

COMMUNITIES COMMITTEE

Wednesday 24 May 2006

Session 2

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COMMUNITIES COMMITTEE

17th Meeting 2006, Session 2

CONVENER

*Karen Whitefield (Airdrie and Shotts) (Lab)

DEPUTY CONVENER

*Euan Robson (Roxburgh and Berwickshire) (LD)

COMMITTEE MEMBERS

Scott Barrie (Dunfermline West) (Lab)

*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

*Christine Grahame (South of Scotland) (SNP)

*Patrick Harvie (Glasgow) (Green)

*John Home Robertson (East Lothian) (Lab)

*Tricia Marwick (Mid Scotland and Fife) (SNP)

*Dave Petrie (Highlands and Islands) (Con)

COMMITTEE SUBSTITUTES

Shiona Baird (North East Scotland) (Green)

Alex Johnstone (North East Scotland) (Con)

Christine May (Central Fife) (Lab)

Mike Rumbles (West Aberdeenshire and Kincardine) (LD)

Ms Sandra White (Glasgow) (SNP)

*attended

THE FOLLOWING ALSO ATTENDED:

Alex Neil (Central Scotland) (SNP)

THE FOLLOWING GAVE EVIDENCE:

Malcolm Chisholm (Minister for Communities)

Laura Dolan (Scottish Executive Development Department)

Anna Donald (Scottish Executive Development Department)

Pippa Goldschmidt (Scottish Executive Development Department)

CLERK TO THE COMMITTEE

Steve Farrell

SENIOR ASSISTANT CLERK

Katy Orr

ASSISTANT CLERK

Catherine Fergusson

LOCATION

Committee Room 6

Scottish Parliament

Communities Committee

Wednesday 24 May 2006

[THE CONVENER *opened the meeting at 09:31*]

Homelessness

The Convener (Karen Whitefield): I open the 17th meeting of the Communities Committee in 2006 and remind all those who are present that mobile phones should be turned off.

Item 1 on the agenda concerns homelessness. I welcome the Minister for Communities, Malcolm Chisholm, for this item. I was going to introduce his officials, but they are not yet here, so I will leave that for the minister to do when they arrive. Minister, would you like to make a brief opening statement?

The Minister for Communities (Malcolm Chisholm): Thank you for giving me the opportunity to speak. I was pleased to read the *Official Report* of your proceedings two weeks ago. I thought that many positive comments were made, and there was a clear commitment to preventing and tackling homelessness in Scotland across a wide range of agencies and voluntary sector organisations.

A central part of our programme is legislatively based, focusing on the abolition of priority need but also wider reform. In my statement to Parliament in December, I described the forthcoming actions. Many of those are now being progressed, and members may ask me about those later. For example, consultation on the modification of local connection will take place shortly, and we are also due to publish research into intentionally homeless households.

Those changes build on the fundamental right that stems from the Housing (Scotland) Act 2001, which ensures that every homeless household is entitled to a minimum of temporary accommodation, advice and assistance. There are particular areas in which that and the move towards 2012 are a major challenge, especially where housing supply is tight and demand under the homelessness legislation is forecast to continue to grow. That is why it is important to ensure that every avenue for increasing supply, including the private sector, is explored. That is also why it is crucial that we have effective information and monitoring systems in place. We have revised our approach to homelessness statistics, and we are working to ensure that we have a consistent and robust method of assessing

housing need. That will, of course, feed into the considerations of the next spending review.

We will also continue to emphasise the importance of preventing homelessness and repeat homelessness, both to the individual and to the public purse. Since the statement was published, we have established a new fund to encourage innovative approaches to preventing homelessness and to ensure that that good practice is disseminated. We hope that the coming into force of section 11 of the Homelessness etc (Scotland) Act 2003 later this year will act as a catalyst for landlords and local authorities to work together.

There are a number of other areas in which we are committed to providing further guidance and identifying good practice that can be shared. For example, guidance on the best interests of children is currently being developed, and research has been commissioned to inform guidance on allocations. Further work will be pursued through the homelessness monitoring group's sub-group on raising awareness and best practice.

Finally, I touch on an issue that featured strongly in the evidence that was given at the committee's previous evidence session—discrimination against homeless people and the stigma of homelessness. We have worked with the Chartered Institute of Housing in Scotland to establish a baseline position regarding service providers' knowledge, understanding and views of homelessness, and we are in the early stages of developing a module for the Scottish social attitudes survey that will explore the views of the general public.

One of the best weapons against discrimination is the factual evidence. That is why we are working to ensure that important statistics, such as the proportion of lets that go to homeless households, are more visible, and it is why I often emphasise the fact that homelessness can happen to anyone. It is also important to highlight the positive achievements of homeless people—for example, those who will take part in the homeless world cup in Edinburgh in the summer and those who are in on-going learning programmes—to counteract the often negative stereotypes.

I look forward to members' questions, and I will introduce my officials when they arrive. I do not think that they were late; I think that they had some difficulty in being allowed to come up to the committee room.

The Convener: Thank you for your comments, minister. I am sure that committee members will pursue some of the issues that you have raised in depth.

What do you consider to have been the main achievements in progressing the homelessness agenda since the passing of the Housing (Scotland) Act 2001?

Malcolm Chisholm: A great deal of work has been done by local authorities on their general assessments of housing need and on putting their homelessness policies into action. We saw a rise in the number of homelessness applications following the legislation, although that has tailed off a bit according to the latest statistics. That has been a major challenge for local authorities, but they all have their plans in place and we are making steady progress. One of the statistics that has not been highlighted so much is the fact that 75 per cent of people in Scotland who are assessed as homeless are already in the priority need category. Obviously, the figure varies between different authorities, but it shows that, at a Scotland-wide level, we are beginning to make progress towards our ultimate 2012 target. Credit should go to local authorities for all the work that they have done on that.

There has also been lots of related work around health and homelessness, employability and homelessness and the prevention of homelessness, but there is much more to do. We are in the middle of a process, and the statement that I made in December on priority need was given in that context, reporting on what had been done but signalling the many actions that we are now in the middle of progressing to achieve our objectives.

The Convener: What areas do you believe could benefit from additional work—*[Interruption.]*

Malcolm Chisholm: I can now introduce my officials. I have explained that you were here on time but that you had problems with being admitted to the committee room. On my left is Laura Dolan, who heads the homelessness team; on my right are her two principal lieutenants, Anna Donald and Pippa Goldschmidt.

The Convener: Thank you for joining us. The minister insisted that he wanted to fly solo—the committee did not insist on it. We have just started our questioning.

What should be the priorities in tackling homelessness in the future? What areas would you like to see the work concentrate on?

Malcolm Chisholm: We do not see homelessness as a single policy area. Although homelessness is not just about bricks and mortar, I always start by talking about supply, as it is clearly fundamental and was one of the main themes that I took from your evidence session of two weeks ago. We take the matter seriously and we are making progress. Last week, I announced the new housebuilding figures for this year, which

show a rise in the number of new starts from 6,400 to 7,100 this year and to 8,000 next year. We are moving in the right direction, but a big challenge for me—probably my main priority—is to ensure that, in the spending review discussions, we feed in an absolutely realistic assessment of the housing supply requirements.

Having said that, we have a much broader agenda around homelessness, and I am sure that we will touch on many different aspects this morning. Prevention is a key area. It was noticeable that most local authorities just did not factor in prevention activities in their projections for 2012—I think that Glasgow City Council was the only authority that did so to any significant extent. Therefore, one of the several pieces of work that are being done at the moment is research on prevention, which will lead to guidance on that. As I said in my opening statement, we have announced the innovation fund and I will select local authorities that will receive money from that fund in the near future. That is an important area for us as well.

We do not see homelessness as a one-issue policy; nevertheless, I am mindful of the importance of housing supply.

Dave Petrie (Highlands and Islands) (Con): I have a quick question for the minister. What do you see as the main obstacles to supply?

Malcolm Chisholm: Well—

The Convener: If I may, I will stop you there, minister. Another member has already indicated a desire to pursue that line of questioning. I too would have loved to ask the question, but it is not appropriate for members to take us on to new subjects before we have arrived there.

Dave Petrie: That is fine.

The Convener: Thank you, minister. I call Tricia Marwick.

Tricia Marwick (Mid Scotland and Fife) (SNP): What progress has been made towards the 2009 target and how is it being monitored? What will happen if authorities are having difficulty in meeting the target?

Malcolm Chisholm: Again, we seem to be producing guidance on many issues at the moment. That is the right thing to do; many areas need to be covered. Guidance for the 2009 target is at a fairly advanced stage. One of the officials may want to say more about that.

We are trying to give authorities a degree of flexibility. We recognise that they are at different starting points and we are not insisting that all of them have to do things in any one particular way. That said, people will be unhappy if they see wide variations between authorities in different parts of

Scotland. The guidance is important. Obviously, it is also important that we get better information from the local authorities. I mentioned monitoring in my opening statement. Again, we are improving the way in which local authorities monitor developments in their area. Perhaps Anna Donald wants to say something on the guidance.

Anna Donald (Scottish Executive Development Department): Yes. Draft guidelines are being developed at the moment; they are being considered by the 2012 sub-group of the homelessness monitoring group and we will issue them shortly. The main mechanism for undertaking monitoring is through the current HL1 system, which is being revised. That is our key mechanism for monitoring—*[Interruption.]*

The Convener: If I may, I will stop you there, Ms Donald. I point out to committee members that it is disrespectful of them to have conversations during a committee meeting. If members wish to have a private conversation, I suggest that they leave the meeting. I am sorry, Ms Donald; please continue.

