

LOCAL GOVERNMENT COMMITTEE

Wednesday 31 January 2001
(*Morning*)

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LOCAL GOVERNMENT COMMITTEE

4th Meeting 2001, Session 1

CONVENER

*Trish Godman (West Renfrewshire) (Lab)

DEPUTY CONVENER

*Dr Sylvia Jackson (Stirling) (Lab)

COMMITTEE MEMBERS

*Mr Kenneth Gibson (Glasgow) (SNP)

*Mr Keith Harding (Mid Scotland and Fife) (Con)

*Mr Michael McMahon (Hamilton North and Bellshill) (Lab)

*Mr Gil Paterson (Central Scotland) (SNP)

*Iain Smith (North-East Fife) (LD)

*attended

WITNESSES

Robert Aldridge (Scottish Council for Single Homeless)

Jill Downie (South Ayrshire Council)

Marion Gibbs (Shelter Scotland)

Ms Alice Ann Jackson (Scottish Council for Single Homeless)

Cathy King (Scottish Council for Single Homeless)

Derek Mitchell (South Ayrshire Council)

Liz Nicholson (Shelter Scotland)

Peter Whyte (South Ayrshire Council)

CLERK TO THE COMMITTEE

Eugene Windsor

SENIOR ASSISTANT CLERK

Irene Fleming

ASSISTANT CLERK

Craig Harper

LOCATION

The Chamber

Scottish Parliament

Local Government Committee

Wednesday 31 January 2001

(Morning)

[THE CONVENER *opened the meeting at 10:00*]

The Convener (Trish Godman): Good morning, comrades. Here we are again and it is nice to be back. I thank Sylvia Jackson for all her hard work while I was sunning myself in Australia.

Does the committee agree to take item 4 on the agenda in private? We will be considering a draft report and we would normally do that in private. If members could say yes instead of nodding, it would help the official reporters.

Members: Yes.

Housing (Scotland) Bill: Stage 1

The Convener: This morning we have representatives from Shelter Scotland and the Scottish Council for Single Homeless. We will hear from both groups and then open the meeting up for questions. From Shelter Scotland we have Liz Nicholson, who is the director, and Marion Gibbs, who is the Housing (Scotland) Bill policy officer. From the Scottish Council for Single Homeless we have Robert Aldridge, who is the director and whom we have seen before, Alice Ann Jackson, who is the convener, and Cathy King, who is a member of the executive committee. You are all very welcome.

Liz Nicholson (Shelter Scotland): Thank you for inviting us to give evidence. We obviously feel that the Housing (Scotland) Bill, which the Parliament is about to consider, is very important, especially in relation to homelessness.

For those who are not familiar with our work, I will say a little about Shelter. We are a campaigning organisation, campaigning for long-term change. Each year, we also provide advice to more than 7,000 people who are facing a housing crisis. We do resettlement work with homeless families, many of the cases arising as a result of domestic violence. We have broad experience in many areas that the bill covers in relation to homelessness.

The contents of the bill did not come as any surprise to Shelter because we were involved in the homelessness task force and the subsequent report. Many of the recommendations of that task force are reflected in the bill. Members have received our written submission. I will highlight the parts of the bill relating to homelessness that do not reflect the full intentions of the task force. I will also point out the gaps in the bill, describing the things that are not included but ought to be.

The parts of the bill that deal with homelessness strategies are general and perhaps weak. There should be much more detail on the range and aims of those strategies. The section on local housing strategies is much more detailed. The Homes Bill that is going through Westminster at the moment has a section on strategies. In the homelessness task force, we argued that preventing and alleviating homelessness should be a duty and not a strategy, but if there are to be strategies, they should be tightened up.

Housing advice is crucial in preventing homelessness. However, the most important parts of the bill on homelessness, because of the huge changes in the social rented sector, are sections 4 and 5 on registered social landlords and their responsibilities towards homeless people. Those

are areas of great concern to us. The bill does not reflect the discussions that we had in the homelessness task force. The dispute resolution process that we identified in the task force is not reflected in the bill.

Several things are not included in the bill, for example, a right to appeal against a homelessness decision; a duty to set up a common housing register; and the issue of people being suspended. Although there is now a right to register on a housing list, that does not address the issue of suspending people. When we did research with the Chartered Institute of Housing more than a year ago, we found that 30,000 people had been suspended from housing lists in Scotland. We will be suggesting what we feel the bill should include on those issues, and lobbying Parliament.

Robert Aldridge (Scottish Council for Single Homeless): I also thank the committee for this opportunity to give evidence. The Scottish Council for Single Homeless is a membership organisation for agencies and individuals who work with homeless people. Our membership is broad and includes local authorities, housing associations, the voluntary sector and individuals.

We will concentrate on the parts of the bill that relate to homelessness. I apologise for the late circulation of our paper. That was partly because it followed a members' consultation meeting that we held on Friday, and partly because of an unfortunate glitch in the e-mail system.

In general, we are very supportive of the parts of the bill that deal with homelessness. They will significantly improve the position of homeless people and, particularly, single homeless people. However, we regard the bill as being only a first step.

Liz Nicholson referred to the work of the homelessness task force, which is still going on. The task force will be considering other issues that may require legislation later on. For example, we have opinions about ending the intentional homeless and priority need categories in homelessness legislation, but we would need to be a bit more confident about the implications of that before we could make proposals. As I say, the bill is a first step, but we hope that there will be an opportunity to amend legislation in future, if required.

We are disappointed that the bill does not address the supply of accommodation. We are concerned that proposals to extend the right to buy will affect supply and that, by restricting the range of accommodation that homeless people have access to, the proposals will affect the pathways out of homelessness. We are also concerned that the strategy behind the bill seems

unclear. In the original green paper, mention was made of the aspirations of 80 per cent of Scots to own their own home. We are not sure whether the proposed strategy is aiming for that level of owner occupation, but if it is, we do not believe that it would be sustainable. We need a much higher proportion of rented accommodation for sustainable communities.

In our submission, we mention some specific areas of concern. We feel that the priority need categories should be extended. Certain groups are especially vulnerable and, although they are covered by the current code of guidance, that is only guidance. Many local authorities do not regard those groups as having priority need. The groups include 16 and 17-year-olds, people who have left the forces and people who have left institutions. We hope that the categories can be extended, either in the bill or through a statutory instrument.

A private member's bill on the prevention of homelessness has been introduced. We are not sure whether it will progress any further. There are some positive proposals in that, which would complement the homelessness part of the current bill. We hope that they will not be lost.

On homelessness strategies, we are concerned that the wording is to do with preventing and alleviating homelessness, but that it does not relate to resolving homelessness—you can alleviate homelessness without resolving it. We hope that some means can be found to include within that the concept of resolving homelessness.

Finally, we are concerned about the amount of secondary legislation and guidance that arises from the bill. We hope that those important items will be given sufficient time for consultation before they are implemented as they will have a significant effect on whether the bill is effective.

The Convener: Before I open it up, I want to ask a general question of both of you. Overall, what is your position on the bill? Are you for it, against it, or somewhere in-between?

Liz Nicholson: Overall, we support the bill, but because so much of it is written as enabling legislation and because so much of it relies on secondary legislation and guidance, it is difficult to be 100 per cent behind it. We do not know how the process will work. For example, we know that many local authorities have a homelessness strategy; we also know that many local authorities do not keep to their strategies and that they vary from place to place.

If there were details on the face of the bill on the aims of the strategy, the time limit for setting it up and guidance on what it should cover—domestic violence, sex offenders and so on—we could say, "Yes, this is what we needed. This is going to help

homeless people.” The intention, if it reflected the thinking of the homelessness task force, would definitely be to prevent and alleviate homelessness. Until we see the guidance and the secondary legislation, and more detail in the bill, we cannot say confidently that the bill will be the success that we would like it to be.

