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SERVICES FOR THE COMMUNITY POLICY DEVELOPMENT AND SCRUTINY PANEL

SCOTTISH GOVERNMENT CONSULTATION ON A MINISTERIAL STATEMENT FOR MODIFYING LOCAL CONNECTION REFERRALS IN SCOTLAND

REPORT BY HEAD OF HOUSING, CUSTOMER AND BUILDING SERVICES

A. PURPOSE OF REPORT

The purpose of the report is to outline to Scrutiny Panel the proposed council response to the Scottish Government's consultation paper, which invites views on whether the content of a ministerial statement setting out the new power for Scottish Ministers to modify local connection referrals between local authorities in Scotland is to be exercised.

The submission date for responses to be included in the consultation process is the 23rd October 2020.

B. RECOMMENDATIONS

The Scrutiny Panel is requested to consider the council's response set out in Appendix 2 of this report for submission to the Council Executive for approval on the 17 November 2020.

C. SUMMARY OF IMPLICATIONS

| | | |
|------------|---|--|
| I | Council Values | <ul style="list-style-type: none">• Focusing on our customers' needs• Being honest, open and accountable• Providing equality of opportunities• Developing employees• Making best use of our resources• Working in partnership |
| II | Policy and Legal | The Housing (Scotland) Act 1987 as amended and in accordance with the Homelessness (etc.) (Scotland) Act 2003, Housing (Scotland) Act 2001, Housing (Scotland) Act 2014 |
| III | Implications for Scheme of Delegations to Officers | None |
| IV | Impact on performance and performance indicators | Increasing levels of homelessness will have an adverse effect on the council's performance. Quarterly performance returns are monitored by the Scottish Government. |
| V | Relevance to Single Outcome | Outcome 6: People most at risk are |

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| | | |
|-------------|---|---|
| | Agreement | protected and supported to achieve improved life chances. Outcome 7 - We live longer, healthier lives and have reduced health inequalities |
| VI | Resources (Financial, Staffing and Property) | Homeless Services has a general fund budget of £3.504million in 2019/20 and FTE 53.6 staff. |
| VII | Consideration at PDSP | None |
| VIII | Other Consultations | None |

D. TERMS OF REPORT

D.1 Background

In January 2019, the Scottish Government issued a consultation paper inviting views on a recommendation from the original sitting of the Homelessness and Rough Sleeping Action Group (HARSAG) to commence the provision in Section 8 of the Homelessness etc. (Scotland) Act 2003 ("the 2003 Act") to give Scottish Ministers the power to modify, by statutory order, local connection referrals. HARSAG also recommended that Ministers use the new power to suspend referrals between local authorities in Scotland.

There were 72 responses to the consultation with 65 responding to the local connection question. 52% of respondents supported suspending local connection, 29% supported modifying local connection and 20% were opposed. West Lothian Council response supported modifying local connection as current legislation is already flexible enough to allow a significant level of choice for applicants in terms of which authority they wish to live in. The key theme from those respondents who did not support the modifications were concerns over the potential increase in homeless applications and local authorities' abilities to meet these applicant's accommodation and support needs.

Following the conclusion of the consultation, the Homelessness etc. (Scotland) Act 2003 (Commencement No. 4) Order 2019 commenced the local connection provisions, giving Scottish Ministers the power to modify the operation of referrals between local authorities within Scotland. The provisions also required that Scottish Ministers must publish a statement setting out the circumstances and general criteria by reference to which modifications will take place in which Scottish Ministers are also required to consult on.

This Scottish Government is now seeking views on the Ministerial Statement to take forward the power to modify local connection referrals, and suggested monitoring arrangements to effectively take account of any negative impacts on local authorities.

D.2 Current Homeless Position

Supply and Demand Position

One of the main challenges facing the service continues to be the demand versus supply of affordable housing options. There is high demand for people applying to the council for permanent housing through the council's Allocation Policy, as well as accommodation required for homeless applicants to enable the council to discharge its statutory homeless duty. The concerns remain that if demand for homeless

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services increases without the appropriate supply to meet this demand there will continue to be pressures in temporary accommodation and lengthy waiting times for permanent accommodation.

