

Report

Report to:	Housing and Technical Resources Committee
Date of Meeting:	17 June 2020
Report by:	Executive Director (Housing and Technical Resources)

Subject:	Homelessness - Unsuitable Accommodation Order
-----------------	------------------------------------------------------

1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ advise on the extension of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order and highlight the impact which is anticipated within South Lanarkshire

2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that the extension of the Homeless Persons (Unsuitable Accommodation) (Scotland) Order and its anticipated impact within South Lanarkshire be noted.

3. Background

- 3.1. On 5 May 2020 the Scottish Government extended the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 to cover all households. Previously the order required that families with children and pregnant women were not placed in unsuitable accommodation such as Bed and Breakfast for more than 7 days.
- 3.2. The extension of the order followed a consultation in May 2019 by the Scottish Government on proposals to improve temporary accommodation standards across Scotland. The Council responded to this consultation, which sought views on changing the unsuitable accommodation order, alongside introducing advisory and enforceable standards for temporary accommodation.
- 3.3. In relation to the changes to the Unsuitable Accommodation Order, the Council's response:-
- ◆ agreed with the proposal to extend the 7 day restriction to all homeless households from an agreed date, and that the same definition should apply to all households
 - ◆ suggested that current exceptions should remain and extend to emergency/first stop cluster accommodation managed by the local authority or partner agencies with 24 hour staff support available
 - ◆ suggested that adequate support and notice period be provided for local authorities to assist them in adapting to the changes

- 3.4. The Scottish Government initially indicated that the Order would commence in May 2021 however, this is now been revised and the Order will now become effective from 30 September 2020 (the date specified in legislation for the end of the COVID-19 emergency restrictions).
- 4. Proposed permanent changes and implications for the Council**
- 4.1. Historically the council performs well in relation to compliance with the Order and makes minimal use of Bed and Breakfast style accommodation, indeed:-
- ◆ in 2019/2020 the Council only used B&B on 27 occasions
 - ◆ there has been only 1 breach of the order over the past 4 years
- 4.2. It had not initially been anticipated that extending the order to all households would have any significant impact for the Council, although it had been noted that its impact will be significant in other areas where extensive use is made of Bed and Breakfast accommodation.
- 4.3. However, the commencement of the order, immediately after the end of the emergency legislation in October, takes no account of likely changes in homelessness demand due to the pandemic nor the restrictions in access to housing. Since April, there has been a consistent level of homeless presentations and this is anticipated to increase. While at the same time there has been a significant reduction in turnover of available temporary and permanent housing stock. This has resulted in an increased need for B&B use. In this context, while steps are being taken to try to meet both the ongoing demand and the new requirements, it is now expected that South Lanarkshire may face some challenges meeting the requirements by the set date.
- 4.4. In addition to extending the order to cover all households the order made a number of other key changes, these are summarised in the table below alongside the anticipated implications for South Lanarkshire:-

Area	Change	Implications for South Lanarkshire
Definition of unsuitable accommodation	<p>This has been expanded to include:</p> <ul style="list-style-type: none"> • accommodation which does not meet minimum safety standards; • accommodation which is not within reasonable distance of any member of the household's employment, taking into account the availability of public transport; and • accommodation which is not suitable for children to visit, when a member of the household has parental rights. 	<ul style="list-style-type: none"> • Little or no impact anticipated from this change.

Area	Change	Implications for South Lanarkshire
Criteria for defining unsuitable accommodation	<p>Accommodation will not be deemed to be unsuitable if it is:</p> <ul style="list-style-type: none"> • shared tenancy accommodation, defined as accommodation which is not large scale and is provided to residents on a temporary basis pending placement in settled accommodation; and in which each resident has his or her own bedroom; • rapid access accommodation, defined as emergency temporary accommodation for people with nowhere to stay and which provides on-site homelessness and support assessments; and supports residents to access specialist services; • community hosting, defined as the provision of a spare room and other support by a member of the community to a homeless household in crisis for a short period of time. 	<ul style="list-style-type: none"> • This change is positive and confirms that the council's First Stop accommodation can be included within the 'rapid access accommodation'.

- 4.5. As a result of the COVID-19 restrictions, a number of temporary changes have also been made. These are not contained within the amended 2020 Order, however, came into immediate effect in accordance with the Coronavirus (Scotland) Act 2020, and include:-

Area	Change	Implications for South Lanarkshire
Use of B&B accommodation	Changed to specifically allow for the use of hotel and B&B accommodation where that would be the best option for people to self-isolate and adhere to physical distancing guidelines.	Until the outbreak, the council's use of B&B accommodation remained minimal. Current use is higher as a result of the outbreak, however we anticipate that this will again reduce as alternative temporary accommodation options are put in place. It is expected that the use of B&B's will again be minimal by October 2020.

5. Next Steps

- 5.1. The Scottish Government has set up a working group, jointly chaired by the Minister for Local Government, Housing and Planning and the Chair of the COSLA Community Wellbeing Board, to support the implementation of the new provisions and to consider what can be done to assist local authorities to meet the requirements. South Lanarkshire Council is represented on this group by the Chair of Housing and Technical Resources Committee and the Head of Housing Services.

- 5.2. A wide range of work has been undertaken to increase the availability of temporary accommodation within South Lanarkshire to meet the particular demand over the period of the COVID 19 restrictions. This has included working with RSL partners , the University of the West of Scotland and others to increase supply. Opportunities to further develop supply to meet variations in demand will continue to be progressed with a specific focus on supporting compliance with the revised order.

6. Employee Implications

- 6.1. There are no employee implications as a result of this report.

7. Financial Implications

- 7.1. There are no financial implications as a result of this report.

8. Climate Change, Sustainability and Environmental Implications

- 8.1. This report does not introduce a new policy, function or strategy which impacts on the natural environment, climate change or sustainability.

9. Other Implications

- 9.1. There are no additional risks associated with this report.

10. Equality Impact Assessment and Consultation Arrangements

- 10.1. This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment or consultation is required.

Daniel Lowe

Executive Director (Housing and Technical Resources)

9 June 2020

Link(s) to Council Values/Ambitions/Objectives

- ◆ Focused on people and their needs
- ◆ Protect vulnerable children, young people and adults
- ◆ Deliver better health and social care outcomes for all
- ◆ Improve the quality, access and availability of housing
- ◆ Work with communities and partners to promote high quality thriving and sustainable communities

List of Background Papers

- ◆ South Lanarkshire Rapid Rehousing Transition Plan 2019-24, Housing and Technical Resources Committee Report, 23 January 2019

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Jackie Fernie, Homelessness and Housing Support Manager

Phone: 0141 584 2711

Email: jacqueline.fernier@southlanarkshire.gov.uk