having a case referred to it, on the basis of local connection. Ministers will also have the power to reverse or alter these modifications, in the event that information comes to light that suggests they are no longer appropriate. The Homelessness Monitoring Group will have a role in advising Ministers of the feasibility of modifying the provisions in a particular way, or of the necessity to reverse or alter such modifications.

17. This provision contributes to the policy objective of enabling choice in the one area of housing provision where choice has in the past been very limited. It is predicated on the belief that homeless people generally have good reasons to present to a particular authority, and that these reasons should be acknowledged. However it is acknowledged that there must be a mechanism for dealing with a situation where a particular authority cannot cope with an increased flow of applicants and the legislation allows for action to be taken in these circumstances.
Repossession

18. The Task Force also considered specific actions which would contribute to the overall aim of preventing homelessness occurring in the first instance. These included suggested changes to the process of repossession of a property, which are reflected in the Bill.

19. The Bill provides for a court, in deciding whether to grant an eviction order to a private landlord, to take into account the fact that rent may be in arrears due to a delay or failure in the payment of Housing Benefit. This furthers the policy objective of preventing homelessness and ensures that private sector tenants will not be penalised for bureaucratic failure by the body responsible for administering Housing Benefit.

20. The Executive acknowledges that it is important to balance the rights of both landlords and tenants – offering security of tenure to tenants but also providing clear and effective mechanisms for landlords to regain possession where this is required. For this reason the Bill does not extend the court’s discretion to any other circumstances where the actions of a third party are involved in a breach of the terms of the tenancy. This would have the potential to add to the complexity and bureaucracy of the system and would have the potential to extend unduly the duration of hearings. In contrast, the proposals set out rely on objective findings of fact.

21. The Bill also requires landlords to notify the relevant local authority of proceedings of possession. This will give local authorities the opportunity to intervene early in order to prevent homelessness occurring. Even where this is not possible, notification gives the local authority advance notice that the household in question will potentially be in housing need in the near future. The Bill allows Ministers to issue guidance on the action to be taken by local authorities on the receipt of notices. The Executive’s clear expectation is that the authority will, where appropriate, respond to prevent homelessness occurring or intervene early in cases where the household becomes homeless. This is in accordance with the Executive’s emphasis on preventing homelessness – an emphasis which local authorities should be reflecting in their homelessness strategies. It should be noted that where an applicant is likely to become homeless within 2 months the local authority owes them a duty under section 32 of the 1987 Act to take reasonable steps to ensure that they do not lose their accommodation. Receipt of notifications will also be of strategic benefit to local authorities in assessing homelessness flows in their area and producing their homelessness strategies.

22. The Scottish Ministers have the power to prescribe the form and manner of notification in order to cut down on unnecessary duplication of effort by individual landlords.

ALTERNATIVE APPROACHES

23. Specific alternative approaches to handling the issues dealt with in the Bill have been suggested and are discussed below. One alternative approach would be to delay bringing forward legislation at this stage. The Executive does not accept this approach – there is a need to act now to extend legislative protection to the most vulnerable, to rationalise and strengthen the response to intentional homelessness, to extend the choices available to homeless people and to prevent homelessness occurring as a result of eviction. The Executive believes legislation to achieve this is crucial and should not be delayed. The Bill is a product of the deliberations of the Homelessness Task Force, followed by consultation on the recommendations of the Task Force.
It is founded on an evidenced-based Report which established an action plan for delivery over the next decade. It is a product of partnership working - the consensus surrounding the Task Force’s recommendations is a useful foundation which the Executive believes should be built on without delay.

24. It should also be noted that the Executive is committed to implementing all the recommendations of the Task Force. Therefore the new Bill will be implemented in a developing context – legislative change will be matched by changes in the way in which local and national services are developed and delivered. Any delay in taking the first steps of this action plan has the potential to delay all subsequent actions.