As at 31st March 2020 there were 7,999 applicants on the councils housing list. In 2019/20 there were 1364 council lets available in West Lothian compared to 1309 in 2018/19, with 762 (55.1%) being allocated to homeless applicants in 2019/20 and 737 (54.9%) in 2018/19. It should be noted that these figures include new build allocations, which are initially and predominantly allocated to transfer list applicants, therefore diluting the lets to homeless percentage.

Local Homeless Position

Table 1 below shows that whilst a positive reduction in homeless applications of 3.2% occurred in 2019/20 when compared to 2018/19, the demand to permanently rehouse applicants increased by 8.7% in the same period. This rise in applicants accepted as homeless continues to place significant pressure on the council's ability to permanently rehouse applicants rapidly.

Table 1: West Lothian Homeless Applications 2018/19 to 2019/20

| Category | 2018/19 | 2019/20 |
|-----------------------------------|---------|---------|
| Applications | 1517 | 1469 |
| Assessed as homeless / threatened | 1123 | 1221 |

The Scottish Government have stated that they anticipate the overall impact on suspending local connections to be neutral. It is difficult to predict the impact locally due to the inaccuracies across councils in recording no local connections. For example, during the homeless interview process, when a household is advised they have a local connection with another area the applicant can chose to cancel their application and apply directly to the local authority concerned meaning no original application is logged showing no local connection. In 2018/19 and 2019/20 there were only 8 applicants received in both years who were found to have no local connection.

Temporary Accommodation Position

In 2019/20 there was significant progress made in reducing the time spent in temporary accommodation, reducing the use of unsuitable accommodation and reducing length of stay in temporary accommodation. Table 2 demonstrates that there was a 6.4% reduction in overall placements in temporary accommodation from 2018/19 to 2019/20 with average length of stay also decreasing from 98.6 days in 2018/19 to 88.2 days in 2019/20.

Table 2: Placements and average length of stay (LOS) in temporary accommodation 2018/19 to 2019/20

| | 2018/19 | 2019/20 |
|--|---------|---------|
| Total Placements | 1955 | 1829 |
| LA ordinary dwelling (LOS) | 244.9 | 182 |
| Housing association / RSL dwelling (LOS) | 223.9 | 217.3 |
| Hostel - local authority owned (LOS) | 88.1 | 66.4 |

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| | | |
|----------------------------|-------|-------|
| Private sector lease (LOS) | 242.8 | 168.2 |
| Bed and breakfast (LOS) | 30.4 | 25.8 |
| Total all types (LOS) | 98.6 | 88.2 |

Impact of COVID-19

Whilst some key achievements have been made in 2019/20 it is notable that these were prior to COVID-19.

Table 3 provides a comparison of some key statistics from Quarter 1 2020/21 compared to the same period of 2019/20. This shows that in the early stages of the national lockdown the demand for homeless services had increased by 11% with demand for temporary accommodation reducing by 21%. However most notably the biggest impact to be seen so far is in the reduction in the availability of mainstream lets by 86%, due to restrictions on allocations. This has meant that gradual numbers of applicants in temporary accommodation have begun to rise along with increases in the number of applicants waiting to be rehoused.

Table 3: Q1 comparison 2019/20 – 2020/21

| | Q1 2019/20 | Q1 2020/21 |
|--|------------|------------|
| Homeless presentations | 323 | 360 |
| Placements in temporary accommodation | 496 | 394 |
| Numbers in temporary accommodation (at end of quarter) | 490 | 543 |
| Mainstream lets | 382 | 54 |

The service anticipates that the full extent of COVID-10 has not yet been experienced with evictions from secure and private tenancies currently suspended, the furlough scheme still in place and social distancing restrictions continuing there are significant concerns that homelessness will rise over the course of 2020/21. Initial modelling is suggesting that assessments are expected to rise by 23% to 1,239 in 2020/21 and the backlog of homeless applicants waiting to be rehoused is expected to rise by 91% to 1,047 in 2020/21.