The Convener: Do you agree with that, Robert?

Robert Aldridge: Overall, we support the aims of the bill. It has the potential to make a significant difference. As Liz Nicholson has said, a lot of the devil will be in the detail of the guidance and in the implementation. However, one exception is the extension of the right to buy. We believe that it is the main drawback in the bill and we oppose it.

Dr Sylvia Jackson (Stirling) (Lab): My question is for Liz Nicholson, but I am sure that Robert Aldridge can comment on it. In your paper you raise the role of the regulator, the ombudsman and the special manager. You want a clearer definition of those roles. Will you outline the roles that you think those people can have? You say that when the bill has been enacted, there may be a difficulty with what happens in the settling-in period. In a perfect world, what would you like to happen?

Liz Nicholson: This relates to dispute resolution, when an RSL has refused to comply with a request from the local authority to allocate a homeless person. The procedure that was discussed in detail in the new housing partnership steering group and in the homelessness task force was that many of the problems that might arise there could be dealt with quite informally through discussions between the local authority and the RSL. If that did not work, there was to be a process of arbitration.

According to the bill, the arbiter’s decision was final. That was not the understanding of the homelessness task force and the new housing partnership steering group. Our understanding was that if, after arbitration, the RSL still refused to house the individual or family concerned, Scottish Homes—the executive agency—would appoint the special manager, who would go to the RSL, take over the allocation process and consider any remedial action that was required in the allocation system. That would operate for an individual case.

10:15

We have discussed regulation with Scottish Homes, whose representatives told us that the special manager will not investigate or take over the role of the RSL in individual cases, but would only do so if they learned from their monitoring function that there was a problem and that the RSL was not allocating or accepting homeless applicants from the local authority. There would

have to be a series of refusals before the special manager intervened.

That has implications for homeless people. If the RSL is refusing to house, and if the local authority has no suitable housing stock left, families and single people will have to stay in temporary accommodation at huge emotional cost to themselves, given their lack of a secure home, and also at cost to the local authority.

The role of the ombudsman has been mentioned. The Executive is currently consulting on that. Because we do not know what the final decision will be, we cannot say what role the ombudsman can take on. Our experience of taking cases to the relevant ombudsman in the past, through our housing aid centres, is of an extremely lengthy process. The aim of the three stages of the process, which involved informal negotiation, arbitration and the role of the special manager, was to protect homeless people and to ensure that they got access to accommodation. That applies not just after stock transfer, but to all housing associations and RSLs.

That is important, because the contract between the local authority and the RSL will only apply where stock transfer has happened, not with existing housing associations. We need to iron out a lot of difficulties to ensure that homeless people will get access to housing when local authorities have transferred all or part of their stock. We viewed the special manager’s role in taking over the allocation as an ultimate sanction, not to be used very often.

We, the homelessness task force and the new housing partnership steering group felt that that ultimate sanction was required to ensure that homeless people had access to accommodation. It was because that ultimate sanction was there that we dropped our proposal for a statutory lettings order. That is why we are so concerned now that individuals do not have the protection that we thought would be afforded to them.

Dr Jackson: Could you elaborate a wee bit on how you view the role of the regulator?

Liz Nicholson: The regulator will be monitoring the homelessness service of the local authority and the RSL, in response to how the RSL performs its duty towards homeless people. We were told by Scottish Homes that the regulator will adopt a softly, softly approach, to encourage local authorities and RSLs to develop good practice towards homeless people. They are not there to act as a sanction in individual cases. The appointment of the special manager by the regulator will not happen in individual cases, according to Scottish Homes.

The Convener: Before I ask Kenny Gibson to come in, I draw your attention to section 62(1),

which is the nub of this matter. It states that the Scottish ministers may appoint a manager

"to ensure that the management of"

an RSL's

"affairs . . . is of an appropriate standard (either generally or in relation to a particular matter)".

You do not see that as allowing the ultimate sanction of the appointment of a general manager for a particular matter?

Liz Nicholson: For one thing, that measure does not appear in the homelessness part of the bill.

The Convener: It is in section 62(1).

Liz Nicholson: It does not come under dispute resolution in section 5. This particular matter concerns local authority functions with regard to the homelessness service. It monitors the performance of RSLs not only in relation to homelessness, but in relation to housing management. An issue arises where an RSL has not housed people that a local authority has requested it to house. We have been told by Scottish Homes that it will not intervene in individual cases, so in the bill there seems to be some confusion about the roles of the special manager and the regulator.

I would like the bill to state that if, after arbitration, an RSL refuses to house a homeless person, a special manager will be appointed to deal with that person's allocation. We are talking about people who have been assessed as homeless and in priority need by a local authority. They have a right to housing. There is a problem if an RSL has housing of the right type, in the right location and of the right size, yet it refuses to house the person. That should be addressed in section 5 in the part of the bill on homelessness. Section 62 does not cover the circumstances that we are talking about. It is not clear that it will deal with an individual's case. It could deal with rent arrears or the homelessness service overall, but not with a particular individual's allocation.

The Convener: But it could mean that.

Mr Kenneth Gibson (Glasgow) (SNP): Mr Aldridge, in the last paragraph of your submission, which is on section 7 of the bill, you state:

"We are disappointed that this section does not include a clause enabling Ministers in due course to insist that a common housing register be set up in an area."

What benefits would such a register bring for homeless people?

Robert Aldridge: At a basic level, there is a problem with stock transfer where a plethora of landlords is created, and where an individual applicant for housing has to fill in a large number

of application forms to get the housing to which they should be entitled. At the simplest level, a common housing register allows a person to register on a housing list once, and each of the landlords to apply their allocation criteria to that list. For the individual, that is a much easier process.

I understand that there are information technology difficulties in having a common housing register. I know that Aberdeen City Council is already some way down the road towards such a register, and that other local authorities are doing the same. It will take some time before every area is in a position to have a register, but at the end of the day, ministers may have to insist that progress is made towards such registers. We are not saying that that must be done tomorrow, but it must be done in due course, particularly if stock transfers go ahead on a large scale.

Mr Gibson: So you would like a section in the bill to ensure that that happens in due course.

Robert Aldridge: Yes.

Mr Gibson: Do you have a time scale in which you would like to see that measure implemented?

Robert Aldridge: I do not have a specific time scale in mind. I hope that through encouragement, local authorities will set up common housing registers off their own backs. However, if it seems in due course that an authority is not making the effort, and it is appropriate in that area to have a common housing register, ministers should have the power to insist that a register is established.

There may be areas in which it is not appropriate to have a register. There are some areas, particularly rural areas, where there may only be the local authority and one other housing provider, in which case a common housing register may be a more bureaucratic way of going about things than simply having two separate housing lists. It is horses for courses, but the reserve power should be in the bill.

Mr Gibson: I have a follow-up question for Liz Nicholson regarding sections 4 and 5 of the bill. In your submission, you express a concern

"that there is no timescale attached to the Bill which indicates how long an RSL has to respond to a request to rehouse a homeless household . . . This requires to be tightened up as, otherwise, homeless households could be forced to remain in temporary accommodation for extended periods of time."

If you believe that the bill should be amended, what should the time scale be?

Liz Nicholson: I would not just want to amend the bill with regard to the time scale. We need to set up common housing registers. But in order that local authorities can make requests to RSLs, they

need to have information on the stock that RSLs have, so there should be a duty on RSLs periodically to provide local authorities with information on the size, type and location of the voids that they have, because that information will not come from common housing registers. If that information is known, local authorities can make requests to RSLs with full knowledge of what is available. That may help to ensure reasonable time scales. An RSL may say, "No, we haven't got that size, type or location at the moment, but we will have it in four weeks' time." If they have good knowledge of their voids, RSLs should be able to respond quickly to local authorities' requests.

