



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Local Government and Communities Committee

**Thursday 28 May 2020**

**Session 5**



The Scottish Parliament  
Pàrlamaid na h-Alba



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**CONTENTS**

	<b>Col.</b>
<b>INTERESTS</b> .....	<b>1</b>
<b>DECISION ON TAKING BUSINESS IN PRIVATE</b> .....	<b>2</b>
<b>COVID-19 (HOMELESSNESS)</b> .....	<b>3</b>
<b>SUBORDINATE LEGISLATION</b> .....	<b>24</b>
Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020 (SSI 2020/129).....	24
Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 (SSI 2020/139) ...	24

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**LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE**  
**13<sup>th</sup> Meeting 2020, Session 5**

**CONVENER**

\*James Dornan (Glasgow Cathcart) (SNP)

**DEPUTY CONVENER**

Sarah Boyack (Lothian) (Lab)

**COMMITTEE MEMBERS**

\*Jeremy Balfour (Lothian) (Con)  
\*Annabelle Ewing (Cowdenbeath) (SNP)  
\*Kenneth Gibson (Cunninghame North) (SNP)  
\*Graham Simpson (Central Scotland) (Con)  
\*Andy Wightman (Lothian) (Green)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Alasdair Bennett (Bethany Christian Trust)  
Margaret-Ann Brunjes (Homelessness Network Scotland)  
Pauline McNeill (Glasgow) (Lab) (Committee Substitute)  
Mike Wright (Cyrenians)

**CLERK TO THE COMMITTEE**

Peter McGrath

**LOCATION**

Virtual Meeting



# Scottish Parliament

## Local Government and Communities Committee

Thursday 28 May 2020

*[The Convener opened the meeting at 11:45]*

### Interests

**The Convener (James Dornan):** Good morning and welcome to the 13th meeting in 2020 of the Local Government and Communities Committee—this is our second remote formal meeting. I thank broadcasting staff for their work in helping to organise the meeting and ask everyone to ensure that their mobile phones are in silent mode.

We have received apologies from Sarah Boyack; Pauline McNeill will attend as a substitute member. I welcome her to the committee. As this is your first meeting, Pauline, I must ask whether you have any relevant interests to declare.

**Pauline McNeill (Glasgow) (Lab):** I have no relevant interests to declare.

## Decision on Taking Business in Private

11:46

**The Convener:** Our first item of business is to decide whether to take in private item 5, which is consideration of the evidence heard during our main item of business, on homelessness and Covid-19. I will ask whether anyone objects to taking item 5 in private. As we are meeting remotely, if there is silence I will assume that members are content. Are we agreed to take item 5 in private, along with consideration of our work programme, which we agreed to take in private at our last meeting?

**Members indicated agreement.**

## Covid-19 (Homelessness)

11:46

**The Convener:** Item 3 is an evidence session on Covid-19 and homelessness. We will take stock of the effect of the crisis on homelessness, including what we hear have been some positive developments. We will also discuss how to sustain any gains in the longer term once the crisis has abated and how to deal with any longer-term challenges that the crisis may create.

I welcome to the meeting Alasdair Bennett, who is the chief executive of the Bethany Christian Trust; Margaret-Ann Brunjes, who is the chief executive of the Homelessness Network Scotland; and Mike Wright, who is a senior service manager of outreach services with Cyrenians.

We are delighted to have you at the meeting to share your expert views with us. We really appreciate it. We have a maximum of 90 minutes, and we want to make the best use of our time in discussing this important issue. If another witness has already given a full answer to a particular question and you do not think that you need to add anything, please feel free to say so and leave it there. That will give us more time to move on to explore other issues.

As we have a panel of witnesses, for the benefit of broadcasting colleagues, I will call each witness before they speak to respond to a question. I also ask witnesses and members to give broadcasting staff a few seconds to operate the microphone before they speak.

We will move straight to questions, and I will start with a couple of questions on rough sleeping. Extra funds have been made available to deal with the rough sleeping crisis during this time, but will the current plan be sustainable once emergency funding ceases? How will rough sleepers be accommodated once this period has passed? I ask Mike Wright to respond to that.

**Mike Wright (Cyrenians):** There are several opportunities to do things. We have seen people moving into hotels, particularly in Edinburgh, where about 245 hotel beds have been provided on top of normal temporary accommodation. Rough sleeping is at a much lower level than normal.

There are still measures that could be taken to increase provision. For example, in Edinburgh, traditionally, a low percentage of our overall housing stock has been available for social rent, but one of the changes that has made a real difference is the adjustment of the housing benefit rate for Edinburgh, which means that the stock of private rented properties has suddenly become an

option for people receiving benefits. In effect, that increases the portfolio of options. Normally, there are only a handful of properties that people who are in receipt of housing benefit can access. However, that number has increased dramatically. That is one option for housing people in the future.

In Scotland, we have made quite a bit of progress over the past few years in our response to homelessness. From my perspective, the Housing First Scotland programme, which has been successful across Scotland, has been one of the key drivers of that. Just over a hundred people in Edinburgh—[*Temporary loss of sound*—and there is capacity to increase the number of people who receive that support. The programme is a good way to help people to transition from some of the temporary arrangements that are in place, such as hotels, to a permanent home of their own, which we would all like to see.

**Margaret-Ann Brunjes (Homelessness Network Scotland):** Rough sleeping sits right at the heart of the key linked concerns that we have about how we recover quickly from the pandemic. We have all observed rough sleeping, and it is remarkable how quickly—almost overnight—all the different parts of the system have come together over the past 10 weeks to resolve the situation, to the point where less than a handful of people are sleeping rough in each city. In itself, that has forced a rethink of what is possible, but it also means that right now, we are on a bit of a knife edge. I say that because we have not solved the problem; we have contained it. That moves us further forward, but it has not completely solved the problem.

The next steps that we will take on rough sleeping will mean everything if we are to lock down the progress that has been made in the past 10 weeks; otherwise, we risk letting that progress slip away.

