

# **SOCIAL JUSTICE COMMITTEE**

Wednesday 6 November 2002  
(*Morning*)

Session 1

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## SOCIAL JUSTICE COMMITTEE

19<sup>th</sup> Meeting 2002, Session 1

### CONVENER

\*Johann Lamont (Glasgow Pollok) (Lab)

### DEPUTY CONVENER

\*Mr Kenneth Gibson (Glasgow) (SNP)

### COMMITTEE MEMBERS

\*Robert Brown (Glasgow) (LD)

\*Cathie Craigie (Cumbernauld and Kilsyth) (Lab)

\*Linda Fabiani (Central Scotland) (SNP)

\*Mrs Lyndsay McIntosh (Central Scotland) (Con)

\*Karen Whitefield (Airdrie and Shotts) (Lab)

### COMMITTEE SUBSTITUTES

Sarah Boyack (Edinburgh Central) (Lab)

Ms Sandra White (Glasgow) (SNP)

\*attended

### WITNESSES

David Alexander (Scottish Federation of Housing Associations)

David Bookbinder (Scottish Federation of Housing Associations)

David Comley (Glasgow City Council)

Councillor Garry Coutts (Highland Council)

Nick Fletcher (Chartered Institute of Housing in Scotland)

David Goldie (Highland Council)

David Leese (Glasgow City Council)

Alan McKeown (Convention of Scottish Local Authorities)

John Mills (Chartered Institute of Housing in Scotland)

Mark Turley (Convention of Scottish Local Authorities)

### CLERK TO THE COMMITTEE

Jim Johnston

### SENIOR ASSISTANT CLERK

Mary Dinsdale

### ASSISTANT CLERK

Craig Harper

### LOCATION

The Hub



## Scottish Parliament

### Social Justice Committee

Wednesday 6 November 2002

(Morning)

[THE CONVENER opened the meeting at 10:00]

### Items in Private

**The Convener (Johann Lamont):** I welcome everyone to this meeting of the Social Justice Committee. Item 1 concerns items in private. I ask members to agree to take items 3 and 4 in private. Item 3 relates to the committee's approach to a bill and item 4 relates to a draft report. Is that agreed?

**Members** *indicated agreement.*

## Homelessness etc (Scotland) Bill: Stage 1

**The Convener:** Item 2 is our consideration of the Homelessness etc (Scotland) Bill. I welcome our witnesses to the first panel session on the bill. We appreciate your attendance today. In order to maximise the benefit of your time at the committee, we would like to move straight to questions. We have received a number of submissions from you, which we have found useful and for which we are grateful. Going to questions means that there will be no opportunity for opening statements. If, following this session, you feel that you wish to add comments that would be useful to our considerations, we are more than happy to receive them in correspondence from you.

A number of groups are represented in our first session. First, from the Convention of Scottish Local Authorities, we have Alan McKeown, a policy officer, and Mark Turley, the director of housing at the City of Edinburgh Council. From Glasgow City Council, we have David Comley, the acting director of social work services, and David Leese, head of the homelessness partnership. From Highland Council, we have Councillor Garry Coutts, chairman of the housing and social work committee, and David Goldie, the head of housing strategy.

We will move to the opening questions. Perhaps one person from each of the groups that are represented could respond when I ask a question. If you wish to make further comments, you should indicate so.

The homelessness strategies that local authorities are developing will be key to assessing the resource implications of the bill. What progress is being made in developing those strategies, and do you wish to highlight any concerns regarding the process?

**Mark Turley (Convention of Scottish Local Authorities):** The deadline for the production of the homelessness strategies is April. Without wishing to boast, I think that City of Edinburgh Council is the first to complete its report, but we believe that most people are progressing well. The Scottish Executive did a survey recently to establish progress and to give people a chance to express any concerns. The general feeling is that the preparation of the strategies has been well resourced and that they are going well.

It is important that it is understood that we are asking for a commitment in principle to abolish priority need at some point a long way away—in 10 years' time. When we ask the Parliament to take that decision, it will need to have the

information to be able to say exactly what the consequences will be of phasing out priority need in 10 years. The strategies will produce the information that will allow us to quantify the implications. The strategies are vital.

If the bill is approved, we do not believe that the first stage will have significant resource implications, because councils have told us that, by and large, they already view the groups that are described in the code of guidance as being in priority need. Lifting those groups out of the code and putting them under statutory provision will not significantly change the number of people who are housed on day one.

However, if the full extension is to be achieved in phases by 2012, that will have significant resource implications. Councils throughout Scotland have made that clear to us, and the strategies employed will reflect that. Some places will improve quality, some places will improve supply, and, in some places, there will be a mixture of the two. We have made it clear to councils that they must say in their wider housing strategies how they will address the resource implications.

**David Comley (Glasgow City Council):** Glasgow City Council is well advanced in the process of developing a local housing strategy. We have been working hard to ensure that the strategy is carried out in partnership. We now have a multi-agency homelessness partnership in Glasgow, which is run by the council, health colleagues and the voluntary sector. We are working hard to ensure that the strategy reflects the inputs of all those partners. The process itself is adequately funded, and we will have no trouble delivering the strategy on time.

It is crucial to ensure that, when the strategy is assessed, links are made between the homelessness strategy, the supporting people programme and the local housing strategy. Of course, that is partly an issue for the council. Given the imminent whole-stock transfer in Glasgow, our homelessness provision will have to be carefully co-ordinated with the housing association sector, which will mean co-ordinating the investment and support programmes for homeless people and the council's statutory duty. We need to join up all things when we assess cases and when we plan expenditure on the supporting people programme. The Executive needs to join up those things, too.

**Councillor Garry Coutts (Highland Council):** Highland Council cannot add an awful lot to what has been said. In 1999, we developed a homelessness strategy across the Highlands on a partnership basis. We are now updating that strategy in the light of what we are being asked to do. We have completed mapping exercises of the

available homelessness services and the gaps that exist. That will inform much of the requirement, if any, for additional resources in the future. The biggest issue for us relates to the supply side—we simply do not have enough houses in the Highlands. Unless we get that right, and unless there is a significant increase in finance to support the development of additional stock and affordable housing in the Highlands, it will be difficult for us to achieve the bill's main objective.

**Cathie Craigie (Cumbernauld and Kilsyth (Lab):** The submissions that we have received are generally supportive of the bill and its aims. I would like to concentrate on priority need. I put this question first to Highland Council. Your submission raises concerns about the impact of the extension of the priority need category on existing waiting lists, and you discuss how you would be able to manage the impact. Will you expand on that?

**Councillor Coutts:** Highland Council is under a lot of pressure in relation to housing, and it is difficult to gauge which groups of people are in most need. It varies: there is no easy system by which we can say which group or individual is in more housing need. If people are in housing need, the issue is simply one of being able to get them a house.

We have more than 8,000 people on a waiting list. Of those, 6,000 are general applicants—people who are just looking for a house—and 2,000 are currently inadequately housed in council housing. At the moment, in a lot of communities in Highland, there is very little chance of our being able to house such individuals. If the priority need category is, in effect, removed, all that will do is to increase massively what is already an over-stressed situation—unless funding follows, so that we can get new housing stock at the same time. We cannot relieve the pressure of homelessness unless we have additional investment for housing stock. I would like us to work together, so that we can properly map out the requirements, ensure that the necessary finance is there and twin-track our approach. We would be seeking a significant investment.

**Cathie Craigie:** That question was specifically about the Highland Council submission, but does anybody else have a comment? How do the other witnesses expect expanding the priority need category to affect the demand for houses and the pressure that is already placed on local authorities to house those who present as homeless and people who aspire to move from a three-apartment house to a four-apartment house, for example, or from a flat to a terraced house? How will local authorities and social landlords be able to meet the demand?

**David Comley:** I echo what Mark Turley said. The initial expansion of priority need is not likely to be an issue for Glasgow City Council because, in common with a number of other authorities, we already define those covered by the initial extension as being in priority need.

Although we acknowledge and support the principle of removing the priority need category, we have concerns about the longer-term resource implications. We hope that the expansion will be thought through carefully. There are two key issues. The first is the potential shortage of accommodation. Obviously, Glasgow City Council's problems are different from Highland Council's, but there is continual pressure on social rented housing in the city because of the demands of community care, the potential increase in homelessness and refugees and asylum seekers. It will be important to link the removal of priority need with demand assessment in the city and with the investment programme that will be necessary to compensate for the demolition programme that Glasgow Housing Association will undertake. The important need is to link priority groups with the continued assessment of need and with investment.

The second concern, which I cannot stress too highly, is the crucial importance of the supporting people programme to the homelessness situation. We hope that we will be able to use that programme to provide tailored support for individuals. For us, the key issue is the ability to provide the support services that will be necessary for individuals to maintain tenancies. The link to the supporting people programme is critical for us.

