



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Social Justice and Social Security Committee

Thursday 24 April 2025

Session 6



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Pàrlamaid na h-Alba

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**SOCIAL JUSTICE AND SOCIAL SECURITY COMMITTEE**  
**12<sup>th</sup> Meeting 2025, Session 6**

**CONVENER**

\*Collette Stevenson (East Kilbride) (SNP)

**DEPUTY CONVENER**

\*Bob Doris (Glasgow Maryhill and Springburn) (SNP)

**COMMITTEE MEMBERS**

\*Jeremy Balfour (Lothian) (Con)  
\*Mark Griffin (Central Scotland) (Lab)  
\*Gordon MacDonald (Edinburgh Pentlands) (SNP)  
\*Marie McNair (Clydebank and Milngavie) (SNP)  
\*Paul O’Kane (West Scotland) (Lab)  
\*Liz Smith (Mid Scotland and Fife) (Con)

\*attended

**THE FOLLOWING ALSO PARTICIPATED:**

Sarah Boyack (Lothian) (Lab)  
Maggie Chapman (North East Scotland) (Green)  
Katy Clark (West Scotland) (Lab)  
Meghan Gallacher (Central Scotland) (Con)  
Jamie Halcro Johnston (Highlands and Islands) (Con)  
Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)  
Paul McLennan (Minister for Housing)  
Graham Simpson (Central Scotland) (Con)

**CLERK TO THE COMMITTEE**

Diane Barr

**LOCATION**

The Mary Fairfax Somerville Room (CR2)



# Scottish Parliament

## Social Justice and Social Security Committee

Thursday 24 April 2025

*[The Convener opened the meeting at 08:30]*

### Housing (Scotland) Bill: Stage 2

**The Convener (Collette Stevenson):** Good morning, and welcome to the 12th meeting in 2025 of the Social Justice and Social Security Committee. We have received no apologies this morning.

This is the third day of the committee's consideration of the Housing (Scotland) Bill at stage 2. As the committee was unable to make as much progress as it had hoped prior to Easter recess, we are starting earlier than normal today, which will give us up to three hours before we have to stop at around 11.30 am in order to allow members to get to the chamber for general and First Minister's questions. However, if we have not completed stage 2 consideration by that time, we have the option of resuming shortly after chamber business is suspended following the members' business debate, which is likely to be around 1.30 pm. That should give us up to another hour to debate stage 2 amendments before chamber business resumes at 2.30 pm.

I welcome to the meeting the Minister for Housing, Paul McLennan, and his officials. I remind the Scottish Government officials that they are here to assist the minister during the stage 2 debate and that they are not permitted to participate. For that reason, members should not direct any questions to them. We will also be joined throughout the meeting by other MSPs who will be speaking to amendments.

Members should have with them a copy of the bill, the marshalled list and the groupings. For anyone observing, I should say that the documents are available on the bill's web page on the Scottish Parliament's website.

I remind members that interventions should be brief. It is up to the member speaking to an amendment whether to accept an intervention.

#### Section 41—Duties of relevant bodies in relation to homelessness

**The Convener:** We will now begin our consideration of amendments. We must resume exactly where we left off—that is, with amendment 1061, which has been moved but has not yet been disposed of. Katy Clark, Maggie Chapman and

Jeremy Balfour had already spoken, but I now invite them to speak again briefly to repeat their key points before we continue with the debate.

I call Katy Clark.

**Katy Clark (West Scotland) (Lab):** As I indicated previously, all of my amendments in this group are probing amendments, which I do not plan to push to the vote today. They were lodged after discussions with Scottish Women's Aid and are very much aimed at strengthening the requirement in new section 56A of the Housing (Scotland) Act 2001, as inserted by section 45 of the bill, for social housing providers to take account of a domestic abuse policy, to require a review of women's aid provision and to enable the public debt of domestic abuse survivors—for example, rent arrears—to be written off. I will listen carefully to what the minister has to say today, with a view to considering whether to bring back versions of the amendments at the next stage.

Amendment 1061 requires relevant bodies to ask individuals whom they have reason to believe might be

"homeless or threatened with homelessness"

whether their situation arose as a consequence of either past or on-going experience of abuse.

Amendment 1062 defines abuse—the definition is outlined in the amendment—and amendment 1063 requires the relevant body, where it is informed that a person is threatened with homelessness

"as a consequence of ... having experienced or experiencing abuse",

to provide details of support to that person.

Amendment 1064 is a wider amendment, in that it expands the range of individuals whom relevant bodies need to respond to, where they believe that they might be threatened with homelessness due to the threat or experience of abuse.

Amendment 1088 calls on Scottish ministers to carry out a review of temporary housing provided to people who have suffered domestic abuse. Such a review would take into account international standards, including treaties that the United Kingdom has perhaps not signed up to, but which are considered international norms—for example, provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Amendment 1066 requires Scottish ministers to consult, while amendment 1089 relates to the issue of public debt and the scope of domestic abuse policies, with a particular focus on issues such as writing off the whole or part of rent arrears.

As I have said, I have spoken to these amendments before. I am very much interested in hearing the minister's views today, but I do not plan to press amendment 1061 or move any others on this occasion.

**The Convener:** I call Maggie Chapman.

**Maggie Chapman (North East Scotland) (Green):** Good morning, convener, committee, and minister. Thank you for the opportunity to give a brief recap of my amendments 1022 and 1069 in this group.

Amendment 1022, which was worked up with Scottish Women's Aid, expands the definition of domestic violence to cover coercive control and other aspects such as threatening, degrading and violent behaviour. We feel that that is important because certain groups of people, particularly young people and, often, women with children, might feel that they cannot leave an abusive situation as they would be intentionally making themselves homeless. We need to ensure that they have the support and protections that they need.

Specific examples of abuse and violence perpetrated by someone who is not a partner or ex-partner also need to be included in the legislation—indeed, that is the second part of amendment 1022. The more we can identify domestic abuse in our homelessness systems, the better we can help victims and survivors and support them to move on and build better lives. That is helped by having the wider definition.

Amendment 1069 seeks to understand how this section of the bill will work. We know that it is important to monitor how these measures will support women with children at risk of homelessness, and the amendment, therefore, sets out a review mechanism to ensure that we capture information so that we can see what is and is not working and improve things for the future.

**The Convener:** I call Meghan Gallacher to speak to amendment 1007 and other amendments in the group.

**Meghan Gallacher (Central Scotland) (Con):** Amendment 1007 seeks to create an alternative approach that provides a stronger link to the Scottish social housing charter. I suggest that we amend section 32 of the Housing (Scotland) Act 2010 by inserting after subsection (1)(b)

"the needs of tenants who the social landlord has reason to believe have experienced or are experiencing or are at risk of domestic abuse."

and by inserting after subsection (2) the following subsection:

"In this section "domestic abuse" means abusive behaviour within the meaning of section 2 of the Domestic

Abuse (Protection) (Scotland) Act 2021 (as read with sections 1 and 3 of that Act)."

Potentially, this is a suggestion for the minister to look at, and perhaps expand on, the standards and outcomes of the social housing charter. We have perhaps moved on from 2010, when the charter was created, and we need to look at other areas where someone might find themselves at risk or vulnerable. This is one of the amendments that would seek to amend that area; I do not intend to move it today, but I would welcome further discussions with the minister on how we can strengthen the charter and protect women who are fleeing domestic abuse and are in need of a safe and secure home.

Following on from amendment 1007, amendment 1006 also relates to the social charter and adds domestic abuse to the possible list of standards and outcomes in it.

I appreciate that Rachael Hamilton will speak to her own amendment in this group, but I support the review of provisions for tenants who are affected by domestic abuse. We need to look at ways in which we can strengthen the bill, particularly by looking at an issue that is impacting so many women and girls in our society today.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** Amendment 1068, as has been summarised, introduces a requirement for ministers to review provisions relating to tenants affected by domestic abuse. The review would encompass limitations on social landlords, the resources needed to implement those provisions and other relevant matters.

We know that social landlords are a key part of the support mechanism and the network. In some circumstances, they are the first port of call for tenants affected by domestic abuse, and it is important that we further understand the support that is available, as well as the limitations that are faced by social landlords such as local housing associations. After all, there is a limit on what a landlord can do in such circumstances, so advice and support from specialists and independent expertise ought to be a key part of the system.

Amendment 1068 was developed after discussions with housing associations in my constituency in the Scottish Borders, which emphasised that, because of resource limitations, many social landlords are unlikely to be able to offer support to tenants. One of the key areas that they highlighted was a critical need for independent specialist services to be funded and for such services to be integrated with local authority services. Those services are sometimes operated by the third sector, and they are subject to financial fragility, as we have all witnessed. Amendment 1068 would enable landlords

effectively to signpost tenants and facilitate access to the necessary support, particularly in cases in which the disclosure of domestic abuse might not be immediate or forthcoming.

I welcome the minister taking the time to meet me to discuss the amendment, and I am willing to work on it and lodge a redrafted amendment at stage 3.

**Jeremy Balfour (Lothian) (Con):** I apologise for my late arrival to the committee. Having reflected over recess and heard what the minister has said, I do not intend to move any of the amendments in the group on domestic abuse. However, I would welcome further conversations with the minister before stage 3.

A number of members have raised important points about domestic abuse, and I think that the bill can go further at stage 3 to give greater protection to those who face it. I look forward to having discussions with colleagues from all parties as well as with the minister to see whether we can reach some kind of consensus that shows us, as a Parliament, coming together to send the clear message that those who face domestic abuse need to be protected by the law with regard to their tenancy.

**The Minister for Housing (Paul McLennan):** Amendment 1061 would oblige a relevant body to ask whether a person is homeless or threatened with homelessness as a result of abuse, while amendments 1063 and 1064 refer to support services for those who are homeless or threatened with homelessness as a result of experiencing abuse. Although I believe that those proposals are already catered for in the bill and in the Housing (Scotland) Act 1987, I know, having met Katy Clark, that we both want the bill to be as strong as it can be to protect women who have experienced or are experiencing domestic abuse. We can do more in that area. There are some issues with the proposed amendments, though, and I ask the member to work with me before stage 3 on alternative ones.

Amendment 1088, also in the name of Katy Clark, would require Scottish ministers to conduct, within one year of royal assent, a review of emergency temporary housing provided to women fleeing domestic abuse. The amendment reflects a recommendation in the “Improving housing outcomes for women and children experiencing domestic abuse” report that the Scottish Government commissioned and whose 27 recommendations the Government accepted in principle.