I will quickly summarise some points that link to our key concerns. Alongside rough sleeping, the pandemic has created the same conditions that create homelessness. We already know that the risk of homelessness is not distributed equally, and nor is the risk posed by the pandemic, directly and indirectly. We understand that poverty has been the overwhelming key driver of homelessness, alongside how that interacts with local housing and employment markets. Going forward, we risk seeing more people exposed to homelessness, not because of anything that they have done but just because the cards are stacked against them. Homelessness discriminates, and we all recognise that the pandemic does, too. The mounting pressures on people as a result of additional money worries, job insecurity and the imperfect welfare state that we operate within have all been made harder because of the

pandemic, and they all put more people at risk of homelessness.

My final point is closely linked to our key concerns. Over the course of the pandemic, while there has been all this amazing energy, the housing system has stalled. Before the pandemic, the key issue that was blocking progress in addressing homelessness was the scale of the temporary housing system and the time that people spend within it. The rapid rehousing planning framework that local authorities were working with is the key mechanism and the right solution.

Over the past 10 weeks, hundreds more people have gone into the temporary accommodation system, which has made it bigger, with very little movement into settled housing. Some local authorities—particularly those facing the biggest challenges—are now starting to burst at the seams, given the scale of the problem.

That has created larger backlogs of homeless households in the system, people are spending more time homeless and there are more people in temporary accommodation, while more money is being spent on providing it. We are most concerned about the potential spike in homelessness after lockdown. This all feels like a bit of a race against time, although there are some ideas and solutions that I know we will get into.

That is a summary of our key concerns; it is also representative of the concerns of the collective of organisations that are coming together.

**The Convener:** That is very helpful. We will come on to some of those solutions shortly.

**Alasdair Bennett (Bethany Christian Trust):** I echo what Mike Wright and Margaret-Ann Brunjes have shared, and I will add to that by fleshing out the numbers of people we have been supporting.

There has been fantastic collaboration across Scotland's main cities, with local authorities, support from the Scottish Government and loads of third sector charities coming together to support people into hotels and other temporary accommodation and to provide them with wraparound support. There have been good levels of multidisciplinary support; there have also been health interventions. The approach not only introduces the housing and the fact that people have a single-occupancy space, but makes sure that there are good levels of case management and support for individual needs.

The numbers that we have been supporting are a big concern for the future, given that the temporary measures and the funding might cease. We have been thinking about innovating in what we do next. I think that there will have to be a

partnership approach—I do not think that anyone disagrees that we all need to do something.

The care shelter in Edinburgh now operates from the Old Waverley hotel. We do not support a fixed group of people, but since last September—the shelter opens in September each year—we have seen more than 900 people. The Glasgow City Mission's night shelter saw 606 people over a period of just short of four months.

As I said, it is not a static group of people. At the moment, we—and various others—are supporting people in the hotel to move on. We are not necessarily waiting until the hotel ceases to operate; we are supporting people to move into temporary and supported accommodation in the city. Naturally, the opportunity for tenancies is limited right now. However, we are confident that, as we approach the potential scaling down of the provisions, we will be able to support those who are in accommodation at that time into something appropriate.

My concern—which many share—is that that is not the end of the story, and there is a real risk of another spike. We are seeing increasing numbers of people presenting. Normally, there would be 26 people a week at the care shelter in Edinburgh; there are now 40 a week. What we do, collectively, to support those entering a rough sleeping predicament beyond July is a key question.

**The Convener:** That takes me nicely on to my next question. What will happen when the extra funding tapers off or is no longer available? There has been a lot of good practice, and everyone deserves huge applause for the amount of work that they have done. How will everyone work together? For example, local authorities will be hit with a spike in the numbers of those whom it tries to ensure get housing. Should local authorities change their allocation process, for example, to make sure that some of the people who are now in temporary accommodation are moved into council accommodation? Instead of swaps, maybe that should be the priority.

**Alasdair Bennett:** Three key things have changed. The first change is the suspension of a number of the systemic barriers that people face, particularly for those with no recourse to public funds. There has also been the suspension of, or the temporary ban on, evictions that would make people homeless. Therefore, a number of systemic elements have changed, and local authorities are already supporting people into accommodation in a way that they might not normally do.

The second change relates to the availability of accommodation—the impact of the pandemic on tourism has provided accommodation opportunities that did not exist previously.

The third change is the availability of grant funding at a level that has not been previously seen. That has enabled all the mobilisation, which was ready to happen, to come about.

There are already discussions with local authorities about how we can sustain and support that group of people, and I think that good progress is already being made. This morning, there have been calls to do that and to look at the issue across the piece. However, those who newly present will be a big concern. I will hand over to someone else.

**The Convener:** Does Alasdair Bennett want to comment?

**Alasdair Bennett:** I think that I just shared.

**The Convener:** I am sorry—I meant to call Mike Wright. Don't go hogging the discussion, now.

12:00

**Mike Wright:** I largely agree with Alasdair Bennett. We need to pay special attention to some of the transition points. Based on what Margaret-Ann Brunjes shared about the increased pressures on households, we should be thinking about people with significant health challenges who are leaving hospital, and people who are leaving the prison system. Any transition points present an inherent risk, and we will perhaps need to expand our reach somewhat to ensure that any response takes account of people who are making such changes in their lives.

**The Convener:** Margaret-Ann Brunjes can go next—I am pretty sure that I have got that right.

**Margaret-Ann Brunjes:** Thank you, convener. You asked exactly the right question. As we all know, there is no going back, but we cannot stay where we are.

From the perspective of the Homelessness Network Scotland, the most important point is that the Scottish Government and the Parliament, and this committee in particular, have already shown incredible ambition on homelessness since the committee's inquiry in 2017-18. Together, they have chosen a method for ending homelessness that is incredibly clear and backed by evidence: the rapid rehousing framework, to which local areas are working.

The really boring response is that the framework is exactly the right method to get us out of the pandemic and address all the additional damage that it potentially causes around homelessness. Local authorities have said that the framework already gives them the right platform for recovery and that, if they did not already have the rapid rehousing approach, they would need it.