Anna Donald: That was all I had to say on the guidance and monitoring. Laura Dolan may want to pick up on the support that we are giving local authorities.

Laura Dolan (Scottish Executive Development Department): I think that the minister may have explained that one of our focuses at the moment is working in tandem with local authorities. We want to give them a bit more support and get beneath the reasons why some authorities are having difficulties. Last year, we had the benefit of a secondee who joined the team from local government. The secondment was extremely successful and we decided to expand on it. Two officers will join us this year; they are being sponsored through the Association of Local Authority Chief Housing Officers—ALACHO. The association is assisting us with that because it realises the importance of on-going dialogue between local government and the Executive. We hope to get the officers in place by the end of the summer. The monitoring and support will go in tandem.

Malcolm Chisholm: We have also commissioned work from Newhaven Research Ltd, the aim of which is to improve the consistency of the information that is collected from local authorities on their local affordable housing needs. That will enable us to get a more reliable national picture. There are a number of different strands to the work that we are trying to do in the area.

Tricia Marwick: I think that the committee accepts the need for better monitoring, not least to ensure that the service throughout Scotland is more or less uniform. However, the big issue for us is that monitoring only tells us about the

situation on the ground. As the minister touched on in his opening statement, many of the witnesses who gave evidence to the committee last time said that they have no confidence that the resources will be put in place for the supply side to enable the 2012 target to be met.

The minister touched on the supply side, but the issue is central. We will be able to get consistency in how local authorities deal with homelessness applications and we can have all the monitoring in the world but, if the supply side is not addressed, the target simply will not be met. What are your priorities for increasing the supply?

09:45

Malcolm Chisholm: I acknowledge that that is a big issue for me. I have mentioned the next spending review, and you will understand that the big spending decisions are taken at the time of spending reviews. To some extent, we can move money within spending review periods, but our ability to do so is limited in comparison.

We have commissioned Professor Bramley—who, as you will remember, was involved in doing work for the previous spending review—to update his 2004 model for projecting affordable housing need at local authority and housing market area level. That research will help to improve the national information that is available to the Executive when we consider the appropriate level of resources for housing investment.

We certainly take the matter seriously. The research relates to the all-Scotland amount of money that we think will be needed for supply, but how we maximise the amount of money that goes into housing obviously involves many related issues. Community ownership is relevant to that, and I have consistently said that it needs to be one of the avenues for many local authorities to maximise the amount of investment that we get into housing in Scotland. However, we need a lot of traditional expenditure as well, and I will certainly make that argument in the spending review.

As Dave Petrie said when he asked a short question about supply, there are many other dimensions, such as land supply, that members could ask me about, but I will not touch on those at the moment, as I know that John Home Robertson is particularly interested in such issues. We should also think about the fact that the picture throughout Scotland is uneven. That means that, on current projections, some areas will find it more difficult to achieve the 2012 target than others will. Therefore, besides the overall amount of investment in housing supply, the other important issue is how the money is distributed. As you probably know, we are consulting at the moment

on a new strategic housing investment framework. Within that, we intend to have a homelessness indicator—in fact, it will be an important part of the framework—so housing supply requirements will be taken into account in deciding how money should be distributed between the different parts of Scotland.

It is a matter of how much investment there is and how the investment is distributed.

Tricia Marwick: The committee welcomes the work that Professor Bramley is carrying out in advance of the spending review 2007, but do you accept that the present resources for housing are simply not enough and will you argue for additional resources within the spending review?

Malcolm Chisholm: As I said to Cathie Craigie at question time on 11 May, I intend to continue to be a champion for housing. The 2012 target is a major commitment on homelessness and a significant commitment of the Parliament's early years, so I am committed to ensuring that we have the resources to carry it through and that we do so.

On your first point, we must ask: when is adequate adequate? The profile of housing expenditure is rising. I would always say that it is never enough for our ambitions—we could probably say that for any policy area—but we should acknowledge that it represents significant progress on what existed before and that the amount of money was thought to be adequate in the earlier analysis. As I have said to the committee before, I am open minded on the matter, which is why we have asked Professor Bramley to revisit the projections. I will certainly examine the projections with a critical eye, because I will want to hear from the other groups that sometimes express different views.

I am considering the issue with an open mind. We must have a realistic assessment of the supply needs, which is why we are trying to improve local authorities' arrangements for assessing their housing need. There was a lot of uncertainty not only about the projections for 2012 that were made for the statement but about variation in how local authorities go about assessing their need. We do not have absolutely certain knowledge. It is in the nature of things that some of the need cannot be predicted, but we want the best possible information and assessments and we are putting in place the building blocks for that.

Tricia Marwick: In its evidence, the homelessness monitoring group suggested that the overall supply of housing was a key issue that needed to be addressed. The quality of housing was another key issue that it highlighted. I know that we have the Scottish housing quality standard, which is to be met by 2015, but how will

those two very important targets coincide? Do you accept that more needs to be done on quality?

Malcolm Chisholm: It is certainly the case that the housing agenda that we are pursuing in the Parliament is ambitious, but I do not apologise for that. We are addressing the overall supply of housing and the quality of the existing stock simultaneously. The creation of the Scottish housing quality standard and the requirement on local authorities and housing associations to have a plan to achieve it over the next nine years or so are a central part of housing policy. Most local authorities have such plans, although the City of Edinburgh Council is obviously revisiting its plan following the ballot on community ownership, which it lost. The fact that the vast majority of local authorities have made plans about how to reach the standard shows that the key players are taking the issue seriously.

As well as ensuring that everyone has a house, the houses that are provided must be of a certain quality. That will continue to be fundamental. You will be familiar with the different elements of the Scottish housing quality standard, the best known of which is energy efficiency. We have major policy priorities around those objectives.

Tricia Marwick: You have mentioned the Communities Scotland review of development funding, which is designed to target resources at specific needs throughout the country, depending on the type of housing that is required in particular locations. Will you expand on what work you think will be done? You probably acknowledge that needs vary throughout Scotland. How will you identify what the different needs are in each local authority area?

Malcolm Chisholm: The consultation that is being carried out this year will be an important piece of work in that regard. The decisions that will be taken at the end of that process will not be easy because, as you have identified, we must consider quality as well as supply. In some cases, taking account of quality means building new houses to replace existing ones and, in many cases, it means providing a great deal of investment. If we are determined to increase the number of houses overall, we cannot forget regeneration. The review will not be without its controversies when we factor in all the different elements, but it is something that we must do and which we are committed to doing. A strong emphasis will be placed on the homelessness indicator and the supply requirements of different local authorities, of which we will have to take an overview because there will not be complete agreement among the local authorities.

Tricia Marwick: Providing an adequate supply of housing and ensuring its quality represent twin challenges. If money is limited, will you attach

greater priority to ensuring that the 2012 target under the Homelessness etc (Scotland) Act 2003 is met or to meeting the Scottish housing quality standard by 2015, or do you think that both of those can be achieved?

Malcolm Chisholm: We regard the targets as being complementary and equally important. In many cases, the money comes from different sources—much of the work on quality and modernisation is derived from community ownership or prudential borrowing, whereas the development programme money that goes to Communities Scotland is spent principally on new supply. Although there are different funding streams, I repeat my point that it is urgent that we maximise the resources that are being put into housing in Scotland because we have such an ambitious programme. Regardless of how much extra money we obtain through the traditional public expenditure routes, we must complement that with, among other things, community ownership, which allows a great deal of extra investment to come on stream, most notably through the cancellation of debt. That must be part of the wider picture if we are to achieve all the investment that we want and need.

Dave Petrie: You mentioned the private sector in your opening remarks. How can the Executive help to facilitate greater use of the private rented sector to tackle homelessness?

Malcolm Chisholm: We are certainly keen to do that. I am pleased that many local authorities already make innovative use of the private sector. For example, the City of Edinburgh Council has a leasing arrangement with private sector landlords to provide temporary accommodation for homeless people. The permanent accommodation duty in the legislation can be discharged only through a Scottish secure tenancy or an assured tenancy. Most private sector accommodation is let through short assured tenancies, which typically last for six months and so cannot be used to discharge the permanent accommodation duty. However, as I said in my statement to the Parliament in December, we are considering whether the regulations on interim accommodation can be changed to make them more flexible and to allow more opportunities for people to stay longer in private sector accommodation.

We try to use private sector accommodation in various ways. We have said that we might consider reviewing the assured tenancy regime, although that will not be done in the immediate future.

Dave Petrie: Do the holiday lets throughout Scotland provide an opportunity? Edinburgh has a lot of accommodation that is let for the festival and there are holiday homes throughout the Highlands and Islands. That accommodation lies empty for

significant lengths of time. Could that capacity be utilised to provide short-term accommodation?

Malcolm Chisholm: I noticed that that issue was raised—perhaps by you—at the previous meeting. The idea seems good in principle, although a practical issue arises about what happens at the beginning of the holiday season. However, if that could be managed, we could explore how that accommodation could be used more to provide temporary accommodation for homeless people.

Dave Petrie: There is a practice of decanting people in the short term, perhaps from Glasgow, into areas in my constituency such as Rothesay, where there are vacant properties. Do you encourage that practice?