**Mark Turley:** COSLA supports the homelessness task force entirely in seeking to achieve a situation in which those who are homeless have a right to housing and support. It cannot be acceptable in the longer term for single people who are fit, healthy and homeless to be excluded in the way that they are under current legislation. There cannot be anything wrong with the principle of aspiring to do something about that. COSLA's position is that the principle is right, but that we need to be careful that we do not rush into it complacently and irresponsibly. The easiest thing in the world would be to say, "Let's abandon priority need now," because it sounds like a nice thing to do. We can do it only when real evidence exists that housing supply and the quality of housing conditions have improved.

COSLA was disappointed that, although the Executive supported the task force's recommendations, the recent budget announcement contained no dramatic increase in housing investment. The first review of priority need categories is scheduled for about three years' time. For housing supply and quality to

improve significantly round about 2005-06, we would have to have the resources in the pipeline and to plan the new housing development programmes now for them to have a measurable impact by the first review.

We support the principle absolutely, but we remain to be convinced that the step change in resources that will be needed has been acknowledged.

**Cathie Craigie:** In your answer to an earlier question, you reminded us that homelessness strategies must be in place by next April. Are we a bit premature in introducing the bill at this stage? Should we wait until the strategies are in place before we finalise it?

10:15

**Mark Turley:** I repeat that most councils have told us that they believe that the resources that have been made available are sufficient to produce good-quality strategies. We have not heard anyone say that they will struggle to produce a good-quality strategy. If that is the case, we can be confident that we will have good-quality information come next spring.

COSLA supports the view that it must be right for single homeless people to have a right to decent housing. In terms of social justice, you cannot argue with that aspiration, and there is no reason why that decision should not be taken now. When it becomes possible to implement it is the key issue, and that is why timing is important. To me, 10 years seems a hell of a long time to achieve what is, after all, a pretty basic social justice milestone. On the other hand, given current resource levels, we will not be able to fulfil that aspiration within 10 years unless there is a change. If resource levels are as they are at present when we come to do the review, we will not be able to extend the priority need categories. Something significant will have to change.

**The Convener:** I would like to pick up on the point about priority need and play the part of devil's advocate to some extent. Could there really be a provision in the bill to say that anyone who runs the risk of involvement in the serious misuse of alcohol or drugs should be considered as having a priority need? Do you accept that, in some parts of our society, that would mean that virtually a whole neighbourhood could claim to be in priority need? Surely the real priorities will be defined by the people who handle individual applications rather than by a clear message from the bill itself.

**Mark Turley:** Four tests have to be applied when someone presents as homeless, the first of which is whether they are homeless or threatened with homelessness. Only if the answer to that

question is yes do we make a priority need assessment. Such a provision could never cover whole communities unless the whole community was homeless. The first question is whether they are homeless. Only if they are homeless or threatened with homelessness would we move on to the next test, which is whether they have a priority need. The priority need test applies only to people who are homeless in the first place.

**The Convener:** They could say that the conditions were intolerable and that they could no longer live in their close because of what is happening up the stairs from them or round about them. I know that currently somebody can be considered homeless in such circumstances if they are under threat.

**Mark Turley:** The bill does not change the definition of homelessness. Currently, if someone presents as homeless because people are dealing drugs upstairs, for example, councils have to make a judgment about whether it is reasonable for them to continue to occupy their home in the circumstances. The bill does not change that.

**The Convener:** So a judgment will be made by the housing provider.

**Mark Turley:** Councils already have to make a judgment about whether someone is homeless in such circumstances. To be fair, it happens quite a lot. People come in and say, "I cannot continue living where I am. It's dreadful. The neighbours are awful—wild parties, drugs, kids out of control." By law, councils have to consider each case on its merits. They cannot have a blanket policy. However, such complaints are so widespread that most councils would not consider somebody to be homeless in those circumstances. They would see it more as a general housing management problem.

Some problems are personal rather than community-wide. For example, in an extreme case, such as a tenant being pursued by someone who is trying to kill them, a council might decide that it is not reasonable for them to continue to occupy their home and would therefore accept that they are threatened with homelessness. However, that is pretty exceptional. Such cases are usually seen as wider housing management problems. I stress that there is nothing in the bill that changes the test of homelessness.

**Councillor Coutts:** I might be wrong about this, so one of the officers may want to correct me, but I believe that, if the bill is enacted, cases will be handled differently in future. At the moment, there are cases in which there is little advantage in people asking for a transfer—if they are living in circumstances that they deem to be intolerable, because of neighbour disputes for example—because they would not be seen as homeless. If

they made themselves homeless by abandoning their tenancy, they would be seen as having made themselves intentionally homeless, so they would not have priority need. If we take away the priority need categories, they will be homeless. Someone will be able to get homelessness priority simply by abandoning their tenancy—I think.

**Mark Turley:** It is important that the four tests are done in the right order. The first test is whether someone is homeless or is threatened with being homeless. If they are homeless, the second test is whether they have a priority need. If they are homeless and have a priority need, the third test is whether they are intentionally homeless. The fourth test is about local connection.

In the situation that Garry Coutts describes, if someone presented and said that they were leaving the house because they could not stand it any more, for whatever reason, the first question that we would have to ask is, "Are they homeless?" It is usual—and will continue to be so—for councils to tell the person that they are not homeless, because they have a house. If the person puts their keys on the counter, they will be given them back—it is as harsh as that. They will be told that they are not homeless and that the council believes that it is reasonable for them to continue to occupy the house that they have; or, at least, that it is no less reasonable for them to occupy it than it is for the rest of the neighbourhood. That is the line that is taken and the bill will not change that.

If the bill is passed and someone abandons a tenancy and then, at a later stage, comes back and says that they are homeless, it will be just as easy to declare such a person intentionally homeless on the ground that they are homeless because they deliberately abandoned a tenancy. Garry Coutts has got a point. Under the bill, people will be entitled to a short Scottish secure tenancy. The council will be able to decide where that person is accommodated. The commonsense approach would be to ensure that people did not move to significantly more desirable accommodation as a result of following that route. It would be best if they were rehoused in accommodation that was similar to the accommodation that they gave up. Garry Coutts is right that there is a small risk that people could use the new intentionality provisions in a way that they cannot do now, but I do not think that that will be a huge issue.

**David Comley:** It is important to be clear about homelessness provision and good housing management. In most cases, if a council is satisfied that a specific individual, as opposed to the community, is threatened by particular behaviour, good housing management means that that person will be rehoused by the council or a



landlord. Such a management transfer route avoids the need for that person to go down the homelessness route. Mark Turley's assertion that the bill will not change the fundamental assessment that local authorities make or the requirement to practice good housing management is right.

**David Leese (Glasgow City Council):** We should not lose sight of the two aspects that have been mentioned. First, there should be sufficient accommodation capacity to allow people to be moved to different accommodation. That is an investment issue. Secondly, the supporting people grant and housing support services will be significant in giving us something that we have not had before. New, additional resources will be available to develop new, additional housing support services that will enable people to become more stabilised in their tenancy and to retain that tenancy. That level of services has not been available before.

**Robert Brown (Glasgow) (LD):** I want to clarify what the effect is of not having the resources to deal with homelessness problems. Councillor Coutts has told us about the position in the Highlands. My understanding is that about a third of people leak from the homelessness application system. They refuse offers or withdraw their application, for example. That suggests that there are issues of quality and choice within the process. How will it be possible to deal with that wasted bureaucracy and loss of potential applicants? Do such people necessarily have support needs? Do you have any feel for the quality of the people who leak from the system? How should their aspirations be dealt with? Do you follow my point?

**David Leese:** One of the problems that we face in Glasgow is that a significant number of people repeat their experience of homelessness over a period of time. I think that that is what you are hinting at. We have between about 12,000 and 12,500 presentations a year. At any one point, between 4,000 and 6,000 of those might be made by people who are repeating their experience of homelessness.

It is always difficult, first, to get people into a service or accommodation and, secondly, to retain them in that service or accommodation. The problem affects not only clients who are homeless, but clients across a range of community care services, including mental health services and addiction services.

The additional investment in housing support services through the supporting people grant should make a significant difference. We should be able to tailor individual support packages that will enable people to become better at independent living in a community. However, that

has still to be tested, because the services have not been in place before. At the moment, we can only work on assumptions.

We deal with a significant number of people whose behaviour can be challenging when in services. Sometimes we have to evict people from hostels in Glasgow. That presents a huge challenge. The Glasgow review team report recommended that we develop particular services, and we are in the process of doing so. However, those services are not yet in place and we have not tested them to see how we can best work with people who have a chronic history of homelessness and repeat homelessness.