25. Concerns have been raised regarding the resource implications and these are noted. It is for this reason that the Report recommended a pragmatic approach to a phased elimination of priority need and the reservation of the power to reapply local connection. Research shows that it is not possible confidently to predict the precise consequences, authority by authority, of amending the legislation in the way proposed. The Executive does not believe that this a reason to do nothing. In the case of expanding priority need, evidence of local authority supply and demand will be brought forward in homelessness and housing strategies, and these will inform the timing of expansion decisions. In the case of local connection it is acknowledged that research in advance of suspension would be likely to prove inconclusive. There is a need to make changes but to acknowledge the need for careful planning and monitoring. This will be achieved, in the main, through the development and assessment of local housing and homelessness strategies, as overseen by the Homelessness Monitoring Group. Where this Group feels additional monitoring mechanisms are required they will be put in place.

Priority need

26. Besides making no change, there are several possible alternative approaches to expanding priority need. The first would be to abolish priority need immediately, as a one-stage process. This approach was advanced in some of the consultation responses received from voluntary organisations. However, the Executive believes that there is a need to be realistic about the practicalities of delivery. The expansion of priority need is therefore intrinsically linked to the capacity of local authorities and other services to cope with the increased demand. This is also the reason why definite interim targets have not been set on the face of the Bill – although the Bill is clear as to the scope of the initial expansion and as to the target date for abolition of a priority need distinction. This recognises that there will be a need, in the intervening period, to respond directly to local concerns regarding the availability of accommodation and services.

27. There have been no strong representations that additional groups should be involved in the initial expansion of the priority need categories. The Executive feels that the groups listed in the Bill represent a realistic first step as these are already listed in the Code of Guidance on Homelessness and therefore many local authorities will already assess people in these categories as being in priority need. The expansion is therefore in line with existing practice but offers stronger protection. The Code of Guidance will be updated following the enactment of the Bill and may be amended to include specific reference to some of the groups mentioned in consultation responses.
Intentionality

28. One alternative approach would be to abolish the concept of intentionality altogether. This would have the attraction of simplifying the application process and would contribute to ensuring equality of treatment for all applicants. However the Executive recognises that such an abolition could severely hamper housing management as there would be no incentive for households to engage with housing support services. There is also a possibility that underlying issues affecting the household’s ability to sustain accommodation, such as poor financial management or anti-social behaviour, would not be identified or addressed and that homelessness would recur. Another alternative would be for investigation of intentionality to remain a prerequisite – however the Executive feels that this is too inflexible and increases bureaucracy and delays in the application process.

29. The Executive does not believe that the current legislative position is adequate. The Homelessness Task Force commented that current provision can leave the household in “the equivalent of no-man’s land” – this is of great concern to an Executive which is committed to ending the need to sleep rough, to reducing repeat homelessness and to ensuring that homelessness is prevented wherever possible and tackled effectively where it does occur.

30. At the other end of the spectrum, those who support the outright abolition of intentionality may propose that these households should be entitled to more secure accommodation. The Executive considers that in the interests of effective housing management it is important to acknowledge and address intentionality rather than ignore it. The Bill provides the potential for intentionally homeless households to access a clear route to permanent accommodation, alongside an incentive to engage with support.

Local connection

31. Some respondents to the consultation exercise have expressed nervousness about the suspension of local connection. It is generally acknowledged however that there is no hard evidence as to the patterns of migration which may result from a suspension, or of the numbers likely to be involved. Such evidence can only be collected if suspension is effected, and carefully monitored. As set out above, the Executive considers that suspension is necessary to enable homeless people to exercise choice.

32. Conversely, amongst those who support suspension, some do not feel that reserving the power to reactivate local connection is necessary. However, the Executive recognises that there is a risk that some areas could face an unmanageable flow of homelessness applicants and therefore considers it is necessary to have a mechanism to resolve this if it were to occur.

