LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

AGENDA

9th Meeting, 2017 (Session 5)

Wednesday 22 March 2017

The Committee will meet at 10.00 am in the James Clerk Maxwell Room (CR4).

1. **Homelessness:** The Committee will take evidence from—
   
   Margaret Ann Brünjes, Director, Glasgow Homelessness Network;
   
   Eddie Nelson, Day Centre Manager, Churches Action for the Homeless;
   
   Beth Reid, Policy Manager (Scotland), Crisis;
   
   Dr Neil Hamlet, Consultant in Public Health Medicine, NHS Fife.

2. **Subordinate legislation:** The Committee will consider the following negative instruments—
   
   The Participation Request (Procedure) (Scotland) Regulations 2017 (SSI 2017/39);
   
   The Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2017 (SSI 2017/42);
   
   The Non-Domestic Rating (Unoccupied Property) (Scotland) Amendment Order 2017 (SSI 2017/43);
   
   The Non-Domestic Rates (Renewable Energy Generation Relief) (Scotland) Amendment Regulations 2017 (SSI 2017/60).

3. **Consideration of evidence (in private):** The Committee will consider the evidence heard at agenda item 1.

4. **Work programme (in private):** The Committee will consider its work programme.
The papers for this meeting are as follows—

**Agenda item 1**

Note by the Clerk  LGC/S5/17/9/1
PRIVATE PAPER  LGC/S5/17/9/2 (P)

**Agenda item 2**

Note by the Clerk  LGC/S5/17/9/3

**Agenda item 4**

PRIVATE PAPER  LGC/S5/17/9/4 (P)
PRIVATE PAPER  LGC/S5/17/9/5 (P)
Local Government and Communities Committee

9th Meeting 2017 (Session 5), Wednesday 22 March 2017

Homelessness – Note by the Clerk

Purpose

1. This paper provides background information on the Committee’s evidence sessions on homelessness.

Background

2. At its meeting on 8 February 2017, the Committee agreed its approach to the work it wished to undertake on homelessness. As part of this work, the Committee made three fact finding visits in February and March 2017. The Committee also agreed to hold evidence sessions with a number of stakeholders and organisations involved in the fact finding visits.

Fact Finding Visits

3. On 22 February 2017, Members visited Streetwork in Edinburgh and met with staff and users of their crisis service. The service provides accommodation and support services for people in housing crisis or who are facing sleeping rough.

4. On 27 February 2017, Members visited the Simon Community in Glasgow and met with staff and women who are in emergency and temporary accommodation. Members also met with the Legal Services Agency to discuss issues in relation to the providing legal support to homeless people.

5. On 6 March 2017, Members will visit Churches Action for the Homeless (CATH) in Perth and meet with staff to discuss issues relating to homelessness in rural Perth and Kinross. Members will also accompany development workers from CATH’s Outreach and Floating Support teams to rural locations and meet with service users.
Local Government and Communities Committee Consideration

6. Following the visits, the Committee agreed to hold two evidence sessions on the issues raised during the visits and raised during the previous Infrastructure and Capital Investment's inquiry into homelessness.¹

7. The Scottish Parliament Information Centre (SPICe) has produced a briefing paper on the topic and this is attached at Annexe A. This was previously circulated with the papers for the meeting on 8 March 2017.

8. At its meeting on 8 March 2017, the Committee took evidence from representatives of Shelter Scotland, the Association of Local Authority Chief Housing Officers (ALACHO), Cyrenians and Streetwork.

9. The Official Report (substantially verbatim transcript) of the meeting on 8 March 2017 can be found at the following link:

   Link to Official Report of meeting on 8 March 2017

10. At its meeting on 22 March 2017, the Committee will take evidence from representatives of Glasgow Homelessness Network, Churches Action for the Homeless (CATH), Crisis and from Dr Neil Hamlet from NHS Fife. A written submissions from Crisis is attached at Annexe B.

Next Steps

11. Following the evidence session on 22 March 2017, the Committee will consider the evidence it received during both sessions before deciding what next steps it wishes to take as part of its work on homelessness.

¹ http://www.parliament.scot/S4_InfrastructureandCapitalInvestmentCommittee/Letter_to_Minister_on_homelessness.pdf
1. Introduction

This paper provides background information on homelessness for the Committee’s initial evidence gathering sessions on the topic.

2. Context

There are many reasons why people can find themselves homeless or threatened with homelessness. Relationship breakdown is a common cause of homelessness but other reasons could also include being evicted from their accommodation, mental health issues or addiction problems, or leaving prison with no accommodation to go to. For some people, homelessness may be a one-off occurrence that can be addressed with the provision of accommodation. For others, homelessness can be a recurring problem and such people may require access to housing support services to enable them to sustain their own tenancy in the longer term.

Not everyone who is homeless will apply to their local authority as homeless. But of those that do, statistics suggest that an increasing proportion of homeless people have housing support needs. In 2015/16, 42% of homeless applicants cited having one or more support needs, an increase of eight percentage points since 2012/13\(^2\). The most common support needs include support for basic housing management/independent living reasons, mental health problems and drug or alcohol dependency.

A recent area of policy interest has focussed on ‘multiple exclusion homelessness’, described as a, “form of ‘deep’ social exclusion involving not just homelessness but also substance misuse, institutional care (e.g. prison) and/or involvement in ‘street culture’ activities (e.g. begging and street drinking).”\(^3\) Research has identified that some visible forms of homelessness, including applying to the council as homeless, is late sign of multiple exclusion homelessness. This highlights the importance of homelessness prevention activities taking place at earlier stages before those at risk of homelessness come into contact with housing and homelessness agencies.

The majority of homeless applicants to local authorities tend to be single, younger males, of white Scottish ethnicity. In 2015-16, just under a quarter (24%) of

http://www.gov.scot/Topics/Statistics/Browse/Housing-Regeneration/RefTables/Homelessness201516

homeless applicants were age 18-24\(^4\). Youth homelessness was the subject of the Equal Opportunities Committee’s *Having and Keeping a Home* Inquiry in the last parliamentary session.

### 3. Number of homeless applications to local authorities

The number of homeless applications to local authorities has been decreasing, despite legislative changes improving the rights of homeless people (see below). In 2015-16, there were 34,662 homelessness applications made to local authorities, 4% lower than the number of applications received in the same period in 2014-15 and 33% lower compared to 2003-04 (see Fig 1)\(^5\).

**Fig 1: Number of Homeless Applications made to local authorities 2002/03 to 2015/16**

![Graph showing the number of homeless applications from 2002/03 to 2015/16](image)

The fall in homeless applications is mainly due to the impact of housing options/ homelessness prevention strategies adopted by most local authorities over the past few years (see below) rather than to changes in the underlying drivers of homelessness. It has been suggested that, “…If the ‘homelessness-type’ approaches to Housing Options services are combined with formal homelessness assessments, the overall number of homelessness presentations to Scottish local authorities has remained relatively steady in recent years (around 54,000 per annum)”\(^6\).