The word "choice" was used. Some people will choose to withdraw from services, even if we support them and provide them with an assessment process and accommodation. That problem is very difficult to solve. What do we do when people systematically withdraw from services, for whatever reason? We need to monitor the situation continually. My assessment is that the number of people who continually withdraw from services may be smaller than anecdotes suggest. However, that does not mean that there is not a significant problem. One client who has a chronic history of homelessness can be a huge drain on resources.

If the bill broadens the definition of priority need and reduces the tests for intentionality and local connection, we may come under additional pressure. If we get new assessment services right and new investment for housing support that allows us to provide new services, we have the potential to make interventions at the level of individuals that will create stability and will reduce—if not stop completely—repeat homelessness. However, the system has still to be tested. It will be tested over the next three to six years in Glasgow, as we start to commission and develop services.

**Robert Brown:** According to Councillor Coutts, if resources in Highland are not increased and the number of houses that are available remains static, the bill will have an impact on other aspects of housing. Presumably, the same is true in other areas. If provision for applications from homeless people increases, will waiting lists and transfers be disadvantaged?

**David Comley:** Yes. I return to the point that I made earlier. It will be important to review progress on delivering the Homelessness etc (Scotland) Bill in parallel with overall assessments of demand for social rented housing in individual local authority areas and with the investment programmes that are required to deliver new, improved housing where that is necessary.

It is worth pointing out again that there are a number of demands on social rented housing.

Those include the mainstream waiting and transfer lists and homelessness. Rightly, there is increasing demand from groups that come under the umbrella of care in the community. Unless we integrate the expansion of homelessness provision with accurate assessments of demand from those other groups and an investment programme—as Mark Turley says, the investment programme must precede some of the expansion—in a few years, local authorities will have real difficulty meeting homelessness needs, regardless of whether they are landlords or whether they have only a strategic responsibility.

**David Leese:** We need to remember that homelessness strategies are not just homelessness strategies. There is a clear focus on prevention and alleviation. As local authorities, we need to work in tandem with partner organisations so that we have a much clearer line about how we prevent homelessness in the first place. A lot of work is still to be done on that, but the homelessness strategies should allow us to draw out approaches and to implement programmes to allow us to focus much more on prevention further upstream, so that people do not get to that point in the first place.

10:30

**Linda Fabiani (Central Scotland) (SNP):** The bill contains intentionality provisions that would place a continuous duty on local authorities to provide temporary accommodation and support. The clear evidence that we received from Scottish Executive officials last week was that such a duty would end only if the individual went away and found their own accommodation. Do the witnesses think that that is an achievable position for local authorities, bearing in mind the difficulties that David Comley has mentioned? Is that a feasible proposal?

**David Comley:** Interestingly, we discussed that issue just before we came into the room.

I am not sure how theoretical the issue is, but some people just do not want to access the services that are available or refuse to do so. There may be people who, for whatever reason, want to sleep rough and who do not want to move into accommodation, although at this stage, it is impossible to know how many they are. Until we as local authorities and housing providers can put our hands up and say that we are satisfied that not only is the full panoply of support and accommodation services in place but those services can be accessed easily and are tailored to individuals' needs, it will be difficult for us to say that some people will remain a problem no matter what. That is not to say that we might not find ourselves in that position. Perhaps that is one thing that is missing from the bill, as it does not

deal with what the safety net provision should be in that event. However, it would be wrong not to move forward simply on the basis that there might be a problem at the end of the day. As we go along, we will need to assess the extent to which that will be a real issue.

We can draw on some experience, such as the closure of institutions for people with a learning disability. The evidence—at least in Glasgow—suggests that, with the right support packages in place, there is little if any drift into homelessness by those who came out of long-term institutions to be housed in the community. The critical issue is to get the support packages right.

If we have all the support packages in place and we still have a residual problem, both the Executive and local authorities will need to think about what the safety net provision should be.

**Mark Turley:** COSLA's written submission makes the point that the nitty-gritty, practical solution to the problem that David Comley has just described does not yet exist. I say that notwithstanding the fact that I was a member of the task force. When we were asked that question, the only example that we were able to come up with is that of the Dundee families project. That project has clearly made some significant progress, but no one would pretend that that model has met the range of requirements of a small number of households with a wide range of needs.

COSLA is concerned that we should not rush into implementing all the intentionality provisions too quickly. The intentionality provisions have two key parts, which may be worth considering separately. The first new requirement is to offer a short secure tenancy to those who are declared intentionally homeless. It is easy to see the sense of that. We are more likely to change people's behaviour if they are in settled accommodation than if they just disappear somewhere into the system after we have declared them intentionally homeless, which is what happens at present. However, those people do not just disappear; they come back. We are more likely to solve the problem if we continue to engage with people. That is why I think that the short secure tenancy bit of the intentionality provisions is reasonably straightforward.

Where things get more difficult is if the short secure tenancy bit fails, which takes us on to last-resort accommodation. At the minute, none of us is sufficiently clear about what exactly that might involve. The committee may want to consider whether we might move more quickly on the first bit of the intentionality provisions, which is simpler, and perhaps set a longer-term implementation date on the second bit. That would enable us to see whether the supporting people programme will

deliver the level of resources that we need. I have to say that we have not had adequate reassurance on that—

**Linda Fabiani:** Have you received an indication of the level of the resources that is likely to come from the supporting people programme?

**Mark Turley:** We have received some indication, but two significant areas of uncertainty remain in respect of pipeline projects—those that are not yet fully up and running—and the subsidy levels that councils might eventually receive. We have other concerns, but we think that the question of resources could be resolved if implementation of the part of the bill that relates to the supporting people programme were delayed. Even if we have the resources, the next question that we need to ask is, “What is the model of accommodation and support for which we would use those resources?”

It would be sensible to have a little of bit of time to develop that thinking and, because of that, the committee might wish to consider a phased implementation of the bill. The provisions for the short secure tenancy are quite straightforward, but it is more difficult to deal with what happens if that tenancy fails.

**Linda Fabiani:** We heard earlier about one aspect of the bill of which we are all aware: the lack of what we would all define as decent housing. Should the bill include a provision to set the standard for accommodation—temporary or otherwise—that people should be expected to move into under its terms?

**Mark Turley:** I do not wish to hog the session, but I have a response to the point and to one that was made earlier about leakage. If we allow more people to have priority, the only result will be a bigger bunfight over limited resources. That is a concern—indeed, it is already happening. In the first quarter of this year, a quarter of those who were accepted as being homeless, in priority need, not intentionally homeless and with a local connection, did not accept the accommodation that they were offered and disappeared off into the system.

The main reason for that, daft as it may sound, is that the accommodation that we offer people is sometimes so poor that they choose to carry on living a life of uncertainty, sleeping with friends and all of that, rather than accept housing in which they would not feel safe. The issue about quality of accommodation is not new, but it is stunning that one quarter of all those who were offered accommodation turned it down.

**Linda Fabiani:** Should we consider including a provision to define the standard of accommodation?

**Councillor Coutts:** It would be difficult to frame such a standard. A lot of problems with accommodation do not relate to the bricks and mortar or to the quality of the fixtures and fittings, but to the location. How do those who are drafting the legislation define the things that people—

**Linda Fabiani:** It is possible to define the bricks and mortar in order to say that accommodation is below a tolerable standard.

**Councillor Coutts:** Even if that were done, people would continue to refuse accommodation that was deemed to be tolerable because it was in a location that they did not find acceptable.

**David Comley:** It is one of those things that sounds great in principle. However, as Garry Coutts said, it would be difficult to define the minimum standard. If the level were pitched at just below tolerable standard, would that make a significant difference to the existing situation?

**Linda Fabiani:** Perhaps we should go the whole hog and create a decency standard, purely for use under the bill.

**David Comley:** From a local authority point of view, the real danger of including such a definition in the bill is that it would not be linked in any way to the investment resources that are required to implement the legislation. That could lead to the setting of a standard that could not be achieved in practice, which could be worse than having no standard at all.

**Linda Fabiani:** That is the root of the problem.

**Karen Whitefield (Airdrie and Shotts) (Lab):** I will move on to address the concept of local connection. You will be aware that the task force raised concerns about suspension of the local connection because it might lead to an “unmanageable” number of homelessness applications. Do you share those concerns?

**Alan McKeown (Convention of Scottish Local Authorities):** COSLA shares those concerns. When we held our initial discussions on the bill, the suspension of local connection attracted the greatest attention of our members. In some respects, their concern arose from a perception of what would happen. We have yet to map out the situation—it may be difficult to do so. However, I believe that local connection is manageable. We should try to develop a system that can be balanced against our resources. The legislation can be affordable, but we should develop a system that can be suspended or reintroduced as necessary. The concerns are mainly from rural communities and communities that may be seen as attractive. They are real concerns, but we should be able to come up with solutions for them.