Repossession

33. Having considered the possibility of directing the court to take account, in all circumstances, of the actions of third parties, the Executive is of the opinion that this would increase the risk of protracted and complex cases. Whilst the primary objective is to prevent homelessness, the Executive is also mindful of the interests of private landlords who are running a commercial business. The Bill protects tenants at risk of being evicted due to bureaucractic failure, in circumstances where the rent arrears are due to delay or failure of the payment of
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Housing Benefit. It still allows the landlord to repossess a property where debts or other breaches of the tenancy are due to other external factors.

34. It has been suggested that the Bill should direct local authorities as to the action they are to take on receipt of notification. The Executive considers that this should be an issue for guidance and will be taken forward by local authorities in the context of their homelessness strategies.

CONSULTATION

35. The proposals contained in the Bill have their basis in the final report of the Homelessness Task Force. The Task Force had a wide and diverse membership encompassing representatives from the Scottish Executive, Communities Scotland, the Department for Work and Pensions, CoSLA, the Scottish Federation of Housing Associations, Shelter, The Big Issue in Scotland, the Scottish Council for Single Homeless, Glasgow Council for the Single Homeless, the health service, social work services and academia. Task Force members took informal soundings from interested parties in their sector throughout the two and half years over which they held meetings. The Task Force conducted its work in an open and inclusive manner – representatives of many diverse bodies attended meetings and all papers were made available on the Scottish Executive’s website, and efforts were made to consult homeless people, and people who had experienced homelessness. The Task Force also commissioned a wide-ranging programme of research into various aspects of homelessness. This included a study on the operation of the eligibility criteria as currently applied under homelessness legislation, and several studies on preventing homelessness.

36. The proposals have therefore been developed in close partnership with many of the main organisations with an interest, and from a sound evidence base. The Task Force’s final report has been in the public domain since February. In addition a specific consultation paper on the Bill was issued directly to over 300 recipients and published on the Scottish Executive’s website in June 2002 - 72 responses were received. Consultation responses generally welcomed the proposals set out in the paper issued and were supportive of the principles on which they were based.

37. The issues raised can be summarised as follows – some of these issues have been noted elsewhere in this memorandum also.

Priority need

38. The main concerns surrounded the resourcing of the proposals, particularly in relation to areas experiencing high demand and low turnover of stock. The majority of responses supported a phased programme of expansion – it was noted that clear guidance may be required in order to prevent uncertainty. Some specific groups were suggested for inclusion in the first phase of expansion but there was not consistent support for any particular group.

2 A summary of the Task Force’s research programme can be found in “Research for the Homelessness Task Force: A Summary” available from The Stationery Office Bookshop, 71 Lothian Road, Edinburgh, EH3 9AZ (Tel: 0870 606 55 66) or online at www.scotland.gov.uk
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39. The Executive recognises that the pace of change will be dependent on local authorities’ ability to implement the relevant provisions of the Bill and that the availability of resources may be a factor in determining this. The Bill allows for this progressive implementation. Local authorities are being asked to assess the efficiency and effectiveness of current spend on homelessness in developing their homelessness strategies, they should also identify in their local housing strategies what is required, in terms of housing stock, to implement the proposals. The Homelessness Monitoring Group will advise Ministers on the national timetable for expansion and abolition of priority need.

40. The Code of Guidance on Homelessness will be updated following the enactment of the Bill – further guidance will be issued as necessary as further stages of expansion are undertaken. Amending the Code of Guidance to include specific groups mentioned by consultees which are not included in the first phase of expansion as set out in the Bill will also be considered.

**Intentionality**

41. There was widespread support for retaining the concept of intentionality as respondents felt it was necessary for effective housing management, to prevent manipulation of the system and to retain public confidence. Others mentioned that being more fully aware of the causes of homelessness was of benefit in planning preventative action. However others favoured abolition on the basis that certain groups could be discriminated against or that a finding of intentional homelessness could lead to an applicant receiving an inadequate response.