Malcolm Chisholm: I am not sure about people going from Glasgow to Rothesay, but I know that issues arise in places such as Argyll and Bute and the Highlands about how far away is reasonable in offering people temporary accommodation. The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004 built in flexibility on what constitutes suitable temporary accommodation. Issues arise, but if people are willing to move to a place such as Rothesay, presumably from elsewhere in Argyll and Bute rather than from Glasgow, that is fine, although I do not imagine that it is common practice.

Pippa Goldschmidt (Scottish Executive Development Department): We have not had any specific evidence about decanting, although we know that the more rural local authorities have concerns about getting suitable temporary accommodation in the right areas, especially when the homeless households are quite amenable to staying in unsuitable accommodation. Argyll and Bute Council and other rural authorities are putting in place a wider range of accommodation provision to try to meet the need for temporary accommodation.

Dave Petrie: How do you react to the comments of the Scottish Federation of Housing Associations that, in the context of the 2012 target, the extension of the right to buy to housing association properties seems a contradictory policy?

10:00

Malcolm Chisholm: We will produce a report on the right to buy after the summer. We are taking an evidence-based approach and finding out what the effect of the reformed right to buy has been. As you know, the policy involves exemptions for pressured areas—I think that we have announced five of those in the past few months—so we have already reformed the right to buy in a helpful way.

The SFHA has a long-running campaign in relation to what will happen in 2012, but that is before the particular changes will kick in, so the debate will continue. Under the current legislation, there can be exemptions for particular housing associations from 2012, and the charitable ones are exempt in any case. I recognise that the issue is still contentious, but the changes will take place after 2012.

Dave Petrie: In relation to the interim 2009 target, Glasgow City Council commented:

"We are disappointed that guidance was not issued to local authorities on how to change the definitions around priority need. Our concern is that the definitions will differ among local authorities, which might influence where people make their homeless applications."—[*Official Report, Communities Committee*, 10 May 2006; c 3527.]

Do you plan to issue guidance to local authorities on the issue? It concerns me that there are sometimes 32 different ways of reinventing the wheel. Is there an issue about consistency?

Malcolm Chisholm: I have asked that question on more than one occasion. There are significant variations in the percentage of homeless applications that are designated as priority need. There might be some genuine variations between local authorities but it is perhaps unlikely that they are as big as the current variation between the highest and the lowest percentages. Some of the descriptions are open to interpretation, so we are considering further guidance on that. Anna Donald might want to say where we are with that.

Anna Donald: That is the guidance that I mentioned earlier. It is currently being considered by the 2012 sub-group of the homelessness monitoring group and it will be issued to local authorities shortly. It encourages them to examine the population that they currently assess as being non-priority and to consider what is a sensible way to progress towards designating 100 per cent as priority need by 2012.

As the minister pointed out, the figures show that there are wide variations in how local authorities assess priority need. I do not think that we are exacerbating the position at all. The guidance will try to encourage local flexibility as we move towards 2009.

Dave Petrie: Is there a significant difference between urban homelessness and rural homelessness with regard to relocating within a reasonable distance?

Malcolm Chisholm: Rural areas have experienced a much sharper increase in the number of homeless applications, but I do not know whether there is a split between urban areas and rural areas in terms of the percentage of people who are designated as priority need.

Anna Donald: Generally speaking, there is a distinction between rural and urban areas in terms of priority need assessments. In general, urban areas tend to assess more people as being in priority need, so some of the rural areas have further to go in that respect.

Dave Petrie: What other main challenges will local authorities face in meeting the 2012 target? How can you provide appropriate support?

Malcolm Chisholm: That is a fairly general question. I am not sure to what extent we would repeat points that we have already made.

Dave Petrie: I realise that there is a risk of that. I am just asking for any additional information.

Malcolm Chisholm: We talked about the supply challenges and I flagged up the fact that we want local authorities to be more involved in prevention, given that only one local authority factored that into the 2012 projections. I note that that is also one of the priorities for the homelessness monitoring group in the next year, so an increased focus on prevention is important to it as well. Supply and prevention are the two biggest challenges for local authorities.

The Convener: On the issue of guidance, do you think that there is sufficient flexibility for local authorities to allow them to fulfil their homelessness obligations as well as their obligations to existing tenants? How does that issue interact with Communities Scotland, particularly with regard to its regulatory role? I get a sense that some of the local authorities have concerns about the fact that there is insufficient flexibility to allow them to manage their stock overall without ending up with a negative inspection from Communities Scotland.

Malcolm Chisholm: I have been aware for some time that that is a major issue of concern to many colleagues. I recognised that concern in the statement that I made before Christmas. One of the interim objectives following on from that statement was to commission research on allocations in 2006 and commence discussions with the Convention of Scottish Local Authorities and Communities Scotland to inform the clarification of the guidance on allocations. We have started that piece of work and have asked COSLA and Communities Scotland for their views on the issue.

Communities Scotland does not have benchmarks on the proportion of allocations. I know that there is a belief among many people that that is the case, but it is not. It aims to ensure that the guidance is followed. Having said that, I acknowledge that the guidance might need to be clarified. That is why we are undertaking that work with COSLA.

We need to ensure that there is clarity around what the legislation says, which is that the local authority has a duty to provide permanent accommodation to those in priority need who are unintentionally homeless. There is no time limit in that regard, although the legislation says that it should be done as quickly as possible. I take from that that the issue must be dealt with before anybody is transferred. That has been raised by some local authorities and by the convener of this committee. However, it does not really need to be that way. There are administrative ways of dealing with the issue to ensure that people can be transferred and that people can be offered permanent accommodation. Those two things should be able to go on simultaneously. Mark Turley, who is a highly successful director of housing—even if that is not his job title any more—acknowledged that that matter could be managed within the existing guidance.

John Home Robertson (East Lothian) (Lab): I want to ask one or two questions about temporary accommodation. The minister will recall that I have rather strongly held views that we have got the approach to this subject back to front and that we should be doing more about providing the means to provide accommodation rather than simply addressing crises when they occur. I welcome the fact that the minister is now talking about the supply challenge in relation to the prevention of homelessness.

We are where we are. In the evidence that we have heard from various local authorities, it has been confirmed that the current legislation requires local authorities to provide permanent accommodation for families with children but that there is concern about other vulnerable groups. Obviously, we all come across that sort of problem in our constituency work. Do you think that it would be appropriate to extend the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004 to all vulnerable homeless households?

Malcolm Chisholm: I know that there are arguments for doing that, but we are proceeding cautiously on the matter. I know that that is not what you thought at the time—

John Home Robertson: It did not feel like it in East Lothian.

Malcolm Chisholm: In that case, with respect, it was quite a strange question for you to ask. Perhaps you are trying to lead me further than I want to go.

We are not committed to doing what you suggest at this point, although it is a desirable thing to do and we will do it in due course. It is important that we first consolidate the progress that has been made with regard to families. We recognise the difficulties with the unsuitable

accommodation order. Obviously, people could criticise us because there have been some exemptions, but there was a marked improvement, as Shelter acknowledged when the first figures came out a month or two ago. We should all acknowledge the progress that local authorities have made with regard to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004.

In the coming year, the homelessness monitoring group will consider the issue that you raise. That is important because we want to ensure that we take the group with us in relation to all our decisions.

John Home Robertson: We have discriminated in favour of one group with particular needs and required local authorities to provide those people with proper accommodation; that is fine as far as it goes, although it would be better if local authorities had the stocks that they require. What further support can you give to local authorities to reduce the use of temporary accommodation to house the other vulnerable people who I am talking about, such as single people with particular problems?

Malcolm Chisholm: I have already talked about the way in which Edinburgh, for example, is leasing property from the private sector. Other local authorities could consider doing that to provide suitable temporary accommodation. We cannot stop the use of temporary accommodation in a short time. Local authorities will continue to have to use temporary accommodation for several years, so we need to ensure that, as far as possible, that accommodation is suitable rather than being bed-and-breakfast accommodation.

John Home Robertson: The SFHA and others have given us evidence about the high rent that must be paid for some temporary accommodation. Do you have any views on how the rent levels in temporary accommodation impact on people's routes out of homelessness? I am thinking about a situation in which someone goes into temporary accommodation that is satisfactory but which has a high rent because of the different sources of funding for that sort of accommodation. People can be trapped in that situation, because the only way in which they can afford the rent for the property is by remaining on benefits. If they get a job, they find that they are a lot worse off. Plainly, that is an unsatisfactory state of affairs.

Malcolm Chisholm: Certainly, the issue of housing benefit levels is of interest and concern. Housing benefit policy comes from England, so we have to engage closely in the welfare reform changes in England. I am glad that the United Kingdom Government is being cautious about housing benefit in the social rented sector. Obviously, changes will be made under the forthcoming legislation in relation to private rented

sector tenants. I think that those changes will have some downward pressure on rent levels in the private sector, which, for the reasons that you describe, is what we want.

There is a specific problem with regard to temporary accommodation. A pilot scheme in London is examining the issue that you raise and I will consider the results with interest. Given the connection between homelessness and employment, the issue is important if we want to ensure that people have the opportunity to move into work.

We have to keep a close eye on this area. I would be concerned if people could not move into work because of the level of their rent. Equally, and more fundamentally, I would be concerned in any case if people were in temporary accommodation for long periods of time.