What needs to go alongside that, as the pandemic has shown us, is a level of urgency. The current level has been remarkable. Homelessness is always a crisis, especially for the people affected, and it is always an urgent issue, but our systems do not always act as if it is. The past 10 weeks have shown us that, when we bring together all the parts of the system—housing, health, local and national Government and the third sector, including volunteer groups in local areas—and act with urgency, much more can be achieved. We now need to apply that learning and thinking to the rapid rehousing framework that was already in place before the pandemic.

Alongside that, we need to do a number of other things to mitigate the impacts. We have covered several of those things already, so I will step over them. We need to prioritise prevention: it has to come first. We know which groups are most at risk in recessions and pandemics, and we need to direct urgent efforts towards them—the sooner the better, starting now.

We need to get back on track with rapid rehousing. We now need more housing options and opportunities across all tenures. We really need to up our game in how we solve issues in the private rented sector and how that approach is deployed locally. We need to create a space for big policy and incentives for increasing capacity across all tenures. We really need to rethink and look again at initiatives such as flat sharing and incentivising households to downsize where they want to do so. We can also look at out-of-area housing allocations—again, where that is what a household wants.

There are different ways of doing that, but we need to keep a hold of—[*Temporary loss of sound*]. Some of the initiatives that come up will fail or affect only a certain number of people. If we really want to build back stronger from where we were on homelessness before the pandemic, we need to think big on numbers and on ideas and initiatives.

**The Convener:** I was pleased to hear that a lot of the systemic barriers seem to have been broken apart. It is crucial that that continues, and that we do not go back to the old system of working in silos, which has in many cases been detrimental. If we get anything from the pandemic experience, it must surely be that we should continue to work together, as people have been doing for some time now. The reality is that, at some stage, we will come out of the pandemic into what will be very difficult financial times. We will have to work together to ensure that, if we are to continue to do what we are doing, we all work hand in hand.

**Jeremy Balfour (Lothian) (Con):** I remind members that I am a non-executive director of the Bethany Christian Trust.



I will move away from rough sleeping, but before I do I have one quick practical question. When we get to September, if there are no hotels available here in Edinburgh and in Glasgow, how, taking social distancing into account, will we accommodate people who are rough sleeping, in the short term? My understanding is that on an average night around 700 people are rough sleeping across Scotland. How we help those individuals when social distancing is in place is a challenge. We can think about the long term and the medium term but, come September, how will we deal with the issue? Would Alasdair Bennett like to go first, then others follow?

**Alasdair Bennett:** That is a good question, and one that we are tasking ourselves with answering. We are discussing the matter in various networks—with charitable interests and stakeholders, including local authorities and the Scottish Government, and with the committee today. We want to see a reduction in and an end to rough sleeping, but what does that mean in the interim? What does it mean in this moment of crisis?

We are looking at models of accommodation—for example, there are two night shelters in Glasgow and a care shelter in Edinburgh. The aim is to relieve immediate suffering and to make sure that people have shelter, food, warmth and safety, then as soon as possible support them to move into accommodation. Between 65 per cent and 70 per cent of homeless people are staying seven nights or fewer, and 50 per cent stay two nights or fewer, in those environments.

In the public health setting, going into September, October and beyond, we will need to ensure that the accommodation model is different from the congregate model in some respects, although there is strength in that model in relation to providing safety and oversight. Because of the volume of people who need support, that is something that I am going to have to think through.

We are looking at different models of accommodation for this winter and I know that our partners in Glasgow are, too. That brings into focus, as has been said, what can be achieved if there is unlocking—if barriers are removed and there is funding. We have previously sought accommodation on many occasions in Edinburgh, but it is not easy to acquire. Opportunities might open up due to the current situation because some accommodation might not be required for other purposes.

Those are the kinds of things we are looking at, but it is a big question. Our plan would be to operate emergency support and shelter for people, but with a different model of accommodation.

**Jeremy Balfour:** Does anyone else want to come in?

**Margaret-Ann Brunjes:** I will just add to what Alasdair Bennett said. We all understand that we spend a lot of money on homelessness, but we do not always spend it in the most effective or evidence-based ways. It costs a lot more money to keep people homeless—particularly people who are sleeping rough and are in and out of that cycle. The idea about getting quickly back on track with housing-led responses and getting people into ordinary housing in ordinary communities is better for people, and it is often more cost effective nationally and locally. If we really want to end rough sleeping in Scotland, we have to mean everyone.

In a week when we have heard that leaders in other parts of the UK are not even familiar with the issues that people have in respect of having no recourse to public funds, we have a real opportunity to take a different road. In the collective of organisations that we are involved in, we are all on the same page in relation to how ambitious Scotland can be, and we are looking to see how much support we can offer to ensure that we can get everybody the minimum decent accommodation.

**Mike Wright:** I largely agree with Alasdair and Margaret-Ann.

**Jeremy Balfour:** Thank you. I will move on to unsuitable accommodation orders, which apply when someone is moved from rough sleeping into bed and breakfasts or other accommodation that is unsuitable, in particular for children and families. Use of the orders has been suspended due to the crisis, but looking to the medium term, how will we get away from putting people into bed-and-breakfast accommodation when it does not meet their needs and is detrimental to their health—physical and mental?

**Mike Wright:** That is a good question. The pandemic has shone quite a scrutinising light on some of the ways that we respond to homelessness—the accommodation model, and so on. In the first stage, the job is probably to connect with people. Maintaining that connection has been the focus of a lot of work, particularly with people who are rough sleeping and who are not able to maintain social networks and access information for themselves about the Covid-19 outbreak.

Locally, Edinburgh is doing a fair amount of work to convert its higher use of bed and breakfast accommodation into something more like a shared-house model, through which people are better able to live in line with the principles of self-isolation—for example, having access to facilities of their own. That is a journey that we are on and I

am pleased that it is part of the work that is going on. The answer will always be to try to provide people with permanent accommodation as quickly as possible, so that they have access to their own facilities and all the dignity that that brings.

**Margaret-Ann Brunjes:** I think that the problem stems from the traditional approach to homelessness, in which there was the expectation that people would live in shared and sometimes crowded accommodation, with unsuitable tenants being congregated in temporary accommodation. We in Scotland have already started to leave that behind. Particularly in post-pandemic society, the idea of having people in those types of shared close proximity is not a goer: it just accelerates any condition that they had before.