Mr Gibson: So you are not sure whether you want a time scale to be specified in the bill.

Liz Nicholson: Yes, but the bill could state that the time scale should be reasonable. The guidance could go into more detail on what would be reasonable. In the first instance, when a request is made, the response should be immediate, so that the homeless person can be told what the situation is, how long they will be in temporary accommodation and what chance they have of getting accommodation in the area that they want. It is as much about looking after the homeless individual as about the efficiency of the system.

Mr Gil Paterson (Central Scotland) (SNP): I have a general question for Liz Nicholson. Do you see the bill as an advance in the fight against homelessness? If I read you right, you seem to be saying, "Where's the beef?"

Liz Nicholson: It is definitely an advance on what we have at the moment, particularly because of the bill's concentration on the prevention of homelessness. The existing legislation focuses very much on intervention once somebody becomes homeless. The bill is concerned with prevention in housing strategies and in the provision of housing advice, and states that a person is threatened with homelessness if it is likely that they will be homeless within two months rather than the current 28 days.

However, I have concerns because there are gaps. The bill must make sure that there is a right to appeal a homelessness decision. We should re-examine how reasonableness is applied in Robert Brown's Family Homes and Homelessness (Scotland) Bill. A lot of homelessness is caused through rent arrears, and we must ask whether it is reasonable to evict in those circumstances. I would like that to be tightened up. We are still at the beginning of the process with homelessness. As Robert Aldridge said, there is still a lot to be done by the homelessness task force. We recognise that this is the first stage. It should improve the lives of homeless people, but there is some tightening up to be done.

10:30

Mr Paterson: Robert Aldridge mentioned a private member's bill. I take it that you were referring to a bill at Westminster, Robert.

Robert Aldridge: No. I was referring to Robert Brown's member's bill.

Mr Paterson: Is some of the beef that we think is missing from the Housing (Scotland) Bill in Robert Brown's bill?

Robert Aldridge: Absolutely. As Liz Nicholson said, there are two provisions in Robert Brown's bill that we are particularly keen not to lose. The first is the right of direct appeal to the sheriff in the case of a homelessness decision. The second is the extension of the criteria that sheriffs will have to take into account in deciding whether it is reasonable to repossess a property. Those provisions would make a tremendous difference to homelessness, because the factors that would have to be considered in deciding the reasonableness of a repossession would include whether a person has had access to money advice, whether there is an outstanding housing benefit application and the likelihood of members of the household becoming homeless as a result of the repossession. All three factors are useful criteria for deciding reasonableness.

Mr Michael McMahon (Hamilton North and Bellshill) (Lab): Mine is a general question, which the Shelter Scotland representatives may be best placed to answer. I know that, in other arenas, Shelter Scotland has expressed concerns about a council's duty to provide information, as a council may feel that simply providing a leaflet means that it has fulfilled that duty. This may be a question of how the rules are interpreted, but could you expand your concerns about that?

Marion Gibbs (Shelter Scotland): Section 2 of the bill covers advice provision. If a cynical local authority was trying to find a way round its duties—we do not have many such authorities, but there are one or two—it could interpret that section in a way that would not require it to act to prevent homelessness. The use of the word "about" means that the section does not actually impose a proactive duty on councils to prevent homelessness. The bill simply says that authorities need to provide

"advice and information about . . . homelessness and the prevention of homelessness".

If it saw fit, a council could provide an up-to-date list of bed and breakfasts or other forms of accommodation, thereby discharging its duty under the section, even though that would not comply with the homelessness task force's recommendations. The task force said that there should be provision of advice and information in each local authority area and that, if such

information and advice is not available, it should be secured. That information should be linked to Scottish Homes HomePoint quality standards work, an assessment of need should be carried out in each area and the provision of independent advice should be considered.

Section 2, as drafted, means that councils could find their way round those obligations. If we can make that interpretation of section 2 now and do not tighten up the wording while we are able to do so, the same interpretation could be made later on. We should consider what our ideas and principles are and decide how we need to change the wording to ensure that councils cannot get round what people have been hoping would happen with advice provision.

Later today, you will hear evidence from South Ayrshire Council, which part funds an independent advice centre with which Shelter Scotland assists. South Ayrshire Council's submission states that one of the resource implications of the advice provision is that the council will have to update its literature. That council already provides some independent advice and takes a positive view of that sort of thing. If a council such as that can read section 2 and think that it is mainly about changing literature, we must tighten up the wording.

Ms Alice Ann Jackson (Scottish Council for Single Homeless): We back up what Shelter Scotland says. The provision of good-quality advice and assistance is essential in trying to prevent and resolve homelessness. The bill as drafted would allow that not to take place. There is a lot of evidence about the lack of quality of the advice that is given at the moment. Simply providing literature will not prevent somebody from becoming homeless. Not only must there be independent advice in local authority areas, but local authority staff must be able to give that advice. You cannot just keep referring people on to different services; there must be a basic level of good-quality advice from local authority staff.

Mr McMahon: I was aware that you were concerned about that. I am also aware of what the Executive has said when you have raised those concerns. It has said that extensive guidance would make it clear what the duty is. Are you saying that guidance is not sufficient?

Marion Gibbs: That is one of the problems with the bill, as Liz Nicholson said. Guidance will give indications to local authorities about what they should do and guidance could be enforced by the regulator, but that presupposes that the regulator will try to ensure that the guidance is followed.

We want a minimum standard or framework with which all local authorities must comply and which the guidance backs up. If the main provisions are contained in the legislation and the guidance

backs that up, that is fine. However, guidance on its own is not strong enough. If a local authority says, "Well, it's not in the act and we are discharging our duty in an appropriate manner in terms of our interpretation of the act", that could leave a lot of people unable to get the advice and information that they need. We would therefore not be able to prevent homelessness in the way that Alice Ann Jackson has mentioned, which is what section 2 is about.

In a sense, we are talking about a technical detail. We are all coming from the same place, but we can read the section in different ways. Shelter Scotland's view and that of the Scottish Council for Single Homeless is that we just need to tighten up the wording to ensure that there is no loophole. We must ensure that we do not allow local authorities to find a way round that provision.

Robert Aldridge: I back up what Marion Gibbs has said. One of our concerns about the bill is the number of provisions that are left to guidance. Guidance comes in different strengths. We are all aware that there is currently a code of guidance, to which, according to legislation, local authorities must have regard, but many of them do not implement all the recommendations in that code of guidance. The guidance on advice and assistance may be that strong or stronger, but it is equally possible that local authorities or others who do not wish to implement it may not implement it in full. We have general concerns about the strength of guidance and whether it will be mandatory or whether local authorities will simply have to have regard to it.

Mr Keith Harding (Mid Scotland and Fife) (Con): I was interested to learn from Liz Nicholson's response to Sylvia Jackson's question that Shelter Scotland has dropped its suggestion that there should be a statutory duty on RSLs and housing associations to address homelessness. If there was such a statutory responsibility on all RSLs and housing associations, would not that deal with most of your concerns about the right of appeal?

Liz Nicholson: Yes, it would. If the bill had included a statutory lettings order, that concern would have been addressed. However, we were starting from a low base, where homelessness was not really being considered when it came to stock transfers. There was a process of negotiation until we got to the stage at which the rights of homeless people had to be recognised and RSLs had a responsibility to house them. The bill includes the duty to comply with a request from a local authority. We do not think that there is good reason not to comply, other than that the RSL may not have the right stock in the right location, for example.

