WRITTEN EVIDENCE FROM SOUTH LANARKSHIRE COUNCIL

Issues for Consideration

1. This paper is submitted by South Lanarkshire Council in response to the Infrastructure and Capital Investment Committee’s call for views on its enquiry into the 2012 Homelessness commitment.

2. South Lanarkshire Council has been consistent in its responses to and communications with the Scottish Government over the past ten years regarding the ‘2012 commitment’ established in the Homelessness etc (Scotland) Act 2003.

3. Whilst in principle supportive of the objectives underpinning the legislation, we have had strong reservations regarding both:
   - the impact the Act would have on our ability to meet housing needs on a broader basis within the area; and
   - the introduction of an “unending” duty towards homeless households.

4. At present we have confined our planning for 2012 to planning for the elimination of the priority need test. We are acutely aware that the 2003 Act also contained provision for the abolition of the local connection test and the introduction of a power rather than a duty to assess intentionality. However, as yet we have received no indication of the Scottish Government’s intentions in relation to these important provisions.

5. Over the years between 2003 and 2012, South Lanarkshire has made significant improvements to our homelessness services and considerably increased the resources allocated to tackling homelessness. We have focused our attention on preparation to meet the 2012 target and specifically have:
   - Almost trebled our supply of temporary accommodation
   - Almost trebled the proportion of lets made to homeless households and taken forward work with RSLs and private sector landlords to improve access for homeless households
   - Reconfigured our service in 2009 & significantly improved our capacity to provide housing support
   - Worked extensively with partners (particularly Social Work, Education and NHS services) to improve integrated responses to households affected by homelessness
   - Focused on the development of a robust approach to preventing homelessness and in particular, over the last year on implementing a housing options model.

6. Nevertheless, in spite of appropriate planning and service development, the current position in South Lanarkshire is extremely challenging: the level of allocations to homeless applicants has had a significant detrimental effect on our ability to house other types of housing applicant and to develop sustainable communities in some areas. The following table, comparing key figures in the years 2008/9 and 2010/11, illustrates the challenge in South Lanarkshire as a whole:
Table 1: lists and lets comparison 2008/9 and 2010/11

<table>
<thead>
<tr>
<th></th>
<th>2008/9</th>
<th>2010/11</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. homelessness applications</td>
<td>3,035</td>
<td>2,945</td>
</tr>
<tr>
<td>Duty to house</td>
<td>1,195</td>
<td>1,860</td>
</tr>
<tr>
<td>Duty to house if 2012 in place (PN test removed)</td>
<td>1,653</td>
<td>2,214</td>
</tr>
<tr>
<td>Backlog Homelessness list 01.04</td>
<td>849</td>
<td>1,180</td>
</tr>
<tr>
<td>Waiting list 01.04</td>
<td>12,892</td>
<td>15,374</td>
</tr>
<tr>
<td>Transfer list 01.04</td>
<td>3,103</td>
<td>3,518</td>
</tr>
<tr>
<td>Total lets available during year</td>
<td>2,116</td>
<td>1,838</td>
</tr>
<tr>
<td>Lets to homeless households</td>
<td>1047/2116</td>
<td>1,043/1,838</td>
</tr>
<tr>
<td>Ave weeks to house (PN)</td>
<td>26</td>
<td>35</td>
</tr>
</tbody>
</table>

7. Key issues demonstrated in table 1 are as follows:

- Although the number of new applicants in 2010/11 was lower than in 2008/9, the level of backlog cases at the beginning of the year had grown to 1,180, an increase of 39% over two years.

- In 2008/9, if we had housed all the new applicants that we had a duty to house, it would have required 56% of our lets. Housing the households still on the list from the previous year would have required an extra 40% of lets, totalling 96%. If the priority need test had been in force, we would have had a shortfall of 386 lets.

- In 2010/11, we had a shortfall of 22 lets to house even those new applicants where we had a duty to house during the year.

- The average time period to house priority need homeless households increased from 26 weeks to 35 weeks over the three year period. In January 2012 this period has increased to 37 weeks.

8. In the current year 2011/2, we predict that:

- We will receive 2,209 homelessness applications
- We will have a duty to house 1,423 households
- This would increase to 1,633 households if the priority need test was not applied
- We will have 1,957 available lets
- The number of existing homeless households waiting to be housed at the beginning of the year was 1,329, an increase of 12.6% on the previous year.
9. Whilst table 1 does demonstrate the overall challenge that we are facing in South Lanarkshire, there are also a number of issues which exacerbate the situation and are not evident from looking at overall numbers:

- In East Kilbride, where we have a very high demand for housing, there is a very low turnover of stock and not enough properties to house even the homeless people who want to be re-housed there. This means that we have no alternative but to offer permanent accommodation to households out of the area they know and where their supports are, and place them in areas which they do not wish to live in, thereby reducing the likelihood of the individual sustaining the tenancy even with the provision of support

- In the Clydesdale area, which is very large in terms of geography and predominantly rural, we have a high availability of housing in certain areas that are often isolated and have limited service infrastructure. We cannot realistically place people in these properties unless they have local links or quite a high degree of stability and resilience.