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\(^5\) Scottish Government (2016) ibid

4. Rough Sleeping

The Scottish Government collects data from local authorities on the number of homeless applicants who say they have slept rough in the previous 3 months and if they slept rough the night before approaching the council. In 2015-16, 7% of all applicants said they had slept rough the in the previous 3 months, a drop from 14% in 2002-03. In 2015-16, 4% of applicants (1352 in total or 113 per month on average) slept rough the night before applying for assistance, down from 10% in 2002-03. In response to a PQ, the Minister for Local Government and Housing, Kevin Stewart, acknowledged the reported decrease in rough sleeping statistics but also,

"...we recognise that some rough sleeping will result from more complex needs and we are working with partners in Health and the Third Sector to ensure we have better information on rough sleepers and their needs to help address this issue".7

5. Local Authority Duties

Local authorities have statutory duties towards homeless people as set out in the Housing (Scotland) Act 1987 (as amended). The Code of Guidance on Homelessness provides further advice on the legislative duties.8

When someone approaches the local authority for accommodation, or for assistance in obtaining accommodation, and if the local authority has reason to believe an applicant is homeless or threatened with homelessness then the local authority has a duty to investigate. The local authority must then consider:

- Is the applicant homeless or threatened with homelessness?
- Is the applicant intentionally homeless?
- Does the applicant have a local connection with the area?

The duties of local authorities towards homeless persons differ depending on the outcome of the assessment of the homeless application, as summarised in Table 1 below.

Over the years, legislation has increased the rights of homeless people to greater support from their local authority. The Scottish Government’s “2012 homelessness commitment” saw the abolition of the ‘priority need’ test. Previously, only homeless applicants who were assessed by a local authority as being ‘unintentionally’ homeless with a ‘priority’ need were entitled to settled accommodation.9 Now this right applies to any applicant who is assessed as unintentionally homeless. This

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7 S5W–05817
9 The Homelessness etc (Scotland) Act 2003 Act set the framework for the abolition of priority need
change has particularly increased the rights of single homeless people, many of whom would not have previously been given ‘priority’ status.

Local authorities also have a duty to assess the need for housing support for every applicant assessed by the local authority as unintentionally homeless or threatened with homelessness, and who the local authority has reason to believe would benefit from housing support services as prescribed in the Housing Support Services (Homelessness) (Scotland) Regulations 2012. If an assessment of a need for support is made, local authorities must ensure the housing support services are provided.

Table 1: Local Authority Main Duties Towards Homeless Applicants

<table>
<thead>
<tr>
<th>Stage of assessment / Outcome of Assessment</th>
<th>What must the local authority do/provide?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pending full investigation / During Review Process</td>
<td>Temporary accommodation (technically known as an interim duty to accommodate)</td>
</tr>
<tr>
<td>Unintentionally Homeless</td>
<td>Settled accommodation (and temporary accommodation where waiting for an offer of settled accommodation)</td>
</tr>
<tr>
<td>Unintentionally Homeless but with a local connection to another area</td>
<td>Can refer to the applicant to the local authority where they have a local connection</td>
</tr>
<tr>
<td>Intentionally Homeless</td>
<td>Temporary accommodation and advice and assistance</td>
</tr>
<tr>
<td>Threatened with Homelessness (unintentionally)</td>
<td>Ensure that accommodation does not cease to be available for occupation</td>
</tr>
<tr>
<td>Not homeless or potentially homeless</td>
<td>No statutory duty but advice and assistance is considered good practice</td>
</tr>
<tr>
<td>Unintentionally homeless (or threatened with homelessness) and where the local authority believes that the applicant may need housing support services</td>
<td>Must assess the need for housing support services and provide them.</td>
</tr>
</tbody>
</table>

In practice, the majority (82%) of people applying to their local authority are assessed as homeless or threatened with homeless and most of these (94%) are found to be unintentionally homeless.10

Registered Social Landlords (RSLs) work in conjunction with local authorities to provide services and accommodation for homeless persons. Where a local authority has a duty to provide settled accommodation to a homeless person, under section 5 of the Housing (Scotland) Act 2001, a RSL must respond to a request by a local authority to house a homeless person within a reasonable timescale unless it has good reason not to.

10 Based on 2015-16 statistics
6. Housing Options and Homelessness Prevention

Scottish Government policy has encouraged homelessness prevention activities and the development of the “housing options” approach to homelessness prevention. Housing options focuses on people’s personal circumstances and will help explore their housing options and the underlying issues that can underpin housing problems. Examples of housing options services are housing advice, health advice, budget management support and employability support, but the exact approach taken by local authorities will vary from area to area.

Five Housing Options Hubs (which receive Scottish Government financial support) have been established to help promote the housing options approach to homelessness and to share best practice across all Scottish local authorities.

Since April 2014, Scottish Government has been collecting local authority data on housing options. The most recent statistics\textsuperscript{11} confirm a wide variation in local authority practice, for example, in terms of numbers of approaches made for housing options advice.

The outcomes achieved for people who get advice through the housing options process also varies considerably. Across Scotland, taking an average of the six month period (April to September 2016), 44% of approaches had the outcome, ‘made homelessness application to local authority’. In Clackmannanshire, this figure was around 89% and 12% in Midlothian.

As the statistical bulletin notes, because of the differing approaches to housing options the figures in the publication cannot be used as indicators of good or bad performance.

Health services and prevention

The role of health services in the prevention of homelessness has been given increasing policy attention in recent years. It has been suggested that, “Health services need to respond with earlier detection of ‘at-risk’ individuals and families, and identify appropriate prevention pathways.”\textsuperscript{12}

In the \textit{Fairer Scotland Action Plan}, the Scottish Government commits to:

\textsuperscript{11} Scottish Government (2017) \textit{Housing Options (PREVENT1) Statistics in Scotland: Update to September 2016}. Available at: \url{http://www.gov.scot/Topics/Statistics/Browse/Housing-Regeneration/RefTables/PREVENT1Sept2016}

\textsuperscript{12} NHS Health Scotland (2016) \textit{Health and Homelessness}. \url{http://www.healthscotland.scot/media/1251/health-and-homelessness_nov2016_english.pdf}
“…strengthen links between homelessness services and health services, including mental health and primary care services, so that the effects of homelessness on health are better understood and addressed and so that those facing homelessness combined with multiple exclusion get joined up support”.

Scottish Housing Regulator Housing Options Report

The Scottish Housing Regulator’s 2014 thematic report [Housing Options in Scotland] found that, in some cases, people seeking housing advice were not being offered a homeless assessment which they were entitled to under homelessness legislation, and this led to an under-recording of homelessness. One of the SHR’s recommendations was that the Scottish Government should produce new guidance on housing options. This guidance, produced with COSLA was published in March 2016. The guidance makes it clear that:

“The statutory right to make a homelessness application is unaffected by Housing Options. The local authority’s homelessness duties are not diminished or undermined by Housing Options. If the local authority has reason to believe that an applicant is homeless or threatened with homelessness, they must conduct appropriate enquiries”.

In its legacy paper, the previous Infrastructure and Capital Investment Committee said that its successor Committee may wish to take forward scrutiny of this document.

7. Temporary Accommodation

As outlined in Table 1, temporary accommodation can be used in a variety of circumstances. Local authorities have different ways of organising temporary accommodation. Types of temporary accommodation could include social rented sector stock which could be purpose built, furnished accommodation, hostels or refuge accommodation or private rented sector accommodation. Most temporary accommodation in Scotland is in ordinary social housing stock, though single person households are more likely than families to experience temporary accommodation, such as hostels and Bed & Breakfast hotels.