However, it is important to note that the provision of emergency temporary accommodation, including women’s refuges, is the responsibility of local authorities and their

commissioning services. Our overall aim with the duty on social landlords to have a domestic abuse policy is to keep victims of domestic abuse in their own homes and to remove the perpetrator, if that is what the victim wants. The use of emergency temporary accommodation would be a last resort to be used when there are no other housing options available.

08:45

The statutory guidance accompanying the duty on social landlords will be crucial in outlining what we expect social landlords’ policies to look like, and the issues that amendment 1088 seeks to address can be addressed in it. The guidance will be developed with the sectors dealing with housing and violence against women and girls, including Scottish Women’s Aid, and I am happy to engage with Katy Clark as the guidance is developed.

Amendment 1022 would amend the definition of “abuse” being added to the Housing (Scotland) Act 1987 specifically to include controlling, coercive and degrading behaviour, including sexual violence. We believe that the definition in the bill is sufficiently broad to capture all those behaviours. We understand Ms Chapman’s desire to protect those who are experiencing abuse by other family members, and we are sympathetic to her proposal, but our focus in part 5 of the bill is on better supporting tenants who are affected by domestic abuse, in line with the recommendations in “Improving housing outcomes for women and children experiencing domestic abuse”.

Katy Clark’s amendment 1062 is also about ensuring that the definition of “abuse” that relates to her other amendments aligns with what we are already proposing in the bill in relation to the definition of “domestic abuse”. We recognise the need for clarity in the 1987 act, but we have already provided for the definition of “abuse” that is being added to the 1987 act to apply to the whole of part 2 of the act. We have introduced provisions in the bill to update the definition of “domestic abuse” in line with the Domestic Abuse (Protection) (Scotland) Act 2021, and our current definition of “abuse” is wide enough to capture the behaviours that give rise, or which are likely to give rise, to physical or mental harm, fear, alarm or distress. Again, we are engaging on this with those in the sector, including Scottish Women’s Aid.

Amendment 1023, in the name of Jeremy Balfour, is designed to ensure that tenants are directed to legal advice as part of the pre-action requirements for social tenancies for rent arrears that arise from domestic abuse. There are already plans to revise existing statutory guidance for pre-action requirements to reflect the bill’s domestic

abuse-related provisions, and we will include the details of organisations that provide legal advice on family law.

**Jeremy Balfour:** We have previously debated, both publicly and privately, the place of guidance instead of making provisions in the bill itself. Does guidance go far enough, given that it has no legal authority and can be changed without any scrutiny by this Parliament? Is there at least some room for secondary legislation or for including provision in the bill itself to give that aspect greater prominence in the years to come?

**Paul McLennan:** Mr Balfour, you will be aware of the discussions that are being had. At this stage, we think that that aspect should be dealt with in statutory guidance, but we can discuss that. You mentioned discussions in the future; as I have said, I think that this aspect should be addressed in statutory guidance, but I appreciate your point, and I am happy to pick it up in further discussions.

Amendment 1089, in the name of Katy Clark, would require social landlords, as part of their domestic abuse policy, to consider writing off a tenant's rent arrears in whole or in part, where those rent arrears have arisen due to domestic abuse. The bill already contains provisions in sections 44 and 45 for social landlords to take action to support tenants with rent arrears arising from domestic abuse. Section 44 creates a pre-action requirement for social landlords to take such action as they consider to be reasonable to support the tenant in those circumstances, having regard to their domestic abuse policy.

Section 45 requires social landlords to have a domestic abuse policy that includes a description of the action that must be taken in relation to the needs of a tenant in such circumstances. Scottish ministers can specify additional pre-action requirements via regulations, which would offer the opportunity to consult social landlords on the proposal. We agree that we can go further with this amendment, but there are some drafting issues with it, and I ask the member to work with me on the matter before stage 3.

Amendment 1024, in the name of Jeremy Balfour, would require a court to delay a social landlord's right to recover possession by one year and landlords and tenants to agree a reasonable payment plan for future and outstanding rents. Existing statutory provisions already require all social landlords and tenants to make all reasonable efforts to agree a payment plan for future and outstanding rents, and social landlords cannot raise eviction proceedings for rent arrears in court unless those existing statutory provisions have been complied with.

Delaying eviction by one year where domestic abuse is a factor in rent arrears would represent a significant interference in landlords' property rights. The amendment proposes a blanket ban on eviction for one year, but provisions already in the bill will require the court to consider a delay to the enforcement of eviction in every rent arrears case. Where the court decides that a delay to the enforcement of eviction is appropriate, it will have discretion to determine the length of the delay according to the circumstances of the individual case. Amendment 1024 could be seen as a significant interference in the rights of landlords under amendment 1 of protocol 1 of the European convention on human rights, and it is not clear whether such interference would be proportionate to the aim. I believe that further consultation would be required on that.

**Katy Clark:** The intention behind the amendment is to expand the range of individuals. In real life, there are many situations where tenants are threatened with violence from a range of individuals, including a family member of an ex-partner. Is the minister satisfied that the current legal framework or the proposals in the bill are strong enough to deal with the range of scenarios that our constituents have to face, and which he will be aware of, where they are threatened with or indeed have been the subject of serious violence? Is he satisfied that the provisions are strong enough to capture that range of situations?

**Paul McLennan:** Katy Clark will recall the discussion that we have had on the matter. I indicated at that stage that we are satisfied in that respect, but I am happy to discuss the matter further, and we are looking at a broader range of amendments as part of that. I believe that the provisions are strong enough, but I think that there is room for further discussion and I am happy to meet the member to discuss it as we go forward.

Jeremy Balfour's amendments 1025, 1027 and 1029 would replicate the measures in the bill that require all social landlords to have a domestic abuse policy for landlords in protected tenancies, statutory tenancies, assured tenancies and private residential tenancies, but they go further in also seeking to require private landlords to have a domestic abuse policy. We cannot simply replicate the provisions for social landlords and apply them to private landlords, due to the vastly different regulatory frameworks. There would be limited benefit to tenants in the private rented sector due to the substantial number of landlords with only one or two properties and the difficulties that would be created for compliance and enforcement.

A much more effective approach would be to produce guidance for private landlords on how to support their tenants who experience domestic abuse. That guidance can also cover all the



different types of tenancies that exist in the private rented sector, taking account of the different circumstances of each tenancy. I believe that engagement with the Scottish Association of Landlords is the best way of achieving the aim of those amendments.

Jeremy Balfour's amendments 1026, 1028 and 1030 would replicate the pre-action requirements for social tenancies where domestic abuse is a factor in rent arrears for protected tenancies, statutory tenancies, assured tenancies and private residential tenancies. The amendments would be difficult to implement, as there would be no restriction on applying for or obtaining an eviction where those requirements had not been complied with. In addition, there are existing powers in the Housing (Scotland) Act 1988 and the Private Housing (Tenancies) (Scotland) Act 2016 to provide pre-action protocols on assured tenancies and private residential tenancies via subordinate legislation. There would be many challenges in extending those two sets of provisions to the private rented sector, particularly around the number of private landlords compared with the number of social landlords.

An equally effective and more practical alternative for the private rented sector would be to develop guidance for PRS landlords on how to support their tenants who are experiencing domestic abuse. I am happy to commit to doing that alongside renewing our commitment to the more strategic consideration of domestic abuse issues in the PRS, which was previously agreed in response to the recommendations in the "Improving housing outcomes for women and children experiencing domestic abuse" report. We will also seek to strengthen the PRS pre-action protocols for rent arrears regulations in relation to domestic abuse following the passage of the bill.

Meghan Gallacher's amendment 1007 seeks to amend section 32(1) of the Housing (Scotland) Act 2010 to include the needs of those who experience domestic abuse as one of the examples of the standards and outcomes that may be set out in the Scottish social housing charter. There is a drafting issue with the amendment, as the context requires the focus to be on what action is required in relation to the needs that are referred to. I would welcome the chance to work with Ms Gallacher on a stage 3 amendment that addresses that issue.

Meghan Gallacher's amendment 1006, which is an alternative amendment to section 32 of the 2010 act, would require the Scottish social housing charter to include provisions relating to the needs of tenants whom the social landlord has a reason to believe are affected by domestic abuse. A mandatory or standard outcome that must form part of the social housing charter would

go against the principle of the 2010 act that the charter must be consulted on, and I urge Ms Gallacher not to move amendment 1006, as it is important that we enable a meaningful consultation on the draft charter.

Amendment 1068, in the name of Rachael Hamilton, would oblige Scottish ministers to review the operation of the domestic abuse provisions in the bill within two years of royal assent and to produce a report. That obligation would apply, regardless of whether or when provisions were commenced, which might make compliance difficult to achieve. We already report annually to Parliament on the progress on the ending homelessness together action plan, and that will include progress on provisions in the Housing (Scotland) Bill. Accordingly, I ask Ms Hamilton not to move amendment 1068, as it is not necessary.

Amendment 1069, in the name of Maggie Chapman, would oblige the Scottish ministers

"to prepare and publish a timetable for"

implementing the December 2020

"report on improving housing outcomes for women and children experiencing domestic abuse."

That must be done within one year of royal assent and must be repeated annually until the report has been fully implemented. It is worth highlighting that we are already implementing some of the recommendations from the report via the provisions set out in the bill, most significantly the duty on social landlords to have a domestic abuse policy. In addition, we also report on the work as part of the Scottish Government's annual report on progress towards ending homelessness. Given that we already report on that annually, I ask Ms Chapman not to move amendment 1069.

I urge Katy Clark, Maggie Chapman, Jeremy Balfour, Meghan Gallacher and Rachael Hamilton not to press or move their amendments in this group. If the amendments are pressed or moved, I urge members of the committee not to support any of them, for the reasons that I have given.

**Rachael Hamilton:** I would like you to clarify something, Mr McLennan. On some of the other amendments, you stated that you were willing to go back to the drawing board and work with members. In the meeting that we had, you said that you were willing to work with me on my amendment regarding the provisions for social landlords. Are you now saying that you have changed your mind?

**Paul McLennan:** No. That is what I meant, and I am happy to chat with the member again on that particular point.

**Rachael Hamilton:** Okay. Thank you.

**The Convener:** I now invite Katy Clark to wind up and say whether she wishes to press or withdraw amendment 1061.

**Katy Clark:** I wish to withdraw my amendment.

*Amendment 1061, by agreement, withdrawn.*

*Amendments 1062 and 1063 not moved.*

**The Convener:** Amendment 1041, in the name of the minister, is grouped with amendments 1043, 1016, 1017, 1019, 1045, 1079 and 1020.