D.3 Consultation Document and Response

The Scottish Government consultation paper invites comments on the proposal to suspend local connection referrals and the content of the Ministerial Statement to set out the circumstances in which allows Scottish Ministers to modify local connection referrals between local authorities in Scotland . It also invites comments on the proposal to suspend local connection referrals between Scottish local authorities to remove barriers people face to accessing the support they need.

The Scottish Government consultation paper “Consultation on a Ministerial Statement for Modifying Local Connection Referrals in Scotland” is contained within Appendix 1 of this report. The consultation document is set out in four sections as detailed below:

- Section 1: Background on HARSAG Recommendation, Legislative Provision and Consultation
- Section 2: Draft Ministerial Statement and Proposal to Suspend Local Connection
- Section 3: Consultation Questions and How to Respond
- Section 4: Statistical Data Tables on Local Connection Referrals

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The Scottish Government whilst seeking current views on the proposals to modify local connection referrals have also acknowledged that there should be a mechanism for dealing with a situation where a particular authority cannot cope with an increased flow of applicants as a result of the removal of local connection. Scottish Ministers retain the power to reverse or alter any such modifications in these circumstances and this is why they are also proposing to monitor a number of key factors to determine whether the capacity of a local authority is being adversely affected by any modifications.

The key areas to note within the response contained within Appendix 2 to the Scottish Government are as follows:

- The council does not support the removal of local connection duties
- The council agrees with the proposed ministerial statements circumstances for modifying local connection referrals
- The council does not agree with the proposed general criteria for modifying local connection and proposes this takes account of the wider homeless demand pressures and unsuitable accommodation use
- The council proposes that full homeless demand is monitored to understand the overall impact on supply and demand. The council also proposes that the required use of unsuitable accommodation is also monitored.
- The council does not believe HL1 to be the most effective monitoring mechanism to monitor the impact of this change due to the potential impact on education, health, social care, drug and alcohol services or employment opportunities.

D.4 Challenges

It is clear that the impact of COVID-19 will increase homeless demand in West Lothian and add to an already significant supply pressure. The removal of local connection is likely to add to the challenge in the council's ability to meet homeless demand.

If there is no local connection we do not know the true extent of what potential impact this may bring. For example, neighbouring authorities are experiencing even greater pressures than ourselves, such as Edinburgh, with higher waiting times for housing and there may be potential spill over across boundaries or increases in applications from south of the Border where there still remains priority need.

D.5 Next Steps

Responses to the Consultation on a Ministerial Statement for Modifying Local Connection Referrals in Scotland are to be submitted to the Scottish Government by the 23 October 2020.

The Scottish Government has agreed that the final response, if agreed by Council Executive on the 17 November 2020 can be submitted on that date and that the draft response from the council, attached as Appendix 2 can be submitted to the Scottish Government by 23 October 2020.

E. CONCLUSION

The council has been invited to participate in the consultation Ministerial Statement for Modifying Local Connection Referrals in Scotland. The council welcomes the

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opportunity to participate and to provide a consultation response encompassing contributions from key service areas from within the council. The council believes that any changes to local connection referrals whilst having a positive effect on homeless applicants will have a negative effect on the council's ability to meet homeless demand.