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13 Scottish Housing Regulator (2014) Housing Options in Scotland: A Thematic Inquiry
https://www.scottishhousingregulator.gov.uk/publications/housing-options-scotland-thematic-inquiry
14 Scottish Government and COSLA (2016) Housing Options Guidance
On 30 September 2016, there were 10,570 households in temporary accommodation – a 1% increase compared to the same date from one year earlier. The picture varies across Scotland - the number of homeless households in temporary accommodation fell in 16 local authority areas, and increased in 16 local authorities. On 30 September 2016, there were 3,174 households with children or with a pregnant household member in temporary accommodation, an increase of 13% to the same date in 2015.\(^\text{17}\)

**Time spent in temporary accommodation**

Local authorities have reported substantially lengthening periods of time spent in temporary accommodation. Reasons include the pressure on the supply of permanent social tenancies, and the challenges to moving on presented by welfare reform measures.\(^\text{18}\)

In April 2016, the Scottish Government started collecting local authority data on the length of time people spend in temporary accommodation- publication of the first data set is forthcoming. Shelter Scotland has estimated (data based on an FOI of local authorities) that on average, households using temporary accommodation stayed there for 24 weeks, 12% spent over a year in temporary accommodation.\(^\text{19}\)

**Standards of temporary accommodation**

Secondary legislation provides for the type of accommodation that is unsuitable for homeless households containing children and pregnant women (this effectively bans the use of bed & breakfast accommodation unless there are exceptional circumstances). In 2014, the legislation was amended to include reference to such accommodation also having to be “wind and watertight.”\(^\text{20}\)

In 2011, Shelter Scotland and the Chartered Institute of Housing Scotland jointly issued guidance on physical standards of temporary accommodation as well as good practice in terms of location, service and management. Shelter Scotland has continued to campaign for the Scottish Government to support guidance on standards in temporary accommodation.


\(^{20}\) *The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014* SSI 2014/243 replaces the *Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004*
Funding of Temporary Accommodation

Research has identified the complex and varied methods of funding temporary accommodation. Many local authorities use the “full cost recovery” method. Evidence shows that these temporary accommodation charges are often used to fund homeless services beyond temporary accommodation provision. Many local authorities have also been reviewing their temporary accommodation strategies in light of budgetary pressures and welfare reform.

Further welfare reforms are likely to have other impacts. For example, from April 2017, the management fee for temporary accommodation is being removed from the housing costs element within UC and an equivalent fund will be managed by the Scottish Government for it to decide how to distribute. The UK Government has made a transfer of £22.5m to the Scottish Government for this purpose although there is concern that this will leave a shortfall. A formula for the allocation of this funding is being devised by the Scottish Government.

Further welfare reforms include the UK Government plans to limit housing benefit in social rented accommodation to the Local Housing Allowance rates (which are used to determine housing benefit in private rented housing). This is particularly likely to impact on young people who may be moving on from temporary accommodation, as they will be restricted to the “shared room rate” which can be lower than a standard 1 bed social rent.

Scottish Government Actions

Scottish Government officials are working with ALACHO to consider the long term model for temporary accommodation, ensuring it is fit for purpose, effectively structured and efficiently run. This may require local authorities to think differently about the provision of temporary accommodation.

In its Fairer Scotland Action plan, the Scottish Government commits to improving the provision of temporary accommodation by:

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23 ALACHO written evidence to the Local Government and Communities Committee pre-budget scrutiny

• working with local government to develop a new approach in the face of UK welfare reforms  
• developing minimum standards, based on the equivalent standards for permanent social housing  
• introducing a cap of one week for families with children and pregnant women living in B&B accommodation, unless there are exceptional circumstances

Homelessness Prevention and Strategy Group

Scottish Government homelessness policy development has been assisted by a Homelessness Prevention and Strategy Group. Key areas of work currently include:

• the provision of temporary accommodation in light of UK Welfare reform;  
• the health and homelessness and complex needs.

Kate Berry  
SPICe  
2 March 2017
Annexe B

Written Submission from Crisis

About Crisis

Crisis is the national charity for homeless people. We are dedicated to ending homelessness by delivering life-changing services and campaigning for change.

Crisis Skylight Edinburgh works with around 600 people a year, primarily from Edinburgh, but also from the wider Lothian area. We are a non-commissioned service, working with people who are currently or recently homeless, or at risk of homelessness. We take referrals from a wide range of places including other voluntary organisations, social work and self-referral, and we run drop-ins at council homelessness services, Jobcentre offices and the winter night shelter in Edinburgh.

We use a coaching model to help people take control of their journey out of homelessness, through one-to-one work with progression, work and learning, and housing coaches. We also provide courses and other learning opportunities to help people engage, develop skills and self-confidence and gain qualifications.

For the past decade, Crisis has worked with local authorities and voluntary organisations across Scotland to support Help to Rent schemes, providing help to people on low incomes or at risk of homelessness to access the private rented sector. We are also funded by Scottish Government to support the development of sharing options for homeless people, necessary as a result of changes to social security benefits for housing costs.

Crisis has a strong reputation for campaigning and research work. We have recently carried out a feasibility study on developing a Centre for Homelessness Impact in Scotland in partnership with Glasgow Homelessness Network, which would draw together best practice in homelessness prevention and assistance to equip services to meet the needs of homeless people as effectively as possible.

Overview

This response focuses on the help that people get to prevent and deal with homelessness. It covers:

- Experiences from our Crisis Skylight Edinburgh service
- Analysis of Housing Options interventions and outcomes across Scotland
- Use of the private rented sector as a Housing Option
- The impact of welfare reforms on Housing Options, particularly for young people
- The importance of having a strategic range of Housing Options available
- The tension between homelessness rights and homelessness prevention
• Crisis’ ambition to end homelessness

Key recommendations

• There is substantial room for a more active and imaginative approach to Housing Options beyond straightforward information and advice giving
• To increase awareness of Housing Options services, local authorities should ensure that other public and voluntary organisations such as Jobcentres, health services, welfare rights and debt advice services are equipped to signpost people to Housing Options. This should include colocation of Housing Options services where appropriate
• The number of lost contacts from Housing Options and statutory homelessness services needs to be reduced, for example through outreach activity or working with the third sector to maintain contact and ensure they receive appropriate help.
• The PREVENT 1 housing options and HL1 homelessness datasets should be joined up coherently to ensure transparency in outcomes from Housing Options activity
• The guidance on discharge of a statutory homelessness duty into the PRS under Section 32A of the Housing (Scotland) Act 1987 needs to be revisited and consulted on to ensure it is still fit for purpose.
• We would like to see more support at Scottish level for local authorities to utilise the private rented sector as a route out of homelessness
• A National Rent Deposit Bond for Scotland would provide a national tool which accredited local authority and third sector schemes could apply for to support people on low incomes into the private rented sector.
• Local authorities should have coherent Housing Options strategies including a comprehensive range of housing options, with close links to other relevant services
• Scottish Government should examine the new prevention and relief duties in the Housing (Wales) Act 2014 to identify how prevention support could be improved in Scotland to provide a coherent route through local authority homelessness support.
• Consideration should also be given to how personal housing plans can support the journey through preventing and relieving homelessness.