**Paul McLennan:** Moving on to group 8, I acknowledge the vital importance of information sharing and co-operation between different bodies in ensuring that the new duties, in particular the ask and act duty, are successful. I welcome the importance that stakeholders and members of the committee have attached to those issues, and, based on feedback, we have been working to ensure, through amendments in my name, that there is clarity in legislation, which will be supported by guidance that will be developed in partnership with stakeholders and relevant bodies.

Amendments 1041 and 1043, in my name, will strengthen the duty on relevant bodies to co-operate on actions to be taken by them to support a person who is threatened with homelessness. That new duty will also require those bodies to consult other bodies as appropriate.

Amendment 1045, in my name, confers a new power on those bodies to share information in connection with their ask and act duties. I believe that my amendment goes further than the information-sharing powers that Jeremy Balfour has proposed. We do not wish to prevent valuable information from being shared or to make those who are seeking assistance share distressing information on multiple occasions with different services. I also invite members to support amendment 1016, in the name of Jeremy Balfour, as that minor technical change is needed in consequence of amendment 1045.

I believe that amendments 1041, 1043 and 1045, together with Mr Balfour's amendment 1016, address the issues that stakeholders have raised in relation to the need to strengthen the duty of co-operation and the powers to share information. The bill already requires relevant bodies to take appropriate action in relation to a person who is threatened with homelessness and to make an application to a local authority for accommodation or assistance only if they are unable to remove the threat of homelessness themselves. The Scottish Government amendments seek to ensure that the ask and act duty does not justify a default to a duty to defer to local authority housing departments, but can ensure a cultural shift in how relevant bodies work together to prevent homelessness.

Amendment 1017, in the name of Jeremy Balfour, provides a more limited information-sharing power for relevant bodies.

09:00

Amendment 1019, in the name of Jeremy Balfour, seeks to place a duty on relevant bodies to co-operate with other bodies that provide support. That duty is set out in very broad terms, which could make it difficult for relevant bodies to comply with. The duty to co-operate in our amendments 1041 and 1043 applies only in relation to relevant bodies. I am happy to continue to engage with Mr Balfour if he still has concerns about that issue.

Amendment 1079, in the name of Sarah Boyack, provides for an information-sharing power to be set out in regulations, whereas amendment 1045 sets out the power in the bill. Amendment 1079 does not go as far on information-sharing as the Scottish Government amendment 1045, which places an information-sharing power in the 1987 act, not in regulations. There are rights in the United Kingdom general data protection regulations for data subjects to object to the processing of their data. Following a recent meeting with Ms Boyack, I would welcome further discussions on the principle of data.

Amendment 1020, in the name of Jeremy Balfour, requires relevant bodies to co-operate with a request for assistance from a local authority. Amendments 1041 and 1043 also require relevant bodies, including local authorities, to co-operate, but that duty begins at an earlier stage.

Accordingly, I ask members to support amendments 1041, 1043 and 1045 in my name and the consequential amendment 1016 in Jeremy Balfour's name. I urge Mr Balfour and Ms Boyack not to move amendments 1017, 1019, 1079 and 1020. If they are moved, I ask members not to support them.

I move amendment 1041.

**Jeremy Balfour:** This is one of the most important parts of the bill. When we were taking stage 1 evidence, Kevin Stewart, who was part of the committee at that time, spoke on a number of occasions about a cultural change having to take place within the national health service and local authorities if co-operation was going to work in practice. He was absolutely right about that. However, a cultural change can happen only if there is a legal basis to allow it to take place.

I still have concerns about what information on someone's housing situation can be shared among relevant bodies. We all know from our casework that we have to get NHS consent forms

and local authority consent forms before we can use any information for a constituent. Will the minister clarify what the legal situation is with regard to legal sharing?

That came up in a committee discussion that I had earlier in the week. Again, there seems to be some confusion in Government and, if I am honest, among MSPs about what can be shared and what cannot be shared. If I approach a local authority with a homelessness issue, can the local authority share that information with NHS Lothian or whichever health board is appropriate, and with other relevant bodies? Does it require an individual to opt in or opt out? What paper documentation does the person have to give to the local authority for that information to be passed on? If a health board, Police Scotland or whichever organisation we are talking about uses data protection as an excuse not to engage with other organisations, the duty to co-operate will simply not work in practice.

I will not move amendments 1017, 1019 and 1020, but I would appreciate it if we could get some kind of briefing from the Scottish Government about what its understanding of the law is, so that, when we take the provisions forward, we are clear about what we can expect a relevant body to have to share.

If Sarah Boyack moves amendment 1079, I will support it.

**The Convener:** I invite Sarah Boyack to speak to amendment 1079 and other amendments in the group.

**Sarah Boyack (Lothian) (Lab):** I draw members' attention to my entry in the register of members' interests, which notes my former work with the Scottish Federation of Housing Associations.

It has been good to listen to the discussion this morning. The aim of amendment 1079 is to establish a national register of homeless households, which would help us to understand the scale of the national housing emergency. We do not currently have data that is detailed enough on those who are threatened with homelessness or those who are now experiencing homelessness.

I drafted the amendment following an excellent cross-party briefing from the City of Edinburgh Council, where there was a discussion on how we could improve the way in which we tackle the issue of people who are homeless or who are becoming homeless. It is a huge priority for the council to prevent homelessness and to support people who become homeless.

The aim of amendment 1079 is also to ensure that organisations are able to work together to allocate suitable housing. That would streamline

the resources that are required for a household that has made homeless applications in multiple local authority areas. The amendment would provide more detailed information about the depth and breadth of the housing issues that are facing Scotland. It is also important that we understand the scale of the issue in order to identify how many new homes are needed.

Amendment 1079 aims to offer an opportunity to get exact information on the scale of housing need through a deliberative and preventative framework. Having a high degree of accuracy in the data on the number of homeless households and where they are will help us to be more accurate in building and planning for the homes that are needed to end homelessness.

I met with the minister several weeks ago and he told me that his amendment 1045 will go further and be more effective than mine. I am very interested in his offer of a follow-up meeting, so that I can also talk with stakeholders and reflect on his comments.

**Graham Simpson (Central Scotland) (Con):** I would like to ask for some clarity. Sarah Boyack talked about creating a national register. What level of detail would that go into? I presume that that would not be a register that names individuals as being homeless but would, rather, be a register that collects the numbers of homeless people. Have I got that right?

**Sarah Boyack:** The concern is that we do not have enough information at the moment. My amendment would provide for regulations, so there would be capacity to fine tune that. This is a probing amendment, to allow for discussion, and I want to come back to reflect on the stakeholder feedback and have that follow-up discussion with the minister.

I very much welcome the support that Jeremy Balfour has offered. The meeting that we had in Edinburgh was on one of the top issues that the council is facing. We need only to walk around the streets in Edinburgh to see that people are physically homeless and understand the huge impact that that is having on them. I am keen to listen to comments from colleagues and to have a follow-up meeting with the minister. My intention is not to move amendment 1079 today but to reflect on the feedback that I get and to pick up on the details that other colleagues want to raise with me.

**The Convener:** I invite the minister to wind up.

**Paul McLennan:** I acknowledge the issues that Jeremy Balfour and Sarah Boyack have raised. As we all know, this is a complex issue across all areas of Government. I am happy to continue the discussions of those points with Ms Boyack and Mr Balfour.

*Amendment 1041 agreed to.*

*Amendments 1042 and 1043 moved—[Paul McLennan]—and agreed to.*

*Amendment 1016 moved—[Jeremy Balfour]—and agreed to.*

*Amendments 1017 and 1064 not moved.*

*Amendment 1044 moved—[Paul McLennan]—and agreed to.*

*Amendments 1018, 1095 and 1019 not moved.*

*Amendment 1045 moved—[Paul McLennan]—and agreed to.*

*Amendments 1079, 1010 and 1020 not moved.*

**The Convener:** Amendment 1011, in the name of Meghan Gallacher, is in a group on its own.

**Meghan Gallacher:** We all accept that changes to homelessness prevention will have an impact on the provision of housing services and people who provide advice on homelessness. Jeremy Balfour and others have recently spoken about information sharing and the need for clarity from the Scottish Government on public bodies and how we begin to join up the system and streamline resource, not only in relation to homelessness data but so that any individual who is experiencing or is at risk of homelessness can share information and access any additional support networks that they might need.

In order to maintain that high-level and consistent service approach for anyone who is seeking help, advice or support when they are experiencing or at risk of homelessness, there needs to be a continuous professional development plan for key housing practitioners to ensure that they remain skilled and knowledgeable. I appreciate that housing services already have good training practices in place, and I am not attempting to patronise those who deliver them. However, the level of training that is needed when introducing the ask and act duties will expand throughout the many levels of public services, public bodies and person-facing services.

I have lodged amendment 1011 in order to probe the minister on how that training could be rolled out and whether it could take form in legislation or be followed up in guidance. I want to ensure that, when we introduce something new, such as the ask and act duties, the service is streamlined and all services are aware of what the duties mean for the person they are supporting who is experiencing homelessness.

I move amendment 1011.

09:15

**Paul McLennan:** We are committed to working with relevant bodies to ensure that they receive training in relation to homelessness prevention that is fit for purpose. That will be informed by the findings of the prevention pilots and the work to develop regulations. I believe that it is for the bodies themselves to identify the most appropriate training, rather than for us to set out inflexible rules in primary legislation.

Amendment 1011 would also place an obligation on the Scottish ministers to make regulations, but as those regulations would be subject to the affirmative procedure and, therefore, at the discretion of the Parliament, they would not be within the Scottish ministers' control.

**Meghan Gallacher:** I have a question on the first part of your response. If someone presents at one public body and then needs support from another public service, how does that join up, and will they receive a consistent level of service?

My concern is that, if we do not have clear guidance and training rolled out in all the different services, people might receive a different level of service and will not be signposted to the place where they need to go for help and support.

**Paul McLennan:** I will come on to that, but the more general point is that we are not starting afresh. Where there is existing training in place, it is important that we strengthen it. There have already been extensive discussions with the sectors that we are talking about, such as the Scottish Prison Service, local authorities and the national health service.

For the reasons that I have outlined, I urge Ms Gallacher not to press amendment 1011. If it is pressed, I ask members not to support it. That does not mean that I do not support Ms Gallacher's aims, which are to ensure that people who work on the front line have the skills and knowledge to support individuals who are at risk of or are experiencing homelessness. Following our recent meeting, I am happy to engage further with Ms Gallacher on this important issue and on the points raised by the amendment and in her intervention.