**David Goldie (Highland Council):** In the Highlands, we have mapped homelessness

services and spoken to professionals in voluntary agencies, and the professional opinion is that people are likely to present as homeless in the Highlands despite having no local connections. The general view of the task force was that people would not present as homeless in areas with which they did not have a local connection but, anecdotally and from what we have been told by agencies that work with homeless people in the Highlands, the Highlands and possibly other rural authorities are the exceptions to that rule. We would need to do more research into that, because we cannot pick up the full picture from the statistics that we keep. A number of people are not recorded unless they are assessed as being in priority need, so we need to do more research. However, we are concerned that there could be problems in the Highlands.

**Karen Whitefield:** Do you think that those problems will be restricted to Highland Council and other rural authorities? I have spoken to representatives of North Lanarkshire Council and I know that they think that they might have some difficulties with the number of people who move between local authority areas. Although we do not want to restrict that, some of those people will be the most vulnerable and perhaps the most difficult members of society. They could move around from one local authority area to another without getting the support they need to address the reasons why they are vulnerable or causing difficulties in their community.

**Alan McKeown:** It is right to be concerned about that and to raise that concern now. Our responsibility is to work with the Executive to scope the extent of the problem and come up with an answer. That could involve providing extra resources for additional support, or, for some areas, there could come a point at which the impact is so unmanageable that it threatens the sustainability and balance of a community. We have to keep an eye on that, but I am not sure whether we will reach that point. As David Goldie pointed out, we need to do fairly detailed research and see if we can map the problem out.

**Karen Whitefield:** COSLA is having discussions with the Executive and has made two different proposals for how the problem could be addressed. I ask Alan McKeown to tell the committee more about those proposals and any discussions COSLA has had with the Executive and how COSLA's suggestions have been received so far.

**Alan McKeown:** We have proposed two fairly simple solutions. One uses a sliding scale for proportionality, so if a local authority has an increased demand that it needs to meet, it would receive increased resources. Yesterday, we made the point to the Finance Committee that the local

connection issue does not affect the overall size of the pot. It affects instead the distribution of the pot, so we need to ensure that any distribution system includes a formula that provides flexibility. The committee will be familiar with our second proposal, which mirrors what happens when the right to buy is suspended. It would require the programme to be reviewed if certain triggers were met. Our first proposal should happen regardless, and the second should be used as a backstop. We have to balance the needs of the individual and the community, which is tricky.

**Karen Whitefield:** Does Glasgow City Council see a particular problem for cities? Cities often attract homeless people for all sorts of reasons. Does David Comley think that the problem will become more acute if councils cannot refer people back to where they originally came from?

**David Comley:** I can speak only for Glasgow, rather than for cities in general. The evidence suggests that there is little movement into the city by homeless people. Well over 90 per cent of our homelessness presentations are from people with a local connection, so movement into the city does not seem to be a problem. In the event that the pattern changed, we would want the same kind of safeguards that our COSLA colleagues suggested, but we do not see a particular difficulty at this point.

On local connection, I want to flag up the slightly special position of refugees. A recent court decision suggested that refugees should be held to have a local connection with the place to which they were dispersed under the asylum seekers dispersal programme. Until now our policy has been that the fact that someone has been dispersed to Glasgow does not mean that they have established a connection with the city, because in no sense do asylum seekers choose to be dispersed to Glasgow; they are dispersed by the Home Office.

We have supported people who have achieved permission to reside in the United Kingdom and who want to go to other parts of the UK. However, we have begun to see resistance from other local authorities to people's wish to go and live in their area, and those people are referred back to us. The recent court decision supported that stance. The issue is not directly within the power of the Scottish Executive and the Parliament to resolve, but it is emerging as critical. We ask the Parliament to exert on Westminster whatever pressure it can on the issue.

10:45

**Mr Kenneth Gibson (Glasgow) (SNP):** The issue of resources appears to be a common thread running through the discussions that we

have had this morning. Glasgow City Council's submission states:

"currently planned funding does not allow for any extension to the priority need groups or for the proposed new duties in relation to intentionally homeless applicants or those facing eviction."

Highland Council said that it would be concerned

"if the Bill is implemented without a substantial increase in housing and infrastructure investment to increase the output of affordable housing."

COSLA's submission states:

"The assumptions within the Financial Memorandum are not unacceptable, however, COSLA believe that at this stage they are at best simplistic and require considerable work with COSLA and appropriate stakeholders to ensure that the strongest case is made for resource support."

I do not think that anyone really has a comprehensive idea of what the resource implications would be. We have talked about the resources perhaps being a moveable feast in relation to homeless people presenting in different authorities. That said, are you looking to the Executive to meet fully the resource implications of the bill? If so, would the staff be available to provide the guidance and support if the funding were dealt with satisfactorily?

**Mark Turley:** The simple answer is that from COSLA's point of view the bill is deliverable in that it does not propose any immediate extension in the priority need categories beyond those that are being applied, almost without exception, throughout Scotland. The only caveat is that issues around intentionality are not about scale, but about revenue funding for support. We are talking about small numbers so there is not a significant capital investment issue there. There still has to be a pretty big question mark over whether supporting people will give us what we need. We are hopeful.

Councils are positive about the £27 million and the £11 million that have so far been put in to support the new homelessness provisions, which have boosted what I would call the soft end of the changes. They have improved staffing levels and they have improved the quality of advice, preventive work and the development of strategies. Those are all good things, but they do not even begin to address the supply and quality issues. COSLA is comfortable as long as we are clear that the only immediate consequences of the bill will be to confirm that those who are already viewed as being in priority need will continue to be viewed in that way, and that the question whether investment goes into the system to allow us to expand the categories is a question for the next 10 years.

**Councillor Coutts:** I do not want to play down the revenue aspects that Mark Turley described as

being at the soft end, because people need support. However, I do not believe that that is the critical issue. People need support largely because they are homeless or in need of housing; if we give them the housing, the need for support disappears. The expensive bit will be the hard end, which is getting the houses themselves. Over the past few years in Highland Council region, between £10 million and £11 million a year has been spent from the Communities Scotland budget on housing development. However, to meet the demand that we have estimated, that sum needs to increase to about £23 million or £24 million a year over the next five years, which more than doubles the current budget. There has been no indication that that increase will happen.

**David Comley:** The jury has to be out on this matter. It simply reinforces Mark Turley's point about the timing of changes.

In Glasgow, we are currently out to tender for housing support services for homelessness. It looks as if there are providers and a market out there. However, I know that some concern has been expressed about supporting people across the board and whether there are enough resources to provide the right level of housing support services across a variety of client groups. We will need a period of bedding in to allow providers to recruit and train staff and to allow services to develop. That reinforces the point about getting the timing of further extensions correct. It would be wrong to implement those changes before the market for supporting people is properly established and before there is some long-term security about funding.

**Alan McKeown:** There are concerns about the money that is attached to the bill. To date, we have seen already-published budget figures, which is as good as the current situation can be, given what we know and the fact that we have not gone into those figures in any detail.

Aside from the financial provisions in the bill, we are talking not just about financing measures to tackle homelessness, but about housing finance in general. For example, we are discussing investment needs for new build and the amount and quality of provision. We must consider where we are going next with housing finance, the levels of investment that are needed and the best place to find that money. We should not miss this opportunity to start and engage in that debate.

**Mr Gibson:** Mark Turley touched earlier on the 10-year programme, ending in 2012, to abolish priority need. On one level, one could say that, given the resources, the programme is too ambitious and unworkable. However, it should not be. It is all dependent on ensuring that resources are available to increase the amount of affordable housing.

The financial memorandum says that the bill's intentionality and repossession provisions will result in efficiency savings for local authorities. Do you agree that cost savings are likely to be derived in those areas? If so, what level of savings can be expected?

**Alan McKeown:** We are yet to be convinced that there will be a significant level of savings and that, if they are made, they can be realised.

**Mark Turley:** I want to balance that response a little by pointing out that the homelessness task force made 59 recommendations. The bill deals with only five of them, although admittedly they are very important ones.

COSLA accepts that, if the task force's recommendations were more widely implemented and were to work, there should be fewer presentations in the long term. However, I stress the phrase "in the long term". For example, the financial memorandum refers to the shift from the duty to investigate intentionality to the power to do so. That will not produce significant savings, particularly when we remember that only a small number of people are declared intentionally homeless. As a result, we feel that the financial memorandum overstates the savings and understates the significant support costs of the intentionality provisions.

**Mr Gibson:** So it is only one small piece of the jigsaw. The rest of the jigsaw will have to be put together to ensure that even modest savings are made.

Robert Brown has already touched on hidden homelessness. To what extent is it expected to result in significant additional financial burdens for local authorities? In other words, if the bill delivers what it is supposed to deliver, will some of the people who live with friends or relatives present as homeless, which will mean that the costs will be more substantial than was initially supposed? We will also have to take into account leakage and other such issues.