Experiences from Crisis Skylight Edinburgh

Reasons for homelessness

Crisis Skylight Edinburgh works in Edinburgh and the surrounding area with a wide range of clients, including people recently released from prison, users of the winter night shelter, people in temporary accommodation, people who have been served a notice to quit by their landlord, people who have experienced relationship breakdown and domestic abuse, etc.
The reasons for homelessness are varied. For some people their circumstances are relatively straightforward and their primary need is to find housing, for example as the result of the loss of a tenancy or following a relationship breakdown. For others, loss of housing is part of a wider range of issues in their lives, which might include loss of employment, lack of confidence or self-esteem, mental health issues, a history of offending or substance abuse. Crisis tends to work with people who may need some additional help, whether due to their individual circumstances or an inability to access the support needed from other services. We work with people holistically to address the full range of issues to enable them to move on to a more stable situation.

We work with a large number of EEA nationals. For homeless people from this group finding work as quickly as possible generally has to be the first step in finding somewhere to live.

**Accessing support**

In our experience, many people struggle to access support from the council to address homelessness. Often this is the result of suggestions made by reception staff that it is not worth someone’s while seeking help at this point, perhaps because of long waiting times to see a housing officer or because they do not have the appropriate documentation with them. While this may seem to be practical advice at the time, it can act as a deterrent to seeking support.

In some cases people who are coming at an early stage to avoid homelessness, for example having received a notice to quit from their landlord, are told that they should come back when they are actually homeless.

If people do not have identification which proves their residence, do not have an active benefit claim or alternatively do not have proof of employment a suggestion may be made that it is not worth waiting for the several hours it will take to see a housing officer. Our progression team now often works with people to get this information together before supporting them to go to the council for help.

We find that if someone is intentionally homeless or has no local connection, it is often suggested that it is not worth their while waiting for a long period to see a housing officer as they do not have a right to permanent accommodation. However they do have a right to 28 days’ accommodation and, in the case of local connection, to be referred back to their originating local authority. This advice can thus be misleading for those who are uncertain about their rights, and can mean people miss out on help they are entitled to.
In some cases, people may believe that they have asked to make a homelessness application but when we speak to the council they have recorded that the individual just asked for advice.

Our experience with different local authorities is very variable, but we find people often need to be assertive to get help.

After he was released from prison on bail, John went to live with a family member. However, he was asked to leave and went to his local council because he had nowhere to live. They refused to help him as they said he was asking for a bail address, which they would not provide. John was not asking for a bail address, and John had a legal right to accommodation regardless.

John came into contact with Crisis when he was sleeping in the night shelter. We worked with him to contact the council again so that he could get the help he was entitled to. It became apparent that despite several interviews with the council, they had not carried out a homelessness assessment. After considerable pressure they finally carried out a homeless assessment, nearly four months after John first went to the council. They assessed him as not being homeless, in clear contradiction of the Code of Guidance.

Eventually, with Crisis’ support, John found his own tenancy in a neighbouring local authority. He has overcome major hurdles to move away from his life prior to going to prison, including months with no accommodation. The staff working with him have commented on his exceptional tenacity and resilience in the face of prejudice and obstruction from agencies who should have been helping him.

Commissioning homelessness prevention work

In Edinburgh much of the homelessness prevention support is commissioned from voluntary organisations, including housing advice, tenancy support and visiting support. This has benefits, for instance third sector organisations can bring significant expertise, but it can also mean that an individual’s journey to get help can be very disjointed. It can also mean that the council do not have the skills or resources to deal with a case inhouse.

Stefan was served a Notice to Quit by his landlord. He went to his local council housing office for help. They just accepted the Notice to Quit, and did not check it or speak to the landlord. Stefan later came to Crisis, who called his landlord and negotiated for Stefan to continue to stay in the tenancy.
Louise approaches the council because she has received a notice to quit from her landlord and is at risk of homelessness. The council refers her to specialist housing advice organisation to check whether the notice to quit is valid. They find that it is not valid and provide advice on the next steps that Louise needs to take. However, Louise also has a number of support needs which means that she will struggle to pursue the advice and may need further support to maintain the tenancy. She therefore requires the help of a third organisation who are commissioned to provide tenancy support.

Our experience of working in the Edinburgh and wider Lothian region suggests it can be difficult for people facing homelessness to get the help they need. This may be because of overstretched resources, a lack of joined up services, and in some cases obstruction by service staff.

**Housing Options interventions and outcomes across Scotland**

Official statistics on Housing Options prevention work have been published for the past two years\(^\text{25}\). Between April 2014 and March 2016 there were 116,000 approaches to Housing Options services in Scotland. There appears to be a slight downward trend in the number of Housing Options approaches over time.

The introduction of Housing Options has led to a significant reduction in the number of homelessness applications made to Scottish local authorities. However the Scottish Government’s analysis suggests that this decline in slowing, and they conclude that this means that there is unlikely to be further substantial reductions in the numbers of homelessness applications as a result of the Housing Options approach\(^\text{26}\).

The reasons for approaching Housing Options are recorded either for prevention reasons or for homelessness reasons. Across Scotland, most Housing Options approaches are for homelessness reasons (60% in the first quarter of 2016). For Housing Options work to be effective, the earlier someone approaches the council the better. This can be challenging as people do not always approach early. It is important that people are aware of the service. To increase awareness, local authorities should ensure that other public and voluntary organisations such as Jobcentres, health services, welfare rights and debt advice services are equipped to signpost people to Housing Options should it become apparent that a problem may be emerging. Where appropriate Housing Options staff should be co-located so that referrals and handovers can be carried out quickly and easily.

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\(^{26}\) Scottish Government (2016) Homelessness in Scotland 2015/16
Crisis Skylight Edinburgh has built strong links with High Riggs and Wester Hailes Jobcentres in Edinburgh. Following discussions with the Jobcentre partnership managers, staff from the Skylight progression team hold weekly drop-in sessions in the Jobcentres, and are receiving referrals direct from Jobcentre staff too.

Building the links has strengthened the Jobcentre’s awareness of homelessness, and they now regularly ask clients about their housing situation. They are finding they have many clients who are on the verge of homeless and people who can’t move forward to find work because of their housing situation. Finding out this information at an early stage makes it easier to address the problem before it reaches crisis point and people lose their accommodation, and also means that the Jobcentre can ensure that they work appropriately with the client to move towards employment.

**Housing Options activities**

A wide range of Housing Options activities are listed in the data collection but heavy reliance is placed on just two of these areas, informing people of their rights, and providing general advice. Financial assistance and advice is the third most commonly used activity, amounting to just 8% of all work (chart 1).

Local authorities vary considerably in how they use these different options. For example in Dundee City and West Dunbartonshire over half of Housing Options clients are informed of their rights under the homelessness legislation, compared to only 5% in Argyll & Bute.

The majority of people who make homelessness applications come through Housing Options (70%, see below), so looking at the reasons for a homelessness application gives a more detailed picture of what might be the most useful Housing Options interventions to focus on.
From table 6b, Housing Options (PREVENT1) Statistics in Scotland: 1 April 2014 to 31 March 2016

The most common reason for given for making a homelessness application is being asked to leave the household (26%), followed by non-violent relationship breakdown or household dispute (17%)\(^{27}\). Mediation can be a useful tool particularly for young people in either reconciling parties, or creating a breathing space to allow a managed move rather than an emergency one. However, only 2% of Housing Options activity is classified as mediation or outreach.