**The Convener:** I invite Meghan Gallacher to wind up and to press or withdraw amendment 1011.

**Meghan Gallacher:** I welcome the minister's response to my amendment.

I am still very concerned that there will not be consistency in the training that will be rolled out throughout public services or to people who deal with homelessness prevention on the front line. In introducing the ask and act duties, that training will be very important, because the duties will be

brand new. A lot of public services will be working out how they will manoeuvre under the ask and act duties to ensure that they provide the best possible service to those who are at risk of or are experiencing homelessness. Therefore, there should be guidance from the Scottish Government on what it means and what it expects of public bodies in relation to the ask and act duties, and I welcome the opportunity to speak to the minister further about that before stage 3.

*Amendment 1011, by agreement, withdrawn.*

*Amendment 1090 not moved.*

*Amendment 1046 moved—[Kevin Stewart].*

**The Convener:** The question is, that amendment 1046 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Griffin, Mark (Central Scotland) (Lab)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
O’Kane, Paul (West Scotland) (Lab)  
Stevenson, Collette (East Kilbride) (SNP)

**Abstentions**

Balfour, Jeremy (Lothian) (Con)  
Smith, Liz (Mid Scotland and Fife) (Con)

**The Convener:** The result of the division is: For 6, Against 0, Abstentions 2.

*Amendment 1046 agreed to.*

*Amendment 1047 moved—[Paul McLennan]—and agreed to.*

*Amendment 1048 moved—[Kevin Stewart].*

**The Convener:** The question is, that amendment 1048 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
Griffin, Mark (Central Scotland) (Lab)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
O’Kane, Paul (West Scotland) (Lab)  
Stevenson, Collette (East Kilbride) (SNP)

**Abstentions**

Balfour, Jeremy (Lothian) (Con)  
Smith, Liz (Mid Scotland and Fife) (Con)

**The Convener:** The result of the division is: For 6, Against 0, Abstentions 2.

*Amendment 1048 agreed to.*

**The Convener:** Amendment 1080, in the name of Sarah Boyack, is grouped with amendments 1065, 1001, 1081, 1021, 1082, 1002, 1066, 1083,

1084, 1049, 1085 and 1091. I call Sarah Boyack to move amendment 1080 and speak to all amendments in the group.

**Sarah Boyack:** My amendments in the group are aimed at strengthening the framework for relevant bodies under the bill to closely follow those that are identified in the Community Empowerment (Scotland) Act 2015. The aim is to widen the scope of the ask and act duty while making homelessness prevention a core element of community planning provision across the country. Substantially mirroring the statutory bodies in the Community Empowerment (Scotland) Act 2015, my amendments would widen the scope of the ask and act duty framework and would deliberately bring homelessness and homelessness prevention into the community planning sphere, which is crucial for success when the bill is enacted.

I am also happy to support the other organisations listed by colleagues in their amendments in the group, particularly those relating to general practitioners, who have a crucial role in identifying patients who might be threatened with homelessness, and those relating to students.

I move amendment 1080.

**Graham Simpson:** As Sarah Boyack has outlined, section 41 would place a duty on relevant bodies, such as councils, health boards and the police, to ask whether an individual is homeless or at risk of homelessness and to take action if they are. Members, including me, are seeking to add to that list.

I have a couple of amendments in the group, and they deal with students alone. The reason for that is that students have raised with me and other MSPs how they are often overlooked in the housing system. I will quote Lawrence Williams from the group Slurp: Students for Action on Homelessness and which is based in Edinburgh:

“From hidden homelessness to unaffordable rents, students in Scotland face a range of housing issues that have long been overlooked by policy-makers and universities.”

Last September, the cross-party group on housing, which I convene, published a report on student housing and homelessness—the committee might be aware of it. We found that thousands of students across Scotland are at risk of homelessness and are unable to access the right housing in some of our biggest cities. Our research identified a shortfall of 13,800 bed spaces in Edinburgh, 6,093 in Glasgow and 6,084 in Dundee.

We also found that there is ambiguity surrounding who is responsible for addressing student homelessness and that there is a lack of

co-ordination between universities, councils and other providers regarding student housing. We came up with a set of quite challenging recommendations that we sent to the Government. My amendments seek to give effect to some of those recommendations.

Amendment 1001 seeks to include higher education institutions, which are defined under the Further and Higher Education (Scotland) Act 2005 as “a university” or “a designated institution”, within the list of relevant bodies that will have a duty to deal with homelessness. Members know what that list already includes.

Several weeks ago—you may have forgotten about it—the committee received a letter about this from Universities Scotland. I encourage Universities Scotland to speak to me directly if it has any concerns about my other amendments on students, not just for this committee but for the other committee that is dealing with the bill. With regard to amendment 1001, the letter does not say that universities should not be relevant bodies; rather, it calls for the adoption of the Government’s time-honoured and favoured approach of consulting. That can, of course, often be a delaying tactic, and students cannot afford that delay. The minister will, no doubt, say that we should consult, but we will hear from him.

Universities have a duty of care to their students, thousands of whom come to Scotland to study and many of whom move within Scotland. That is why this is important.

Amendment 1002 would deal with private providers of purpose-built student accommodation and would include them in the list of relevant bodies. Research from the National Union of Students Scotland, which was cited in the Local Government, Housing and Planning Committee’s stage 1 report, found that the average rent for PBSA increased by 34 per cent between 2018 and 2021. That has created a “large disparity” between PBSA and the private rented sector. PBSA is not sufficiently regulated at the moment, and those who live in PBSA will not be covered by the Housing (Scotland) Bill in its current form. Amendment 1002 would add

“a private provider of purpose-built student accommodation”

to the list of relevant bodies.

I think—I would say this—that amendments 1001 and 1002 are both sensible. They deal with people, groups, organisations and bodies that ought to have a responsibility for the students whom they serve and that ought to take homelessness seriously. That is why I lodged those amendments.

**Jeremy Balfour:** Amendment 1021 adds MSPs to the list. I am sure that all of us take homelessness seriously. I am interested in hearing what the minister has to say about the competency of adding MSPs to the list. It is important that, if we are going to include other organisations, that duty should lie with us if that is legally possible.

I will speak to Mark Griffin’s amendment 1066. I am interested in hearing from the member and the minister on the legal competency of including GPs in the list. My understanding is that, because GPs are privately employed, they cannot be included in the duty. If that is not the case and they can be added, I would be very supportive of adding them. However, even if they cannot be included in the bill, this is an opportunity for the Government to include GPs in the pilot scheme that it will roll out sometime this year. I am interested in whether the minister has had any thoughts about approaching GPs in the relevant local authority areas, to see whether they are willing to be included.

09:30

On Sarah Boyack’s amendment 1085, I agree that Social Security Scotland should be added to the list. I am not as convinced that the other bodies that are mentioned should be added, but, because the amendment seeks to include Social Security Scotland, we will support it if she moves it.

The importance of including the Scottish Prison Service, which is proposed in amendment 1091, seems obvious to me, although I have to confess that I overlooked it when I first drafted my amendments. We know, from our case loads and from evidence, that many people do not have a place to go when they leave prison. Everyone knows the date on which they are going to be released, and it seems to me that putting a duty on the Prison Service to make sure that the homelessness status of the individual is dealt with before they leave prison would save a lot of time.

I wonder whether Sarah Boyack’s amendments 1083 and 1084 almost go too far in expanding the scope. I wondered whether amendment 1083 would place a duty on bus drivers, but I note that it would not. The serious point is that we want to make sure that the provision is tight enough to work in practice but, at the same time, includes all the relevant bodies.

I am interested in hearing what the minister has to say about the amendments in the group.

**Mark Griffin (Central Scotland) (Lab):** Amendment 1066 seeks to ensure that GPs are covered by the ask and act duties that are set out in part 5 of the bill. A number of organisations have pointed out that GPs are an obvious

omission from the list of relevant bodies that are subject to the ask and act duties. Aberdeen City Council pointed out the connections between health and housing and that people's use of health services peaks just before they make their first homelessness application. However, setting out a distinct list of bodies that will have duties placed on them almost creates a lack of clarity regarding our expectations of those that are not listed.

The Convention of Scottish Local Authorities has also said that it would be helpful if GPs were covered by the proposed homelessness prevention duty. It points out that they would be involved in considering the extent to which any particular medical condition could impact on an individual's capacity to sustain a tenancy.

I accept that there are compelling arguments that GPs do not currently have the capacity to be covered by the bill and that there are potential legal obstacles to including them in the obligation, as they are essentially private providers. However, the evidence that people access health services, and particularly GP services, right before they make a homelessness application suggests that GPs are a glaring omission from the ask and act duties. That omission could mean that a lot of people who could be covered by the ask and act duty at a crisis point in their lives might fall through the cracks.

Although I do not plan to move my amendment 1066, I want to hear from the Government how it intends to cover that point of contact with a public service, so that people who are threatened with or at risk of homelessness are not missed out. It is a glaring omission from the ask and act duties, and I am really keen to hear from the minister and the Government how they intend to cover that gap.

**Paul McLennan:** Let me make it clear that the Scottish Government is willing to consider adding any appropriate body to the list of relevant bodies where there is evidence that that will help to achieve the objective of preventing homelessness. Not all bodies in Scotland will have that role. When a body's role is identified, it should be included only following discussions with that body.

The amendments in this group seek to add a range of bodies to the relevant bodies in section 43 of the Housing (Scotland) Act 1987. Adding a body means that it will be subject to the duties of relevant bodies under new sections 36A to 36D to be inserted into the 1987 act by section 41 of the bill.

Section 41(8) already confers a power on the Scottish ministers to add bodies to the list of regulations. A body could be added only with the Parliament's approval, and the body would need to be consulted in advance. As Mr Simpson has

pointed out, the bodies that are currently listed were previously consulted.

On amendments 1080, 1082, 1002 and 1083 to 1085, members may wish to note that the current list of relevant bodies was based on prevention review group recommendations and on consultation with people with lived experience. Before seeking to impose duties on a body, I would wish to consult the body in advance, to establish that doing so would help to prevent homelessness or would minimise or reduce the threat of homelessness. If it would, I would be happy to consider adding the body to the list, subject to the approval of Parliament.

**Sarah Boyack:** It is helpful to hear the positive thought that you are not against adding public bodies, but what would be the timescale for that? Are you considering a consultation on the issue, so that there can be action in this area after the bill is passed?

**Paul McLennan:** I will address that point in a second.

On amendment 1065, I will be happy to ask my officials to engage with community planning partnerships about their future inclusion.

At a previous meeting, we discussed engaging before stage 3, so I am happy to pick up on the point that you have raised, Ms Boyack.