**David Goldie:** A lot of people might come into the system as a result of their ability to access services through it. For example, Highland Council lost contact with 170 of those who applied to us as homeless last year, because, for one reason or another, they were not in priority need or did not fall into one of the categories and did not feel that they were likely to be housed through the system. The evidence from research that we did in our day centre for the homeless is that a number of people have not presented officially as homeless. There is the potential that people will present as homeless as they feel more confident that doing so will result in their accessing housing and a service. However, as with many such matters, that is difficult to quantify.

**Alan McKeown:** COSLA would prefer to tease that out sooner rather than later so that we can bottom out the costs and the support needs that go with the problem. Hidden homelessness has been raised. It exists. However, we need to bottom it out so that we do not shift hidden homelessness to hidden costs.

**Mr Gibson:** I will switch tack to evictions. The bill focuses on responding to evictions. However, could its scope be expanded to include measures to stop landlords threatening tenants with eviction unless certain actions had been undertaken, such as providing support? Is that realistic, given the staff shortages that some local authorities have?

**Mark Turley:** Your suggestion goes beyond what the task force considered its remit to be, in that it would mean tinkering with the prevailing market forces that determine availability and whether a landlord feels inclined to get into the market in the first place. The provisions in the bill that require local authorities to be notified come under the heading of good-quality preventive work. Most councils take the view that the resources that have been provided have allowed and will allow them to improve the quality of their housing advice and therefore to respond to cases such as threatened evictions in which we might be able to prevent homelessness. To go any further would begin to change the market forces and the attraction for a landlord to get into the business.

**David Goldie:** We work hard with private landlords to develop the tenure to which Mr Gibson refers, as a demand exists for it. However, a number of the housing options that are open to people in the Highlands are in off-season holiday lets. Those lets are part of the housing market, and they are useful to people for a period of time, but they are never likely to be a long-term housing solution. The private sector letting market will operate in six-month tenancies, for example, and will legitimately, under the current legislation, ask people to leave at the end of that period. There is limited scope for avoiding that.

**Mr Gibson:** I was thinking about public sector landlords rather than private landlords.

**David Goldie:** Our experience is that eviction by public sector landlords has not been an issue: very small numbers of people are involved.

**Councillor Coutts:** No public sector landlord or registered social landlord would have any concerns about an obligation to offer support, because we do it. It is good housing management practice. There is nothing in eviction for us. We want to prevent it as much as possible.

**David Comley:** I support that. The current safeguards under legislation that the court has to apply are adequate.

**Mr Gibson:** Do you support the bill's provisions on repossession and eviction?

**David Comley:** Glasgow City Council does.

**Mr Gibson:** The other witnesses should not be shy.

**The Convener:** We will take their silence as a yes.

**Linda Fabiani:** How will the housing capital expenditure that has been announced for the next four years, and the bill's provisions, affect those on normal housing waiting lists and transfer lists?

**Mark Turley:** Two lines in the budget are of interest. There is an increase in the development funding budget line. Although if we strip out inflation that increase is not huge, it will presumably result in most council areas getting slightly more development funding. However, most councils would agree with Highland Council's view that, to make significant changes in the priority need definitions, development funding would probably need to be doubled, not increased by a few per cent, over the next few years.

The budget also contains a line for funding for stock transfer. It would be interesting to explore how that is intended to be used. By and large, funding for stock transfer will address the quality issues for those councils that choose to transfer their housing stock. It is not likely to do a huge amount to address the supply issues. For councils where the key issue is supply, transferring their stock and accessing that budget will not solve the problem.

**Councillor Coutts:** To put that into context, in the Highlands, we have 2,000 people who have been assessed as being in medical priority need, 1,900 who lack or share facilities in existing accommodation, 1,700 people who live in overcrowded accommodation and 150 people who live in caravans. Housing is a big problem. We need the resources to resolve it. We will not solve it by changing the administrative system.

**The Convener:** As none of the witnesses wants to make any final, brief points, I thank them for attending. Sometimes, such panel sessions can be difficult. We appreciate how courteous you were to each other and the fact that we managed to get through the questions that we wanted ask within the time that we allotted. As I said before, if you want to follow up anything with us, we would be interested to hear from you.

11:01

*Meeting suspended.*

11:12

*On resuming—*

**The Convener:** I reconvene the meeting. We have our second panel session on evidence for the Homelessness etc (Scotland) Bill. I welcome our witnesses. From the Scottish Federation of Housing Associations we have David Bookbinder, the policy and practice officer, and David Alexander, the deputy director. From the Chartered Institute of Housing in Scotland, we have Nick Fletcher, the policy and public affairs officer, and John Mills, the housing manager for allocations for homelessness for Fife Council. Bill Robertson, from the Association of Directors of Social Work has submitted his apologies and regrets that he is unable to attend.

We will use the same format that we did for the previous panel. I thank the witnesses for attending and for their written submissions. After the session, if you feel that you were not able to expand on particular matters, we will be more than happy to hear from you again.

I will start with a general question. Was the Executive's consultation on the bill adequate and was there sufficient time to formulate a response to the consultation?

**David Alexander (Scottish Federation of Housing Associations):** The SFHA was a member of the homelessness task force, which gave detailed consideration to all the issues that appear in the bill. Therefore, the consultation period came after an extensive period of deliberation. On the bill's proposals, our consultees highlighted several areas on which more work is needed, particularly issues about the balance between the rights and responsibilities of people in the intentionally homeless category. We highlighted areas where the bill requires to be carefully teased out because provisions are not expressed in a way that we and our members are confident of.

**Nick Fletcher (Chartered Institute of Housing in Scotland):** The CIHS is happy with the consultation process. We were given plenty of time to respond to the consultation document that arose from the homelessness task force's report and there was enough time to respond to the bill's detail. I would echo what David Alexander said about the bill not picking up particular issues. However, the evidence-taking process will deal with those.

**Cathie Craigie:** You listened to the earlier evidence, so I will concentrate on the abolition of the priority need provision. It is clear from the earlier evidence and the written evidence from the SFHA and the CIHS that the difficulty will be in supply meeting the demand that the bill will generate. Can you add to your written

submissions by saying how that balance might be achieved and what resources will be required?

11:15

**David Alexander:** We endorse the view of the previous witnesses that the phased abolition of priority need must be tied in with what we hope will be an increased level of resources to provide accommodation for the unspecified and unknown increases in the level of demand. It is difficult to quantify the level of demand. The task force spent some time considering the implications of changing the definition of priority, but it was impossible to quantify the increase in the level of demand. Therefore, we are dealing with an unknown quantity.

We are clear, however, about the fact that the current level of funding for social rented housing will be inadequate for dealing with what we believe will be a step change in the likely demand. We were disappointed, like the previous witnesses, that the recent budget announcement did not acknowledge the increased level of accommodation that will be required. We can perhaps discuss later the level of support that will be required and the funding for that, but that is a different issue.

**Nick Fletcher:** We support the abolition of priority need and its phasing out over a 10-year period. We think that the phasing out must be done over a long period because of resource issues. As David Alexander and the previous witnesses said, it is difficult to quantify what the demand will be. Number crunching exercises give various figures, but it is difficult to estimate the increased demand. That is why we want the removal of priority need to be a phased process, which should be monitored carefully. It is good that there will be a halfway stage before the final stage.

Clear monitoring must be done at the halfway stage, not just to consider the impact on homeless people, but to consider the impact on the general needs waiting list for housing because there is a danger that much extra accommodation will be required and that that will impact on people currently on housing waiting lists. We need an early commitment from the Executive about how it will resource that.

The Executive's current spending plans will provide 18,000 new homes by 2006. We need to expand that programme to continue beyond 2006, but it would be preferable to begin that expansion now in order to move towards the increased demand. However, if we cannot do that in the current spending round, we need a commitment in the next one for extra money for the extra homes that will be needed for homeless people and people on the general housing needs waiting lists.

**John Mills (Chartered Institute of Housing in Scotland):** It is important to acknowledge that there will be increased pressure on the provision of permanent accommodation. However, there are already high-pressure areas for public sector housing at a local level. The removal of priority need will exacerbate that situation and will significantly influence the development of local authorities' housing strategies for the next 12 to 18 months. Therefore, the removal of priority need will impact not just on a local authority area, but on areas of housing that are already under pressure, particularly local housing lists.

**Cathie Craigie:** The CIHS's written submission gave interesting statistics about shortfall, how information is gathered and double counting, which is when people present themselves as homeless more than once. I take it from that that the figures that we have cannot always be relied on to be entirely accurate. Is the institute or its members working with the Executive to find ways of gathering information that is accurate and that will allow local authorities and registered social landlords to plan for the expected increases with some certainty, rather than with the uncertainty that exists now?