Termination of a tenancy, either in the social or private sector, accounts for around 14% of homelessness applications, yet rent, repairs and negotiating with landlords makes up only 7% of Housing Options activity. Again there is significant local variation: in some local authorities, repairs, rent and negotiating with landlords makes up more than a quarter of activity, while in other areas it is barely used at all.

\[^{27}\text{Scottish Government (2016) Homelessness in Scotland 2015/16}\]
It has been reported that the number of evictions is growing in both the social and private rented sectors\textsuperscript{28}, possibly due to rent arrears associated with welfare reforms, particularly in the social sector\textsuperscript{29}. At present private landlords do not have to provide a reason for ending a tenancy so it is difficult to get a clear picture of what is happening in the private sector. However in the future landlords will have to give specific reasons for ending a tenancy. \textbf{Where this leads to a homelessness application this data should be collected in the future.}

Discharge from institutions such as prison and hospital accounted for 2,300, or 6\%, of homelessness applications in 2015/16. This is another area where there is scope for further prevention work.

The Homelessness Monitor: Scotland 2015\textsuperscript{30} reports that:

“there is… a picture emerging of relatively ‘light touch’ Housing Options interventions in any cases, with 56\% of all approaches resulting in activities on the part of the LA that did not exceed active information, signposting and explanation (mostly generally housing advice), with ‘casework’ of some kind being carried out in 44\% of approaches (most commonly information clients of their rights under the homelessness legislation)” (p15).

The authors note that this conclusion is supported by the findings of the Scottish Housing Regulator’s Thematic Inquiry into Housing Options in 2014\textsuperscript{31}.

The financial benefit to public services of preventing homelessness is clear. Research commissioned by Crisis compared the costs of preventing homelessness, compared to allowing it to continue\textsuperscript{32}. Using four vignettes of typical situations, the costs of preventing homelessness typically worked out at around £1,500 for an individual starting out with low levels of support needs. Allowing homelessness to continue for twelve months raised the costs to £5,000 to £20,000. Many of these costs accrue outside the primary homelessness system, particularly criminal justice, health (notably A&E), as well as social work and the social security system.

This suggests \textbf{there is substantial room for a more active and imaginative approach to Housing Options beyond straightforward information and}

\textsuperscript{28} Scottish Housing News (2016) Concerns raised as evictions increase by 18 per cent http://www.scottishhousingnews.com/8433/concerns-raised-as-evictions-increase-by-18-per-cent/#
\textsuperscript{29} Fitzpatrick et al (2015) Homelessness Monitor Scotland 2015
\textsuperscript{31} Scottish Housing Regulator (2014) Housing options in Scotland: a thematic inquiry
advice giving, and for some areas in particular to widen the range of activities they undertake.

Outcomes
Outcomes data is collected for Housing Options cases. The most common recorded outcome is making a homelessness application, accounting for around half of all approaches (see table 1). However, this in itself is not an outcome for the individual concerned is less a homelessness outcome than a step on the journey towards addressing homelessness.\(^{33}\)

It is also not clear how positive outcomes such as remaining in current accommodation are. In addition it is worth noting that around 18,000 (15%) of Housing Options approaches remain as open cases. 15% of Housing Options approaches are repeat approaches.

Table 1: Housing Options outcomes

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Made homelessness application to the local authority</td>
<td>48%</td>
</tr>
<tr>
<td>Remained in current accommodation</td>
<td>22%</td>
</tr>
<tr>
<td>Lost contact / Not known</td>
<td>16%</td>
</tr>
<tr>
<td>Social tenancy</td>
<td>4%</td>
</tr>
<tr>
<td>Private rented tenancy</td>
<td>4%</td>
</tr>
<tr>
<td>Moved in with family / friends</td>
<td>2%</td>
</tr>
<tr>
<td>Other known outcome</td>
<td>5%</td>
</tr>
</tbody>
</table>

From table 7b Housing Options (PREVENT1) Statistics in Scotland: 1 April 2014 to 31 March 2016

We are concerned about the high rate of lost contacts: for around one in six housing options approaches the recorded outcome is lost contact, or 15,800 cases over the two years of data. This was highlighted by the Housing Regulator in 2014 in their report on Housing Options. Lost contacts are also a feature of statutory homelessness support, with 18% of homelessness applications having lost contact as the outcome.

It would be useful to know more about the profile of this group of people. While some may have low level needs and resolve their homelessness by themselves following some advice, it is likely that some of these cases are people in vulnerable or chaotic situations who may have nowhere to sleep that night. In that case services need to find ways to maintain contact with them, for example through outreach activity or working with the third sector to maintain contact and ensure they receive appropriate help.

\(^{33}\) Fitzpatrick et al (2015)
It is worth noting that the proportion of homelessness applicants with support needs in increasing, with 34% of applicants having one or more support needs in 2012-13 to 42% in 2015-16. This may indicate that Housing Options is helping those with no or lower support needs without them having to make a homelessness application. Alternatively it may mean that the support needs of homeless people are increasing.

Data linkage

For nearly half of people approaching Housing Options the outcome of this work is that they go on to make a homelessness application. Between April 2015 and March 2016 23,600 people made a homelessness application having come from Housing Options, out of a total of 33,400 homelessness application, or around 70% homeless applicants.

Data linkage with other areas can also be useful in providing information about outcomes. For example, NHS Fife has led the way in linking health data with HL1 homelessness data. There is also work going to cross reference data on people accessing council-based homelessness and housing options services with data from homelessness voluntary organisations, building on work such as that done by Glasgow Homelessness Network. While data should not collected for its own sake, if used strategically, such data linkage can provide helpful information to services about individuals and groups who are accessing multiple services, and assist with planning and integrating services to meet people’s needs more effectively.

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Private rented sector as a Housing Option

Crisis has supported private rented sector (PRS) access schemes across Scotland for more than a decade. The Homelessness Code of Guidance states that each local authority should ensure that a rent deposit / guarantee scheme is available. Two-thirds of these PRS access schemes are now located within the local authority. Their minimum function is to provide rent deposit bonds, but some provide a much greater level of support including tenancy support, landlord liaison, fast track housing benefit claims, direct payments to landlords and wider benefits advice.

An effective access scheme supports the local authority to meet their statutory duties and reduces pressure on temporary and permanent social accommodation. The private rented sector (PRS) can offer a number of benefits to tenants, including choice of location, flexibility for work, and often being fully furnished.

6% (1,444) of unintentionally homeless households, and 10% (324) of intentionally homeless households were discharged into the PRS in 2015/16. The statutory homelessness duty can be discharged through a PRS tenancy if the tenancy lasts for at least 6 months. The local authority should also ensure during this time that the tenancy is affordable for the tenant.

The new tenancy regime coming in next year will make the PRS a more secure housing option for private tenants. The guidance on discharge of a statutory homelessness duty into the PRS under Section 32A of the Housing (Scotland) Act 1987 needs to be revisited and consulted on to ensure it is still fit for purpose.

We would like to see better use of Private Rented Sector Access Schemes. At present around 2,500 households are supported into a tenancy by one of 30 local schemes (Aberdeen and Angus are the ones without a scheme). 90% of those housed by PRS schemes are referred by Housing Options teams.

However, there are major differences in quality of the scheme, for example Dundee City Council house 300 households whereas a number of local authorities struggle to get into double figures. This includes Edinburgh where a private company is paid to run the PRS Access Scheme.