42. Some respondents expressed concern regarding the conversion of the current duty to investigate to a power to do so, mainly on the grounds that this could lead to inconsistent application which could in turn lead to unfair treatment or have a knock on-effect on patterns of application.

43. There was general support for the new legislative regime proposed for intentionally homeless households in priority need, although a minority of respondents were strongly opposed. Many mentioned funding issues and the need to balance the rights of the homeless household with those of the wider community. Concerns were raised regarding the ongoing duty to provide accommodation and support to households who have failed to sustain a short SST. Other detailed points and queries were made regarding the form of accommodation and support to be offered, the terms of the tenancies and the practical operation of the new regime.

44. The Executive believes that it is necessary to retain the concept of intentionality but that local authorities should have discretion as to whether to investigate intentionality in each individual case. The response received by those found to be intentionally homeless will be significantly improved by the enactment of this Bill. Discretion means that local authorities can take a more flexible and efficient approach – existing remedies will continue to be available to those who feel they have been unfairly treated. If an authority’s approach to intentionality has a demonstrable effect on patterns of applications to that authority or others, this would be taken into account in determining whether the local connection provisions should be reinstated.

45. The Executive recognises that implementation of the new legislative regime will have resource implications but also that delivery of the recommendations as a whole will improve the
efficiency and effectiveness of local authority and others’ responses to homeless people. The ongoing duty on local authorities to provide accommodation and support to those who have failed to maintain a short SST is necessary in order to prevent rough sleeping and to ensure that vulnerable households continue to receive assistance and do not fall out of the system altogether. The Executive is also mindful of the need to take account of the interests of the wider community when rehousing intentionally homeless households – these households will be required to engage with housing support services as a condition of their tenancy. Existing remedies will also continue to be available in cases of anti-social behaviour or criminal activity.

46. Specific comments on the detail of the proposals are welcomed and will be taken forward as the legislation is implemented. The update of the Code of Guidance will provide an opportunity to provide additional advice and good practice.

Local connection

47. Some respondents expressed strong concerns regarding an unmanageable flow of applicants into particular areas. Several suggestions were made as to how modification of the relevant provisions should operate in practice.

48. The Executive notes respondents’ concerns. The framework set out in the Bill allows for the reactivation of the local connection provisions if necessary. The Bill also requires that Ministers make a statement as to the circumstances in which, and criteria by reference to which, the power to reactivate the provisions is exercised. Respondents’ concerns, and the helpful suggestions submitted, will be taken into consideration in the preparation of this statement. It is the Executive’s intention that the criteria for reactivation of the local connection provisions should be such that reactivation can be effected very quickly, on identification of the need to do so. The Homelessness Monitoring Group will also monitor the impact of the suspension of local connection and advise Ministers accordingly.

Repossession

49. The proposals outlined in the consultation paper were widely welcomed. There were some concerns that the proposals on notification may give rise to issues of data protection or confidentiality.

50. The Executive does not consider that notifying local authorities where proceedings for possession are raised gives rise to significant concerns.

Further issues

51. The consultation paper also posed specific questions regarding resources and equal opportunities – issues raised in response to these questions are considered further below.
EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT, SUSTAINABLE DEVELOPMENT ETC.

Equal opportunities

52. The Bill’s provisions are not discriminatory on the basis of gender, race, disability, marital status, religion or sexual orientation. The extension of priority need set out in section 1 of the Bill accords priority need status to applicants who run the risk of domestic violence, or who have suffered harassment or run the risk of violence by reason of their race, colour, sexual orientation or ethnic or national origins. Applicants who are vulnerable as a result of a physical disability are currently assessed as being in priority need under the 1987 Act and are therefore entitled to permanent accommodation. The phased abolition of priority need and the removal of local connection will ensure that all homelessness applicants have equal access to available housing.