Everything is connected, which takes us back to the primary point about the need to restart social housing and house-building commitments in order to get the whole housing market, including the temporary housing market, moving again. If we do, we could create capacity and opportunities for people who are in unsuitable accommodation to move into accommodation that is more suitable and settled.

**Alasdair Bennett:** We welcome the unsuitable accommodation order. The only potential risk is that there might be some unintended consequences. Local authorities will have to make additional investment in existing accommodation.

I have seen many lives being transformed in a moment, through shared accommodation that is of high quality and has a high level of support. That moment can potentially be the lowest point for a person, but it can also be a springboard for them to being supported in the next stage of independent living. It is not about just accommodating anybody who is in that situation because there are no flats available—the person might have particular addiction recovery needs, or be a woman who is fleeing domestic violence, a young person moving through care or after care, or an older person who needs support with managing addiction for a longer period. It is about supporting people into independence and promoting their independence.

We need more commissioned high-support accommodation. The obvious thing that we need is, of course, more homes. One of the priorities that we have been highlighting, in partnership with Homeless Network Scotland and the 19 charitable and academic groups, is more homes for better health. Seeing homelessness under the banner of health is also key; how much more could be achieved if the issue were to become urgent. We have known for many years that it is not just a housing issue. It is key that we support people into more appropriate accommodation.

12:15

**The Convener:** Before we move to Pauline McNeill's questions, I ask the panel to keep their answers a wee bit shorter, as best they can, so that we can get through everything. I know that it is a very complicated issue.

**Pauline McNeill:** My questions for the panel, and Margaret-Ann Brunjes in particular, are about the concepts of flat sharing and out-of-area allocations, the importance of keeping people in tenancies and how to avoid homelessness. There is a ban on evictions at the moment, but there is an expectation, or worry, that many people might—we do not know the full picture—be at risk of losing their tenancies and becoming homeless at the end of the period. I would like to explore that.

A number of young people and women have been in precarious work, and there is a cohort of people who might not previously have experienced a drop in income, or homelessness, but have not been covered by Government schemes. That is why I have been keen to discuss with the Government how tenants can be helped and why there should be a tenants fund to do that. Panellists do not need to comment on that last point, but do you share my concerns? What should we do to avoid the spread of homelessness at the end of the six months?

**Margaret-Ann Brunjes:** As we discussed at the start, the people who are most exposed to the risk of homelessness are also the people who are most exposed to the Covid fall-out and immediate aftermath. It is very welcome to have no evictions for six months, but the collective that we are standing together with wants the period to be extended to 12 months. That would be a much more pragmatic and realistic timescale for enabling people who are most at risk, and who have most worries, to step out a bit more safely and to have more time to remedy issues.

We are also asking that there be no evictions or homelessness at all. We recognise that, for many reasons, evictions might be unavoidable, particularly in relation to the safety and wellbeing of local people. However, in Scotland's legal framework, the idea that we might evict people for them to go back to homelessness but still continue to have a duty to rehouse people is a waste of time and resources, especially with scarce housing in some areas.

We are looking at ideas on how to quickly create housing capacity, and we are treating the matter as a whole-country and cross-tenure challenge, rather than working along such specific lines as we have worked previously. People are prepared to look at the housing situation differently to how they looked at it in the past. We need to give them

that opportunity. As long as we can hold firm to the principles of choice and control and people directing that, it is legitimate to start thinking a bit more—[*Temporary loss of sound*]*—*about how we can get homes.

**Pauline McNeill:** I will push a bit further on the suggestion that the no-eviction period should be 12 months. How could the Government support that approach and what would need to be done to put it in place? On the face of it, it seems to be a sensible suggestion, but a lot would need to be worked through to support that policy.

**Margaret-Ann Brunjes:** Exactly. Quite a lot of thinking would need to be pulled together quickly from lots of different parts of the system to enable that to happen coherently and safely. If we put people and what they need at the heart of the matter as we move out of the pandemic, we can put in place a pragmatic, obvious and comparatively immediate solution to protect people and ensure security of home and health over the next six months.

**Pauline McNeill:** On the same subject, do you agree that by supporting people through a short period of three or four months, when they need help because of the pandemic crisis, we might be able to stop the number of evictions getting higher?

**Margaret-Ann Brunjes:** That is exactly right. Evictions often escalate over relatively short periods of time. Various issues that have existed for longer might contribute. There must be something that we can put in place quickly to protect pragmatically the many people who are being affected at the moment by build-up of rent arrears or personal debt, or by other accumulating money worries.

Just to illustrate that, I note that, this past weekend, the Scottish Government's wellbeing fund allowed a fund to be opened up for people in homeless temporary accommodation. The fund was £100,000, and a universal rate of £100 was applied to people. The fund had to close within two and a half days because of the amount of need for cash. Loads of food and other resources are available, but people are skint: they are having real money problems. The more a housing perspective can be applied to that, especially when it comes to rent and the ultimate impact of eviction, the better able we will be to support people.

**Annabelle Ewing (Cowdenbeath) (SNP):** I thank the panellists for coming along today, and for all the work that they do, day in and day out, to tackle homelessness.

On the Scottish statutory instrument on unsuitable accommodation that the committee will consider shortly, the counterbalance is that, while

the prohibition on staying beyond seven days in unsuitable accommodation is to be extended erga omnes—to everybody—to reflect the coronavirus pandemic, there is also the facility for local authorities to delay implementation of that, if needed, until 30 September.

I want to double-check the panellists' views on that. Is that approach reasonable in the circumstances? It seems to be that the Government is trying to introduce the legislation and to send a signal, while recognising the reality of the crisis that we are living in and reflecting other legislation that has the 30 September exceptional cut-off status.

**Alasdair Bennett:** I think that that is a reasonable approach. For a statutory instrument that has been brought in quickly between one day and the next, it is reasonable to give that six-month period. The period is less than six months now, in fact. As things have been assessed, hotels are currently considered to be breaching the provision.