**John Mills:** The current work in all local authority areas in Scotland to carry out a homelessness needs assessment, which has to be robust, must pick up on anticipated changes through the bill, not just through the Housing (Scotland) Act 2001. In Fife, for example, we have deliberately delayed our homelessness needs assessment until we can see the impact of the 2001 act. We are trying to anticipate the impact of the bill. The figures need to be more thoroughly researched and the Executive must be provided with a robust picture of current and anticipated homelessness needs throughout Scotland.

**Karen Whitefield:** My colleague Linda Fabiani asked about intentionality. As she said, last week the committee took evidence from Scottish Executive officials who explained that the intention behind the bill's proposals was that a local authority would continue always to have responsibility for providing housing for people unless they found housing for themselves. Do you support those proposals? Do you share the concerns of the local authority representatives who gave evidence this morning?

**David Alexander:** That was the issue on which most concern was expressed when we consulted our members. We feel that the principle that was outlined in the consultation paper that preceded the bill, which was that the homelessness measures should not prejudice sound housing management practices, has not been followed in the detail of the bill. We have some alternative suggestions about the way in which the virtually



open-ended commitment to provide accommodation could be dealt with, which David Bookbinder will describe.

**David Bookbinder (Scottish Federation of Housing Associations):** The SFHA suggested a couple of options in relation to the last-tier duty once the short SST has broken down. It is worth emphasising the fact that we fully support the plank of the initial proposals that offered a short SST for people who are intentionally homeless. We have some issues concerning the detail of it, but we fully support it. Regarding the next tier—the on-going duty, when that tier breaks down—one option may be to make it a power of local authorities to provide further accommodation rather than a duty on them. A further option may be to limit that duty so that the duty is not there if the short SST failed because a landlord took specific recovery action. However, we are very interested in COSLA's further option, about which we heard this morning, concerning the possibility of delaying the implementation of that part of the bill until suitable models of accommodation and support for that small but quite difficult group of tenants could be found.

**Nick Fletcher:** The CIHS supports the principle that people should be given as much support as possible in maintaining their tenancy. When we considered the consultation paper on the proposed bill, we thought that the idea of intentionality was to try to provide that kind of support to the more challenging households—the households with bigger issues. We think that those households need support. We had to consider whether applying intentionality criteria is the best way in which to go about that or whether there is another way of addressing people's support needs.

However, as we are now considering intentionality, we accept that support should be built in and we think that giving an SSST with support is a good model. Our concern is that, if that breaks down and the family does not address its behaviour or fails to accept the support that is on offer, there will be a duty on the local authority to continue to provide the SSST or to move the family to another type of accommodation—again, with continuing inward support—and to continue to accommodate.

We must consider the rights and responsibilities agenda to an extent—I hope that that does not sound too bad. To access their rights, people must exhibit some responsibility. Our concern is that the duty on the local authority to provide accommodation will continue and that accommodation will never end, no matter whether a family refuses to alter its behaviour. That is a dangerous message to send.

As an incentive to alter behaviour, we would

prefer that, if an SSST breaks down and a family goes for a time into a project—perhaps one that is similar to the Dundee families project but which supplies more intensive support and supervision to try to address behaviour—but refuses to address its behaviour, the authority should have just a power to continue to provide accommodation. Alternatively, the authority should revert to the duty that the 2001 act introduced to provide temporary accommodation for intentionally homeless households and advice and assistance to help such families to secure accommodation that suits their needs. We are not entirely happy with the on-going duty to accommodate in the bill.

**Karen Whitefield:** Will local authorities or housing associations need some guidance or definition that they can use to assess when they can no longer provide a tenancy and when specialist support such as the Dundee families project model or another model should be considered? Are further examination and discussion of that with the Executive needed?

**John Mills:** Through the supporting people programme and transitional housing benefit, local authorities and their partners are developing different ways of providing floating support and resident support or provision. Further time must be allowed for best practice to be developed.

The Dundee families project has been held up as good practice and the institute subscribes to that view. The difficulties in getting projects up and running through local consultations and other matters cannot be underestimated. There is a lead-in time. I heard what COSLA said about delaying implementation. Good practice and guidance need to be developed and undertaken following the intensive period of development for the supporting people agenda for next April.

The institute's other concern, which our partners will reflect, is the closing of the window on 31 March for sizing supporting people pots for each local authority area. We expect implementation of the provisions to increase demand for developing and providing effective support models. The funding and resourcing of that will be a difficulty if central Government does not make further phases of supporting people commitments.

**Robert Brown:** I will take up two aspects of intentionality, one of which relates to employment rules and was brought out in Glasgow City Council's submission. People who move area to take up employment can be trammelled by intentionality. That is different from other aspects of intentionality. Should the bill contain specific early provisions to deal with that problem, which was identified in a court decision back in 1987?

**Nick Fletcher:** I admit that I have not seen that court decision. I will return to the first issue of

whether a local authority should be given a new power to investigate intentionality. In general, we need some clear guidance—and preferably regulation—on when local authorities should and should not use that power, so that we have some equality throughout the country.

As our submission says, another important equalities issue is ensuring that the use of intentionality provisions does not create indirect discrimination. We would like the implementation of intentionality provisions to be monitored closely—perhaps by Communities Scotland or another suitable body—to ensure that they are implemented correctly.

**Robert Brown:** The SFHA's paper talks about whether the arrangements under the bill will be probationary short tenancies. Will David Bookbinder or David Alexander expand on the SFHA's concerns and how the SFHA wants the bill to be changed?

**David Bookbinder:** Our main concern is that if the aim is that the short SST that is given to a household that has previously been intentionally homeless should include an incentive for members of the household to conduct themselves in such a way as to make the tenancy work and that a sanction should hang over them if they do not co-operate, the bill does not achieve that aim because the security of tenure aspects of the proposed short SST are exactly the same as those of the full Scottish secure tenancy.

We highlighted in our response that, as most members will be aware, the anti-social behaviour order short SST that was in the 2001 act is endable automatically by the landlord on the end date of the tenancy. If the landlord is at the end of their tether because things have not gone well and they do not want to spend nine months or a year taking recovery action, they can end the tenancy automatically after its period. That is not part of the short SST that is proposed in the bill, so the security of tenure aspects of it are the same as for a full SST. That does not make it a tenancy that is dependent on conduct.

11:30

**Robert Brown:** Was that the intention of the housing task force? Do the CIHS representatives—they are the more technical people, if I can put it that way—have a view on the matter?

**John Mills:** I share David Bookbinder's concerns, from an operational management point of view. There has to be protection for vulnerable households in those situations, but there also need to be incentives to take and accept support and ameliorate whatever has caused the problem of intentionality in the first place. If the proposal in

the bill does not allow for that to happen, that needs to be carefully considered.

**David Alexander:** I am frantically looking back through the task force recommendations. I was a member of the task force and we expected the SSST to be similar in form to a probationary tenancy, for the reasons that David Bookbinder has highlighted.

**Linda Fabiani:** I am interested in the part of the CIHS submission on intentionality, which Nick Fletcher and John Mills have talked about, and the suggestion that there should be a support needs assessment and that the intentionality aspect should be removed. Nick Fletcher said that a key factor in whether the local authority has a duty to accommodate would be an acceptance of that support. What would happen if the support was not accepted and there was therefore no duty to accommodate? What would happen to that family? Could they move to the neighbouring authority as there is no longer any local connection requirement? Could they move, for example, from South Lanarkshire to North Lanarkshire? Would the whole process start all over again? Everyone has expressed worry to some extent that the suspension of local connection might mean that some local authority areas would be more pressured than others by people turning up. Those areas often have a particularly low amount of social rented housing.

**Nick Fletcher:** There may be potential for that to happen. If someone's acceptance of the support is part of the requirement to accommodate and they do not accept that support, one could go back to the requirement in the 2001 act to provide temporary accommodation for people who are intentionally homeless. That might negate the effect of people moving about. We might find that people move about to try to exercise their rights, for example, from North Lanarkshire to South Lanarkshire.

**Linda Fabiani:** And then to Glasgow and then to Clydebank.

**Nick Fletcher:** There might be something in that.

You referred to the local connection. We are quite pleased that the bill does not take away the local connection immediately. The power is there for the Executive to remove the local connection. I hope that, when moving towards deciding whether to remove the local connection, proper research will be done on the likely impact of its removal. There is not a great deal of evidence about whether the removal of the local connection will have a major impact. Some local authorities and landlords have raised concern about the removal of the local connection and other landlords are not so concerned about it. Extra work needs to be

done to try to get a clear picture of what the impacts of removing it might be. That would also enable us to consider some of the issues that Linda Fabiani has raised about people moving around the country to try to exercise their rights in different authority areas.

**David Alexander:** It is true to say that local connection is not a frequently invoked test. The local connection statistics are such that local connection is by far the least significant of the discriminating factors in determining whether a local authority has responsibility. Our worry is that the premature abolition of the local connection criterion would create additional problems for a small number of authorities, which are, generally speaking, the very authorities that have resource problems in any case.