Crisis have housing coaches working in each Skylight centre. Despite a very pressured housing market in Edinburgh, in his first year the Edinburgh Skylight housing coach helped around 45 people into accommodation in the private rented sector. Almost all of these people were in temporary accommodation. Those who were not would have ended up in temporary accommodation if Crisis had not intervened.
Through our Scottish Government funded work on the private rented sector, we have found that the most common cause for lack of take up of the PRS at the Housing Options stage is the way it is presented to clients. Negative views of the PRS are passed on by some housing staff and despite the recent improvements to standards, redress and security of tenure there are still issues with staff promoting the positives of the PRS.

PRS access schemes can also have a positive impact on temporary accommodation use. Fife Keyfund, who are the Crisis PRS Champions in Scotland, have been instrumental in lowering temporary accommodation (TA) use in Fife. The Fife Council plan to phase out all B&B use and significantly reduce Private Sector Leasing by increasing the number of tenancies created by Fife Keyfund (Fife currently do 250 tenancies a year including 25 shared tenancies) Edinburgh City Council’s use of TA has increased significantly since the collapse of the PRS Access Scheme.

Despite recent welfare reforms there are still a significant number of properties in the PRS that can be used to house people in Scotland. The introduction of the new more secure tenancies early next year should make the PRS more attractive as a housing option, and councils need to make sure they have the right resources in place to support people into a PRS tenancy.

Crisis have been funded since 2005 by the Scottish Government to provide training and support for PRS Access Schemes, unfortunately this funding has been withdrawn, and from 1st April no Scottish Government funding will be available to support the development and improvement of PRS Access Schemes.

We would like to see more support for local authorities to utilise the private rented sector as a route out of homelessness, such as a fund for pilot projects on Housing First in the PRS, Private Sector Leasing schemes which convert to short assured tenancies, and leasing spare 3 and 4 bedroom social stock to use for sharing for those under 35s only eligible for the shared accommodation rate.

A National Rent Deposit Bond for Scotland, a paper deposit bond underwritten by the Scottish Government, would provide a national tool which accredited local authority and third sector schemes could apply for to support people on low incomes into the private rented sector.

Impact of welfare reforms on housing options

A range of welfare reforms are having an impact on the ability to prevent or address homelessness.
Local Housing Allowance and Shared Accommodation Rate

Caps and freezes on the amount of housing costs support (either through Housing Benefit or through Universal Credit) mean that the private rented sector is likely to become increasingly difficult to access. These caps are also due to be introduced into the social sector in 2019.

These caps are particularly challenging for people under the age of 35 who are only entitled to sufficient support to afford a room in a shared house (called the Shared Accommodation Rate), not to have a tenancy of their own. In the Lothian region in 2016/17 this means £68.27 a week.

Local authorities and housing associations are still working out how sharing in the social sector will work in practice, and how to manage any shortfall in rents. The Scottish Federation of Housing Associations estimates that this will affect 241,000 tenants\(^\text{36}\), who will face an average shortfall of £6.22 a week.

The Westminster government has also said the rates of support, known as Local Housing Allowance, will be frozen at their current levels until 2020, irrespective of what happens to rent levels.

Housing costs for under 22s

From 1 April 2017 new regulations are being introduced which mean that 18-21 year old jobseekers are not entitled to housing support through Universal Credit. There are a small number of exceptions, including where the young person is in temporary accommodation or there is a serious risk to the young person in staying at home.

The regulations were laid on 3 March 2017 in Westminster. DWP are still working on the guidance to implement these regulations. For under 22s, it may be very difficult to move on from temporary accommodation unless they are in full-time employment. Scottish Government has said that it will mitigate this change but the mechanism is still to be developed.

These changes mean that people on benefits or low incomes, and particularly young people have fewer housing options available to them in future.

A strategic approach to Housing Options

Housing Options support needs to be developed as part of a coherent strategy for assisting people who are homeless or at risk of homelessness, recognising the role of different tenures and the challenges posed by changes to social security support.

For some of these people relatively low level interventions such as budgeting advice or advice of negotiating with a landlord will be all that is required to prevent them becoming homelessness. Other people may need more of a casework approach, such as a young person who can be reconciled with their family but needs interim supported accommodation and mediation to enable that. For people with the most enduring or complex needs access to models like Housing First should be included as part of a strategy.

Such a strategy should ensure that there is a comprehensive range of options and that there are close links with other services both within the council, including social work, young people’s services and other agencies including health, prisons, third sector, etc.

Homelessness rights and preventing homelessness

In Scotland our strong homelessness rights means that if someone is homeless they have a right to statutory support, eventually leading to a permanent tenancy. Most often this will be a social tenancy. It has always been recognised that this is in tension with a prevention approach and concerns that adopting a prevention approach could be perceived (rightly or wrongly) as “gatekeeping” the statutory support and preventing people from accessing this right.

In May 2014 the Scottish Housing Regulator’s inquiry on Housing Options identified this tension and noted that they had found evidence of people being inappropriately diverted away from a homelessness assessment. In some cases this was supported by the use of targets which encouraged this behaviour. Our experience suggests that at least in some parts of Scotland people facing homelessness continue to struggle to access the statutory support they are entitled to.

The Regulator recommended that the Scottish Government produce guidance to local authorities to provide greater clarity about the relationship between Housing Options and statutory homelessness support37. This guidance was published in March 2016.

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37 Scottish Housing Regulator (2014)
Crisis is not in a position to comment on how the guidance is being used following its introduction, but we believe that there are lessons to be learnt from other parts of the UK in their approach to prevention.

The Housing (Wales) Act 2014 balances homelessness prevention and relief duties to provide a coherent system of support for people threatened with homelessness. In the first year of the operation of this legislation, there was a 67% decrease in the number of households accepted as statutorily homeless.

Many Welsh local authorities are using Personal Housing Plans to help both the council and the individual identify what steps need to be taken to resolve their homelessness or threatened homelessness. This provides transparency and accountability for both parties, so that people have clarity about their rights and responsibilities at each stage of the process and know exactly where they are within the system.

Scottish Government should examine the new prevention and relief duties in Wales to identify how prevention support could be improved in Scotland to provide a coherent route through local authority homelessness support.

Consideration should also be given to how personal housing plans can be used on an individual level to support this journey.

Ending homelessness in Scotland

Scotland has made significant progress, leading the way internationally with strong rights to support if you become homeless. We are rightly lauded for this. However, we believe that a new ambition is needed, to end homelessness in Scotland.

Countries such as Canada and Finland are now leading the way in developing plans and strategies which are making major inroads on addressing homelessness.

In Crisis’ 2016 Manifesto to End Homelessness, published in advance of the Scottish parliamentary election, we called for action in five areas to tackle homelessness. Key to this work is a new national co-ordinated approach to provide a strategic drive for addressing the causes and consequences of homelessness.

Crisis is holding a conference in Glasgow in May 2017 where we will kickstart a year-long process of consultation on how we should go about ending homelessness in

39 Crisis (2016) Manifesto to End Homelessness
Scotland. Our intention is to work together with homeless people, politicians and government, the third sector and other relevant agencies across Scotland to develop a shared, coherent plan that will end homelessness, which we plan to publish during 2018. We would be delighted to work with the Committee as this work progresses.