On amendment 1001, I recognise the role that higher and further education bodies may play in supporting their students, but I suggest that more consultation is required with both sectors, as Scottish universities have said. Scottish Government officials are already engaging with officers from Universities Scotland and Colleges Scotland, and I ask Mr Simpson to take part in further discussions with the sector before stage 3—as we will be doing—if he can, so that we can potentially work on including the sector at a future date. I am happy to discuss that further with the member.

**Graham Simpson:** If the minister is suggesting that I and he speak with those in the sector ahead of stage 3, is he willing to consider an amendment for stage 3?

**Paul McLennan:** That is something that we would have to discuss. When we met before, we agreed to meet to discuss that further. Without wishing to pre-empt any further discussions that we or you may have, I am happy to pick up on that point and to have further discussions. I am not going to pre-empt things, however, and say that we would support—

**Graham Simpson:** Will the minister take an intervention?

**Paul McLennan:** Yes, of course.

**Graham Simpson:** I know that the minister loves to have meetings and talks, and they are often very valued, but can he give me a straight answer to this question: subject to those talks or consultations, is he prepared to consider an amendment for stage 3?

**Paul McLennan:** It goes back to my earlier point: I am happy to consult the body in advance if adding it is going to reduce homelessness. If that is the case, we would consider adding the body to the list, subject to the approval of the Parliament. That will be based on the discussions that we have—on the consultation and on what comes back from the sector.

Moving on to amendment 1021, the Scottish Government is not aware of any consultation being undertaken with the Scottish Parliamentary Corporate Body on the issue. That is an important step to be taken before consideration is given to adding MSPs to the list. Mr Balfour and I have discussed that previously, and I think that I asked Mr Balfour to look into the issue.

I see that Mr Balfour wishes to intervene.

**Jeremy Balfour:** I am just wondering if the minister has a view regarding the competency of the proposal. I am happy to do any further consultation, but I would be wary of doing lots of work only to be told, on a wet Wednesday afternoon, that the proposal is not competent. Would the Government at least be willing to write to me to say whether it thinks that it is possibly legally competent?

**Paul McLennan:** I am happy to commit to that.

**The Convener:** I ask members to intervene through the convener. I am now—

**Paul McLennan:** Apologies, convener, but I am not finished yet.

**The Convener:** My apologies.

**Paul McLennan:** On amendment 1066, the inclusion of strategic health bodies on the list would seem to be the best way to engage primary health services in their role, and doing so would be clarified in the statutory guidance. I know that GP practices are of particular interest, and we have been clear about the role that community link workers could play in the surgeries that they are being deployed to.

We have talked about the homelessness prevention pilots that are coming up, and one of the key things that we will be discussing with those who are successful in that scheme is the role of GPs on that particular point. I am therefore happy to engage with Mr Griffin and Mr Balfour on the issues that they raised, and the pilots will be coming on stream very quickly.

On amendment 1084, we are engaging with the Scottish Fire and Rescue Service about its potential inclusion at a later date, but again I would ask for time to have those discussions.

On amendment 1085, we propose to add the Scottish ministers to the list of relevant bodies in so far as they have functions in relation to social security, including those functions that are carried out by Social Security Scotland. That is achieved by amendment 1049.

On amendment 1091, which would add the Scottish Prison Service to the list of relevant bodies, the bill already includes the Scottish ministers and functions relating to prisons and young offender institutions, which includes the functions of the Scottish Prison Service. The Scottish Prison Service is an executive agency of the Scottish ministers and has no separate legal identity. There has already been consultation and engagement with the Scottish Prison Service on the bill.

I ask members to support my amendment 1049 and not to move amendments 1080, 1065, 1001, 1081, 1021, 1082, 1002, 1066, 1083, 1084, 1085 and 1091, or, if they are moved, I ask members not to support them. I will also take into consideration the offer to meet members further to discuss the points that have been raised.

**The Convener:** Bob Doris is joining us remotely.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I apologise that I have had to be remote this morning. It has been a really interesting conversation.

I am conscious that the minister will not have an opportunity to come back in and reflect on the points that I make, so if he feels the need to intervene on me at any point, he should feel free to do so.

Many of the arguments about the list of public bodies that could be added are well made, particularly around higher education and healthcare. If there had been the ability to add the Department for Work and Pensions and the Home Office to that list and to put the ask and act duty on them, we should have done so, but there was not. I will make an alternative suggestion that will be within the powers of our Parliament.

Let me make the case first. We all know from our constituency casework that when someone relies on benefits and entitlements from the DWP, advances or sanctions can indicate a threat of imminent homelessness, yet we do not have any provisions in relation to the DWP.

In relation to the Home Office, if we look at our asylum system, it is absolutely clear that, when an individual or a family gets a property anywhere in



the UK, such as somewhere in Glasgow, on day 1 of the asylum process, one thing is guaranteed—that individual and their family will end up homeless, irrespective of the outcome of their asylum claim.

We can put the ask and act duty on organisations and relevant bodies through the amendments in this group, but we cannot do that with the DWP and the Home Office. However, we can proactively seek partnership agreements with the DWP and the Home Office and we should do that, whether it be through a protocol or set of principles. I do not know what it should be, but we have to do something.

People who are watching this will look at the main drivers that lead to people being threatened with homelessness. The provisions in the bill will not tackle those drivers because of the UK benefits system and the Home Office, so we have to work in partnership with the Home Office and the DWP. Rather than just chastising them for things that I do not like them doing, we have to work constructively and in partnership with them to stop people becoming homeless. Crisis has told me that there are already models in England where there has been partnership working between the DWP and local homeless sector partnerships to do that prevention work on homelessness.

I know that the minister will say that the DWP and the Home Office would do those things anyway, but sometimes it is good to have such things in the bill. I would therefore be inclined to lodge an amendment at stage 3 that mandates that the Scottish Government be required to seek those partnerships, and that specifically mentions the Department for Work and Pensions and the Home Office, given the huge drivers of homelessness and pressures on homelessness services in Scotland today that come through those two particular agencies.

09:45

**Paul McLennan:** I know that Mr Doris has raised that issue on a number of occasions. There have been discussions with the DWP, as he mentioned, about the best way to progress this. I am happy to engage with Mr Doris before stage 3 about the best way to achieve the aims that he mentioned, which are very relevant, if he is willing to take up that offer.

**The Convener:** I invite Sarah Boyack to wind up, and to press or withdraw amendment 1080.

**Sarah Boyack:** This has been a constructive discussion. The issue for me is around timescales and action. It is about what will happen after our discussions today to ensure that public sector bodies are more engaged in relation to putting

homelessness up the list of priorities, and to ensure that we have the appropriate accommodation, where and when it is needed.

Underpinning a lot of our discussion today is the issue of homelessness prevention. We all know from our constituents that the effects of pressure and stress on health before someone becomes homeless are huge, that they rocket once somebody becomes homeless, and that the recovery process is huge. Mark Griffin made points about that, and those points have been made by colleagues across different parties.

Graham Simpson made a point about students. I have also met Slurp, of Edinburgh University Students Association, which is very involved in the cross-party group on housing. It is a now issue for students, not a theoretical issue, because it is impacting on their studies now. The constructive nature of this discussion is therefore important.

Mark Griffin referred to work in relation to GPs and the pilot scheme, which all needs to be pulled together.

Legislation is important in giving legal duties, but we need to see what action is going to be taken in relation to the partnership working that Bob Doris mentioned. It is about the culture of getting moving on this.

On the point about prisoners, I have been to a prison in my region and I know that it is moving to talk to somebody who is about to be released. They have served their time, and they honestly do not know what is going to happen the week after. That makes them vulnerable, which is not good in terms of people moving out of the justice system and on to proper jobs and employment.

There is strong agreement here, which I hope that the minister will pick up on. I therefore want to withdraw amendment 1080. However, the minister needs to listen to all of us, cross party. We need action on this issue. There is time between now and stage 3, which gives us scope to come back with detailed amendments if we are not happy. However, I hope that the minister will work right across the public sector, because the human cost as well as the economic cost of homelessness is massive, and this bill is an opportunity to address it.

*Amendment 1080, by agreement, withdrawn.*

*Amendments 1065, 1001, 1081, 1021, 1082, 1002, 1066, 1083 and 1084 not moved.*

*Amendment 1049 moved—[Paul McLennan]—and agreed to.*

*Amendments 1085 and 1091 not moved.*

*Section 41, as amended, agreed to.*

**The Convener:** The committee will be pleased to know that we are gonnae have a five-minute comfort break.

09:51

*Meeting suspended.*

10:00

*On resuming—*

#### After section 41

**The Convener:** Welcome back, everyone. Amendment 1012, in the name of Alexander Stewart, is grouped with amendments 1067, 1074, 1031, 1075 and 1076. I ask Meghan Gallacher, on behalf of Alexander Stewart, to move amendment 1012 and speak to all amendments in the group.

**Meghan Gallacher:** Amendment 1012 would require the Scottish ministers to provide an update to the Parliament on progress to implement the duty to act within six months of the bill receiving royal assent. The update would include the financial cost to implement the duty to act and a timescale for the duty to act to be implemented. However, from the further discussions that I have subsequently had with the minister and with Alexander Stewart, although I will move the amendment, I am aware that there are further amendments coming down the line that would supersede it.

I move amendment 1012.

**Maggie Chapman:** The homelessness provisions in the bill are potentially game changing, but they could quite easily fall flat if they are not properly resourced and monitored. Pilots of some of the key provisions are being planned, and we will learn from those. Given the complexity of some of the provisions, it is important that we step back and review how things are working out at dedicated points after commencement and enactment, and that is what my amendments 1067 and 1074 seek to enable.

Amendment 1067 provides for a review of specific

“duties of relevant bodies ... within 2 years of the date that section 41 comes into force”.

It is about ensuring that the relevant bodies are working in the way that the bill intends them to work and that they have the resources and the connections and relationships that they need.

Amendment 1074 provides for a review of the whole of part 5 of the act

“within 2 years of this Part coming into force”.

Again, it is about ensuring that the bill does the things that we all hope that it will to tackle

homelessness and provide support to people who need it.

I am open to conversations with the Scottish Government about whether the mechanisms and timescales in my amendments are the right ones, but I hope that we can agree today that the principle of review—the principle that we should seriously and rigorously review this section of the bill post commencement—is important, and I look forward to hearing what the minister has to say in response.

I wholly support the other amendments in the group, in particular those in the name of Mark Griffin.