10:15

John Home Robertson: I would like to press the issue. Many of us have constituency experience of people who are on benefits and in temporary accommodation, and who want to get into work but cannot because of the high rent on their accommodation. That is probably connected with the assessment of what constitutes an affordable rent. Organisations out there are doing excellent work to provide housing, but because of the funding packages that are involved their rents are rather high, which is why tenants become dependent on benefit eligibility. Have you given any further thought to having a formula to determine what is, and is not, an affordable rent?

Malcolm Chisholm: A group is considering the issue of rent levels. I said that I am glad that Westminster is being cautious about housing benefit reform for the social rented sector, but there are other reasons why one would take an interest in the level of rents in the social rented sector. We are looking at the issue but, as you know, it is incredibly complex, particularly given that so much investment is dependent on the rental income of housing associations and councils. The area is not easy.

I do not disagree in principle with what you are saying. We must ensure that rents do not reach such a level that people need to be on housing benefit before they can afford them. There is a debate to be had about what that level is and you might think that we need to reduce it considerably to be absolutely sure that it is not having that effect. Having much lower rents is very desirable in principle, but it is not very practical because it would completely destroy many of our housing investment plans.

John Home Robertson: It might make sense to have a formula that had some form of attachment to the national minimum wage.

Malcolm Chisholm: That idea is attractive in principle, but others would say that there ought to be variations given the different income levels and housing markets in different parts of the country.

John Home Robertson: The national minimum wage applies across the UK.

Malcolm Chisholm: I know, but although the idea is attractive in principle, I do not think that it is very practical in the short term.

John Home Robertson: Right; we shall see about that.

What can the Executive do to help local authorities and their partners to share and disseminate good practice in relation to the use and management of temporary accommodation? It has been put to us that there are different scenes in different parts of the country and that that can give rise to anomalies for tenants and everyone else.

Malcolm Chisholm: The homelessness monitoring group will give a great deal of attention to that area, which was one of the main features of the group's report on its concerns about temporary accommodation. This year the group will prioritise and focus on the provision of temporary accommodation, based on the evidence from the pilot study under the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004. That is one of the indicators of how much temporary accommodation local authorities are using.

Anna Donald can say whether any specific guidance on good practice is coming through.

Anna Donald: The homelessness monitoring group's consideration will be informed by the pilot study on the order, as the minister said, but also by the annual progress reports that local authorities give us on the progress of our homelessness strategies, in which we ask for examples of good practice. If those examples relate to temporary accommodation, they will also go to the monitoring group.

Quite a lot of evidence on temporary accommodation is also being gathered via Communities Scotland's inspections of local authorities; that evidence, too, will be considered by the monitoring group. The evidence comes from a variety of sources.

Tricia Marwick: We would all agree that local authorities have made progress in not housing homeless families in bed-and-breakfast accommodation, but there is no doubt—and I am sure that the minister is aware—that it still goes on. Are any particular authorities the culprits, in that they consistently house homeless people in bed-and-breakfast accommodation?

John Home Robertson: East Lothian.

Tricia Marwick: Do you intend to take any action against specific local authorities?

Malcolm Chisholm: Perhaps the officials can give more detailed information, but I do not think that any local authority is a wilful culprit or is making no attempt to deal with the issue. All local authorities have made progress and there are no persistent offenders in that regard.

Pippa Goldschmidt: Most local authorities have not breached the order but there are specific problems in some areas. Even in those local authorities in which there have been breaches, a lot of work has been put into improving the situation. People often say that the official statistics always lag behind the situation. We have snapshot data that we publish in the official statistics—the latest snapshot was on 31 December. Some local authorities have told us that since the official statistics came out showing the data on the order, the situation has improved. They have put in place more temporary accommodation and they have put a huge amount of effort into managing that temporary accommodation closely on a day-by-day basis to see how households are coping in it.

As part of the pilot study, we wanted to get behind the official statistics on the order, to find out what local authorities are doing and to understand the reasons behind any breaches. The pilot study is due to be published later this summer after the homelessness monitoring group and the awareness raising and best practice sub group have had a chance to consider the draft and advise us on it. That will give us much more detailed information about the specific reasons behind the breaches and will allow us and those local authorities to establish whether anything else can be done.

Tricia Marwick: All of us round the table would accept that there may be extreme circumstances in which, on a given night, there is no alternative to bed-and-breakfast accommodation, but my experience and that of John Home Robertson is that some local authorities still habitually house families in B and Bs. You are right—the figures in those local authorities are probably behind the statistics, but I could name a number of local authorities in which this week, next week and the week after, there will be people in B and B accommodation. Monitoring the situation is all very well, but some local authorities are making an effort and are managing not to breach the guidelines, despite similar challenges. If I may press you further, there is an issue in that regard that needs to be acted upon.

Malcolm Chisholm: We are not in any way complacent about this. I recognise the progress,

but when the statistics came out I was disappointed that there had been breaches. We are working with local authorities that are having difficulties. That is the right way to put it, because I do not think that there are any local authorities that are wilfully standing against the policy. That is not to say that more effort could not be made, but we are working closely with those local authorities that are having difficulties. The progress that has been made vindicates our decision. Without that driver, there would not have been the progress over the past year that there has been. Over the next year, we want to see more progress; by next March—a year on—we hope that there will be none of the breaches that we saw in the figures from this March.

John Home Robertson: I know of one local authority in which it is physically impossible to comply with the order week in, week out. It is exactly as some of us predicted. We acknowledge that while those local authorities are trying to comply with the order, they are doing so at the expense of people who are stuck on the waiting list, who may be virtually homeless and who get very angry. I met another such person at my surgery last night.

Malcolm Chisholm: The first part of your question overlaps with the general points that have been made about temporary accommodation. Other forms of temporary accommodation can be, and are being, explored by various councils. That is one issue.

As for the second part of your question, on the balance of lets between homeless people and people who are on the waiting list for other reasons, I know that the figures are higher in your local authority area, but I must restate that the national figures remain at the level that I set out just before Christmas: 28 per cent of lets in the local authority sector and 14 per cent of lets in the registered social landlord sector go to homeless people. Although those figures are higher in some areas, we should keep the matter in context and not see the two groups as completely separate categories. I very much welcome the fact that quite a few witnesses made that very point and warned us against setting these two groups against each other.

As I made clear in my statement, ensuring that an overwhelming number of lets go to homeless people is not a satisfactory way of meeting the 2012 target. We have to deliver the policy in a way that allows us to balance homeless people's rights with the rights of the other people on the waiting list.

Patrick Harvie (Glasgow) (Green): In your opening remarks, minister, you mentioned that the Executive might undertake research on prevention and support either now or in the near future. At the

committee meeting a fortnight ago, a witness said that although different agencies were doing a lot of good work on homelessness in communities, that was not being captured either because there was no means of measuring it or because it might not necessarily be defined as activity to prevent homelessness. Do you accept that description of the current situation? Is the research that you mentioned designed to address it and, if so, how and when will that happen?

Malcolm Chisholm: The research will certainly consider that dimension in its attempt to find out which prevention activities are proving to be the most effective, and will lead to guidance on the matter. We acknowledge that much more work requires to be done in this area. That said, there are already many good examples of such activity, which you might well want to know about later on.

Pippa Goldschmidt: Indeed. Although a lot of good work is being done on preventing homelessness, much of it is not labelled as such. The research will identify activities that help to prevent homelessness and will try to come up with ways of measuring their effectiveness. Of course, that area is notoriously difficult.

The research has begun and will carry on through the summer, with a report due in the autumn. We will then issue guidance to local authorities and their partners on what, according to the research, are the most effective ways of preventing homelessness. The research will also provide a typology of the subject and set out all the different aspects of homelessness prevention activities to ensure that everyone can see the work that is going on.

Patrick Harvie: Some people have suggested that prevention work might be perceived as a way of reducing demand for housing; however, it might well increase demand by helping people to get over the crisis of homelessness and by allowing them to move into accommodation in a more managed way rather than have them remain, for example, in the family situation. What impact will the prevention agenda have on the pressure on housing supply?

Malcolm Chisholm: You are right. In many ways, the prevention agenda is about meeting housing needs before people become homeless, so we cannot simply assume that it will have a dramatic effect on the population's overall housing needs and therefore on local authorities' plans for housing supply—and, indeed, on our own planning. Of course, that might not be true in certain cases. For example, many people who present themselves as homeless have left either the family home or someone else's home, and mediation work might help to resolve such situations.

However, I do not want to overstate that, because we do not want to get into a situation whereby the focus of prevention is on stopping people applying as homeless. The allegation was made that that has happened in England. I am not in a position to comment on whether that is true, but we do not want to go down that road in Scotland. Prevention is a broader agenda.

10:30

Patrick Harvie: You mentioned that it has been suggested that in England the focus has been on preventing people from applying as homeless. The Communities Scotland report cited examples of service providers actively discouraging people from making applications in Scotland. Do you accept that that is happening? Are we doing enough to ensure that it does not continue to happen?

Malcolm Chisholm: That is one argument in favour of the inspection reports by Communities Scotland. I know that it is subject to criticism by various people at present, but its inspection reports play an important and positive role. It is true that one or two local authorities have received quite poor grades on homelessness. The function of the reports is to point out weaknesses and to ensure that they are corrected. There is no doubt that some local authorities have not followed the spirit or, indeed, the letter of the legislation and guidance. Communities Scotland has played an important role in correcting that.