F. BACKGROUND REFERENCES

Scottish Government HARSAG Q2 recommendations How to end rough sleeping
<https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2018/03/ending-rough-sleeping-in-scotland-interim-report/documents/aa98bb99-2e2d4905-9ac9-e434e8a4dc72/aa98bb99-2e2d-4905-9ac9-e434e8a4dc72/govscot%3Adocument>

Scottish Government HARSAG Q3 recommendations report Transforming the use of Temporary Accommodation in Scotland.
<https://www.gov.scot/binaries/content/documents/govscot/publications/corporatereport/2018/05/homelessness-and-rough-sleeping-action-group-interimreport/documents/36232fb2-5237-4a27-b0bf-da126ec2a624/36232fb2-5237-4a27-b0bf-da126ec2a624/govscot%3Adocument>

Homelessness and Rough Sleeping Action Group: final recommendations report.
<https://www.gov.scot/publications/homelessness-and-rough-sleeping-action-groupfinal-report/>

Scottish Government Ending homelessness and rough sleeping : action plan
<https://www.gov.scot/publications/ending-homelessness-together-high-level-actionplan/>

Appendices/Attachments:

Appendix 1: Consultation on a Ministerial Statement for Modifying Local Connection Referrals in Scotland

Appendix 2: West Lothian Councils Proposed Response

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AnnMarie Carr
Head of Housing, Customer and Building Services

Consultation on a Ministerial Statement for modifying local connection referrals in Scotland

A consultation by the Scottish Government

Ministerial Foreword



I am pleased to invite comments on the Scottish Government's proposal to publish a statement on local connection, as required by section 33B of the Housing (Scotland) Act 1987.

In Scotland we have some of the most progressive homelessness rights in the world and all local authorities have the responsibility to meet their existing statutory obligations and provide people with appropriate accommodation and services.

Over the past decade, national government in partnership with local authorities, the third sector and others have delivered radical changes in homelessness and affordable housing. This has contributed to a significant reduction in homelessness applications. But we can and will do more.

Our vision is to support everyone at risk of homelessness, or experiencing homelessness, to have a safe, warm settled home of their own. We can achieve this by building on our strong foundations and go further to prevent, tackle and ultimately end homelessness for good.

To help us navigate the path to ending homelessness, we asked the Homelessness and Rough Sleeping Action Group (HARSAG) to consider the actions necessary to make the transformational changes which are required.

We are implementing HARSAG's recommendations through the Ending Homelessness Together Action Plan, which we published jointly with COSLA in November 2018, and have backed with a £50 million Ending Homelessness Fund. The Action Plan sets out a programme of transformative change to help end homelessness in Scotland and our [Annual Progress Report](#) demonstrates the significant progress already made over the first year of implementation.

I believe that we all want people facing homelessness to be able to choose where they want to settle and to have access to the support they need, wherever they find themselves in housing crisis.

That is why we are proposing in this consultation paper to suspend the operation of local connection referrals between local authorities in Scotland, as recommended by HARSAG. We want to remove barriers to support which can hinder the prevention of

homelessness and modify how people are assessed, recognising that there are usually good reasons for wishing to live in a certain area.

I am confident that, by introducing this important change, we can remove unnecessary barriers that can prevent people receiving the person-centred support they need, when and where they need it.

I encourage you to respond to the consultation and look forward to hearing your views.

A handwritten signature in black ink, appearing to read 'Kevin Stewart', is enclosed in a thin black rectangular border.

Kevin Stewart MSP
Minister for Local Government, Housing and Planning
3 August 2020

Introduction

1 Having somewhere to call home is a basic human right and housing is one of the most important factors in any person's quality of life. In this regard, Scotland already has some of the strongest rights in the world for people experiencing homelessness, and everyone who is threatened with homelessness is entitled to help from their local authority to secure a stable home.

2 We know, however, that not everyone is able to access those rights and that there are some who still contend with barriers to support when faced with homelessness. The Scottish Government is determined to remove these barriers. We want people who are facing homelessness to have the freedom to settle where they choose, with access to the support they require, wherever they find themselves in housing crisis.

3 Last year, the Scottish Government issued a [consultation paper](#) inviting views on a recommendation from the original sitting of the Homelessness and Rough Sleeping Action Group (HARSAG) to commence the provision in Section 8 of the [Homelessness etc. \(Scotland\) Act 2003 \("the 2003 Act"\)](#) to give Scottish Ministers the power to modify, by statutory order, referrals for local connection. HARSAG also recommended that Ministers use the new power to suspend referrals between local authorities in Scotland. The consultation also sought views on the HARSAG recommendation to commence the provision in section 4 of the 2003 Act to change the duty for local authorities to investigate for intentionality to a power to investigate, and this was commenced in November 2019.