We are worried that those authorities—the so-called magnet authorities—and the RSLs that operate in those areas will experience an amplification of problems that they already have, which are the basic problems of insufficient good quality, affordable, rented housing, and excess demand. The local connection provisions of the bill are inextricably tied up with the resourcing issue generally. Only if the resource issue, to which we all referred in our submissions, is tackled successfully can the local connection sections be unproblematic.

**Linda Fabiani:** Still on the local connection theme, I asked the representatives from local authorities about the impact that the bill will have on their normal waiting lists and transfer lists. Do you have a feeling for how it will impact on the waiting lists and transfer lists of your members, especially on RSLs that are community based, RSLs that work in small areas as co-operatives, and RSLs that use local connection as a criterion on which to house people, as some do even though they are given bad marks by Communities Scotland for doing so? In particular, how will the bill affect areas such as Glasgow, where the local authority does not have any houses of its own? In that case, the onus will be put completely on RSLs which, in light of the stock transfer philosophy, will to a large extent be locally based organisations?

**David Alexander:** I would not want to exaggerate the effect of the local connection changes in themselves. Good housing management practice and the regulatory expectations of Communities Scotland require RSLs to consider the needs of applicants whatever their origin, so the abolition of the local connection criterion should not cause huge problems. As I say, the problem is more deep rooted—it is the problem of areas that have an insufficient quantity of houses to allocate. The problems are not specifically rural; they are found at a sub-local authority level. In Glasgow, there

are huge differences in the pattern of supply and demand. Those problems will be amplified by the proposed local connection changes.

**David Bookbinder:** If the bill's proposals are fully resourced over time, there should be no effect on existing tenants—some of whom may have been seeking a transfer for a while—or on waiting list applicants. We think that it will be the same for RSLs and local authorities. If the measures are not fully resourced, statutory responsibilities will have to come first. Obviously, local authorities have a key responsibility, but section 5 of the 2001 act places a duty on RSLs to house people who are referred to them by councils. That has to come before anything else. If the bill's proposals are not resourced, one can only imagine that that will have a severe impact on people's chances of being housed. It will affect people who are on the waiting list and existing tenants who want a transfer.

**Mrs Lyndsay McIntosh (Central Scotland) (Con):** What is your view of the repossession and eviction provisions of the bill? Further, should organisations be required to show what action they have taken or what procedures they have followed to avoid having to evict?

**David Bookbinder:** The SFHA fully supports a duty to inform local authorities when repossession action is being taken. We are slightly more anxious about the position that faces hard-pressed local authorities, in terms of both housing and social work. In one local authority area, we tried to develop a protocol for registered social landlords to inform the local authority social work department—particularly where children were involved—when they were about to embark on repossession action. The local authority had to say that it preferred not to enter into such a protocol because it did not yet have the resources to respond in the way that was proposed. We fully support the duty to notify.

The member asked whether organisations should be required to show what action they have taken to avoid eviction. The 2001 act includes some robust provisions. Sheriffs now have the duty to examine whether certain steps have been taken prior to eviction action. Taken in conjunction with the bill's provision for local authorities to be notified of repossession action, that represents a big improvement in the situation as far as prevention is concerned.

**John Mills:** The institute endorses those comments. We are considering in detail what can be done to gear housing and other local authority services towards prevention rather than just alleviation of homelessness. The bill's provisions are welcome. They give another dimension to what I call the realignment of homelessness services. Local authorities need to consider carefully whether they have the staffing

complement to respond satisfactorily to notifications from landlords in both the private and the public sector. There is an expectation that authorities will respond positively and robustly to such notices, in order to prevent homelessness from occurring. The bill's provisions supplement what local authorities are already trying to do under the 2001 act.

**Mrs McIntosh:** I would like to press you further on the issue of constraints. You have already given evidence to the Executive that the experience of some housing associations is that social work departments are not always in a position to act on information, because of time and resource constraints. Can you say more about your concern that social work departments will not be able to perform the functions that the bill gives them in relation to repossessions and evictions, because of time and resource limitations?

**David Bookbinder:** A number of our members have told us that, when they have approached the social work department at the outset of a repossession action, they have not received a response, because of the immense pressures to which the department is subject from all directions. Social work departments may intervene only when the court is about to evict someone. By that stage, both the tenant and the landlord concerned have experienced considerable difficulties. Our concern is that local authority support services should be involved at an earlier stage. We do not suggest that they should never be involved. The key issue is the timing of their involvement. Our members' experience thus far is that intervention by social work departments comes at a late stage.

**Mrs McIntosh:** It is rather like firefighting.

**David Bookbinder:** Yes.

**Mrs McIntosh:** That is helpful.

**Mr Gibson:** It is interesting that our current witnesses are expressing more concern than the previous witnesses did about the availability of staff support, should the bill be approved. The previous witnesses seemed not to think that that was a concern. When dealing with any piece of legislation, we need to be concerned not only about funding, but about whether staff will be available to implement it.

My question is directed at the witnesses from the Chartered Institute of Housing in Scotland. In your submission, you state:

"Not all support needs will be housing support and the CIH would like to see the provision of support to intentionally homeless households being a corporate duty involving social work, education and welfare services as well as housing."

Can you elaborate on that statement, particularly with regard to the extent to which resources will

have to be found from budgets other than the supporting people initiative?

**Nick Fletcher:** It is good practice for local authorities to seek to act as corporate bodies wherever possible. In the Housing (Scotland) Act 2001, much more attention was paid to corporate duties in relation to matters such as local housing strategies. We should build on that. The burden should not be placed solely on housing departments, but should be shared by other departments.

One of our members raised the point that mediation and family support might fall outwith the supporting people budget. We must find a way of delivering those services if we are serious about providing support to families who are deemed to be intentionally homeless. Such families might have support needs that are not intensive and which fall outwith the supporting people budget. One of our members raised that issue, which is why it is in our submission.

We want finances to be made available for support needs that must be met from outwith the supporting people budget. That money will have to come from elsewhere in local authority budgets, which might happen only if there is an explicit corporate duty on local authorities and not a duty only on housing departments.

11:45

**John Mills:** We must also highlight issues that arise from the joint future agenda. When assessments are carried out to satisfy duties under the bill, they should be single shared assessments rather than simply housing support assessments. Inevitably, that will call for joined-up assessment and the delivery of resources from various services, not only housing departments. We are committed to that. Delivery is the crucial issue.

In many cases in which people have needs, the issue is not only housing, but the lack of opportunity and access to education, training and employment. There might also be health and social work issues. All those factors must be joined up at the point of assessment. There should not be simply a narrow housing support assessment. The funding must be properly thought out and should not come only from the supporting people budget.

**Mr Gibson:** Previous witnesses have mentioned to us that local authority departments will want to perform their statutory duties first. Departments will not be overly enthusiastic about devoting money from budgets that are already under strain. You want an holistic approach to the allocation of resources. Given the significant resources that are required to implement the bill's aims, would a

longer time scale for implementation be appropriate or should more resources be made available to ensure that implementation happens sooner rather than later?

**David Alexander:** We would prefer sufficient resources to be made available for housing and housing-related programmes generally. We cannot stress strongly enough that the bill is only part of the overall policy apparatus to meet housing needs. The SFHA has called for 10,000 rented homes to be provided every year. At present, only around 5,000 are provided. The programme must be doubled to meet Scotland's housing needs. Allied to that is the point that support needs must be financed. The big danger is that the support packages that are tied to the SSST—those packages are a strong feature of the bill—will not be financed adequately, which will result in the bill's intentions being frustrated.

We want the Executive to recognise not only the bill's resource implications, but the resources that are required to meet housing needs generally. We want the resources to be provided sooner rather than later so that the bill's worthwhile intentions can be implemented in full.

**Mr Gibson:** So you want an increase in the moneys available to provide affordable housing. Ultimately, if there are not sufficient houses, there will always be an issue.

**David Alexander:** We want an increase in the moneys for both housing and support.

**Mr Gibson:** Resources can always be made available to build housing, but what about the staff who are required to implement the bill? How long will it take to train them? Local authorities are already under stress and strain on housing, social work and education and find it difficult to meet their current statutory obligations. What lead time would be appropriate for the additional resource requirements for staff?

**David Alexander:** That would depend on the level of skills that was required. The homelessness task force expressed concern about the number of support staff and the level of training that would be required to deliver the wide range of support services. The point has been made that the approach would not be a one-size-fits-all one and that different types of support would be required for different types of vulnerable households. In relation to the further and higher education that will be needed to provide the level of skills that is required to deliver those support packages, we need to be gearing up now to deliver services in three or four years' time.