**Jeremy Balfour:** The bill will be looked at next by the Local Government, Housing and Planning Committee, and I understand that our deputy convener has lodged an amendment for consideration by that committee. In some ways, it would have been helpful if we had been able to debate that amendment today in the light of the amendments in this group, but that is simply the way in which the procedure works. The deputy convener's amendment, which I hope will be accepted by that committee, would strengthen how we take things forward.

With regard to my amendment 1031, I will be slightly critical of us, as a committee, in that I do not think that we have made enough effort to look at how the pilot schemes will work. Those schemes will be essential if we are to get this right. With respect, I say to the minister that he and the Government are dragging their feet in that regard.

There was an announcement, and the Parliament has approved a substantial amount of money to take the pilot schemes forward. However, my understanding is that, as of the Easter recess, no local authority area had been identified, and there has been very little progress in that regard. I understand that the pilot schemes have to go out to tender under the appropriate legal procedures, but I worry that we will not see them up and running until perhaps even late this year. If they are then going to run, how will they be reviewed, and how will we see how they are working in practice?

That is why I support Maggie Chapman's two amendments in the group. We are going into fresh waters here. It is all very well for us to put the legislation in place, but the Parliament has, for a number of years, been criticised for its lack of post-legislative scrutiny. We are not good at that, and it is very possible that, having seen how the pilot projects work, we will see that the legislation is not working in practice and that substantial changes need to be made.

My amendment 1031 would simply provide for a report by the Scottish Government on the pilot

projects to be put forward. I think that it would be helpful for the Parliament in order to give this committee, and the committee with its remit that will be formed in the next session of the Parliament, an opportunity to look at whether the provisions are working in practice.

I am interested in hearing where the minister thinks we are with regard to the pilot projects and how long he thinks they will operate for. Depending on his reflections, I will decide what to do with my amendment. In addition, there needs to be more engagement between the committee and the Government on the pilot projects, and I hope that that can happen after we get through the formal stage of the bill process.

**Mark Griffin:** With regard to amendment 1075, funding was identified as the top priority by the homelessness prevention task and finish group, which recognised that, during the shift to a focus on prevention, resources will continue to be required to support the existing system.

The committee's report highlighted concerns that the level of funding in the financial memorandum to the bill was inadequate in terms of both the amount assigned to local authorities to implement their duties and the lack of any consideration of resources for relevant bodies. In October 2024, the Finance and Public Administration Committee wrote to the Local Government, Housing and Planning Committee to highlight serious concerns with the estimate of resources to fund the bill. It highlighted that the financial memorandum did

"not recognise the potential for increased workload not only for homelessness services, but also for other agencies which will receive referrals, such as Community Advice Services and Tenancy Support."

As that letter set out, the City of Edinburgh Council has estimated that, if there were to be a 25 per cent increase in the number of presentations, an additional 42 employees would be required at a cost of £1.9 million per year for internal staffing. When we compare that with the figure stated in the financial memorandum of £1.6 million per year for all 32 local authorities, it only serves to highlight the underestimate of the financial cost to implement this part of the bill.

The committee recommended the publication of a revised financial memorandum before stage 1, but that has not happened. My amendment 1075 therefore attempts to rectify that by requiring ministers to publish a report assessing the financial costs to authorities before the bill comes into force, and I hope that the Government will accept it.

With regard to my amendment 1076, it is clear that part 5 of the bill will, in order for it to work effectively, involve a significant change in

operation for a number of relevant bodies, including local authorities. The organisations will need time to prepare processes relating to training, co-operation and partnership arrangements, information sharing, information technology systems and a range of new ways of working.

Just now, there is very little understanding of the processes that are required to best ensure that those new duties work. It is therefore essential that we digest and implement the findings of the current homelessness prevention pilots if we want the lessons that are learned from those to be rolled out and included in an effective prevention system.

Preparation for commencement might take several years. COSLA and the Association of Local Authority Chief Housing Officers have stated that they do not believe that there could be full implementation before 2028 at the earliest, in the context of the current national housing emergency.

There might be lessons to be learned from the gradual implementation of the end of the priority need test. By allowing time to prepare, amendment 1076 would ensure that the implementation of that work would benefit the roll-out in the years to come. The amendment would allow for learning from the on-going homelessness prevention pilots to be embedded in implementation, in a similar vein to Jeremy Balfour's amendment 1031. That would include regulations and guidance as appropriate. Amendment 1076 would also allow for a process that is accountable to the Parliament through regular reports on progress, leading to the commencement of the legislation at an appropriate point.

I would be happy to hear the response of the minister and the Government to both my amendments in the group with regard to how we fund the system and ensure that the learning that takes place during the pilot projects is properly assessed, with time for it to be considered and rolled out to all local authorities and bodies.

**Paul McLennan:** The Scottish Government has had extensive discussions with stakeholders about commencement of the homelessness prevention provisions. Based on those discussions, we will support amendment 230, in the name of Bob Doris, which is to be considered by the Local Government, Housing and Planning Committee. That amendment will ensure that, if any provision in part 5 of the bill is not in force after three years of royal assent, the provision will come into force at that point. That gives comfort to our partners that implementation will not lose momentum, while allowing us the time and flexibility to consult further on regulations and guidance and to ensure that all bodies are prepared for implementation.

Meghan Gallacher talked about Mr Stewart's amendment 1012, which calls for a review regarding implementation of the ask and act duties within six months of royal assent. That requirement will not be necessary if Bob Doris's amendment, which would impose a three-year backstop in relation to commencing part 5, is agreed to. Timescales involved in the report would be difficult to comply with, given the impending Scottish elections.

I ask Ms Chapman not to move amendments 1067 and 1074. I am as keen as she is to understand the impact of the new homelessness prevention duties. The Scottish Government is committed to evaluating the key aspects of the bill, so there is no need for a statutory duty to enable the Scottish Government to review the operation of the ask and act duties or of part 5 as a whole. In addition, the powers in the amendments to amend any part of the Housing (Scotland) Act 1987 following a review are too broad and would create uncertainty for local authorities and other relevant bodies. However, I am happy to engage with Ms Chapman on the points that she raised regarding her amendments.

**Graham Simpson:** I would like some clarity. The minister says that he supports an amendment from Bob Doris, which is not being considered by this committee, so it will not be voted on today. He also mentioned amendment 1012, which was lodged by Alexander Stewart. To be clear, is the minister saying that he thinks that, if Mr Doris's amendment is agreed to, Mr Stewart's amendment is not necessary? We cannot know whether Mr Doris's amendment will be agreed to, because it is not being considered today, and it is being considered by a different committee. If it is not agreed to—I am sure that it will be, but if it is not—will the minister be minded to support Mr Stewart's amendment?

10:15

**Paul McLennan:** We would have to consider that, if that were to happen. I cannot pre-empt what another committee will say with regard to amendment 230. If that amendment was not agreed to, we would have to consider that point before stage 3.

I appreciate and understand the purpose of the amendments on the timing of commencement of the bill's provisions. I understand any member's desire to see progress on the delivery of the new duties and to avoid a loss of momentum. However, those objectives would be better met by supporting Mr Doris's amendment 230 on commencement.

I hope that Mr Balfour will understand why I oppose amendment 1031, in his name, and

amendment 1075, in the name of Mark Griffin. I share Mr Balfour's desire to see progress, and I am happy to report back to the committee on the homelessness prevention pilots when that information is available. We might be able to pick that up outwith the bill process. Mr Balfour has made a very relevant point. However, my strong preferences is for that not to delay commencement of part 5. Similarly, I do not see any need to delay commencement pending a review of the costs of the ask and act duties. However, I appreciate the relevant points that Mr Griffin and Mr Balfour have made, and I am happy to engage with both of them before stage 3.

Finally, I ask Mr Griffin not to move amendment 1076, which would impose a backstop date of 31 December 2028 for commencement of part 5 of the bill. I hope that Mr Griffin will agree that that is not necessary, given the amendment that Mr Doris has lodged, which will fix a backstop date for commencement with reference to royal assent and will therefore avoid any difficulty in timing should royal assent be delayed for any reason. The timing of the interim statement, as set out in amendment 1076, might also create difficulties in relation to the Scottish elections next year.

**The Convener:** Thank you for the offer, following Mr Balfour's suggestion, to come back to the committee with feedback on the pilot schemes. On behalf of the committee, I note that that would be very welcome.

I invite Meghan Gallacher, on behalf of Alexander Stewart, to wind up and to press or withdraw amendment 1012.

**Meghan Gallacher:** This discussion has been helpful in relation to what is required for the pilot schemes, how they will work, how much they will cost and what additional pressures will be placed on local authority areas. This is a prime example of why such work should be undertaken before we look at legislative processes and bills, because we do not know the answers to those questions. We are in the unknown sphere regarding how things will look, what the challenges will be and what potential problems will arise in the pilot schemes. That being said, the principle is noble and I understand why the Government is progressing in this way.

However, Mark Griffin raised valid concerns about the financial memorandum. I stress to the Government that it should be realistic regarding how much the bill's provisions will cost. As a former councillor, the minister will know the cost pressures that councils are under and how much of an undertaking the provisions will be—not just for housing departments but for all the wraparound public services that also play a huge role in housing service delivery.

The point that Jeremy Balfour raised about post-legislative scrutiny is crucial. I welcome the minister's commitment to come back to the committee with updates on the pilot schemes. That will need to happen across the board. I would welcome the Local Government, Housing and Planning Committee having that opportunity, given the increased service expectations that there will be on all our councils up and down the country.

The convener is aware that I will not press amendment 1012 on behalf of Alexander Stewart. Graham Simpson raised the point that, although we are debating and voting on amendment 1012 today, we are relying on an amendment that we have not yet discussed fully or voted on in order to make changes. The minister needs to reflect on that, because that amendment might or might not pass, but we need to ensure that we have amendments of that nature so that we can scrutinise and make sure that what we implement will change homelessness prevention and have positive results.

*Amendment 1012, by agreement, withdrawn.*

**The Convener:** I call amendment 1067, in the name of Maggie Chapman. Do you wish to move the amendment, Ms Chapman?

**Maggie Chapman:** I am in two minds about this, but given what the minister has said and the future that Bob Doris's amendment may or may not bring, I will withdraw—or rather, not press—my amendment at this stage.