4 Following the consultation, the [Homelessness etc. \(Scotland\) Act 2003 \(Commencement No. 4\) Order 2019](#) commenced the local connection provisions, giving Scottish Ministers the power to modify the operation of referrals between local authorities within Scotland. The provisions also required that Scottish Ministers must publish a statement setting out the circumstances and general criteria by reference to which modifications will take place.

5 This Scottish Government consultation paper invites your views on our joint commitment to address barriers for people facing homelessness by taking forward the power to modify local connection referrals, and by effectively monitoring any changes which are to be introduced. In particular, we would like to receive views on the core content of the draft Ministerial statement and our proposal to suspend local connection referrals, as set out at Section 2.

6 People working in local authorities and with delivery partners across Scotland will be at the forefront of making this change and ensuring barriers to support are addressed; and people facing homelessness are at the heart of why the Scottish Government is committed to making these changes. We want as many people as possible to share their views and would encourage you to respond to any or all of the questions in Section 3 where you feel you have a contribution to make. However, in responding to this consultation, please do not feel constrained by the questions set.

7 The paper contains 4 sections:

- **Section 1** sets out the background to the provisions contained in the Housing (Scotland) Act 1987 as they currently apply; the approach recommended by HARSAG; the powers contained within the Homelessness etc. (Scotland) Act 2003 and effect of commencing Section 8; and details of the further consultation which has taken place since HARSAG reported.
- **Section 2** sets out the proposed content of the Ministerial Statement on exercising the power to modify local connection, as well as details of a proposal to suspend referrals for local connection and future monitoring arrangements. **Consultees are asked for their views on these issues.**
- **Section 3** contains the consultation questions; information on how to respond to the consultation; a copy of the respondent information form; and accompanying information on Scottish Government consultation exercises.
- **Section 4** (Annex A): contains statistical data tables on local connection referrals.

8 The main pieces of primary legislation involved are the Housing (Scotland) Act 1987 and the Homelessness etc. (Scotland) Act 2003 - these are referred to throughout this paper as “the 1987 Act” and “the 2003 Act” respectively.

Section 1: Background on HARSAG Recommendation, Legislative Provision and Consultation

9 The Programme for Government announced by the First Minister on 5 September 2017 set out the Scottish Government's commitment to eradicate rough sleeping, transform the use of temporary accommodation in Scotland and end homelessness.

10 The [Homelessness and Rough Sleeping Action Group \(HARSAG\)](#) was subsequently established to consider the most appropriate actions to make the transformational changes required. The 70 recommendations from HARSAG were incorporated into the [Ending Homelessness Together Action Plan](#), which was published jointly by the Scottish Government and COSLA in November 2018, and which we backed with a £50 million Ending Homelessness Fund. Specifically, for local connection (and intentionality), HARSAG recommended that we should:

Recommendation 2.15 (Interim Report) "Revise legislative arrangements that can result in difficulties with people being able to access their rights. Scottish Government should revise the legislative arrangements on local connection and intentionality. Specifically, they should commence the current provisions on intentionality in the Homelessness etc. (Scotland) Act 2003 and narrow the definition to focus on instances of 'deliberate manipulation' of the homelessness system. In addition, they should commence the provisions on local connection in the 2003 Act and Ministers should exercise powers they would then have under S8 to suspend referrals between local authorities to remove barriers to support for people who are homeless or rough sleeping or at risk of homelessness or rough sleeping. Scottish Government should monitor the impact of these changes on local authorities to respond to any local authorities coming under undue pressure as a result of disproportionate net inflows."

Housing (Scotland) Act 1987

11 Local authorities currently have the power, but not a duty, under section 33 of the 1987 Act, to refer households they have assessed as homeless and who do not have a local connection with them to another local authority where they do have such a connection.