We came to a point in the discussion at which it

was proposed that the special manager should take over the allocations if the RSL refuses to house. We believed that that would be as strong as a statutory lettings order, which is why we conceded the point. If we do not make it clear in the bill that that protection is afforded to homeless people, we must go back to the proposal for the bill to provide for a statutory lettings order under which RSLs have to house homeless people.

Mr Harding: Do you think that the local authorities have suitably qualified staff and the resources to address all the additional homelessness proposals and functions in the bill?

Liz Nicholson: No. One of the problems that we have identified is the amount of guidance and secondary legislation that will accompany the bill.

Local authority housing staff are under tremendous pressure and training is not always given the appropriate priority. A need for training will arise not only from the primary legislation, but from the secondary legislation and guidance. If we are to follow the spirit of the homelessness task force, we must bring about a change in the attitudes of housing staff. I am not talking about all the staff—I do not want to make a generalisation. However, attitudes towards homeless people can be prejudiced. There is an institutionalised stereotyping of homeless people; training would be one way of breaking down that stereotype and of creating an understanding of the problems that people face. That training need should be addressed as part of the implementation programme for the bill.

Cathy King (Scottish Council for Single Homeless): I agree with Liz Nicholson. It is a challenge for local authority staff to embrace the remit and implications of the bill. The new rights for homeless people will be welcomed by local authority staff, who will move from a gate-keeping role to an enabling and empowering role. Local authorities will embrace that challenge. Liz is right to say that there must be a culture change.

If the resource implications are not met, we will return to a situation in which the local authorities are gate-keeping a scarce resource. Other issues will be the transfer of staff to RSLs, what aspect of homeless assessment is reserved to the local authority, and the possibility that responsibility for accessing appropriate housing and temporary accommodation will transfer to the RSL. We will have to manage that transfer carefully.

The challenge will be embraced by local authorities but it will have resource implications and will require retraining for staff and a different way of dealing with homelessness. Homelessness will have to be considered holistically, with a view to its prevention and the sustainability of individual tenancies as well as communities.

Iain Smith (North-East Fife) (LD): Your submission focuses on defining priority needs and vulnerable groups. Do you want those groups and priorities to be defined in the bill, or do you want the bill to include a duty on the minister to produce regulations that define them?

Robert Aldridge: We want them to be defined in legislation, either through a statutory instrument or through the bill itself. It is important to define priority need categories in statute. At present, they feature in the code of guidance as examples of groups of people who may be considered vulnerable and therefore in priority need. However, experience has taught us that many local authorities do not always consider such people vulnerable or in priority need. The only way in which to ensure that they are considered so is to extend the priority need categories in statute. That could be achieved through a statutory instrument, but we would prefer it to be done through the inclusion of those groups in the bill.

Iain Smith: Would it not be disadvantageous to include them in the bill, as that would make it more difficult to review and update the list of groups if it were felt that the priority need categories had not been defined correctly or that groups that should have been included had been missed out?

Robert Aldridge: A range of priority need categories has been included in homelessness legislation since 1977. In Scotland, there has been only one addition: people who had been in care from their 16th birthday, up to the age of 20. I do not believe that, in the foreseeable future, any of the groups that we mention will cease to be vulnerable or to have priority need. There may be opportunities to add further groups, but the groups that we highlight should be included in the bill.

10:45

Iain Smith: You said that the Scottish Council for Single Homeless is against the right-to-buy provisions. Why are they a problem? Do you have any criticisms of specific provisions in the bill to designate areas in which there will be no right to buy for a period?

Robert Aldridge: Our organisation has always taken the view that the right to buy should wither on the vine, and that, following the introduction of the Scottish secure tenancy, new tenants should not have the right to buy—they should have all the rights of the secure tenancy without the right to buy.

There is an acute shortage of good-quality rented accommodation in large swathes of Scotland. That prohibits people who are homeless and other vulnerable groups from gaining access to good-quality, affordable rented housing. The question is not just whether a sufficient number of

houses is available; the question is whether the houses are of the right type and quality to allow someone who has been homeless to sustain their tenancy. We all know of people who repeatedly become homeless because they cannot sustain their tenancies—in very poor-quality rented accommodation, for example. We must find permanent pathways out of homelessness, part of which process will be ensuring that there is an adequate supply of good-quality rented accommodation where it is needed.

We also take the view that, if the extension of the right to buy goes ahead, the pressured or designated area provision should be amended. At the moment, it seems to be concerned simply with the overall supply and demand in an area. Although there can be a crude balance in an area and the overall situation may be all right, there might be an acute shortage of ground-floor houses, houses with four or more bedrooms or houses with only one bedroom. The pressured area provision should therefore be amended to take account of house types and sizes.

Dr Sylvia Jackson: You will be pleased to hear that that comment has been made in previous evidence.

Let us return to what Liz Nicholson said about arbitration between the RSLs and the local authorities. If an RSL refuses to comply even though an individual family or a single person wants the situation to be rectified, does that not mean that something is badly wrong with the RSL and that, therefore, the general issue of what is happening should be looked into?

Liz Nicholson: Yes. At the moment, RSLs do not have a good record on housing homeless people. The issue could be a general one, but it is separate from the individual case. How could the fact that part of the dispute resolution was not in place be drawn to the attention of the special manager or regulator?

Dr Jackson: Would not consideration of why the RSL is not complying lead to a resolution of the individual case and, hopefully, ensure that in future such individual cases would not arise? That is what I am trying to determine. As well as considering the individual case, is it not important that the special manager considers more widely what is happening with the RSL that is not complying?

Liz Nicholson: I agree that special managers should do that. However, Shelter Scotland deals with the family or single person who is homeless. If it is clear in the bill that one goes through informal discussion, negotiation, arbitration and then the special manager, an individual's case will be resolved far more quickly. If that is not the case, how can an individual go to the special

manager or regulator with a problem? Will the local authority take up the case? Will it be up to Shelter to advocate that person's case? We know the problems that there are with judicial review and how long it takes. We do not want people to be in temporary accommodation without a settled life. That is what leads to repeat homelessness.

The homelessness task force clearly intended that the special manager should be the next stage, but that is not clear in the bill. I would like to be reassured that the legislation will provide for the appointment of a special adviser for individual cases. We were content with that proposal when we discussed it, but I do not think that it is reflected in the bill. I think that the special manager should investigate RSLs, but Scottish Homes is saying that that is not the role of the regulator and that the regulator will take a softly, softly approach. There needs to be clarity about what Scottish Homes and the Scottish Executive are saying on this matter.

The Convener: That is the nub of the matter. There must be consistency between the advice and information that you receive from Scottish Homes and what the Executive is saying. That needs to be clarified. I take one position, and others may take another. Rather than talking to you, perhaps we should be talking to Scottish Homes.

Mr Gibson: How will the bill directly impact on the level of homelessness among 16 and 17-year-olds? Do you believe that legislation at Westminster on benefits is also required to deal with that?

The Convener: That sounds like a party political point, but the witness may answer.

Marion Gibbs: A range of factors cause homelessness among 16 and 17-year-olds. The bill will go some way towards helping some people in certain circumstances, but it will not help everyone. In trying to prevent homelessness, we should ensure that there is a broad approach. One aspect has to be the benefits system, and in particular the restrictions on what young people can receive housing benefit for.

There are many other factors. For example, many 16 and 17-year-olds are homeless because their family and friends are unwilling or unable to accommodate them. I would not advocate that a 16 or 17-year-old should have to go over a hurdle such as family mediation before they are assisted. However, if family mediation is one way of resolving some issues—without putting anyone at risk of violence or abuse—it should be considered.