**The Convener:** The amendment is not moved.

**Maggie Chapman:** Not moved. Thank you. *[Laughter.]* I knew it was one of those words.

*Amendment 1067 not moved.*

**The Convener:** Amendment 1086, in the name of Jamie Halcro Johnston, is grouped with amendment 1087.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** As I am sure that everyone on the committee knows, incidents of rough sleeping increased last year. However, given the nature of rough sleeping, we are probably seeing only the tip of the iceberg. I hope that nobody round the table opposes the principle of my amendments 1086 and 1087, but I recognise that ending rough sleeping is not a simple task and that there are many and varied reasons why people find themselves sleeping rough, and many challenges to overcome. The very definition of rough sleeping may not cover some of the more gendered aspects of the problem.

However, I do not believe that the challenges are insurmountable if the Government is truly committed to ending rough sleeping in Scotland. The actions that were taken during the pandemic,

albeit in unique circumstances, highlight that. The objective of my amendments is to end rough sleeping across the country, and they do not call for anything that the Scottish Government has not already committed to in 2018 and 2020.

Amendment 1086 seeks to end rough sleeping by 31 December 2029. It would require the Scottish ministers to provide a report on progress by 31 December 2027 and a second report by 31 December 2028. Amendment 1087 would require the Scottish ministers to produce an action plan to end rough sleeping by 31 December 2029, and it provides that the plan must be published by 31 December 2026.

I am grateful to the minister and the cabinet secretary for meeting me to discuss my amendments and to raise some of their concerns and the issues that they have, and I welcome the offer that was made to meet further on the issue.

I move amendment 1086.

**Paul McLennan:** I agree with Jamie Halcro Johnston that rough sleeping is a dangerous and isolating experience. Although it is the least prevalent form of homelessness, it is the most damaging and the most visible. We know that any prolonged period of sleeping rough has an impact on a person's mental and physical health. The Government is committed to ending all forms of homelessness, including rough sleeping. Our homelessness strategy, "Ending Homelessness Together", was informed by experts and those with lived experience, including of rough sleeping.

The member has raised a serious matter. No one should have to sleep rough in Scotland. Although I fully understand the sentiment behind Jamie Halcro Johnston's amendment 1086, I cannot support it, but we have offered to meet up again to discuss the issue in further detail.

First, the amendment is unworkable in its current terms and would be almost impossible to comply with, even if the following concerns were addressed. The definition of rough sleeping is very broad, and it would, in effect, place the Scottish ministers under a duty to take reasonable steps to prevent anyone from sleeping outside, including those who were not experiencing homelessness but were enjoying outdoor pursuits such as wild camping or sleeping in tents on campsites. That perhaps demonstrates how difficult it is to provide a definition of rough sleeping that is comprehensive enough to capture the true nature of rough sleeping without also capturing other outdoor activities.

The Government has already implemented important policy changes to end rough sleeping. The most important measure—

**Graham Simpson:** I am listening carefully to what the minister is saying. I do not think that Jamie Halcro Johnston is at all suggesting that somebody who goes out in the wilds for a walk and maybe takes a tent with them, with the intention of going home the next day, is rough sleeping. Surely the minister is not suggesting that.

**Paul McLennan:** I am not. Mr Halcro Johnston will be aware that we raised that point in the discussions that we had. I am just trying to make a point about how hard it is to define rough sleeping. Of course I am not suggesting what Graham Simpson indicated. However, we discussed that with Mr Halcro Johnston, and we agreed to engage further on the points that he raised.

The most important measure was the ending of priority need in 2012, which embedded the principle of universal access to emergency and permanent accommodation for all those who are unintentionally homeless. As a result, Scotland has lower rates of rough sleeping than other parts of the UK.

**Rachael Hamilton:** I was very concerned on Tuesday, when I was stopped by a woman who was clearly homeless. She had a piece of paper in her hand and asked me whether I knew of any drop-in centres, because every centre that she had gone to accepted only council referrals. I directed her as best I could, but in order to help people such as that woman, who was in such a severe predicament, Jamie Halcro Johnston's amendment 1086 should surely be expedited rather than rejected.

**Paul McLennan:** The point that I made about the amendment's drafting was that the issue is how difficult it is to define rough sleeping. I have already agreed to engage further with Mr Halcro Johnston on that point, and I am happy to pick up the issue after today's meeting. There are drafting issues, as we discussed at the meeting that we had, but I am happy to pick those up.

**Jeremy Balfour:** Can I push you a wee bit, minister? Are you saying that you are willing to look at the principle of getting rid of rough sleeping by the date that has been set out by Jamie Halcro Johnston if we can get the wording of the amendment right?

**Paul McLennan:** In the discussion that we had, I said that the Government would be happy to further engage with Mr Halcro Johnston on that particular point. It is difficult to look further ahead to where Mr Halcro Johnston might want to go with his amendment. At the moment, I am highlighting the actions that the Government has taken on the matter.

Do you want to come back in, Mr Halcro Johnston?

**Jamie Halcro Johnston:** I am grateful to Jeremy Balfour for his comments, because I have a point that follows on from that. The minister and I had a good meeting and discussion, and I recognise some of the concerns that he had. Rough sleeping is not a new problem. Some circumstances exacerbate it, and some years are worse than others.

Minister, can I confirm that you believe that it is possible to end people being forced to sleep on the streets in Scotland, that the Government is committed to that and that it is simply a question of timescales?

**Paul McLennan:** Yes, of course. Nobody wants to see anybody sleeping rough in any part of Scotland. I will come on to the other actions that we have taken to that end. We want to eradicate rough sleeping, as does everyone here.

I want to emphasise a number of points. We have supported and encouraged local authorities to develop housing first programmes, which are essential. That intervention is aimed at people who are homeless and have complex needs, such as those with a history of rough sleeping. Housing first is backed by a wealth of international evidence and is a proven answer to resolving long-term homelessness and rough sleeping. The Scottish Government publishes regular monitoring reports that show the impact that housing first programmes are having.

Members will be pleased to hear that 27 of the 32 local authorities have housing first programmes and that more than 2,000 housing first tenancies have started. The tenancy sustainment rate is a remarkable 85 per cent. In my discussions with Mr Halcro Johnston, the point was made that those tenancies tend to involve people who have complex support issues. Importantly, we have also invested £4 million in homelessness prevention pilots in 2025-26 to test out how the ask and act duty will work and to scale up the good homelessness prevention practice that is taking place around Scotland.

I cannot support amendment 1087, which is contingent on amendment 1086, as it would impose a duty to report on how the Scottish ministers plan to meet the duty that amendment 1086 sets out.

The Scottish Government already has an action plan to end all forms of homelessness, not just rough sleeping, and it reports annually to the Parliament on the progress, including on ending rough sleeping, that it is making.

**Jeremy Balfour:** One of the very few positives of Covid was that we showed that we could get rid of rough sleeping in Scotland. I think that that happened across every part of Scotland—it certainly happened in the region that I represent.

However, it came with a cost. A choice has to be made to put money towards that.

Does the cabinet secretary recognise that we can have all the policies in the world, but that, unless they are followed up with appropriate funding for local authorities and the third sector, they cannot be implemented? Ultimately, it is a political choice. Is he committed to seeing rough sleeping end by the end of this decade?

10:30

**Paul McLennan:** Of course I am committed to seeing an end to rough sleeping by the end of this decade—and earlier, if possible. The Scottish Government has committed funding to the pilot projects, it has provided £2 million to work with those local authorities that are under the most pressure and it has increased the housing budget.

We speak to local authorities—we spoke to them throughout the bill process, as we moved towards completing the financial memorandum—and we will continue to do so. With regard to the previous discussions that Mr Griffin had, we will continue to engage on that issue. Of course we are committed to ending rough sleeping—as, I imagine, is everybody in the Parliament.

The expert group that advised the Scottish ministers on the content and direction of the homelessness strategy did not want the Scottish Government to take a narrow strategic approach. That is important. The strategy sets out short and long-term solutions to ending all forms of homelessness, not just rough sleeping. The group also set out ways to transform the use of temporary accommodation and, more important, to prevent homelessness from happening in the first place, which is the issue that has brought us to the committee room today.

It was important to reimagine homelessness services and to shift the emphasis in policy and practice from crisis to prevention, which is exactly the point that Mr Halcro Johnston is trying to address. I thank him for highlighting the most acute and extreme form of homelessness, and I am grateful to members for working with me on our homelessness prevention duties. If successful, we will prevent people from becoming homeless in the first place.

I ask Mr Halcro Johnston not to press amendment 1086 or to move amendment 1087, and I ask members not to support those amendments if they are pressed or moved. I look forward to engaging further with Mr Halcro Johnston.

**The Convener:** Thank you, minister. I invite Jamie Halcro Johnston to wind up and to press or withdraw amendment 1086.

**Jamie Halcro Johnston:** I thank everyone who has contributed to the discussion. The last point that Jeremy Balfour raised was very important, and I think that the minister committed to ending rough sleeping by the end of this decade, which is what my amendment calls for.

I want to ask the minister about that commitment; I am happy to take an intervention from him on it, which I think that I am allowed to do. One aspect of that commitment is having an understanding of the cost, because, as Mr Balfour rightly pointed out, in many ways, the ability to meet the commitment will come down to the costs. If the Government is making that commitment, we must have an idea of the relative costs of providing people with the alternative accommodation. Is the minister able to make an intervention to outline those costs?

**Paul McLennan:** I am happy to come back on that issue, which I think will form part of the discussions that Mr Halcro Johnston and I will have, in which we can also pick up any other issues that he has raised. Mention has been made of the definitions; we can have further discussions about those.

**Jamie Halcro Johnston:** Thank you. Rough sleeping is an extremely important issue that has probably been going on since time immemorial. It is a serious issue, and I am very keen that it is included in the bill. On the basis that I will have meetings with the minister, the cabinet secretary and other organisations and colleagues, I will not press amendment 1086 or move amendment 1087. However, I look forward to working with the minister with a view to possibly bringing those amendments back at stage 3.

*Amendment 1086, by agreement, withdrawn.*

*Amendment 1087 not moved.*

## **Section 42—Assessment of housing support services**

**The Convener:** Amendment 1003, in the name of Graham Simpson, is grouped with amendments 1004 and 1005.

**Graham Simpson:** I want to start by welcoming the minister back to the committee. I am glad to see that he is looking well. We were all quite concerned when we heard that he had health problems, so it is really good that he is back.

I have ditched my two hours' worth of speaking notes for this group of amendments, and I hope that that wins some support from the committee. *[Laughter.]*

It is quite simple. Section 42 deals with housing strategies. I mentioned the report that the cross-party group on housing produced on student homelessness. One of the recommendations from

that report was that councils' local housing strategies should include student housing. It might surprise people to hear that, at the moment, they do not. In a city such as Edinburgh, where there are thousands of students, as I mentioned earlier, there is no requirement for that to be reflected in the local housing strategy. You might think that that is quite incredible. There is an opportunity in the bill to rectify that.