53. Local authorities will implement the new duties set out in the Bill as part of their homelessness strategy, as required by the 2001 Act. These strategies are due to be submitted in March 2003 and to come into effect the following month. It is a statutory requirement under the 2001 Act that the strategy should state how a local authority is to comply with its equal opportunities duty under section 106 of that Act, as regards matters included in the strategy. Draft Executive guidance on strategies development stresses this requirement and also suggests that local authorities should consider making the strategy available in a variety of formats to aid accessibility.

54. As noted above, the consultation paper on the Bill was distributed to various equalities organisations and included a specific question on the mainstreaming of equal opportunities. The majority of respondents acknowledged the importance of mainstreaming equal opportunities – several respondents highlighted specific issues regarding the need for a multi-disciplinary approach and additional resources, training and research. Others highlighted particular concerns relating to specific groups who it was felt were disadvantaged by the current system.

55. The Homelessness Task Force’s final report recommends that all service providers should ensure that they are promoting values, attitudes and behaviour which deliver responsive and personalised services. There are also specific recommendations relating to the experience of homelessness amongst Scotland’s minority ethnic communities, the provision of barrier-free housing and the provision of advice and information in a form which is accessible to all. The implementation of these recommendations will be overseen by the Homelessness Monitoring Group.

Human rights

56. The Executive does not consider that the provisions of the Bill have any adverse impact on human rights.

Island communities

57. There is no specific impact on island communities. Some concerns have been raised regarding the suspension of local connection and the possibility that this may lead to increased
homelessness applications in island authorities. There is no robust evidence that this will indeed be the case and, in any event, the Bill allows the Scottish Ministers the power to reactivate local connection if it is shown to be necessary.

Local government

58. Local authorities will have a central role in implementing the Bill. They will be required to provide permanent accommodation for a wider group of homeless people, and to plan for the provision of permanent accommodation for all homeless people in the longer term. Local authorities will also be required to provide accommodation and support for intentionally homeless households to a much greater extent than they do at present. In particular the provision of accommodation and support for households which cannot sustain a short SST represents a significant, and challenging, extension of their current duties.

59. The removal of local connection will also impact on local authorities in that homeless people with no prior connection to their areas will be able to apply for assistance. There is no robust evidence as to the likely effects for particular areas—the Homelessness Monitoring Group will advise Ministers as to the impact of the modification of the local connection provisions and Ministers have the power to react if significant issues arise.

60. Local authorities will also be affected by the provisions relating to notification of repossession proceedings. Local authorities will have to put in place systems for receipt and handling of these notifications and decide upon action to take in order to prevent homelessness.

61. Good practice guidance on implementing the Bill’s provisions will be issued by the Executive as part of the revision of the Code of Guidance on Homelessness. Ministers will also have the power, under the Bill, to issue guidance specific to certain issues.

62. In undertaking the new duties outlined above, local authorities should work within the context of their homelessness strategies. These strategies should evolve over time to take account of the new legislative framework and its consequences. Local authorities should also ensure that their local housing strategies take account of any demands on housing stock that may arise. The precise nature and level of the costs arising from implementation are difficult to quantify and will be offset by the application of more successful measures to prevent homelessness, and to prevent it recurring.

63. Communities Scotland will regulate local authorities’ performance in carrying out their homelessness functions and the Homelessness Monitoring Group will also assess the impact of the new legislative duties and report to the Scottish Ministers.

Sustainable development

64. The Executive has made clear that efforts to promote social justice, alongside programmes on health, education, crime and transport, are central to sustainable development. An important aspect of sustainable development is the commitment to ensure that all people living in Scotland have access to the same level of resources. Initial indicators of sustainable development have been set and will be developed further over the course of 2003. One indicator
relates to social concern and is measured through analysis of the number of homeless people entitled to permanent accommodation. This Bill is the vehicle through which the target of housing all homeless people in permanent accommodation by 2012 will be achieved. More widely the provisions of the Bill which relate to preventing homelessness, extending choice and improving the response to homeless households will help to create sustainable communities.