The bill could address some of the range of reasons why people become homeless by promoting good practice by local authorities, including departments other than the housing

department. That is important, as other sections and departments do not always seek to prevent homelessness as they should, through education, the housing benefit system, information and advice, and social work. Many agencies are involved. Under the homelessness strategy, the prevention of homelessness is a corporate duty. All the local authority departments whose actions could lead to the occurrence of homelessness should examine their policies, conduct a homelessness audit and ensure that people do not slip through the net.

Sixteen and 17-year-olds are sometimes, although not always, accommodated, but they may be given inappropriate tenancies and may not be supported. Funnily enough, such tenancies will fail; the 16 or 17-year-old will abandon the tenancy because they do not know how to manage their finances and have been given no support. They will then not be able to gain access to accommodation because the shadow of the earlier failed tenancy is hanging over them. We hope that the strategy will pick up on such matters, but we need more in the bill, secondary legislation or guidance to ensure those people do not slip through the net.

Robert Aldridge: I have one or two points to add to Marion Gibbs's comprehensive answer. Key aspects of the bill and the homelessness strategy are about the prevention of homelessness. We must examine ways of preventing homelessness, particularly among 16 and 17-year-olds. For example, a high proportion of young homeless people have been looked after by local authorities. That means that local authorities need to adopt a joined-up approach to prevent homelessness occurring among such people.

We are involved in a lottery-funded programme that is trying to introduce education about housing into every school. People must be made aware of the implications of leaving home and the realistic options that would be open to them if they left home. The programme tries to prevent the circumstances arising in which people do not know what to do and end up out on the street.

Our submission points out that care leavers are not just people who leave care on or after their 16th birthday. In "Scotland's Children", the white paper preceding the Children (Scotland) Act 1995, it was suggested that the definition should include people who had spent significant periods in care after their 12th birthday. For the best of reasons, many local authorities try to make arrangements for young people to leave the care system before their 16th birthday and to return to family or friends. However, those arrangements may break down later. The legislation should cover people who have been in care but are not currently defined as

care leavers.

Mr Gibson: In section 3 of your submission, you say:

"We are concerned that the expanded use of temporary accommodation should not lead to poor quality of accommodation, to homeless people being housed in large groups in 'hard to let' areas and other poor practice."

Is there anything that the bill could do to address that?

Robert Aldridge: This may be an area that needs to be monitored by the regulator. There will be a danger that, if there is an increased need for temporary accommodation, people will look to what is not filled at the moment—hard-to-let accommodation in the worst areas. That could lead to the ghettoisation of people in those areas, which will lead to further decline in those areas. I hope that the homelessness strategies will avoid the use of temporary accommodation and find permanent, sustainable solutions for people who become homeless. I hope that the bill and the homelessness strategies, the regulation of the homelessness function and improved rights for homeless people will lead to more people retaining their homes or being housed in permanent accommodation. As it stands, there is a weakness in the bill, in that it does not specify the standards of temporary accommodation or the areas in which temporary accommodation will be sited. That aspect of the bill needs to be improved.

Mr McMahon: Much of what you have said is aimed at the prevention of homelessness. I think that we all support that objective in legislation. However, you have allied that aim with opposition to the right to buy. You have indicated that you believe that the right to buy and the right to a home are mutually exclusive. Why should that be the case? Could not an RSL be bound to prevent homelessness at the same time as it gives someone the right to buy their home?

11:00

Robert Aldridge: There are two issues to unravel. First, we are not suggesting that anybody who currently has the right to buy should lose it; rather, we suggest that there should be no right to buy for new tenancies that will be created after the Scottish social tenancy comes into effect. There will be no extension of the right to buy to those who currently do not have it.

Secondly, although people's aspiration to owner-occupation is perfectly justifiable, I am not sure that the right to buy is the most efficient, targeted way of helping people to own their homes. It all seems fairly arbitrary. For example, somebody who leaves a family home and goes into social rented accommodation will receive what is basically a subsidy of £10,000 to buy their house.

However, somebody who leaves the family home and goes directly into owner-occupation will receive nothing. If the aim were to encourage people into owner-occupation, would not it be better to provide a targeted subsidy for people who want to do so? I have no objection to that. I simply feel that the right to buy is a very arbitrary way to proceed.

Mr McMahon: Local authorities have a duty to allow the right to buy. However, they also have duties concerning homelessness. Could such a system not continue under stock transfer? Why should a new tenant be denied the right to buy under stock transfer, to ensure that the RSL can provide homes for homeless people?

Robert Aldridge: Any new tenant—regardless of whether they are a tenant of the local authority or otherwise—will not have the right to buy, because everyone will be covered by the Scottish social tenancy. It is not a case of whether there is a stock transfer or not; the same rights will apply across the board.

Mr McMahon: I cannot understand why denying a new tenant the right to buy will make it any more probable that an RSL or local authority will be able to prevent homelessness.

Robert Aldridge: It comes down to the supply of housing. In most areas of Scotland, there is a surplus of demand over supply for good-quality affordable rented housing. Under the right to buy, the best quality housing gets sold off first, which leaves a residual social rented sector that has concentrations of poorer-quality rented accommodation. As a result, the right to buy can work against the aim of building balanced communities and, in rural areas, it can have a devastating effect on whether a balanced community can continue to exist. I do not see the right to purchase accommodation as a tenant's right, but as a means to owner-occupation. We do not, for example, give the same right to a private tenant.

Liz Nicholson: Shelter is also opposed to the extension of the right to buy. However, as Robert Aldridge said, the debate on the issue—which has come to dominate the debates about the Housing (Scotland) Bill—really centres on the supply of housing. As we do not have enough rented housing to meet demand, our opposition to the right to buy is valid. By 2020, the social rented housing sector will be reduced to 20 per cent. Before Christmas, the Scottish household survey published figures that indicated that the number of lone parent households will increase over the next decade. Although we know that such households have the lowest income and that they therefore desperately need affordable rented housing, the supply of housing that is available to them is being reduced.

If we are to review Scottish housing policy, we should be clear about how much social rented housing we need, before we embark on a policy of selling off the housing that we have. We need increases in the supply of social rented housing. Shelter has been arguing a long time for a reduction in the discount rates and for a longer period before people qualify—both of which provisions have been included in the bill—however, we cannot reduce the existing amount of social rented housing while there is still a demand. The current level of homelessness in Scotland is the highest ever.

Mr Paterson: The SCSH submission states:

“We are concerned at the wording of 4(2) which appears to imply that in each case a council must look to its own accommodation first before”

considering property elsewhere. Are you really saying that the quality of council rented accommodation for homeless people is in decline?

Robert Aldridge: It is not simply that; indeed, Shelter is also concerned about that point. Section 4(2) is unclear on whether, in each case, local authorities will have to look to their own stock before looking to an RSL to provide accommodation for homeless people. In the new world we are entering, where many landlords will provide assistance to a range of people, the local authorities and the RSLs that have the right kind of stock will have to play their parts. Section 4(2) seems to imply that local authorities can look to an RSL to house a homeless person only after they look to their own stock first. I know that some people have interpreted the section in that way. If that is the case, it is not the right answer; we should seek the best solution for a homeless person across the rented sector.

Liz Nicholson: If the RSL provided the local authority with information about the stock that was available in its area, a very simple amendment to the section would be to change the phrase “held by it” to “in the area”.

The Convener: I think that Robert Aldridge said that strategies do not resolve, they merely alleviate. Local authorities have to prepare a homelessness strategy for submission to the Scottish ministers. Do you think that there should be a method by which Scottish ministers scrutinise, comment on and approve those plans?