As many other members have done, I have had discussions with the minister, so I think that I know what he is going to say, but we will let him say it. Amendment 1004 says that housing strategies should include consideration of student provision. Amendment 1003 is a technical amendment that is consequential to amendment 1004. Amendment 1005 merely spells out what we mean by "student residential tenancy".

There we go. That was short and sweet. My amendments are very simple and very sensible, and I hope that the minister will see the common sense in them. If he does not support them now, perhaps I can persuade him to do so at some later point.

I move amendment 1003.

**The Convener:** I echo the comments on the minister's wellbeing—it is nice to see him back. In addition, I appreciate Graham Simpson's brevity.

**Paul McLennan:** Before I pick up on his points, I thank Mr Simpson, the convener and the many others who have passed on kind words. I apologise for the Thursday that I did not attend the committee meeting. It is great to be back here, so thank you very much.

I am aware that this is an area of interest for Mr Simpson. I joined him at a meeting of the cross-party group on housing last year, which we both found very helpful, when we heard from representatives of Edinburgh Student Housing Co-operative on the housing experiences of students.

Addressing housing insecurity and homelessness for students requires universities, local authorities, housing providers and the Government to take a more joined-up approach to provision for students. I am also aware that there is a lack of robust data on student housing needs.

I do not support amendments 1003 to 1005, but I recognise the work that Mr Simpson has carried out with the cross-party group. I would like to engage with him further between stages 2 and 3 to get his views on how local housing strategy guidance could be strengthened. He is aware of the purpose-built student accommodation review that is being undertaken, in which many of the issues that he raised have been discussed.

Section 89 of the Housing (Scotland) Act 2001 obliges a local authority to conduct an assessment

of the provision of housing and related services in the area following a requirement made by the Scottish ministers. The assessment must include any matter that is specified in the requirement by the Scottish ministers. It is therefore already open for the Scottish ministers to require a local authority to assess the provision of student housing in its area as part of a local housing strategy assessment. The point that Mr Simpson makes is that the position in that regard is very mixed at the moment, and the issue becomes very relevant in university cities such as Edinburgh.

The expert group that advised us on the new prevention measures recommended that, as part of their local housing strategies, local authorities should carry out an assessment of the needs of people in the area for housing support to retain their accommodation. We have therefore made provision in section 42 of the bill to require local authorities to make an assessment of individual housing support needs and services across all groups, including students, when developing their local housing strategies.

As I said, Mr Simpson will be aware of the review of the purpose-built student accommodation sector, which is looking at demand and data collection. In recent discussions, we agreed to discuss the matter further. I believe that it would be easier to deal with that according to the prevailing circumstances in a particular local authority area—the circumstances in Edinburgh might be different from those in Glasgow or Dundee, for example—rather than making it a requirement for all local authorities in every assessment. Using that approach, a local authority's housing assessment could be directed to cover student housing only in areas where it is most needed.

I ask Mr Simpson not to press amendment 1003 or to move amendments 1004 and 1005. If he does, I ask members not to support them. I look forward to engaging with him on the important point that he has raised about student accommodation.

**The Convener:** I invite Graham Simpson to wind up and to indicate whether he wishes to press or withdraw amendment 1003.

**Graham Simpson:** I am looking at section 42 of the bill. We are always asked to bring a copy of the bill, and I have done so. There is no mention of students in section 42. That is why I have lodged my amendments.

I think that the minister gets the issue—I am pretty sure that he understands it. I will take him up on the second offer that he has made to engage with me ahead of stage 3, but I have to tell him that I take the issue extremely seriously; if he is not prepared to work with me to draft something



for stage 3, I will do it myself, because it really matters.

**Paul McLennan:** Section 42 does not specify “students” but looks at everyone’s needs. I understand the point that Graham Simpson has made, because we have previously discussed how important it is that local housing strategies include the needs of the student sector. As I have said, I am happy to have further engagement with Mr Simpson on that point.

**Graham Simpson:** I look forward to that engagement. Looking at section 42, which is very short, I can immediately see that, if the minister was prepared to work with me at stage 3, we could easily add to the phrase,

“the needs of persons in the area”,

the words “including students”. That is a suggestion. If the minister really is willing to work with me, I will work with him. He knows that. I take the issue extremely seriously, and I will come back to it at stage 3. Today, however, I will not press amendment 1003.

*Amendment 1003, by agreement, withdrawn.*

*Amendments 1004 and 1005 not moved.*

*Section 42 agreed to.*

#### **Before section 43**

*Amendment 1088 not moved.*

#### **Section 43—Local authorities etc: consideration of domestic abuse**

*Amendment 1013 not moved.*

*Amendment 1022 moved—[Maggie Chapman].*

**The Convener:** The question is, that amendment 1022 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

#### **For**

Balfour, Jeremy (Lothian) (Con)  
Griffin, Mark (Central Scotland) (Lab)  
O’Kane, Paul (West Scotland) (Lab)  
Smith, Liz (Mid Scotland and Fife) (Con)

#### **Against**

Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
McNair, Marie (Clydebank and Milngavie) (SNP)  
Stevenson, Collette (East Kilbride) (SNP)

10:45

**The Convener:** The result of the division is: For 4, Against 4, Abstentions 0. There is an equality of votes. As convener, I use my casting vote against amendment 1022.

*Amendment 1022 disagreed to.*

*Section 43 agreed to.*

#### **Section 44—Social landlords: pre-action requirement where domestic abuse is a factor in rent arrears**

*Amendment 1023 not moved.*

*Section 44 agreed to.*

#### **Section 45—Social landlords: policies about supporting tenants affected by domestic abuse**

*Amendment 1089 not moved.*

*Section 45 agreed to.*

#### **After section 45**

*Amendments 1024 to 1030, 1007, 1006, 1068, 1069, 1072, 1014, 1070, 1071, 1073, 1074, 1031, 1075 and 1076 not moved.*

*Section 48 agreed to.*

#### **Before section 49**

**The Convener:** Amendment 1050, in the name of Rachael Hamilton, is grouped with amendment 1051.

**Rachael Hamilton:** Unlike Graham Simpson, I will not be brief, because, as members know, I champion matters of rural significance.

Amendment 1050 would amend the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 to require the fuel poverty strategy to include provision on how ministers plan to support the improvement of energy efficiency in existing rural properties. Fuel poverty is a significant issue in rural and island areas, with Scottish Government statistics highlighting the disparity. In 2022, extreme fuel poverty affected 25 per cent of households in rural areas compared with 17 per cent in urban areas. Moreover, the highest extreme fuel poverty rates were found in remote rural households, with 35 per cent facing severe challenges—that is more than in any other region.

The Scottish Human Rights Commission has previously stated that fuel poverty and a lack of affordable homes pose threats to the human rights of people who live in rural communities, including areas such as the Highlands and Islands and Argyll and Bute. Poor energy efficiency of homes remains a key driver of fuel poverty throughout Scotland, but particularly in rural areas. To highlight that, I note that the lowest rates of extreme fuel poverty are associated with higher energy efficiency standards. Only 12 per cent of households that live in dwellings with an energy performance certificate rating of band C or better

are in extreme fuel poverty, compared with 23 per cent of dwellings in band D and 32 per cent of dwellings in band E. That highlights the effect that energy improvements can have on fuel poverty and standards of living.

Houses in rural areas often face unique challenges with energy efficiency. Amendment 1050 aims to ensure that the fuel poverty strategy adequately addresses those unique challenges and provides clear support for energy efficiency improvements in rural properties.

I move amendment 1050.

**The Convener:** I invite the minister to speak to amendment 1050 and the other amendment in the group.

**Paul McLennan:** I fully recognise the importance of continuing to improve the energy efficiency of our existing housing stock, including rural properties. Section 6 of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Act 2019 already requires the strategy to take account of support for fuel-poor residential buildings, which captures dwellings in rural and island communities. Amendment 1050 would not change that and is not required.

Furthermore, our fuel poverty definition accounts for the additional costs that are associated with living in remote and island communities. The legislation provides for uplifts to be applied to the minimum income standard for households in those areas. We presently support households across the length and breadth of Scotland through the warmer homes Scotland scheme and area-based schemes, which are our long-standing energy efficiency delivery programmes. I am satisfied that our current offer of support to households already broadly covers what is proposed in Ms Hamilton's amendment 1050. Accordingly, I ask her not to press it. If it is pressed, I ask committee members not to support it. As Ms Hamilton and I have discussed, I am happy to engage with her further in respect of the support that is presently available.

My amendment 1051 clarifies that the proposed changes to the periodic reporting timescale will not apply to the first fuel poverty periodic report, which is due by the end of this financial year. I ask members to support the amendment when the time comes.

**Rachael Hamilton:** I thank the minister for commenting on amendment 1050. He is right that support is presently available under current policy and legislation from the Scottish Government. I also acknowledge that he has met me and intends to discuss with me how we take this forward, but I note that his response, in a sense, had a hidden message, which is that he will repeat what support

is presently available under the current legislation rather than working with me on amendment 1050.

I apologise to the minister for my scepticism. It really is not much to ask to give people in rural areas clarity on the framework. That is important because, at the moment, they do not have that clarity. The amendment asks only that ministers set out their approach and how they intend to support existing rural residential properties to improve their energy efficiency. However, I will not press amendment 1050. I will be positive and overcome my scepticism about the minister's response.

*Amendment 1050, by agreement, withdrawn.*

#### **Section 49—Periodic reports: periods, consultation and publication etc**

*Amendment 1051 moved—[Paul McLennan]—and agreed to.*

*Section 49, as amended, agreed to.*

*Section 50 agreed to.*

**The Convener:** That ends the Social Justice and Social Security Committee's stage 2 consideration of the Housing (Scotland) Bill. I thank everyone—

**Maggie Chapman:** On a point of order, convener. I should have noted my entry in the register of members' interests at the start of the meeting. Prior to my election, I worked for a rape crisis centre. I have said that at previous meetings, but I forgot to do so this morning. I apologise.

**The Convener:** That is now on the record, Ms Chapman. Thank you very much.

As we have completed our stage 2 consideration of the bill, there is no need for the meeting to be continued later or for the committee to have the meeting that had tentatively been put in for Tuesday. I am sure that everybody will be pleased about that. I thank everyone again for all their contributions. It has been a very healthy debate and we got there eventually.

I thank the minister and his officials for joining us this morning. Stage 3 amendments can be lodged with the legislation clerks in due course.

*Meeting closed at 10:58.*

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