**John Mills:** The CIHS is considering the issue carefully. The Housing (Scotland) Act 2001 challenges local authorities—specifically homeless persons officers—to stop policing homelessness

and to start advising and supporting. That is a culture change for staff and we cannot underestimate the challenge that it represents. The bill takes that a stage further. The process of changing staff thinking and attitudes towards homeless people should have begun in the many local authorities that are undertaking homelessness strategy development and the training that goes with it. However, it will take time for that to bed in and result in service delivery improvements. We are looking for a two-year period for implementation.

In recruiting new staff, we are trying to get people up to a relevant Scottish vocational qualification standard in housing, supported housing or independent living skills. My fear is not so much about providing housing support and advice; it is about the delivery of the support through people who are employed by the authority or by voluntary sector providers. Every local authority is addressing the dearth of adequately qualified and experienced people, but that process will take time.

**Mr Gibson:** With previous witnesses, we have touched on the issue of hidden homelessness. How can you budget for that? Can it be budgeted for? Do you think that, when resources are provided, allowance should be made for the possibility of an improvement in housing supply leading to more people who have disappeared presenting? Do you think that there should be a financial cushion for that?

**David Alexander:** I will make one point before answering your question. Between 40 and 45 per cent of lets that the housing associations and registered social landlords provide are to people without a home of their own. Interestingly, only a minority of those people comes through the statutory route. We are providing accommodation for people who do not present as homeless to the local authorities: single people without priority need or couples without children. The local authorities will not prioritise those people, so they are coming directly to the RSLs. A large proportion of the people who are currently housed by RSLs never form part of any official homelessness statistics. To some extent, therefore, the abolition of priority need builds on what is already best practice, in so far as RSLs are already providing accommodation and support for that category of household.

You asked whether we should be anticipating the level of hidden homelessness and building it into the resource provision. It is very difficult to do that and I have great sympathy with the Executive.

**Mr Gibson:** I am asking whether there should be a margin for error.

**David Alexander:** The homelessness task force considered the potential impact of changing the

categories. However, there was no reliable source of information to say what the impact would be of extending the priority need categories to the point of eventually abolishing priority need. Nonetheless, I hope that the administration of homelessness will improve because of the more straightforward access channel. That should ensure that fewer people present as repeat homeless or get lost from the system altogether.

**Nick Fletcher:** I echo what David Alexander says. It is difficult to establish the level of hidden homelessness. I hope that the process of phasing out the priority needs categories will give the Executive and local authorities an opportunity to monitor the extra demand that is likely to be created from people who are staying at home with their parents or relatives and who are not presenting as homeless because they know that, under the current legislation, little or no help will be available to them. We have to be careful. The 10-year time scale for phasing out the priority needs categories will give us an opportunity to see what the impact will be and what demand will be created. It will allow us to put in the resources to provide the extra temporary and permanent accommodation that will be needed for people who are presenting as homeless.

One of the issues that came out of the Housing (Scotland) Act 2001 is that we have to ensure that we are front-loading the resources in order to meet the extra duty to provide temporary accommodation to a greater number of people. Given the time that it took for the resources to come on stream, it was difficult to get the temporary accommodation in place to meet the duty. We might find that in some places in Scotland there has been a rise in the use of temporary bed-and-breakfast accommodation, because local authorities have not been able to bring accommodation on stream quickly enough. There is an issue about when resources are brought in.

**Mr Gibson:** Would you look to the Scottish Executive to fund comprehensive research into this field?

**John Mills:** I said earlier that local authorities are carrying out comprehensive homeless needs assessments. We have asked for research to be carried out into repeat homelessness and hidden homelessness issues. The role of the homelessness monitoring group in examining the outputs from all the homeless needs assessments will be critical in trying to get a Scottish picture. I think that this might be the first time that such research has been carried out throughout Scotland; I certainly cannot remember the last time that it was attempted. The research will be worth waiting for as we get into next spring. We will take a position based on what the authorities

are saying their resource requirements might be to satisfy their duties under the Housing (Scotland) Act 2001 and on what the implications of the Homelessness etc (Scotland) Bill will be.

**Linda Fabiani:** I want to explore the issue of the hidden homeless and the fact that housing associations already house homeless people who would not normally present. I am concerned that local connections might disappear. Some housing associations have a separate homeless category in their applications policy. Although they do not have a statutory duty to do so, they are housing people who have presented as homeless to the local authority and who have also applied to the housing association. Do you think that that situation will disappear? Do you think that housing association allocations for the homeless will come about purely through local authority referral?

**David Bookbinder:** I very much doubt that. At the moment, there are two routes by which homeless people might be housed. One is through nomination by the local authority and the other is by direct application. Under section 5 of the Housing (Scotland) Act 2001, the duty on an RSL to house by referral from a local authority is much more robust than was the old nomination procedure, but it is inevitable that there will still be direct presentations to RSLs. I hope that RSLs and local authorities will have good working arrangements whereby, if possible, a local authority would know about the presentation and would be able to make an assessment, where that was needed, without the pillar-to-post moving around of people. RSLs are always keen to avoid asking people who have presented directly to them to go to the local authority. On the other hand, the local authority has a legitimate need to keep tabs on homelessness figures. The two routes will still be available.

**Linda Fabiani:** Sometimes an RSL's definition of someone being homeless is wider than the statutory definition that local authorities use, although some local authorities enhance that definition. I worry that people will be disadvantaged by the proposals and that the hidden homeless will remain.

**David Alexander:** There would be a concern if everything had to go through the local authority channel. I hope that that will not be the case. As David Bookbinder said, the current experience is that direct applications are at least as important a route for people finding accommodation as the local authority route.

The fact that housing associations operate on a local level means that they can find an immediate, local solution to a problem. I hope that that direct access channel will continue. The task force said that it expected that housing associations would continue to give reasonable preference to

homeless applicants in their allocation policy. That provision stays; in fact, it is strengthened. There is a regulatory expectation that housing associations and RSLs will continue to make that a key feature of their allocation policy. I hope that people without a home will still have that direct route.

12:00

**John Mills:** That is an interesting point. Local authorities will have to have monitoring and recording systems for recording prevention of homelessness, not just for recording the statutorily homeless. It is not the case that every potentially homeless applicant who might be statutorily homeless goes directly to a housing association, but such instances must be recorded in some way by the homeless persons officer to indicate that homelessness has been prevented. Recording systems need to be introduced to take that into account as part of the strategy on homeless needs assessment.

**The Convener:** I have a final question, although other members may also make final points. It might be stating the obvious to say that two different kinds of homelessness seem to be emerging. Some homelessness arises because in certain places there is a lack of affordable housing. In other places, such as the area that I represent, there is affordable housing that might not be desirable and there are families whose housing problem is a symptom of a broader problem.

Is there an anxiety about funding and resources for measures that prevent the symptom of homelessness emerging, such as effective home-school links or proper community and economic regeneration within an area, which can be achieved by pulling people into employment or by addressing their social work needs at an earlier stage? We can look at families with difficulties through the prism of symptoms such as homelessness or a housing problem, but is there a danger that funding might be skewed away from other parts of the system because the bill will create pressure to address the housing element? In other words, is it the case that you will not be able to come to the families until later?

**David Alexander:** I endorse what a previous witness said. The task force report contained a large number of recommendations, of which the bill implements only three. The task force spent a long time examining the issues that you mentioned—the wider causes of homelessness and its links to a range of other issues. We strongly believe that addressing supply-side shortages is the key to answering one type of homelessness. If the shortfall is to be met and that aspect of homelessness is to be tackled adequately, the provision of the resources that we

have discussed is essential. No one is under any illusions about the fact that the problem of homelessness is much more wide ranging in its cause and its impact. It can be addressed only through multi-agency solutions, which need to be adequately funded.

**The Convener:** A reasonable response to the argument for more resources to support people who are under pressure in relation to housing would be to say that resources should go in at an earlier stage—for example, to support women who flee violence or to address drug problems within a community. It is important to focus on community needs and to stress the individual needs within that community.

**Nick Fletcher:** It is also important that, in addressing the supply side, we look at the location and quality of what is supplied. In our submission, we mention the danger that, if there is an increased demand from homeless people requiring housing, there might be an incentive to push those people into the lower demand area of housing. To ensure that that does not happen, we need to look at the supply. If we try to push people into particular areas of housing where demand is not high, we will not meet the social inclusion targets that we have discussed and we will not meet people's specific support needs.

**The Convener:** There are people within those low-demand areas who want to move out. There is an issue about sustaining and regenerating those communities.

**Nick Fletcher:** Yes, that is an important issue.

**The Convener:** I thank the witnesses for their attendance. That was a productive session. If the witnesses wish to pursue any matters further, we would be happy to hear from them.

We will now move into private session, because item 3 relates to the committee's approach to a bill and item 4 relates to a draft report.

12:04

*Meeting continued in private until 12:15.*





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