Robert Aldridge: That would be helpful. In her initial remarks, Liz Nicholson talked about the provisions in the English Homes Bill. We can sometimes learn from south of the border; some of the provisions in that bill are much tighter than the proposals in the Housing (Scotland) Bill. It is only logical that, if ministers can ask for certain measures to be included in the homelessness strategy, they should be able to scrutinise the

strategy, make comments on it and approve it. I should repeat that the alleviation of homelessness is not the same as resolving it, and any strategy should contain the concept of resolving homelessness.

Marion Gibbs: We agree with Robert Aldridge about scrutinising the homelessness strategy. We would prefer to see more in the bill, or secondary legislation, to ensure that there is a consistent standard across Scotland against which decisions can be made. If standards are too open, it is difficult to enforce or encourage them.

The Homes Bill proposes a homelessness review followed by a homelessness strategy. One would hope to see a bill, with legislative power behind it, being backed up by guidance on the detail of the strategy so that local authorities could consider and develop their strategy according to a framework that can be scrutinised and assessed. That would ensure consistency and give local flexibility—the situation in, for example, Highland Council is different from that in Glasgow City Council. We must recognise that, but there must be a similar framework so that everybody is following the principles behind this section of the bill and moving in the same direction.

The Convener: We are not the lead committee on the bill, so we will write a report, which will be attached to the lead committee's report. Your comments and observations will be reflected in that report and in the deliberations of the committee. Thank you for coming along; have a safe journey home.

We will carry on. I apologise for keeping the next witnesses waiting; I hope that they had plenty of tea and coffee.

I welcome representatives of South Ayrshire Council. We have with us: Peter Whyte, who is head of housing; Jill Downie, who is principal officer of housing; and Derek Mitchell, who is the homelessness manager. The procedure will be the same as for the previous witnesses. You can talk to us for a few minutes, then the committee will ask questions.

Peter Whyte (South Ayrshire Council): We thank the committee for the opportunity to make a presentation to it. We will bring a local perspective to the committee on the homelessness provisions in the bill.

Our submission has two strands. One is to paint a picture of the situation in South Ayrshire and the other is to indicate what we consider to be the implications of the homelessness provisions in the bill for us in South Ayrshire.

I will begin by talking about supply and demand, because affordable rented housing is at a premium in South Ayrshire. We hope to make the

case that we are a pressured market—there is a recognised need for more affordable rented housing. About 7,000 applicants are on the waiting list for council housing and, in a given year, we have a turnover of about 800, so in those crude terms there is a big demand for a small turnover of houses. If the committee considers that fact in the context of the 1,071 homelessness presentations that we had last year, that will give members a perspective on the supply and demand.

We have, through right to buy, the highest net loss of housing of all the rural authorities. Because of it, we have about 50 per cent of the housing stock that we had 20 years ago. That leaves us with only about 20 per cent of the total housing stock in South Ayrshire, which is a very small proportion in Scottish terms; RSLs account for only 2 per cent of total households in South Ayrshire.

Homelessness in our area has increased by more than 80 per cent since 1994-95 and continues to rise. A very high percentage—more than 80 per cent—of our applicants are aged 16-24, have no job, no education place and no training place. The needs of homeless people who come to us are much more complex than merely the need for accommodation.

11:15

We have dealt with homelessness in the past, largely by using bed and breakfast accommodation, but recently we have put measures in place to reduce that reliance on bed and breakfast, which we believe is inappropriate accommodation for homeless individuals and families. That is the situation in South Ayrshire.

As far as the section of the bill on homelessness is concerned, members would expect us to say—as a local authority—that we are concerned about resources. However, we will need additional resources to assist us in the development of the strategy, which is one of the main requirements in the bill. We also believe that the provisions in the bill—as they stand—may force us to return to a greater reliance on bed and breakfast, which is the opposite direction from that in which we have wanted to go in recent years. We estimate that 342 additional places would be required at a gross cost of £182,000.

The people from Shelter made the point that we made in our submission about the resources that are required for changing our literature containing information and advice for homeless people. The point that we want to make is about resources, not that our duty would be fulfilled by producing glossy brochures.

It is good that additional resources have been announced to deal with the new requirements of

the bill, but how those resources are distributed will be key to authorities such as South Ayrshire Council. Other authorities have an over-supply of housing; it may not be appropriate housing and it may be low-demand housing, but the city authorities will be able to meet the additional requirements of the legislation through that mechanism. That is not an option in South Ayrshire, because of the constraints of demand and supply that I mentioned.

We have also highlighted the potential for disputes with RSLs over the allocation of housing to homeless people. We suggest that the local authority should have the decision-making powers in any disputes and that the new regulatory body should monitor how we perform in that function.

My final point is about the forthcoming regulations on the provision of hostel accommodation. We suggest that those should permit local authorities to withdraw accommodation when security of residence and/or staff is at risk. We have practical experience of such action being necessary.

The Convener: You said that the legislation, as it stands, might mean that you return to a policy of using bed and breakfast accommodation. Will you expand on that?

Peter Whyte: The additional requirement is to provide temporary accommodation to homeless applicants who are not in priority need. We have examined the picture of households and individuals who have presented to us, but who have not been in priority need, hence we have been able to estimate what the additional burden of the new provision would be for South Ayrshire.

Mr Paterson: Paragraph 15 of your submission is on section 6 of the bill, about persons living in hostel accommodation. You have worries that some of your powers on anti-social tenants might be taken away. I will leave that aside. Have you any evidence about what happens to people who were evicted because of anti-social behaviour, and who are homeless? Do they move to other areas? Are they rehoused? Does that problem have a knock-on effect? Do people who were anti-social tenants move into your area? If so, how do you cope with that?

Peter Whyte: As I said, we have practical experience of that. Derek Mitchell is the best person to answer those questions. He is operationally responsible for the management of our hostels and has much direct contact with the preponderance of anti-social behaviour that we deal with.

Derek Mitchell (South Ayrshire Council): Only a small minority of people are in the position that Mr Paterson describes. Sometimes, local authorities require to withdraw accommodation

from homeless applicants because of severe anti-social behaviour. If a resident in a hostel assaults a member of staff, the police become involved. If the resident is then bailed to that accommodation, the staff will be put at risk, as will be the security of other residents, who might be in the hostel because they have fled violent situations.

Gil Paterson asked what happens to such individuals. I can speak only about our area, where we hope that we have built in some safety nets. We would refer such people to a start project, which is funded through the rough sleepers initiative. The project would attempt to secure accommodation, often in the private rented sector, for individuals from whom we have withdrawn accommodation.

Rent deposits can be an issue in such cases. We look for help from our social work colleagues, if they are involved, to try to secure rent deposits. A local church charity runs a rent deposit scheme. Sometimes, we can access rent deposit guarantees through that.

Mr Paterson: Paragraph 12.1 of your submission suggests that you will have a new burden of £182,000. Will your council be able to cope with some of that new burden, or would the Government have to provide new resources to take care of it?

Peter Whyte: I stress that the £182,000 is a gross cost, some of which is recoverable through benefit. The authority can absorb some of that. However, the underlying point is that bed and breakfast accommodation is inappropriate for most people, but few alternatives are available. The problem is supply of housing. Unless additional resources are provided to help us to increase the supply of temporary accommodation, we will have to rely on B and B to cope with the increased duties.

Mr Paterson: You mentioned benefits. My colleague talked about the benefits that have been removed from 16-year-olds. Does that have an impact? If so, should benefits for 16-year-olds be restored?

The Convener: That may not be a question that the director can answer.

Mr Paterson: The question is about impact. The witness mentioned benefits, and 16-year-olds are—

The Convener: The witness cannot say whether benefits should be restored.