A lot of work and investment will be required for some guest houses and other properties that are procured for supporting and sustaining people in temporary accommodation. There is a lot to be done, and it will be potentially difficult for local authorities to fulfil the requirement in six months. Having a window of time is appropriate. The direction of travel has been set, which is great.

**Annabelle Ewing:** That is what I took from the Government's approach—it wants to send a clear signal about the direction of travel, while reflecting the real lives that we are all living.

The key issue of availability has been widely discussed. I have a few thoughts. There is a lot of student accommodation in Edinburgh, for example. Have there been discussions about that? I understand that some universities will not go completely to a remote model or go back to 100 per cent face-to-face teaching, but will have a mix of the two. Is there an opportunity in that?

**Alasdair Bennett:** Yes, there is. Universities and hotels have already approached local councils and the Scottish Government to say that they have capacity. How long that accommodation continues to be available will depend on their plans, but those are the types of accommodation that we would explore.

**Mike Wright:** I agree. Some of the offers from universities and others have been used to accommodate key workers from the NHS and other sectors. A lot of the work has been co-ordinated by local authorities, which have worked and communicated well with all partners.

**Annabelle Ewing:** Sadly, I imagine that, irrespective of whatever the First Minister

announces later today, because the crisis is by no means over, there will be more scope to use resources including student accommodation for the foreseeable future. We will soon hear about the move to phase 1 and the possible restarting of construction. That will also add to availability, although not in the short term.

Regarding local authority housing, I have heard that properties are lying empty because they cannot be reallocated due to concerns about social distancing. How will phase 1 of the route map change that so that we are not in the regrettable situation in which housing that could be available is not, because no way to make it available has been found? Do you see phase 1 changing that?

**Margaret-Ann Brunjes:** We know that some councils and registered social landlords have, in very different ways, continued to make allocations during the past 10 weeks. Most social landlords have not done that; some have.

We need to draw out the learning from the landlords who have done that, and quickly share it so that we get the housing market and the temporary housing systems moving again, as we move into the first phase.

There are points to be made about unsuitable accommodation, and about looking at the different types of accommodation that we might use. We also want to hold firm on what we know works. As far as possible, we want to enable people to build and live their lives in normal communities and in normal housing. That is what works.

There are, of course, caveats, and there can be alternative arrangements within that. However, we must understand what we are doing, be able to describe it and recognise that there might be a need for other short-term solutions as we come out of the pandemic. We must not allow that to take us backwards in our thinking or to take us away from the direction of travel that we are on.

**Annabelle Ewing:** I agree that we must look at things with fresh eyes in the light of what we have experienced and what we will go through in the foreseeable future. I strongly agree with the point about sharing best practice, which the committee hears about all the time. It is always a wee bit frustrating to hear that there are gaps, and I certainly wish to pursue that point when we speak to the Convention of Scottish Local Authorities next week.

12:30

**Andy Wightman (Lothian) (Green):** Audit Scotland's recent report, "Affordable housing: The Scottish Government's affordable housing supply target", expresses concern that the target of

delivering 50,000 homes would not be met—and that was before the considerations relating to Covid-19 kicked in. I want to pick up on an issue that arose in the committee's homelessness inquiry from a couple of years ago. The summary in Audit Scotland's report says that

"there is no evidence available to show that councils' assessments of need informed the specific numbers and tenure balance of the Scottish Government's target."

What are the witnesses' observations on that, particularly given that there does not appear to be any provision in the affordable housing supply to rehouse homeless people?

**Margaret-Ann Brunjes:** I will give a quick response. I agree that it is important that we know whether the target number is the right number of houses to build. In two weeks' time, our partners in Shelter Scotland, along with the Chartered Institute of Housing and the Scottish Federation of Housing Associations, will publish a report on what they believe is the right number of houses to be built over the next five years. That will be based not only on analysis of what local authorities need, but on people having their own place as part of the community—previously, what was counted was people in hotel rooms. I assume that all those factors will be calculated, so the number that will be published in the report should be the target that we work towards.

**Alasdair Bennett:** I fully agree. We have talked about our request for bold action from all stakeholders, particularly from the Scottish Parliament and the Scottish Government. We should recognise that there is projected to be a shortfall in meeting the target of 50,000 affordable houses by the end of March 2021. We need to increase the provisions and the projections beyond that, so that we not only catch up, but go further.

A lot of housing associations ensure that there are homelessness provision allocations within their tenures, and a lot of amazing work goes on around that.

To return to Annabelle Ewing's question about the route map, is supporting people into housing key work? Could it have been done under that banner? It might be phase 2—the middle of June onwards—before some of the housing offices reopen. I do not know when that will happen, but the sooner, the better, so that people can move into their own tenancy. There is no question but that we need an increase in the tenancy numbers and in the provision and proportion of housing for homeless households.

**Mike Wright:** I very much take on board Andy Wightman's point. We talk a lot about a demographic called "hidden homelessness"—that is, people who are not necessarily immediately

visible. The group quite often includes people who are experiencing domestic violence. There are also people who, for whatever reason, choose not to seek help from their local authority—perhaps because they have had previous negative experiences.

The work that has been done to provide hotel spaces gives us an opportunity to have a tighter grasp on the numbers and demographics that we are talking about in relation to rough sleeping. Certainly in Edinburgh, the approach has been to include everyone, regardless of their status, whether they are entitled to accommodation under the legislation and whether they have recourse to public funds. We have an opportunity to reconfigure our thoughts on the numbers and the reasons that force people into rough sleeping.

**Andy Wightman:** I have a couple more questions. In response to the crisis, people have been rehoused, as Mike Wright said, regardless of their status. How will we deal with the situation when the crisis is technically over? Those people will be in a safe place, but in ordinary circumstances local authorities would not always have a duty to rehouse all of them. However, if they have done so they can hardly kick them out on the streets again. What challenge does that pose?

**Mike Wright:** It poses a huge challenge. The answer will come down to how our society wants to respond to that level of destitution. We will have difficult choices to make, because there is not much of an appetite for seeing any human being having to return to life on the streets, without income or access to food and the other things that we all take for granted.