Patrick Harvie: Are you satisfied that the phenomenon will not continue to exist in Scotland and that it will not become a bigger issue?

Malcolm Chisholm: I am confident that it will not become a bigger issue. What you describe has happened, but it is happening to a decreasing extent, rather than an increasing extent.

Patrick Harvie: You will be aware that our discussion two weeks ago focused somewhat on the supporting people budget. One witness, Mark Turley, said that, as a result of the cuts to the budget

"floating support ... has taken a big hit."—[*Official Report, Communities Committee*, 10 May 2006; c 3498.]

Do you agree that that is the case?

Malcolm Chisholm: Mark Turley said quite a lot about the supporting people budget. Because he covers Edinburgh, where my constituency is located, I was well aware of what he was speaking about. However, alongside the comment that you have cited, he indicated that Edinburgh had achieved some efficiency savings, which was one of the reasons for the changes. Secondly, he said that there is much more support now than there was only three or four years ago. We usually

quantify that by saying that there is five times as much support now as there was five years ago. He also said that no existing clients were being affected. Of course, Edinburgh was one of the authorities that lost out more than most—in fact, it is probable that no authority lost out more. The biggest reductions applied to a few authorities, although the process was slowed down from the original intention at the time of the 2004 spending review.

No one is saying in principle that we did not need to adjust the distribution of the money, because clearly some local authorities had been more successful than others in drawing down supporting people money. That money needed to be distributed on a more equitable basis across Scotland. There was quite a significant weighting for indicators of homelessness. That, plus other factors, meant that several authorities gained from the changes to the supporting people budget, as the witnesses from Glasgow pointed out. Money from the budget is required for the hostels decommissioning process; the Executive is also providing specific funding for that.

The picture is mixed. I am far from complacent about the supporting people budget, because I know that there are difficulties in areas such as Edinburgh. I have spoken about the place of housing investment in the spending review. The supporting people programme will feature significantly in our considerations. We need to have a balanced view of what is happening around the supporting people programme. To his credit, Mark Turley provided that.

Patrick Harvie: In the ministerial statement, you mentioned the preventing homelessness innovation fund. What do you expect the fund to achieve and when will we start to see results from it?

Malcolm Chisholm: Applications to the fund are coming in and I hope that decisions will be made before too long. I am increasingly interested in the prevention agenda, which is extremely broad ranging—we cannot pin it down to a single area. Often people think that prevention is about intervention at times of crisis, such as when someone is threatened with eviction, but of course important work can be done at a much earlier stage to sustain tenancies and work with vulnerable groups. The provision of advice and information, which is a requirement of the Housing (Scotland) Act 2001, is another important part of the prevention agenda.

Last week, I spoke at a conference on social networks. I acknowledge the importance of befriending, mentoring and building up social networks for people who have been homeless, to try to prevent future homelessness. Mediation, which I mentioned, can be useful, although I would

not want to overstate the case, because it is important to do what is appropriate for the individual concerned. Prevention covers a range of work and I would not want to pre-empt decisions about what the new fund will do. Some of the funding bids that are made might be for something different from all the approaches that I have mentioned, because we seek innovative ideas. Prevention is an exciting and important area.

Cathie Craigie (Cumbernauld and Kilsyth) (Lab): In response to a question from John Home Robertson, you said that you would keep a close eye on the welfare reform agenda in Westminster. We must ensure that welfare reform does not have an adverse impact on the homelessness agenda in Scotland. How will the Scottish Executive protect our agenda? How are you involved in discussions about welfare reform?

Malcolm Chisholm: I think that I qualified what I said about keeping a close eye on welfare reform by saying that we are making representations on the matter. Last week, I had a long telephone conversation about the housing benefit proposals in the Westminster welfare reform green paper. Of course, I have a broader interest in the proposals in the context of employability. In general, I am positive about the Westminster proposals, which in many ways are consistent with what will be the thrust of our employability framework and strategy for people who are not in education, employment or training—I am sure that all members know the acronym NEET.

Glasgow is very interested in being part of the cities initiative in the welfare reform proposals. Reactions to the thrust of the proposals, which would provide more opportunities for people to enter employment, have been generally positive. Many details remain to be debated at Westminster, but the thrust of the proposals is not damaging to what we are trying to achieve on homelessness.

Cathie Craigie: In your discussions on housing benefit reform, I am sure that you will remember the committee's concern about housing benefit that is paid to private landlords who are not registered or who do not manage their stock appropriately—sorry for adding that comment, convener.

Malcolm Chisholm: I discussed that matter last week with the minister at the Department for Work and Pensions. Discussions are on-going.

Cathie Craigie: The benefits of partnership working between Westminster and the Scottish Executive are evident.

I move on to partnerships of a different nature—between local authorities and housing associations. Some of the evidence that we received last week, especially from Glasgow,

showed that there is an exemplary working relationship between local authorities and some housing associations but not others. How does Communities Scotland's inspection process consider the role of registered social landlords in tackling homelessness? Is the issue being considered in the current review of Communities Scotland's inspection process?

Malcolm Chisholm: It is one issue that Communities Scotland will want to look at. We encourage as many RSLs as possible to enter into protocols with the local authorities in which they operate. There is scope for a great deal of improvement. Some of the figures that the committee was given suggest that a large number of RSLs have not yet entered into such protocols. The issue will be covered by the review of section 5 of the Housing (Scotland) Act 2001 that I announced as part of my statement in December. We want to work closely with COSLA and the SFHA on the matter. The review will drive forward important changes.

Cathie Craigie: I want to pursue the theme of partnership working. Evidence suggests that it is important for there to be work at a local level between local authorities, RSLs, the Scottish Prison Service and health boards, and that the arrangement works well in some areas but there is patchiness across the board and the quality of partnerships could be improved. How are you ensuring that the needs of homeless persons are considered in a joined-up way across Executive departments and at local agency level? We know how much importance you have attached to the resource element and to the need for support when the spending review comes around. That is all about different departments of the Scottish Executive knowing about the growing demands and needs with which we must deal if we are to implement Executive policy. Is the system working?

Malcolm Chisholm: There was an awful lot in that question. Many different players are involved at Scottish Executive level. We have spoken about employability, but health and homelessness is another major area. I know that the Health Department is currently reviewing the health and homelessness standards of national health service boards. We will have the outcome of that review soon. Other parts of the Executive are engaged.

Many issues relate to local partnership working. You mentioned prisons, to which I could have referred in my comments on prevention. I will provide an update on the issue. The homelessness task force recommended that the housing advice services provided in prisons should be evaluated. That evaluation was carried out. Recently, there was a symposium to consider the evaluation, which produced several key

recommendations on the service model that is required. It was recommended that there should be a national minimum service level and regional contracts. The recommendations will be progressed in the near future.

I know that I have avoided some parts of the question, although not deliberately. I invite the member to come back to me on the issues that I have not addressed.

Cathie Craigie: You have responded to the main thrust of my questions. It is important that other Executive departments recognise the needs that exist and the cost to them of failing to address homelessness. The committee wants to ensure that those departments accept the goals that have been set in tackling homelessness and acknowledge how they can benefit from that work in the long run if they co-operate to achieve the policy.

10:45

Malcolm Chisholm: Laura Dolan may wish to comment on that. Yesterday, the Minister for Justice announced the publication of a policy paper on the management of offenders—we fed into that to ensure that the homelessness dimension was taken into account. Also, this week I attended a meeting of the ministerial group on alcohol at which the connections between alcohol and homelessness were discussed. We ensure that the homelessness dimension is taken into account in many cross-departmental initiatives.

Laura Dolan: Probably every Executive department has links with the homelessness agenda; many of them are detailed in the appendix to the homelessness monitoring group's annual report, which shows how work is being done collectively on homelessness task force recommendations. Until recently, one area into which we felt that our tentacles had not reached was social work, but we are becoming more active on that. The committee will be familiar with some of the many connections that have been made within the Executive on antisocial behaviour and homelessness, which have worked extremely well. We have contacts with all manner of areas and we actively maintain them.

Co-operation is also important for local authorities at the corporate level, although some local authorities have found that a wee bit more difficult than others have. I am aware that one local authority has buddied up with another so that they can learn lessons from each other. There are useful ways of working to provide support. We want to continue that through the work of local authority secondees.

The Convener: During our meeting two weeks ago, the SFHA raised a concern about the growing

evidence of a problem with hidden homelessness, particularly among the black and ethnic minority communities in Scotland. Is the Executive aware of that evidence and, if so, do you have concerns that some of our black and ethnic minority communities are not benefiting as much as they should be from the legislative changes or are not benefiting as much as our indigenous population?

Malcolm Chisholm: Research has been carried out into homelessness among black and minority ethnic households. I am aware that, in general, some homelessness may still be hidden. One of the most obvious consequences of the 2001 act was that it brought out the hidden homelessness, one feature of which was the rise in the number of people going into temporary accommodation. The research on homelessness among black and minority ethnic households suggests that the evidence of overcrowding and overrepresentation in poor-quality housing indicates homelessness on an appreciable scale. We are aware of that and we are considering producing further guidance on preventing and tackling homelessness in black and minority ethnic communities, because that is an issue.

The Convener: Is the Executive having discussions with groups that represent our black and ethnic minority communities about how to ensure that people are aware of their rights and feel more comfortable about taking up the protection that legislation offers them, as other people have done?