Mr Paterson: I am asking for his opinion.

The Convener: He has already said that an impact is caused, so perhaps you can agree with him on that.

Mr Gibson: I think that you said everything in

intervening, convener.

Paragraph 7.3 of your submission, on land supply, states:

"South Ayrshire Council has a successful joint investment plan with Scottish Homes, however funding through this mechanism falls far short of what is required to counterbalance decline through right to buy."

Given the fairly limited provision in the social rented sector, what impact do you expect the extension of right to buy to have on homelessness in South Ayrshire?

Jill Downie (South Ayrshire Council): It is difficult to quantify the impact. However, the take-up of right to buy in South Ayrshire has not lessened as it has in other authorities' areas. The housing stock that belongs to the local authority and the RSLs is so attractive that extending the right to buy will increase take-up, rather than just continue it at the present rate. As a result, the stock will continue to decrease and we will be unable to provide the levels of temporary accommodation that we would like. The stock that is available for rehousing homeless people, general need community care cases and others will also reduce.

Mr Gibson: Paragraph 9.3 says:

"Proper resources are essential to ensure that an efficient and cost effective service may be provided and the Executive must seriously address the potential impact of the proposals on current finances and resources. In the recent past bids have been made for resources to improve funding and provision, e.g. RSI, but this competitive system for short term funding is not the best way forward in fulfilling long term and increased duties on homelessness."

How would funding best be delivered?

Peter Whyte: Jill Downie and I will both have a stab at that question. Competition for resources can consume staff time and finances, and may be unsuccessful, so for many authorities that do not succeed, the process can waste resources. A system that was based on needs in local areas could be devised to identify where the resources that are available from the Executive could be properly apportioned to priorities and local circumstances, such as the relationship between supply and demand, or the shortage of affordable rented accommodation. As I said, that shortage is acute in South Ayrshire, but may be less so in some cities.

Jill Downie: Local authorities are often criticised for a lack of strategic long-term planning. The competitive funding and bidding process that has been favoured in the past two or three years has made such planning more difficult. When local authorities consider a five-year process, it is difficult to know what funding will be available, whether the authority will have access to that and how often the funding will be provided. If we are to

be successful in our strategic planning role, that process must be changed.

Iain Smith: First, I must apologise, because I will have to leave in a few minutes. I do not mean to be discourteous. I will read the evidence of the witnesses and others in the *Official Report*. Paragraph 12.1 of your submission refers to 342 individuals. You say—rightly—that bed and breakfast is not the most appropriate accommodation for homeless people. However, what currently happens to those 342 individuals when the council does not provide temporary accommodation?

Peter Whyte: We are required to give those people such advice and assistance as we can. We help them to make their mainstream application to the local authority and any other housing associations in the area. We also try to identify opportunities in the private rented sector, which is not a fruitful source of housing in South Ayrshire—it needs some stimulation.

Derek Mitchell: Access to public and private sector accommodation in South Ayrshire is difficult, and people who present as homeless have problems with that. Predominantly, those people are single adults who are homeless but do not have a priority need.

We do our best to ensure that those individuals get accommodation. As I said, there are things that the council can do—providing rent deposits, for example—to facilitate people getting accommodation. We can refer people to a range of other resources to help them to secure accommodation. However, our advice and assistance is constrained by what is available in South Ayrshire—there is not enough out there to house everyone who wants to be housed.

11:30

Iain Smith: I have a second question, on the right to buy and designated areas. We have heard evidence from a couple of people—last week and this week—that suggests that, in addition to geographical areas, types of housing of which there is a particular shortage, such as one-bedroom accommodation or larger accommodation in a particular area, should be considered for designation. Does your council support that?

Peter Whyte: Broadly speaking, yes. As I tried to indicate earlier, we would be interested in making a submission to justify our status as a pressured area. Jill Downie will comment on the specifics.

Jill Downie: We would definitely support the extension of the criteria to include house size and house type. In South Ayrshire, the demand for

housing is huge across all house types and sizes, but we have particular problems with one and two-bedroom properties, demand for which far exceeds supply. In addition, because of the number of older people in the authority area, there is huge demand for and stress on the provision of ground-floor and amenity housing.

Derek Mitchell: We have mentioned the pressure on different types of accommodation. The Scottish Council for Single Homeless has also mentioned the pressure on properties with four bedrooms or more. We have many families who spend inordinate lengths of time in temporary accommodation, because we simply do not have the required number of four-bedroom properties in our area to house them. Because of that, we have people waiting in Women's Aid refuges and in our own temporary accommodation for much longer than is usual for people who go through the homelessness process in South Ayrshire. The four-bedroom properties that we have in South Ayrshire are concentrated in certain areas. Sometimes people cannot go back to those areas for reasons of violence or whatever. Finding permanent solutions for such people leaves us with huge problems.

Dr Sylvia Jackson: First, I commend the witnesses on their paper, which I thought was most useful, in outlining not only the difficulties that they and other local authorities face, but the way in which South Ayrshire is attempting to address the problems in an holistic way through Heriot-Watt University and the research exercise that you are entering into shortly.

Two areas seem to be at the crux of the matter. One is the supply of housing. Iain Smith has already asked about pressured housing and your favoured approach to relieving pressure. The second is the joined-up, holistic approach that must be taken to homelessness. All the research that I have seen seems to suggest that the people who come forward do not usually have only the problem of not having a house—there are many other issues. I notice that you stressed that 16 to 18-year-olds are a particular issue and that you have been working on the step towards employment project application. Will you say a little more about how initiatives such as STEP could be extended? What else might be written into the bill to take things further in that direction, or is the bill sufficient? Should there be anything more in the guidance?

Derek Mitchell: The focus of the step towards employment project and the step towards training opportunities project was going to change. The application to the European social fund has been successful, but that is still short-term funding. We were really wary of the funding not coming forward because the projects have done a lot of very good

work. I believe fundamentally that young people will progress much more quickly and much further if they have a job or a training place—something that will enhance their job prospects. That has proved to be the case in South Ayrshire. The statistics show that about 80 to 90 per cent of young homeless people in South Ayrshire in the past have not had a job or training place. Since STEP has been working with young people, that is changing.

It is also important to recognise that some of the young people with whom we deal, who were previously looked after and have quite horrendous backgrounds, are not ready for a traditional training place or job. They need an access course to an access course. That is what STEP does. It gives some young people a structure to their day for the first time in their lives. That is important. We must build their confidence and self-esteem so that they can move on to more mainstream training places and apply for more mainstream jobs. It is really important that that type of work continues.

Dr Jackson: Does the bill need to be strengthened to make that the focus?

Peter Whyte: It is difficult to see how that specifically could be legislated for. It might seem strange for a housing person to describe liaison with social work as a benefit, but we benefit from having a joint department and work closely with colleagues in social work. It might be possible to make it a requirement that that happens. We have a screening group, which brings together people not only from housing but from social work and elsewhere, to consider individuals' circumstances and to try to identify the appropriate help that can be given. However, it is difficult to see how that might be encapsulated in legislation.

Dr Jackson: It might be more appropriate to do it in guidance and best practice.

Peter Whyte: Yes, it could be identified in best practice.

Derek Mitchell: There is movement in another arena. The new draft of the HL1 form, which I have seen, deals with new models of intervention to prevent homelessness, especially for young people—it considers issues such as family mediation. Good practice and guidance are probably the best vehicles for that.