Beth Reid
Policy Manager
Overview of instruments

1. The following instruments, subject to negative procedure, are being considered at agenda item 2 today’s meeting:
   - The Participation Request (Procedure) (Scotland) Regulations 2017 (SSI 2017/39);
   - The Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2017 (SSI 2017/42);
   - The Non-Domestic Rating (Unoccupied Property) (Scotland) Amendment Order 2017 (SSI 2017/43);
   - The Non-Domestic Rates (Renewable Energy Generation Relief) (Scotland) Amendment Regulations 2017 (SSI 2017/60).

Procedure

2. Negative instruments are instruments that are “subject to annulment” by resolution of the Parliament for a period of 40 days after they are laid. All negative instruments are considered by the Delegated Powers and Law Reform Committee (on various technical grounds) and by the relevant lead committee (on policy grounds). Under Rule 10.4, any member (whether or not a member of the lead committee) may, within the 40-day period, lodge a motion for consideration by the lead committee recommending annulment of the instrument. If the motion is agreed to, the Parliamentary Bureau must then lodge a motion to annul the instrument for consideration by the Parliament.

3. If that is also agreed to, Scottish Ministers must revoke the instrument. Each negative instrument appears on a committee agenda at the first opportunity after the Delegated Powers and Law Reform Committee has reported on it. This means that, if questions are asked or concerns raised, consideration of the instrument can usually be continued to a later meeting to allow correspondence to be entered into or a Minister or officials invited to give evidence. In other cases, the Committee may be content simply to note the instrument and agree to make no recommendation on it.

Background

The Participation Request (Procedure) (Scotland) Regulations 2017

4. These Regulations make provision in relation to how a participation request is to be made under Part 3 of the Community Empowerment (Scotland) Act 2015 (“the Act”). Regulation 3 sets out that an asset transfer request must be made in writing and in the form set out in the schedule and completed in accordance
with the notes to the schedule. Regulation 4 provides for the acknowledgement of a participation request by the public service authority and the information to be included in such acknowledgement. Regulation 5 provides how the date on which the participation request is to be taken to have been made is established. Regulation 6 sets out the process to be followed where a participation request includes a request that another public service authority participates in the outcome improvement process. Regulation 7 sets out the period within which a public service authority is, unless otherwise agreed, to give notice of its decision on a participation request to the community participation body. Regulation 8 requires the public service authority to publish a copy of the decision notice and sets out how this is to be done. Regulations 9 and 10 specify the information to be published by the public service authority under section 26(6) and 29(3) of the Act respectively. Regulation 12 makes provision for the use of electronic communication and regulation 11 defines the term “contact address”. Regulation 13 requires a public service authority to promote the use of public participation requests and sets out how this is to be done. The policy note for this instrument is attached at Annexe A.

5. An electronic copy of the instrument is available at:

6. A Business and Regulatory Impact Assessment is available at:

7. There has been no motion to annul this instrument.

Delegated Powers and Law Reform Committee Consideration

8. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 7 March 2017 and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

The Non-Domestic Rating (Valuation of Utilities) (Scotland) Amendment Order 2017

9. This Order amends the Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005 to reflect the change in name of 2 companies that are already “fixed line operators” for the purposes of article 7A of the 2005 Order and to add 2 further companies to that list. The policy note for this instrument is attached at Annexe B.

10. An electronic copy of the instrument is available at:

11. There are no associated impact assessments for this legislation.

12. There has been no motion to annul this instrument.
Delegated Powers and Law Reform Committee Consideration

13. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 14 March 2017 and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

The Non-Domestic Rating (Unoccupied Property) (Scotland) Amendment Order 2017

14. These Regulations amend the Non-Domestic Rating (Unoccupied Property) (Scotland) Regulations 1994.

15. Regulation 2 makes provision to extend the “Fresh Start” and “New Start” rates relief schemes. The “Fresh Start” scheme is extended until 31st March 2018, while the “New Start” scheme is extended until 31st March 2020 (provided the relevant new entry in the valuation roll is made no later than 31st March 2018). The policy note for this instrument is attached at Annexe C.

16. An electronic copy of the instrument is available at:


17. There are no associated impact assessments for this legislation.

18. There has been no motion to annul this instrument.

Delegated Powers and Law Reform Committee Consideration

19. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 7 March 2017 and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

The Non-Domestic Rates (Renewable Energy Generation Relief) (Scotland) Amendment Regulations 2017

20. These Regulations amend the Non-Domestic Rates (Renewable Energy Generation Relief) (Scotland) Regulations 2010 (“the principal Regulations”).

21. Regulation 3 of the principal Regulations specifies that lands and heritages used solely for the generation of renewable heat or power (or both) attract relief from non-domestic rates where those lands and heritages are used for a project referred to in regulation 3A. These Regulations amend regulation 3A of the principal Regulations so as to extend relief to cases where the community arrangements relate to profit attributable to at least 0.5 of a megawatt of the scheme’s capacity (the equivalent figure for 2016-17 was 1 megawatt). Regulation 3B is amended to provide for a 25% relief in respect of new small scale hydro developments after 1st April 2017. The policy note for this instrument is attached at Annexe D.
22. An electronic copy of the instrument is available at:


23. There are no associated impact assessments for this legislation.

24. There has been no motion to annul this instrument.

Delegated Powers and Law Reform Committee Consideration

25. The Delegated Powers and Law Reform Committee considered this instrument at its meeting on 14 March 2017 and determined that it did not need to draw the attention of the Parliament to the instrument on any grounds within its remit.

Committee Consideration

26. The Committee is not required to report on negative instruments, but should it wish to do so, the deadline for reporting on SSI 2017/39, SSI 2017/42 and SSI 2017/43 is 19 April 2017 and SSI 2017/60 is 27 April 2017.

27. The Committee is invited to consider the above instruments and whether it wishes to report on any issues to the Parliament in relation to them.
The above instrument was made in exercise of the powers conferred by sections 23, 24(7)(a) and 8(b), 26(6) and 29(3) of the Community Empowerment (Scotland) Act 2015. The instrument is subject to negative procedure.

Policy Objectives

These regulations specify procedures to be followed and other requirements in relation to participation requests under the Community Empowerment (Scotland) Act 2015 (“the Act”).

Regulation 3 provides for the form and content of a participation request. Regulation 3(1) specifies the request must be made in writing in the form set out in the schedule or a form which is similar in effect. The form of participation request makes it clear that the request must contain the name and contact address for the community participation body, the name of the public service authority or authorities to which the request is being made, the information set out under section 22(2) of the Act, to allow the public service authority to check that the community body is eligible and to assess the request.

Regulation 4 deals with the acknowledgement of requests. Paragraph (1) provides that if a request is received that does not contain all the information set out in section 22(2) and regulation 3 the public service authority must send the community participation body a notice setting out what still needs to be submitted. Paragraphs (2) and (3) provide that when all the required information for a request has been received, the public service authority must send an acknowledgement to the community participation body.