**Andy Wightman:** I commend the panellists for the optimism that they have shown in highlighting how we might embrace the opportunities that could arise here—especially in places such as Edinburgh, where the availability of short-term lets and university accommodation has declined. We must ask how we can be more flexible over the accommodation that we have.

My final question is about the security of people who are in private rented housing in general—I am not referring to homelessness per se. Many people are facing financial insecurity, and might do so for quite some time. There is a concern that, following the crisis, such insecurity will remain and those people will be in rent arrears. Do the panellists agree that no one should be evicted due to arrears that were accrued directly because of the coronavirus pandemic?

**Margaret-Ann Brunjes:** I agree with the principle that we must not tolerate evicting people from their homes, particularly in a post-pandemic society in which we do not know whether another

wave or a return of the pandemic might be around the corner. We cannot tolerate that even if it is the result of people not having access to enough cash to pay their rent, which simply cannot be a reason for eviction. It is part of the principle that drives our collective of organisations and the plan that we have developed as a result.

We definitely need to do things better in the private rented sector. We need to stabilise the opportunity that it offers and make it more accessible to people who are in housing need, especially in the more pressured areas of the housing market—specifically in Edinburgh, but not only there.

We know that the lifting of the freeze on the local housing allowance rate has made more properties more affordable, especially in places such as Edinburgh. That opportunity needs to be capitalised on quickly. We need to incentivise and encourage landlords who might want either to come out of that game or—[*Temporary loss of sound.*—within it through either PSL schemes or expansions of social letting approaches such as those provided by Homes for Good. There are opportunities in the private rented sector, but only if we can protect people from the risks that are particularly associated with eviction as a result of rent arrears.

**Alasdair Bennett:** I agree. We must ensure that there are no evictions into homelessness. Mortgage companies are supporting people by relaxing their expectations for three months. If people had rent arrears that could be evidenced as having been due to Covid-19, as has been suggested, it would be sensible and reasonable for their evictions on that ground to be suspended and their cases forwarded and brought within the potential six-month extension to 12 months.

Along with fuel poverty, food poverty is a big concern. A load of other pressing issues are increasingly appearing across Scotland. The significant factor in this situation has been that the most senior bodies in the country, the Scottish Parliament and the Scottish Government, have issued a top-down directive. That has enabled what has followed, because bodies have had to take the required steps. It is the same with NRPF and with the LHA being amended so that there are no evictions. Those are all top-down directives. That is the kind of suspension of systemic barriers that the third sector groups have been looking for. I think it would be sensible.

**The Convener:** That is an interesting point. Does Mike Wright want to comment?

**Mike Wright:** Yes. Quite a lot of research shows the costs of people entering homelessness and being homeless for any length of time, on a personal level and at societal level. I suggest that

it is not a route that they want to go down. On top of that, it is about how we treat people and what the response should be to tough times. On balance, taking both arguments into consideration, I would fully support there being no evictions as a consequence of the pandemic.

**The Convener:** Thank you. Andy Wightman?

**Andy Wightman:** Thank you, convener, but that is it for now.

**The Convener:** Thank you. I call Graham Simpson.

**Graham Simpson (Central Scotland) (Con):** The witnesses have covered quite a lot of ground and raised some interesting issues. I just want to go through some of the things that you have said, so let us make this a quick-fire round, if we can.

Mike Wright described physical changes being made to Edinburgh bed and breakfasts. Can you describe what is happening?

**Mike Wright:** The local authority is trying to model them more on what it might be like to share a flat. The idea is that people have individual rooms but with some communal facilities. Sometimes, the bed and breakfasts that were being used as temporary accommodation only had a kettle in the bedroom with no access to proper cooking facilities, whereas a shared house might have a kitchen that a number of people could use with the fuller range of facilities that we would all expect.

**Graham Simpson:** Of course, there will be difficulties with social distancing if people are sharing facilities. How does that work?

**Mike Wright:** One of the workarounds for social distancing has been allowing people to book slots to use the facilities. I realise that that is not ideal; it is not the same as having a home of your own, but it is one of the measures that has been used to provide a space for everyone while they are social distancing.

**Graham Simpson:** Jeremy Balfour and I visited the shelter that Alasdair Bennett runs near Meadowbank in Edinburgh. I think that I heard you say that it is still operating.

**Alasdair Bennett:** Yes and no.

**Graham Simpson:** "Yes and no." How is that working with the current crisis?

**Alasdair Bennett:** The care shelter used to be in Meadowbank—it is now in Diadem. The venue, which is just beyond Stenhouse, is supported by about 70 churches in Lothian and Edinburgh. We were superkeen to get single-occupancy space with en suite facilities for the guests, so we asked the Scottish Government to look at providing hotel accommodation. The care shelter model is still

operating, and it has been operating from the Old Waverley hotel since 16 April.

In that time, about 261 people have been through that hotel, which has capacity for up to 70 in 65 rooms—some are for couples—and 199 of those people were new to rough sleeping, or new to the potential predicament.

The hotel is booked until the middle of July. We are confident that we will support those who are resident at that point into alternative temporary accommodation, but the big concern is about September, October and going into next winter. At that time, we would normally be planning to do a care shelter, as would a couple of other charities in Glasgow. We now need to think about what a safe accommodation model will be then, and how we can procure it.

12:45

**Graham Simpson:** We cannot possibly go back to the old model, in which people were sleeping on the floor of a hall on mats and in sleeping bags.

I guess that you would all probably say that we need to maintain what we are doing now by giving people their own rooms and, hopefully, their own facilities. We are not only going to need to extend that beyond the summer; we also have to get through the winter.

**Alasdair Bennett:** The service that you visited has changed significantly since you were there. The original care shelter model had raised beds, shower facilities, laundry and so on. However, there is no question but that we would much prefer to have people in the other places that we operate. For example, we have people in flats, on individual tenancies and in single-room accommodation.

However, in the moment of crisis for a person, when there is no other safety net—because that accommodation is the last safety net—we need to consider how we can shelter and support that individual on that night. We are looking at alternative models for single-occupancy accommodation, but it is not straightforward because it will require investment in the buildings themselves.