Malcolm Chisholm: Some of my officials may be involved in that.

Pippa Goldschmidt: Wider discussions have taken place with such groups on general housing issues, but we have not had any recent discussions specifically on homelessness. However, as the minister said, we plan to issue guidance that is based on research. In drafting that guidance, we will go out to talk to representatives of those communities.

The Convener: I do not want to go back to the question of supply in any great detail, but one of the other issues that the SFHA raised with the committee when it appeared before us was permanent accommodation for larger families and people who are wheelchair users or who need ground-floor accommodation. Often, people who have a larger family or a specific disability and who are in temporary accommodation stay there for much longer periods of time because there is even less permanent accommodation for them to move on to. Is the Executive trying to address that?

Malcolm Chisholm: Obviously, building standards cover general access. Communities Scotland considers the range of houses when

considering how development funding for new housing should be spent. I recognise that there is a lot more to do and that there is a problem in some areas, but I argue that the correct standards are now applied to all new buildings.

Did the SFHA flag up larger houses as well?

The Convener: Yes.

Malcolm Chisholm: So there is obviously an issue about them as well, which could be related to our previous topic. It is important that we build the correct range of new houses, and Communities Scotland is taking that on board. Perhaps one of my officials will come in on that, although we do not have anyone here from Communities Scotland.

Pippa Goldschmidt: I reiterate the point about black and minority ethnic people not feeling that it is worth their while presenting as homeless because they think that the right type of accommodation is not available. We have been told that by a couple of local authorities. I do not think that I can add any more.

Euan Robson (Roxburgh and Berwickshire) (LD): Minister, earlier you mentioned that you are going to implement section 11 of the Homelessness etc (Scotland) Act 2003. I believe that I heard you say that that would be later this year. Could you give us a more definitive timescale? Will you warn local authorities in advance so that they can prepare for implementation?

As I understand the evidence that has been presented to us, some other sections of the 2003 act have not yet been commenced. Will they be commenced in due course?

Malcolm Chisholm: We will consult on section 11 in the next couple of months. I cannot give a precise time—I do not know if anyone can—but it will certainly be this year. Section 11 is important in terms of landlords notifying the relevant local authority when they raise repossession proceedings. Apart from section 11, the main sections of the 2003 act that have still to be implemented are sections 4, 5 and 6, which are about the intentionally homeless.

I am not encouraging the committee to get too involved in this, but I was interested to note that the intentionally homeless did not feature strongly in the committee's evidence session, because they did feature around the time of my December statement.

When it comes into force, section 4 will give local authorities a discretionary power rather than a duty to investigate whether a household is intentionally homeless. Sections 5 and 6 will change the provision given to intentionally homeless households. There has been quite a lot

of interest in that, particularly in relation to people who have been subject to an antisocial behaviour order or who have been evicted for antisocial behaviour. The legislation states that in those circumstances the local authority is not required to grant a short secure tenancy, but it must still provide non-tenancy accommodation and support. In the statement, I indicated that we would examine that carefully. Research is being carried out on issues around sections 4, 5 and 6 of the 2003 act, which are potentially the most contentious parts of the act that have still to be implemented.

Euan Robson: As part of the research into intentional homelessness, will consideration be given to what happens when someone is resettled after being evicted on the ground of antisocial behaviour? Will there be research into opportunities for people to mend their ways and become better tenants? If a person is removed from a property because of their antisocial behaviour, the problem does not go away, it just moves somewhere else. Will you consider whether the new tenancy could be attached to a package of support, to help the tenant to become less of a burden to their neighbours?

Malcolm Chisholm: Support is an important dimension and several projects are currently being piloted to develop support for people in such situations. The research that I talked about is at a fairly advanced stage. I do not know whether Anna Donald can say more about it.

Anna Donald: A requirement to provide support and some form of accommodation is built into the 2003 act. The research is considering projects that provide such packages for a range of clients who have been found to be intentionally homeless, whether the cause was antisocial behaviour, rent arrears or another matter. The research will also consider how to re-engage people who might have been through a succession of such circumstances.

As part of the breaking the cycle initiative, colleagues in the Justice Department are funding three projects in different local authority areas that provide tailored support to try to maintain families in their existing accommodation. Those projects will be evaluated and the evidence will inform our consideration of how to take forward sections 4 to 6 of the 2003 act.

Euan Robson: After the projects have been evaluated, I presume that you will be able to determine best practice and circulate guidance on it.

Anna Donald: Yes. A principal concern during the passage of the Homelessness etc (Scotland) Bill was the uncertainty among local authorities about the best way of handling the group of people whom we are discussing. The intention is to

consider the research findings and produce good practice guidance.

Tricia Marwick: When you consider sections 4, 5 and 6 of the 2003 act, will you take into account the duties that the Children (Scotland) Act 1995 places on local authorities in relation to accommodation for children and families? How do those provisions tie in with matters such as ASBOs and rent arrears?

Malcolm Chisholm: In my opening remarks, I mentioned our work on guidance on the best interests of children. It is important that there is clarity about the meaning of legislation. The question of when a local authority can be considered to have discharged its duty is crucial and it is potentially the most controversial aspect of sections 5 and 6 of the 2003 act. The emphasis of our approach and of the pilot projects that Anna Donald and I mentioned is on support because, ultimately, we must support people who are involved in antisocial behaviour. Projects such as the Dundee families project have been successful in providing such support.

We acknowledge the concerns that many people have about people who do not manage to change their behaviour, despite being helped again and again. There are difficult issues to address and we are considering the point that you made about children.

11:00

Anna Donald: I just add that the breaking the cycle initiative that I referred to is specifically focused on families with children. The evidence from that will be particularly helpful.

Tricia Marwick: Can you assure me that in commencing sections 4, 5 and 6 it is not your intention to consider any changes to the Children (Scotland) Act 1995?

Malcolm Chisholm: We would not want to do that, no.

John Home Robertson: At our last meeting, there was some discussion about the possibility—or, perhaps, the fact—that there is discrimination between people who qualify as statutorily homeless and people who might have urgent needs for housing. I referred to a thoroughly irresponsible and inflammatory comment by a councillor in my area, which has been rightly condemned by everybody. However, the fact remains that a significant percentage of people who are homeless have particular problems of one kind or another. There is a perception that there is discrimination in their favour. Are you aware of problems among existing tenants arising from such a perception or from the changes in housing legislation and practice?

Malcolm Chisholm: There are such perceptions, but I would want to challenge them. I am not sure that there is any evidence that there is a higher incidence of antisocial behaviour among homeless people than there is among people who are housed and who have not come through the homelessness route.

We have to point out the facts about people who become homeless. I think that 23 per cent of homeless people became homeless because of a relationship breakdown, which could happen to anyone, and that one in six homeless people become homeless because of domestic abuse or harassment. People have completely incorrect stereotypes about what homelessness means and who becomes homeless.

Obviously, many homeless people have a combination of problems, which is why we have to take a broad view of the issues connected with homelessness. However, it is no more likely that the issues of homeless people will be to do with antisocial behaviour than it is that the issues of people who are not homeless will be to do with antisocial behaviour. It is important to challenge the stereotypes around homelessness. We have to do all we can to break down the them-and-us approach to the issue.

John Home Robertson: One way of doing that would be to acknowledge the fact that some people are not statutorily homeless but they have equivalent needs. Last night, I was visited by a family who live in a two-apartment flat. Although they have been on the waiting list for many years and they have a lot of points, they have no prospect of getting a house because they are not physically homeless. They see other people, who are statutorily homeless, going to the head of the queue. Inevitably, that is going to cause friction. You have to address everyone's needs, not only the needs of those who fall into a particular category.

Malcolm Chisholm: That is acknowledged in the allocation policies. A feature of my statement in December was that we would clarify the guidance on situations in which people do not recognise the rights of people who are not homeless. We want to ensure that a balance is maintained around the issue, as I made clear in my statement.

Obviously, I do not know the circumstances of the family that you mentioned, such as whether they want to move to a larger house or something else. However, as I said earlier, it should be possible for the local authority to accommodate transfers of existing tenants at the same time as it discharges its duties in relation to the rights of homeless people. That is a management issue in many cases.

John Home Robertson: That might be easier said than done.

In earlier discussions, we agreed that, in order to deal with the underlying cause, we will have to provide more stock. However, the perception that social housing can be connected with difficulties could give rise to planning problems. In the past, communities accepted and welcomed the presence of housing association houses, local authority housing and social housing, because those sorts of housing were seen as being for the good of the whole community. Now, however, there is a perception that they are connected with difficulties of one kind and another. I fear that there will be objections to planning applications for social housing in some areas. Do you acknowledge that there is some work to do on addressing that?

Malcolm Chisholm: There are lots of planning issues. We have a big agenda to increase the involvement of local communities in planning, but sometimes, in spite of local objections, we just have to say, "This is the right thing to do." Having said that, partly because of planning advice note 74, an increasing number of affordable housing developments will be part of larger developments. A lot of new affordable housing is coming about through contributions from larger housing developments. In terms of other policies, we consider it desirable to create mixed communities. That will increasingly be the pattern.

Laura Dolan: I am familiar with practices that some local authorities have adopted successfully for planning applications, particularly for homeless accommodation. Local residents with particular objections have been taken to other areas with similar accommodation to see what the accommodation will look like and to discuss with locals what actually happens. By visiting the place, they can see that the people who are being accommodated there are pretty ordinary folk. That seems to have worked quite well in dispelling tension and anxiety.