- The size profile of our available stock does not meet the needs of homelessness applicants in many cases, with many single person and lone parent households forced to under occupy. This may not be possible in the future with the likelihood that the Local Housing Allowance size criteria will apply in the private rented sector.

10. Although our implementation of the Housing Options Approach to prevent homelessness has so far this year resulted in a reduction of about 20% in homelessness applications, a large number of those households still require a housing solution. We are therefore not reducing the number of people requiring housing within a reasonable timeframe, just those applying through the homelessness route. Many of these are households who would otherwise have been assessed as homeless at home and who cannot wait for housing on the waiting list.

11. We have been working on the development of a process to increase the number of households re-housed via the private rented sector, both through housing options advice & the revision of section 32(a). However, the unrelenting progress of welfare reform makes the private rented sector increasingly unaffordable to a large number of households and we have had little success in negotiating reduced rents or flexibility around deposits or rent in advance. In addition, the lack of tenure security in the private sector continues to make this an unattractive option to many households.

12. Between 1st April 2011 and 23rd January 2012, 68 homeless households have been housed by our CHR RSL partners, representing about 30% of lets.

13. Finally, we are mindful of the new duty in the Housing (Scotland) Act 2010 to assess and meet the support needs of homeless households which is currently under consultation. Whilst we currently provide a significant amount of housing support and routinely check with all homeless applicants whether or not they require support, we are concerned that an increased duty to provide housing support, if not facilitated by an adequate level of funding, will further increase the difficulty we have in meeting the 2012 duties.

**South Lanarkshire Council’s View:**

14. At the present time, South Lanarkshire Council will not be able to meet the additional duties incurred through the abolition of the priority need test without either or all of the following impacts:

   i. Increasing the length of time taken to house homeless households

   ii. Further restricting access to housing for those who are on other lists
iii. Increasing the level of failed tenancies to homeless households by housing them in inappropriate lets.

In order to address these failings, substantial additional funds would be required.

15. At this time it would be inappropriate to commence the Local Connection and Intentionality provisions of the 2003 Act. The government should clarify its intentions in this regard.

16. There are a number of suggestions for potential action that we have made in previous communications that may assist in taking forward the spirit of 2012 whilst addressing the very real restrictions that local authorities will experience in implementing the legislation:

i. In order to improve supply of and access to housing, we would suggest that there is a need to revise the statutory and regulatory framework to give local authorities greater flexibility to use allocation policy both to promote sustainability and prevent homelessness

ii. We also consider that it remains necessary to focus consistently on the need to increase supply within the social rented sector

iii. Consideration requires to be given to a much broader reform of tenancies within the private rented sector to achieve an appropriate balance between security of tenure and flexibility to meet local needs

iv. The Scottish Government should continue to liaise with Westminster to encourage clear exemptions from welfare reform measures for those who are homeless or at risk of homelessness and where the reforms mitigate against successful resettlement

v. The abolition of priority need means that all homeless applicants will be queued, regardless of their individual circumstances, based upon date order. This will act against a consideration of cumulative needs and is likely to result in individuals who are homeless but have less pressing needs being allocated before others with higher levels of need. We consider that legislation requires to be revised to enable local authorities to differentiate between applicants in terms of both levels of need and whether the applicant requires a short or longer term resolution to their homelessness.

vi. The government needs to give greater weight to their promotion of the housing options approach by clarifying that the local authority’s duty is to provide applicants with advice, assistance and, where appropriate, support to help people prevent or resolve their homelessness. The duty to provide housing should apply only when there are no other reasonable solutions available.

vii. As noted above consultation is currently underway in relation to the introduction of the duty under section 158 of the Housing (Scotland) Act 2010 for local authorities to assess the support needs of homeless households and provide services to meet these needs. While we will be taking the opportunity in our response to set out our concern at the unrealistic expectation we have previously noted that we feel that the new duties are neither welcome nor helpful. Since the commencement of the Housing (Scotland) Act 2001 there has been a clear strategic requirement upon local authorities to work with partners to put plans in place to meet the assessed needs of homeless people. The new duty once commenced will place an unfair burden on local authorities to ensure that the services required are provided to a specific group of households regardless of:

- the impact on other households in need of support services
the availability of resources to fund the services; and

whether it is in the gift of the local authority to meet the needs (e.g. health services)