The acknowledgement must include the validation date for the participation request, which is the date on which the request is taken to have been made, and explain the timescales within which the public service authority must give notice of its decision on the request. Regulation 5 defines the validation date as the date on which the last of the required information in relation to the request is received by the public service authority. Section 24(7) of the Act provides that the public service authority must give notice of its decision to the community participation body within a prescribed period set out in regulations, unless a longer period is agreed with the community participation body. Regulation 7 sets this prescribed period as the period of 30 working days beginning with the validation date unless there is a request that additional public service authorities are involved then the prescribed period is 45 working days beginning with the validation date.
Regulation 6 deals with the situation where a participation request includes a request that another public service authority, called an additional authority, other than the public service authority to who the request was made should participate in the outcome improvement process. Paragraph (1) provides that the public service authority should notify the additional public service authority that a request has been made, of the validation date and send a copy of the participation request. Paragraph (2) requires the additional authority to respond on whether they wish to participate within 15 working days.

Regulation 8 requires that a copy of the decision notice must be published on a website or by other electronic means.

Regulation 9 sets out the information about an outcome improvement process that must be published, including: the names of the community participation body and any public service authority involved; the outcome to which the outcome improvement process relates; and how the outcome improvement process will operate.

Regulation 10 sets out the information that must be published following modification of an outcome improvement process, including the names of the community participation body and any public service authority involved; the outcome to which the modified outcome improvement process relates; the outcome improvement process which has been modified; how the outcome improvement process has been modified; and how the modified outcome improvement process will operate.

Regulation 12 makes provision for documents to be sent electronically. Regulation 11 defines the “contact address” for the community participation body, to which any documents relating to the request may be sent.

Regulation 13 provides that the public service authority must promote the use of participation requests by publishing information on their websites and through social media explaining how a participation request may be made to that authority.

**Consultation**

A public consultation was carried out from 21 March to 22 June 2016. Details of the consultation and responses are available at [https://consult.scotland.gov.uk/community-empowerment-unit/participation-request-regulations/](https://consult.scotland.gov.uk/community-empowerment-unit/participation-request-regulations/).

Following the consultation a number of changes were made to the regulations. The changes include the inclusion of a form that community participation bodies should complete on making a participation request and changes to the timescales that public service authorities will have to respond to participation requests.
Impact Assessments

Screening has been carried out and concluded that no impact assessments are required, as these regulations have no effect on equality, privacy, children’s rights and welfare, or the environment.

Financial Effects

A Business and Regulatory Impact Assessment has been completed for these regulations relating to participation requests, and is attached. We do not consider that the regulations will lead to any additional increase in costs for public service authorities or community participation bodies.

Scottish Government
Local Government and Communities Directorate
21 February 2017
POLICY NOTE

THE NON-DOMESTIC RATING (VALUATION OF UTILITIES) (SCOTLAND) AMENDMENT ORDER 2017

SSI 2017/42

The above instrument is made in exercise of the powers conferred on the Scottish Ministers by sections 6A(1)(aa) and 6A(1B) of the Valuation and Rating (Scotland) Act 1956 and by all other enabling powers. The instrument is subject to negative procedure.

Purpose of the Instrument

The purpose of this instrument is to update the name of the telecoms companies in The Non-Domestic Rating (Valuation of Utilities) (Scotland) Order 2005.

Background

The names of telecoms companies can change and these changes need to be shown in the 2005 Order to allow the Assessors to make the relevant entries on the valuation roll.

Consultation

Scottish Ministers carried out a statutory consultation on this instrument. No substantive comments were made.

Business and Regulatory Impact Assessment

No Business and Regulatory Impact Assessment is required because this instrument will not impose new regulatory burdens on businesses, charities or the voluntary sector.

Financial Implications

There are no financial implications resulting from this instrument.

Local Government Division
February 2017
The above instrument is made in exercise of the powers conferred on the Scottish Ministers by sections 24(2) and (3) and 24B(3) of the Local Government (Scotland) Act 1966 and all other enabling powers. The instrument is subject to negative procedure.

Purpose of the Instrument

The purpose of this instrument is to continue two incentives, the first of which supports occupation of certain long-term empty properties and the second assists developers of new properties that are empty when entered on the valuation roll.

Background

This instrument comes into effect on 1 April 2017, and continues two incentives first established on 1 April 2013 supporting diversification of high streets and development of new properties.

The first (referred to as Fresh Start) applies where a property has been empty for over 12 months and then becomes occupied. It applies if the property has a rateable value of up to £65,000 and was last previously occupied as a shop, office, restaurant, pub or hotel (or where there has not been previous use, the use is as a shop, office, restaurant, pub or hotel). For the first year of occupancy the ratepayer can apply for the property to be deemed to be unoccupied, which allows a 50% reduction in the rates payable. The value of relief available is subject to State aid de minimis (200,000 euros over a three-year period).

The second (referred to as New Start) applies where a new property is first entered in the valuation roll on or after 1 April 2017 and is unoccupied on the date of that entry: the ratepayer can apply for 100% rate relief for up to 15 months while it is unoccupied (subject to State aid de minimis). After the 15-month period, an unoccupied property would be liable for the rates in the same way as if it had it been occupied during that period. The relief will be available for properties entered on the valuation roll up to 31 March 2018. The relief need not apply to a continuous period, and can apply if the property is unoccupied on or before 31 March 2020.

Consultation

There is no statutory requirement to formally consult on these Regulations.
Business and Regulatory Impact Assessment

No Business and Regulatory Impact Assessment has been carried out.

Financial Implications

The costs of continuing the Fresh Start and New Start incentives will be absorbed from within existing non domestic rate income estimates.

Local Government & Analytical Services Division
February 2017
POLICY NOTE

THE NON-DOMESTIC RATES (RENEWABLE ENERGY GENERATION RELIEF) (SCOTLAND) REGULATIONS 2017

SSI 2017/60

The above instrument is made in exercise of the powers conferred on the Scottish Ministers by section 153 of the Local Government etc. (Scotland) Act 1994 and all other enabling powers. The instrument is subject to negative procedure.

Purpose of the Instrument

The purpose of this instrument is twofold.

Firstly, it extends potential eligibility for renewable energy generation relief by adjusting one of the criteria. That criterion is currently that a community organisation has entitlement to a sum equivalent to so much of the annual profit of the project as is attributable to 1 megawatt or more of its total installed capacity. From 1 April 2017 that criterion will instead relate to 0.5 of a megawatt.

Second, it adjusts the existing relief for new-build renewable generation by providing from 1 April 2017 a new level of relief (25%) for hydro schemes with total installed capacity of no more than 1 megawatt.

Background

These measures form part of a wider package of support for renewables in relation to non-domestic rates set out in a statement in Parliament on 21 February 2017 by the Cabinet Secretary for Finance and the Constitution, Derek Mackay. Other related measures are being addressed in separately proposed legislation.

Policy objective

Renewable energy is one of Scotland’s most important industries, creating jobs and investment opportunities while delivering secure, low carbon and cost-effective energy. The Scottish Government is committed to reducing carbon emissions, and the development and promotion of renewable energy generation is one of a number of measures aimed at tackling this issue.

Decreasing the non-domestic rates payable as proposed should increase the attractiveness of renewables technologies as a means of energy generation. This should, in turn, promote greater energy generation in the sector and a reduction in carbon emissions.

Consultation

There is no statutory requirement to formally consult on these Regulations.
Business and Regulatory Impact Assessment

No Business and Regulatory Impact Assessment has been carried out.

Financial Implications

The decrease in the amount of non-domestic rates payable is in line with the policy objective as outlined above, and is subject to State aid *de minimis*.

Local Government & Analytical Services Division
March 2017