Euan Robson: I agree with John Home Robertson that there are potential difficulties and some negative perceptions. I know from constituency experience that that is particularly the case when there is a small stock of social housing in a small town—or even a large village—and when there are few of a particular type of house. An application can be made by someone who is homeless who is in a statutorily overcrowded situation well beyond the boundaries of the town. The minister and I discussed this previously. The answer might partly be for local authorities and housing associations to take on board what the minister said in the chamber, which is that if a family is in an overcrowded situation, moving to improved accommodation—even if it is still

technically overcrowded—might help to alleviate some of the problems. Some housing associations apply the regulations as they see them to the letter. Most negative perceptions occur when there are homelessness applications as well as overcrowding.

Malcolm Chisholm: I looked into that when you raised it previously. Communities Scotland's view is that there should not be an inflexible approach. If someone can move into larger accommodation that is still not the correct size, that should not be disallowed.

Tricia Marwick: Glasgow City Council and Highland Council commented positively on the development of common housing registers. Glasgow thought that it would make the registration of waiting list applicants more straightforward and streamline the process. Does the development of common housing registers make a positive contribution to tackling homelessness? What is the Executive doing to promote them to councils and registered social landlords?

Malcolm Chisholm: That is important, not least because of our previous discussion about partnership working between local authorities and RSLs. Common housing registers have been an advantage in several local authorities, including Edinburgh, and the Executive supports and encourages them. Perhaps the officials can give more detail on work that we are doing on common housing registers.

Anna Donald: We expect about three quarters of local authorities to have operational common housing registers in place by the end of this financial year. That represents significant progress.

Tricia Marwick: Is that March 2007?

Anna Donald: Yes.

The Convener: Minister, I am sure that you will be relieved to know that that concludes the committee's questions this morning. I thank you and your officials for your attendance.

11:10

Meeting suspended.

11:11

On resuming—

The Convener: Do members wish to take any action following the previous evidence-taking session and the evidence that we have just heard from the minister?

Tricia Marwick: It is important that we consider the evidence and write to the minister with our on-

going concerns. The committee agreed to monitor the implementation of the Homelessness etc (Scotland) Act 2003 and some important issues have come out of the evidence sessions. There is concern among all committee members about the implementation of the 2003 act. Given that it will probably fall to a committee some time after 2007 to consider the issue further, we should at least leave that committee some sort of legacy. If we raise concerns now, that committee can continue to monitor the situation as we approach the interim target of 2009 and then 2012 itself.

John Home Robertson: We have taken some importance evidence from witnesses and from the minister and his officials. There are some significant outstanding points. What options are open to us? Are we going to make a report on the basis of the evidence?

The Convener: I suggest to the committee that, having listened to all of the evidence, we write to the minister, flagging up the issues that we have concern about and asking him to respond further to those points. We can highlight the issues around supply, about which the committee has considerable concerns. While we are all signed up to the purpose of the 2003 act—at least I hope that we are—and want it to be fully implemented, it is clear from the evidence that we have heard to date that many of our local authorities and organisations that work in the area have concerns about the capacity to provide sufficient accommodation to allow full implementation of the legislation by 2012. That is certainly one of the issues that we should raise with the minister.

I would like the minister to keep the committee up to date on the issue of guidance and flexibility. Given the concerns and frictions that exist among local authorities, housing associations and those who represent homeless people, it is important that we have transparent rules and regulations that everyone understands and that clearly work. We need the new system to be flexible, but we also need guidance to ensure that people have confidence in the system. At the moment, that confidence is perhaps not shared by everyone.

11:15

Tricia Marwick: In his evidence today, the minister mentioned a number of research projects and consultations that are taking place on the implementation of section 11 and of sections 4 to 6 of the 2003 act. It might be useful to ask him for timescales for all the work that is going on to implement the legislation, so that the committee is well aware of when the key crunch points are. We might then wish to take evidence following some of the consultations.

The Convener: That is a helpful suggestion.

Cathie Craigie: I agree that, on the face of it, resources appear to be the major issue that the minister will need to deal with. When the minister needs to make bids for resources, the committee will want to support him with the evidence that we have taken.

I agree with the convener about the importance of partnership working among the agencies that deal with both those who apply as homeless under the legislation and existing tenants of local authorities and RSLs. Communities Scotland and the local housing officers who deliver on the ground need to know what they are doing. In my view, and in my experience, there is certainly a lack of clarity in the guidance or in the understanding of the guidance. I welcome the fact that the Executive is seconding people to assist with that.

I suggest that we need to keep this process on the boil all the time rather than just write a report and sign it off. We need to keep a dialogue going. We will probably return to the issue before April 2007, but I agree that we should seek to leave a legacy for the members of a future committee who will follow up the issue.

The Convener: We will pursue those issues with the minister. I am sure that the committee will monitor closely both his response and the wider issue in the months ahead.

I will suspend the committee briefly, for five minutes, to allow everyone to have a short comfort break.

11:18

Meeting suspended.

11:23

On resuming—

Mineral Working (Draft Scottish Planning Policy 4)

The Convener: Agenda item 2 concerns the draft Scottish planning policy 4 on mineral working. When the committee considered the draft SPP at its meeting on 8 March, we agreed to write to the Scottish Executive to ask how it intended to address a number of points that had been raised in the consultation and to provide clarification on the issues of noise, land banks, secondary and recycled aggregates and buffer zones. The response from the Deputy Minister for Communities includes detailed information on all the points that the committee raised. The minister's covering letter also advises that the final SPP will not be published unless the committee is content that the Executive's response addresses the issues that the committee raised.

Do members have continuing concerns about the SPP or are they content with the minister's reply?

Euan Robson: It is helpful to have the correspondence from the minister. I appreciate the fact that she has taken on board the points about noise, but in annex I, on secondary and recycled aggregates, there seems to be no impetus towards extending their use. Rather, it states the current position, which is fair and fine. The vast bulk of the information is helpful and useful and proceeds in the right direction but, if we are to respond, we may want to ask whether the Executive could give further consideration to the issue of secondary and recycled aggregates, to see whether more could be recycled. It could set informal targets and hold discussions with the construction industry, for example. That would help to prevent much waste from simply going to landfill. We could comment briefly along those lines.

Cathie Craigie: I presume that Euan Robson would not want our response to hold up publication of the SPP.

Euan Robson: In no respect. However, annex I states that

"local authorities are now specifying a 10% contribution from recycled materials",

which seems rather modest. The Executive could give thought to increasing that contribution a little and encouraging more recycling. If the material is not recycled, it goes predominantly to landfill. The aim is not to put a burden on industry, because we would proceed with consultation, but this is an area in which there could be increased recycling.

The Convener: Does John Home Robertson want to comment?

John Home Robertson: I would like to make a connected point—you should not have woken me up, convener. On occasion, it has been suggested to me that the regulatory system discourages recycling, because people are frightened of using recycled aggregates on the ground that they will be in breach of environmental regulations. Surely the objective should be to encourage as much reuse of such material as possible.

Euan Robson: That is what we want to say to the Executive. You are right to make the point that there is an obstacle on the regulatory side. There are questions about how the content of some material can be guaranteed. The issue would be part of an on-going discussion between the Executive and the construction industry. I think that I have made the point sufficiently.

The Convener: Do members agree to reply to the minister that we are content with her response but would like the issue of secondary and recycled aggregates, which is discussed in annex I, to be pursued?

Members indicated agreement.

Petitions

Scottish Executive Inquiry Reporters Unit (PE949)

11:28

The Convener: The third item on the agenda is PE949, from James Duncan, which calls on the Scottish Parliament to urge the Scottish Executive to review the role of the Scottish Executive inquiry reporters unit in relation to the planning process for public works, such as sewage plants, and to ensure greater community involvement at the appeals stage.

As members are aware, the Planning etc (Scotland) Bill aims to promote greater public involvement in the planning system. The bill proposes a number of changes to the appeals process, but it does not make provision for public involvement at the appeals stage. The committee discussed the proposal for a third-party right of appeal extensively during its stage 1 consideration of the bill.

The committee is invited to consider whether it is content that the issues that have been raised about the appeals process and public involvement in the planning system have been considered in the course of its stage 1 scrutiny of the Planning etc (Scotland) Bill and are likely to be debated further at stage 2.

Patrick Harvie: We can be fairly confident that at stage 2 we will discuss community involvement, especially in relation to the appeals stage. However, I wonder whether there is scope for us to communicate with the Executive about the operation of the inquiry reporters unit more generally. We touched on that matter at stage 1, but it was not a major focus.

I am sure that the Executive has carried out internal work on how the inquiry reporters unit should operate, given the forthcoming reforms to the planning system. Perhaps we could ask for the results of that work to be published or released in a format that would be helpful to the petitioner.

11:30

Cathie Craigie: We went into the issues in great detail during our evidence taking in preparation for our stage 1 report on the Planning etc (Scotland) Bill. As Patrick Harvie rightly said, the issues will arise in discussions at stage 2 and probably stage 3. I suggest that we write to the petitioner to advise him of our work—he may want to read some of the evidence that the committee took on the matter. We do not need to take any further action, as we have dealt with the specific points that are raised.

Christine Grahame (South of Scotland)

(SNP): Obviously, the issue of a community right of appeal will be dealt with at stages 2 and 3. However, I support Patrick Harvie's comments about the SEIRU—we did not dig deeply into that.