**Graham Simpson:** Okay. I am now moving on to speak about investment; Margaret-Ann—this is your chance to answer. As you know, as part of the committee's inquiry into homelessness, we visited Finland and saw what they are doing there. [*Temporary loss of sound.*] Finland specifically builds accommodation for homeless people. Should we be thinking about that for Scotland?

**Margaret-Ann Brunjes:** The thing that nobody in Scotland needs to be convinced about is the effectiveness and success of Housing First. Only a couple of weeks ago, we were able to publish our

first annual report, and it showed a 92 per cent tenancy-sustainment rate. That rate is among people who have had the toughest lives and who are going through the hardest times, so a 92 per cent tenancy-sustainment rate sends a very important message about Housing First.

As Graham Simpson said, part of Finland's model is development of shared-accommodation projects that operate in a flexible independent way that is almost like a flat-share. They call that approach "housing first", and it is very close to some of the very best supported housing that we already have in Scotland. We want to see investment in a more accurate understanding of the scale of need for shared accommodation. We also want a more honest conversation about where that shared accommodation should be located and who should pay for it.

If a person really cannot manage their own place, even with the intensity of support that they get from Housing First, their key issue is probably not homelessness. In such cases, shared therapeutic supported housing could sit within broader health and social care commissioning and strategy frameworks.

**Graham Simpson:** Rough sleeping was mentioned earlier. There was a guy who used to sleep rough near the Scottish Parliament. He basically lived on a bench that is just around the corner from the building. He was there for months—maybe up to a year—and he is now gone. I hope he is okay. I do not know where he is, but he went away when the crisis broke out, so I imagine that he has been moved somewhere. I think that he was there because he wanted to be there.

A number of people sleep rough because they want to. That sounds odd, but it is the way it is. My concern is about what happens to people like that when we get through this crisis.

**Margaret-Ann Brunjes:** You are absolutely right that that is a dynamic, and that there are people who make that choice. However, the number is incredibly small.

Like my colleagues, I have worked on homelessness for many years and the number of people who come across our path with that view is incredibly small. Housing First is part of the response and we know that in Scotland, so far, it is working for nine out of 10 people, a large proportion of whom were sleeping rough or had issues that are associated with the experience of rough sleeping. It is the response to the issue across the piece that works and it is the one that we should be thinking about how to scale up most rapidly as we go forward.

**Mike Wright:** As part of our work we have a street outreach team. I cannot comment on the

situations of particular individuals for reasons of confidentiality, but I can say that for any individual who takes the time to put a bit of trust in our staff and who is ready to make the move indoors, that will be done on their terms and at their pace. If the person that you are talking about has made that decision, I hope that it really was their decision, that any measures taken for the pandemic would not have an impact on his accommodation status and that he would be able to remain in that situation for as long as he wanted. However, I take your point that some people will have, in the broadest sense, a difficult relationship with being cared for, whether that care is in the form of housing or anything else.

**Alasdair Bennett:** I confirm that such cases are very rare. Often when there is a crossover with street begging—there is not a total crossover; far from it—the situation might give that impression. However, that is not to say that this person was necessarily street begging.

Most of the people whom we support do not aspire to be in that setting. For the very few people for whom that is the case, we have to look behind that. One of the things that I want to emphasise today is that compassion is key—compassion for the causes and trauma that have led to that point. We must think compassionately about the underlying causes for the person, whether it is their mental health, their suffering from addiction or experience of trauma or abuse. Why have they got to the point of thinking that they do not want to engage with society?

Mike Wright highlighted the trust and culture that the front-line workers create. Building that trust is key to enabling a person to think, "Oh, maybe I can hope again, maybe I can engage again and maybe life is worth living."

**The Convener:** I was just discussing that individual yesterday and I can assure Graham Simpson that he is safely in some kind of home situation.

**Graham Simpson:** That is good to know.

**The Convener:** At the beginning of the meeting I should have passed on apologies from Kenneth Gibson, who is experiencing information technology problems and so is unable to join us today.

**Andy Wightman:** A lot has changed in this area of work in the past couple of months. Mike Wright talked about different models of accommodation. Can you say a little more about that? Are you going to take the opportunity to map out in some detail where you think homelessness services need to go, get that worked up and costed and seek political support for it? In other words, are you going to take the opportunity to do things differently in the future and ensure that we do not

revert to our old ways? Specifically, I would like you to elaborate on what you mean by the different models of accommodation.

**Mike Wright:** The broad range of issues that bring people into homelessness means that it can never be a one-size-fits-all response.

We should look at all sorts of responses. The housing first model has achieved success. Shared accommodation will work well for some people, and some people, even if just a small number, will require long-term supported accommodation.

I might defer to Maggie on the question of what we are asking for. As she has said, we have come together as a collective. The homelessness sector has some clear asks concerning what should happen as we move on from the situation that we are in now.

**Margaret-Ann Brunjes:** Andy Wightman's question is a great one. One of the pieces of work that the pandemic put paid to—or put on hold, at least for a few months—was a significant research project that we were about to launch that would have been undertaken by Indigo House. It was to have a research advisory group chaired by Dr Beth Watts from Heriot-Watt University.

The project would have looked at the different types of shared accommodation, how much we need, who should pay for it, in what circumstances it should be used, and its optimal size and scale. We know that there is some fantastic accommodation out there and we want to learn from that. The research will start very soon and we hope to come back to the committee and our partners with its findings.

**Andy Wightman:** That would be helpful. We are facing challenges in a number of areas, including housing. There will be an advantage for those who can spring ahead and set out clear ideas about the way forward. They will be in the driving seat. I encourage you to kick-start that work. That is encouraging to hear.

**The Convener:** That completes our questions for today. I thank everyone for taking part in the meeting. We have seen a lot of good work come out of this disaster of a pandemic, and I hope that we will be able to benefit from it in future. I have no doubt that I will speak to you all again as part of the committee's work. Thank you for your time, for taking part in the meeting, and for all the information that you gave us.