In our area, we have an assessment and mediation officer. We saw a huge increase in the number of young people presenting as homeless. From a local authority perspective, we are firmly of the view that where it is safe and reasonable for a young person to remain in the family home, that is where they are best placed. I am not saying that that is the case in all circumstances, but if it is safe and reasonable, the assessment and mediation

officer can enter into some sort of intervention with the family. Sometimes what the family needs is a break—kids and adults need a break from one another. In our local authority, we enter into different models of intervention, such as family group conferencing, which is successful. Since the assessment and mediation officer post came into being—over the past nine months—it has facilitated the return home of 16 young people. That is the proof of the pudding—that type of intervention can work.

Mr McMahon: Point 14 of your submission, on the duty of registered social landlords, raises concerns about the role of the arbiter. It is a short paragraph. Obviously, you will want to take the opportunity that I am offering you to expand on those concerns.

Jill Downie: The local authority is currently the statutory body in relation to homelessness. As such, it should have the decision-making power if a dispute arises with an RSL. There are two reasons for that—first, because we are the statutory body; but also because we need to try to limit the time scales, which could increase if there is an arbitration process. Shelter said that in this type of situation, we must remember that while a dispute is going on among local authorities, RSLs, arbitrators and special managers, somebody is homeless and living in temporary accommodation, which affects their health and social well-being. There is also a continuing resource issue, as the local authority is presumably funding temporary accommodation. We favour the local authority having a major role in the decision-making process in terms of its ability to discharge its statutory duty and influencing the length of time that disputes can continue. We do not favour the suggestion of arbitration being taken forward.

Mr McMahon: Section 62(1) of the bill outlines exactly what the Scottish Executive intends, but the organisations that gave evidence earlier thought that that was a matter of interpretation. Do you think it is? Do you want the Executive's specific meaning to be included in the bill, or could it be left to the guidance?

Jill Downie: It would be helpful for the meaning to be detailed much more fully in guidance. There must be provision for a flexible approach, as every case is different and relationships within local authority areas are different. If every case were forced through legislation to take the arbitration route, that would waste time and would be damaging to people who present as homeless.

Derek Mitchell: The ethos of many RSLs is to create balanced communities. Solely from a homelessness manager's perspective, I want to get the best possible deal for homeless applicants, and that will cause conflict at times. There are important issues relating to RSLs taking

responsibilities on homelessness and taking homeless applicants seriously. A significant minority of homeless applicants in any area have chaotic lifestyles and present with major problems. There are no short-term or easy solutions for those families, but local authorities are obligated by statute to work with them. Unfortunately, RSLs, in the main, do not work with them.

Peter Whyte: To reiterate the point that I touched on at the beginning, the number of RSL tenancies in South Ayrshire Council is relatively small: 2 per cent of all households, which is just over 1,000 houses in total, and there is not a high turnover within that number. What we are talking about will be marginal in the attempt to deal with homelessness in the region. Part of the reason for that low level of RSL tenancies is that, for the past 10 or 15 years, the area has suffered from a relative lack of investment in new house building in the social rented sector. Although that has partly been redressed by Scottish Homes in the past few years, it is still a small part of the total housing sector in the area.

Mr Harding: As you say, compared with other areas, there is a small percentage of RSLs in your area. Are you going through a process of stock transfer?

Peter Whyte: We are reaching the option appraisal stage in our year-long study, which was funded through new housing partnerships. It would be inappropriate for me to pre-empt the recommendations that will emerge from that exercise. However, it is probably fair to say that we know that the retention option for the council stock is economically viable, projected over the next 30 years and using a complex set of assumptions. The council has been open-minded about stock transfer and will no doubt consider carefully the recommendations from our consultants once the option appraisal exercise is completed.

Mr Harding: I asked the question because I wondered whether the situation would change in the immediate future. Would common housing lists help reduce homelessness?

Peter Whyte: Perhaps my colleagues would like to comment on that. I do not think that that would in itself resolve the homelessness issues. We are talking in terms of supply and demand and of accessibility to the housing that we have. I hope that there will be good information and advice from the colleagues and agencies that we have in the South Ayrshire Council area. From a practical point of view, I agree that having one application form that would access all the social rented housing in our area would make sense. It would have to be resourced and there would be additional demands on our staff and on the RSLs.

11:45

Mr Harding: There is obviously concern about the arbitration process. Should a statutory responsibility be placed on all RSLs to address the homelessness situation?

Peter Whyte: I would not have been unhappy if a statutory responsibility to provide accommodation for homeless people had been placed on RSLs. I am still hopeful that, based on the relationships that we have with RSLs, we will be able to work well together. Inevitably, as we said in our submission, there will be cases of dispute. We suggest that the local authority, as the statutory authority, should be in a position to make the decision but that its decision-making history should be established and monitored by the new regulatory body.

Mr Gibson: In section 13.1 of your submission, you write that

"the main aim of the Housing Bill in this section should be to ensure that permanent housing is secured for homeless people quickly and efficiently. This would be aided by the extension to RSL's of Section 20(1)(b) of the 1987 Act which places a duty on Local Authorities to give reasonable preference to homeless people in the allocation of its houses."

Can you define "reasonable"? How would the proposal impact on the overall housing list in the South Ayrshire Council area?

Peter Whyte: Jill Downie might want to say something about that, but the term "reasonable" has been used by local authorities since 1987. We are required to give reasonable preference, but it is not defined more specifically than that.

Jill Downie: I do not know whether I can add to that. It refers back to what we said about wanting the RSLs to have a statutory duty to house the homeless.

Mr Gibson: Do you think that the guidelines should clarify that section of the bill? It might be interpreted differently by different local authorities.

Jill Downie: Yes.

Mr Gibson: Registered social landlords will be required to house homeless persons nominated by local authorities unless they have good reason to refuse. What would you consider a good reason to be?

Derek Mitchell: There are few such reasons, and I would like them to be mentioned in the guidance. At the moment, if a local authority decides that someone with a priority need and a local connection is unintentionally homeless, there is a duty—regardless of what some of my colleagues might feel—to rehouse that individual or family regardless of the problems that they might have had in the past. RSLs should also have that duty.

At the moment, if an RSL wants to allocate properties, it might interview applicants. If a family with a range of problems goes to the interview and has, say, three kids going daft in the room, it is unlikely that the RSL will voluntarily rehouse that family. The local authority has a duty to rehouse those people, and I think that RSLs should have the same duty.

The Convener: I agree with what Sylvia Jackson said about your paper being not only interesting but well laid out. I found it an easy read, which was helpful—some of the stuff we get is not quite like that.

I appreciate that we cannot legislate for an holistic approach, but this seems to be the best way to help people in the full picture of their lives rather than just parts of them. We will be interested to read the guidelines when they come out as there are issues relating to best practice.

You were invited to speak to us as representatives of a council that has good practice in homelessness. I hope that some of the elements in the bill and the comments that you have made today will make it easier to deal with the problem of homelessness. I have taken note of what you said about the position on bidding, which is always a difficult matter, but about which something might be done if it comes up often enough.

I thank you for your attendance and apologise for keeping you back.

Budget Process 2002-03

The Convener: The next item is the budget process. On 16 January, the committee agreed to appoint an adviser to assist us with the budget process. I now ask the committee to approve or amend the terms of reference for the adviser that are in the paper before us. Once we have approved the paper, it will be submitted to the Parliamentary Bureau for approval and after that the clerks and the Scottish Parliament information centre will produce a list of candidates for us to consider. Does anyone have any comment to make on the paper, my copy of which I appear to have lost?

Mr Gibson: I wonder how many people will be able to meet all the criteria in the paper.

The Convener: I am sure that SPICe staff already have some people up their sleeves whom they will be delighted to recommend to us.

Does the committee agree to proceed in the recommended way?

Members *indicated agreement.*

The Convener: Our next item of business will be conducted in private.

11:51

Meeting continued in private until 12:25.

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