The Convener: Representatives of the SEIRU gave pretty extensive evidence to the committee.

Christine Grahame: I do not recall that evidence being reflected deeply in our report, although that is partly my fault as a member of the committee. Patrick Harvie made an interesting point.

Patrick Harvie: To clarify, I by no means intended to suggest that we neglected the issue of the SEIRU. Indeed, we had discussions with representatives of the unit. However, the weight of other material in the bill on which we had to focus meant that the issue did not really come up when we spoke to the Deputy Minister for Communities. We have not really reflected on the issue to a great extent. I simply wonder whether it is worth communicating to the Executive some of the issues that arose during the session with the SEIRU, as we did not discuss them with the minister.

The Convener: The committee had an opportunity to pursue the matter with the minister. My view is that the next relevant point for us to pursue the issue is at stage 2, when we have the right to lodge amendments. That is the most appropriate way of dealing with the matter. I am not sure what the benefit would be of writing to the minister to ask for further information that the committee would not reflect on. The committee will reflect on the stage 2 amendments. Every one of us has a right to lodge amendments to the bill.

Dave Petrie: When the word "sewage" is mentioned, I feel that I must declare an interest, as a former Scottish Water employee.

It is obvious that the issues will arise during stage 2. It is vital that we have a full, frank and wide consultation with everyone who is affected so that they have the opportunity to have their say.

The Convener: During stage 2, we will pursue all the issues that we want to pursue and have a proper and thorough debate on them. I hope that the petitioner will be able to read the *Official Report* of our considerations. It might be helpful if we wrote to the petitioner to point out where he can find the evidence that the SEIRU gave to the committee. Are members content to do that?

Members indicated agreement.

The Convener: That concludes our consideration of the petition. We will take no further specific action on it.

School Buildings Strategy (PE957)

The Convener: The fourth agenda item is consideration of petition PE957, by Phyllis French, which calls on the Scottish Parliament to urge the Scottish Executive to review its strategy document "Building our Future: Scotland's School Estate" to ensure that new schools are built in a safe and secure environment and not, for example, on functional flood plains. "Building our Future" sets out the Scottish Executive's objectives to raise and maintain the quality of the school estate throughout Scotland, while focusing on policy outcomes and best practice rather than specific planning issues.

Concerns about the building of schools on flood plains appear to be addressed by the guidance in Scottish planning policy 7, which says:

"the areas of land where water flows in times of flood ... should be safeguarded from further development".

The Executive has indicated that it will lodge amendments to the Planning etc (Scotland) Bill at stage 2, to require local authority applications to follow the standard planning application process.

I invite members to consider whether the issues raised in the petition on developments in which local authorities have an interest should be taken into account in our consideration of amendments to the Planning etc (Scotland) Bill at stage 2. We should also consider whether there would be merit in referring the issues that relate to "Building Our Future: Scotland's School Estate" to the Education Committee, given that they are related to planning, or whether no further action should be taken on the petition. We have been joined by Alex Neil.

Alex Neil (Central Scotland) (SNP): I apologise for not giving earlier notice of my intention to attend the meeting. I did not realise until after leaving another meeting this morning that the petition would be considered today. Thank you for allowing me to attend.

The petition raises general policy issues but emerged from what happened with the planning application for the new Uddingston grammar school. The school is being relocated to a functional flood plain. The process has thrown up a range of issues to do with planning law and education policy.

On planning law, for example, because the local authority was the applicant, the planning application was referred to the Minister for Communities. However, the powers of that minister to revoke or not accept the application, or to refer it to the reporter, are limited and leave little scope for him to do anything, unless something has gone wrong with the process. There is no reference in the minister's powers to the specific requirements that are laid out in the Scottish

Executive Education Department's policy document on the school estate strategy—*[Interruption.]*

The Convener: Mr Neil, is your mobile phone switched on? Something is interfering with the sound.

Alex Neil: I apologise, I thought that I had switched it off. Today is full of apologies.

According to the people who are opposed to the Uddingston grammar school application, particularly because of the flood-plain issue but also on many other grounds, it has come to light that the planning committee was misinformed on a number of aspects. Indeed, Scottish Natural Heritage and the Scottish Environment Protection Agency agree with the opponents of the application that the verbal advice that was given during the planning committee meeting was misleading and misinformed councillors. However, the minute refers only to decisions that were taken and does not include the verbal advice. As a result, there is no proof that the committee was misled.

The petition raises a number of issues. First, there is a potential conflict of interest because the local authority, which had already signed the agreement on the public-private partnership for the school, was also the planning authority. There is evidence that people were saying that the application would go through before the meeting took place. Other issues are: the procedure in the planning meeting; the powers of the Minister for Communities to revoke the application; and the relationship between planning law and education policy.

I am here to try to persuade the committee, first, to consider the issue during stage 2 of the Planning etc (Scotland) Bill—I will lodge amendments to address what is a serious issue—and secondly, to refer the petition to the Education Committee, because it throws up a number of issues about the relationship between planning law and education policy.

Thank you, convener. I apologise again—on both counts.

The Convener: Well, at least you were gracious enough to apologise.

Christine Grahame: Yes, he does it with such charm. I must learn some of his tricks.

John Home Robertson: You do not have a hope. *[Laughter.]*

Christine Grahame: I have a great deal of sympathy with the petition as similar issues have arisen over the relocation of Kingsland primary school in Peebles. Indeed, some of the issues that are thrown up by the petition are identical. In

Peebles, we are dealing with similar planning issues about the site's suitability—it is not on a flood plain but on a slope—and similar issues of access, because the proposed site is on the edge of town. On the educational aspects, Scottish Borders Council has already taken a decision so, again, there is a cross-cutting element to the issue.

Another identifiable similarity is the existence of a conflict of interests, because the land on which Scottish Borders Council proposes to relocate Kingsland primary school is common-good land, which is in the trusteeship of councillors. The councillors, as the planning authority, are making a decision, as it were, to sell the land—it will be made available under a long lease—to themselves. There are a number of similarities.

Obviously, we can deal with the conflict-of-interest issue at stage 2 of the Planning etc (Scotland) Bill, but the petition addresses issues that cut across both education and planning. For instance, the provision of a safe school environment is a matter for education policy and planning policy, which both deal with the issue in different ways. I support the idea that we should deal with the issues through the Planning etc (Scotland) Bill and that we should remit the petition to the Education Committee, so that it can consider the issues. I do not believe that the two aspects are separate.

The Convener: Is the committee content to refer the petition to the Education Committee, which can consider the education aspects of the petition, and to reflect on the planning aspects in our consideration of the amendments that the Executive will lodge at stage 2 of the Planning etc (Scotland) Bill?

Members indicated agreement.

The Convener: That concludes our consideration of petition PE957.

Alex Neil: Thank you, convener.

The Convener: I thank Mr Neil for his attendance.

Subordinate Legislation

Charities Accounts (Scotland) Regulations 2006 (SSI 2006/218)

11:42

The Convener: Agenda item 5 is consideration of the Charities Accounts (Scotland) Regulations 2006. A copy of the regulations, which are subject to the negative procedure, was circulated to committee members on 27 April. The regulations make provisions for the accounting records that charities must keep, the statement of accounts that they must prepare at the end of each financial year and the audit or examination of those accounts that must be undertaken.

The regulations apply to the accounts that are prepared for charities' financial years starting on or after 1 April 2006. Charities with a gross income of £100,000 or more will be required, as will all charitable companies, to produce fully accrued accounts in accordance with the statement of recommended practice. Charities with a gross income of less than £100,000 will be able to produce simplified accounts on a receipts and payments basis.

The provisions for auditing or independent examination of accounts also depend on the level of a charity's income. Charities with a gross income of £500,000 or more must have their accounts audited. Charities with a gross income of less than £500,000 will be able to have an independent examination instead of an audit.

The Subordinate Legislation Committee has drawn the attention of the lead committee and the Parliament to the instrument on the grounds of failure to follow proper legislative practice in respect of regulations 1(2) and 14(3) and on the grounds of defective drafting in respect of regulation 3(7).

I invite members' comments on the regulations.

As no members wish to comment, I simply point out that that this appears to be the second time in recent history that we have considered regulations under the Charities and Trustee Investment (Scotland) Act 2005 that have been drafted in a substandard fashion. I suggest that we write to the Executive to raise our concerns. Are members content with that course of action? Are they content to raise concerns similar to those of the Subordinate Legislation Committee about the poor quality of the drafting of the regulations? In my view, doing that does not alter the fact that the committee can still report that it is content with the regulations. Although we will write to the Executive, are members content with the regulations?

Members indicated agreement.

The Convener: Therefore, the committee will not make any recommendation on the regulations in its report to the Parliament. Are members agreed that we should report to the Parliament on our decision on the regulations?

Members indicated agreement.

The Convener: I advise members that day 1 of our stage 2 consideration of the Planning etc (Scotland) Bill is scheduled to take place on 14 June, when we will consider amendments to sections up to the end of section 14 in part 2 of the bill. The second deadline for lodging such amendments is Friday 9 June.

I hope that I have not read out Katy Orr's note wrongly.

Katy Orr (Clerk): The first meeting is on 14 June and the deadline is 9 June.

The Convener: I hope that that is clear, but an e-mail will be sent to members to confirm those details.

Meeting closed at 11:46.

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