

REPORT TO: Policy and Performance Review Committee

MEETING DATE: 21 February 2018

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Homelessness Action Plan Update

1 PURPOSE

- 1.1 To update the Committee on the performance of the Council in delivering the objectives within the Homeless Action Plan which was agreed by Cabinet in November 2017.
- 1.2 Appendix 2 of this report is an update on the objectives within the Homeless Action Plan. Where action has been taken on an objective the progress is noted in bold type.

2 RECOMMENDATIONS

- 2.1 The Committee is asked to note the contents of this report.

3 BACKGROUND

- 3.1 The Council has faced a significant challenge in meeting its homeless responsibilities for a number of years and has taken various actions to ensure that it meets its legal responsibilities and improves the services it provides to homeless applicants.
- 3.2 At its meeting in November 2017 the Cabinet approved the Homelessness Action Plan which is intended to meet both the immediate challenges the council faces in meeting its statutory responsibilities and also a number of objectives of a medium or long term nature to ensure that the Council can continue to do so .
- 3.3 The Council has a wide range of duties within the Homeless Legislation, but in simple terms the Council has an absolute legal requirement to assess the circumstances of anyone who approaches advising of homelessness of being threatened with homelessness, or where the Council believes someone to be homeless or threatened with homelessness.

- 3.4 This responsibility includes the provision of temporary accommodation, if required, both during any assessment process and until any statutory duties are delivered to the individual concerned.
- 3.5 Appendix 1 provides an overview of the Council's legal responsibilities in relation to homelessness and housing allocations.

4 POLICY IMPLICATIONS

- 4.1 The operational elements of the action plan may require some changes to existing policies and will be the subject of a separate reports to Cabinet.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 A full integrated impact assessment will be undertaken as part of the development of the action plan.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The Homelessness Service costs £1.5 million and is funded within the general services budget. The costs of the provision of temporary furnished accommodation are met by rent payments for the houses in question. However, the implementation of Universal Credit has seen an increase in rent arrears within these temporary accommodation tenancies, similar to the increase in rent arrears for mainstream tenancies in properties on the Housing Revenue Account.
- 6.2 Personnel – none
- 6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 Homelessness Update and Action Plan – East Lothian Council Cabinet 14th November 2017
http://www.eastlothian.gov.uk/download/meetings/id/19261/03_homelessness_update_and_action_plan
- 7.2 Council House Allocation Targets for 2018/19 - East Lothian Council Cabinet 16th January 2018
http://www.eastlothian.gov.uk/download/meetings/id/19400/04_council_house_allocation_targets_for_2018-19
- 7.3 Review of Housing Allocations Policy - East Lothian Council Cabinet 16th January 2018
http://www.eastlothian.gov.uk/download/meetings/id/19399/03_review_of_housing_allocations_policy

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Appendix 1 – Homeless/ Housing Legislation – Key Issues

Housing Scotland Act 1987, as subsequently amended

28 Inquiry into cases of possible homelessness or threatened homelessness.

(1) If a person (“an applicant”) applies to a local authority for accommodation, or for assistance in obtaining accommodation, and the authority have reason to believe that he may be homeless or threatened with homelessness, they shall make such inquiries as are necessary to satisfy themselves as to whether he is homeless or threatened with homelessness.

Interim Duty to Accommodate

9.5 If an authority has reason to believe an applicant is homeless it has an interim duty to secure accommodation until it has reached a final decision on their application. This duty continues during the process of review if one is requested.

9.6 Where the authority's decision is that it has a duty to provide accommodation under section 31 the interim duty continues **until the section 31 duty is discharged.**

The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004

9.9 Under this Order (which came into force in December 2004) and was amended in 2014.

Local authorities cannot put households with children and pregnant women into "unsuitable" temporary accommodation unless exceptional circumstances apply. Exceptional circumstances are intended to give flexibility to councils when meeting their new duty, as well as giving families the ability to exercise choice in whether to stay in unsuitable accommodation beyond 14 days.

The most recent change October 2017 reduced the 14 day target to 7 days

Temporary Accommodation with advice and assistance (section 31(3))

9.30 Where the applicant is assessed as being intentionally homeless, the duty is to secure that accommodation is made available for such a period as will give the applicant a reasonable opportunity to find alternative accommodation for him or herself.

Guidance on Temporary and interim accommodation

*Homeless people should not be placed in temporary accommodation unnecessarily, and their time there **should be as short as possible**. Care should also be taken to avoid moves between temporary placements particularly for households with children. Moves are disruptive, and can exacerbate existing social or health problems including mental illness, hinder continuity of education and employment, can lead to repeat homelessness and in the worst cases can cause families to split up. Temporary accommodation will also tend to be more*

expensive than permanent accommodation, particularly if there are moves from one temporary accommodation to another.

Housing Allocations

Persons to have priority on housing list and allocation of housing.

(1) A local authority and a registered social landlord shall, in relation to all houses held by them for housing purposes, secure that in the selection of their tenants a reasonable preference is given—

(a) to persons who—

(i) are occupying houses which do not meet the tolerable standard; or

(ii) are occupying overcrowded houses; or

(iii) have large families; or

(iv) are living under unsatisfactory housing conditions; and

(b) to homeless persons and persons threatened with homelessness (within the meaning of Part II).