## Subordinate Legislation

### Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020 (SSI 2020/129)

### Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 (SSI 2020/139)

12:57

**The Convener:** Item 3 is consideration of subordinate legislation. I refer members to paper number 3, which contains further detail.

The instruments are laid under the negative procedure, which means that their provisions will come into force unless Parliament agrees to a motion to annul them. No motions to annul have been lodged.

The Delegated Powers and Law Reform Committee considered the Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020 at its meeting on 12 May 2020 and determined that it does not meet the usual requirement that at least 28 days should elapse between a negative instrument being laid and coming into force.

The Delegated Powers and Law Reform Committee therefore drew the instrument to the attention of the Parliament under reporting ground (j). It also noted that the order extends to any

“event or situation which threatens serious damage to human welfare in a place in the United Kingdom”.

That means that the instrument goes wider in scope than the coronavirus pandemic. The Delegated Powers and Law Reform Committee has asked us to consider whether an alternative approach that would have allowed for the full 28-day scrutiny period in relation to the extension to non-coronavirus emergencies might have been appropriate.

The Delegated Powers and Law Reform Committee considered the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 at its meeting on 19 May 2019. It reported that the order also does not meet the 28-day requirement and drew this to the attention of the Parliament, again under reporting ground (j). The order contains permanent changes to an existing order and temporary modifications to those changes in response to coronavirus. The Delegated Powers and Law Reform Committee invited this committee to consider whether the breach of the 28-day rule was justified in policy



terms, particularly in relation to the permanent changes.

The Delegated Powers and Law Reform Committee also noted drafting errors under the general reporting ground. The Scottish Government has acknowledged that and has undertaken to issue a correction slip.

Finally, the Delegated Powers and Law Reform Committee noted that some words used in the order are not defined. They are set out in the clerk's paper. The Delegated Powers and Law Reform Committee asked this committee to consider whether it is appropriate that the interpretation of those terms will be left to the judgment of the local authority, rather than the order providing a more specific definition.

The Local Government and Communities Committee had the opportunity to consider both instruments informally, at a point when formal committee meetings were difficult to hold. On behalf of the committee, I wrote earlier this week to the Scottish Government, referencing the instruments and asking it to be mindful of the importance of granting Parliament adequate scrutiny time even during times of urgency. That letter is on the committee's website.

Does anyone have any comments on the instruments?

**Annabelle Ewing:** As far I recall, the committee discussed the first SSI, on general permitted development, some weeks ago, although I do not remember the date, off hand, and we were broadly in agreement with it being lodged. The feeling was that it was particularly to take the Louisa Jordan hospital into account. I am not sure why it has come back again, but I am sure that other members will have their say.

A number of us raised the second SSI, on homeless persons' unsuitable accommodation, at a previous evidence session, and there was quite clearly support for it. I support it. I have no problem with it and would be happy to just have it noted.

**Graham Simpson:** I do not have an issue with either of the SSIs, but I agree with the issues that the Delegated Powers and Law Reform Committee raised. They are essentially about loose wording in the regulations.

On the Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020, I think that the Delegated Powers and Law Reform Committee is entirely right that some of its wording does not strictly relate to coronavirus. For example, in relation to granting planning permission to development, it says:

"preventing an emergency"

and

"reducing, controlling or mitigating the effects of an emergency".

The wording is a little bit vague.

The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 uses phrases such as "short period of time", "community hosting", "congregate", "large scale" and "small scale", and none of those terms is defined. That is the point that the Delegated Powers and Law Reform Committee was making, and I think it was right.

I am not suggesting that we reject the instruments—we should not—but the point needs to be made that, when the Government is laying regulations, it needs to get the wording right.

**The Convener:** That is on the record now.

**Graham Simpson:** Thank you.

**The Convener:** On Annabelle Ewing's point, I think that this is the first time that we have discussed the instruments formally. We might well have discussed them in an informal setting, but given that we have had only two meetings since lockdown, this is probably the first time that we have raised them in a formal setting.

**Andy Wightman:** It is regrettable that the scope of the Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020 extends beyond the emergency period. I think that we should be concerned about that, because the scope on which to build things is very broad.

I am not suggesting that we should do anything specific about it, if only because we do not know when the crisis will end. There might be a second peak, and so on. In due course, however—say, in a year—we should come back and assess whether the provisions are still strictly necessary.

I note the points that the Delegated Powers and Law Reform Committee has made about the second order, the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020. The fact that phrases such as

"a short period of time"

are not defined is unfortunate. It is perfectly okay if Government wishes to produce some guidance on that. Because the order places a duty on local authorities to house homeless people, the failure to fulfil that duty is actionable in the courts. We have seen action in this area in the past year.

Therefore, the fact that

"a short period of time"

and other phrases are not defined could potentially lead to legal problems in relation to whether or not a local authority has discharged its duty.

I certainly think that we should write to the minister, expressing concerns about the definitions and saying that they could be overcome with very clear guidance.

Beyond that, if that cannot be done, an instrument such as this, which sets out important legal duties, should not really have terms in it—such as the word “short”—that are open to very wide interpretation.

**The Convener:** We did write to express our concern about the loose wording, so the Government is aware of that. On the idea of coming back to the provisions in a year, I wonder if we should write to the Scottish Government and say that, although we have already discussed the matter, we might ask it to come back and tell us where we are in a year's time—or we could call someone in at that point. We could say now that we want to ensure that the terminology is firmed up, or that it is used only as intended. The loose wording is obviously an issue.

**Andy Wightman:** I am sorry—I realise that you have written in that regard.

Going back to the first instrument, the Town and Country Planning (General Permitted Development) (Coronavirus) (Scotland) Amendment Order 2020, I also note that a review of permitted development is under way—although I do not know where it is at the moment. It is even more unfortunate that permitted developments are being pursued under the instrument outwith the context of the review, notwithstanding the fact that we need them for emergency pop-up hospitals or whatever.

**The Convener:** We will draft a letter and let the committee see it before we send it off.

I invite the committee to agree that it does not wish to make any recommendations, outside of our letter, in relation to the two orders.

**Members indicated agreement.**

**The Convener:** That concludes the public part of today's meeting.

13:08

*Meeting continued in private until 13:39.*

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