12 This power does not apply where the person has been assessed as intentionally homeless, as there is no duty to provide settled accommodation. The assessment of the 'notifying' authority cannot be revisited by the 'receiving' authority. A referral on the grounds of local connection cannot be made where the applicant household would face the risk of domestic abuse in the area where they have a local connection.

13 Local connection is defined at section 27 of the 1987 Act, as amended by Section 7 of the Homelessness etc. (Scotland) Act 2003. A local connection is currently formed on the basis of residence of the applicant's own choice, employment, family associations or any special circumstance.

14 For those who have been serving in the armed forces, changes to the 1987 Act were introduced (through the Housing (Scotland) Act 2010¹), which enable members of the armed forces, and those who live with them, to establish a local connection with the area they have lived or worked in.

15 A household in accommodation provided in pursuance of section 95 of the Immigration and Asylum Act 1999², is not considered to have established a local connection with the area to which they are dispersed as it is not considered to be a “residence... of their own choice” under section 27 of the 1987 Act. This means that, unlike the position in England, a refugee who is homeless or threatened with homelessness in Scotland can apply to any of the 32 local authority areas in Scotland.

16 Where an applicant has no local connection with the authority to which they have applied, and no local connection with any other authority in England, Scotland or Wales, the responsibility for dealing with the application rests with the local authority the applicant applied to. Further guidance on applying the current local connection provisions is available in [Chapter 7 of the Code of Guidance on Homelessness](#).

Homelessness etc. (Scotland) Act 2003

17 The Homelessness etc. (Scotland) Act 2003 set the framework for fundamental changes to the eligibility criteria which apply to homeless applications by, in the main, amending the 1987 Act and the Housing (Scotland) Act 2001.

18 The most significant of these changes was the abolition of the priority need test, a change that meant that unintentionally homeless applicants (and their households) seeking assistance from a Scottish local authority would be entitled to settled accommodation. This entitlement would no longer depend on a person falling into a priority need group. While local authorities had initially expressed strong reservations about the capacity within the sector to introduce these changes they have now been implemented successfully.

19 The commencement of Section 8 of the 2003 Act amends section 33 of the 1987 Act to give Scottish Ministers the power to issue a statutory instrument to modify the operation of the local connection referral rules. This power may be applied to all local authorities or to selected local authorities and can include making referrals, receiving referrals or both making and receiving referrals. Section 8 makes provision to insert new sections 33A and 33B into the Housing (Scotland) Act 1987. These additional sections have the following effects:

- Scottish Ministers can modify, by statutory order, local authorities’ powers to refer an applicant to another local authority on the grounds of their local connection. Such an order can therefore restrict a specified local authority

¹ [S. 27\(2\)\(a\)\(i\)](#) repealed (1.3.2011) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), **ss. 156(a), 166(2)**; [S.S.I. 2011/96, art. 2, sch.](#) and [S. 27\(3\)\(a\)](#) repealed (1.3.2011) by [Housing \(Scotland\) Act 2010 \(asp 17\)](#), **ss. 156(b), 166(2)**; [S.S.I. 2011/96, art. 2, sch.](#)

² [S. 27\(2\)\(a\)\(iii\)](#) and word inserted (30.1.2004) by [Homelessness etc. \(Scotland\) Act 2003 \(asp 10\)](#), **ss. 7, 14(1)**; [S.S.I. 2003/609, art. 2](#)

from making referrals and/or other local authorities making referrals to it. The legislation also allows for the subsequent reversal of any changes made.

- Within 18 months of the Section 8 provisions commencing, Scottish Ministers must prepare and publish a Ministerial Statement setting out the circumstances in which, and the general criteria by reference to which, the power to modify local connection is to be exercised.
- Scottish Ministers are obliged to consult such associations representing local authorities and such other persons, as they see fit, before preparing or amending this statement.

20 Scottish Ministers also have the power to reverse or alter modifications, in the event that information comes to light that suggests they are no longer appropriate.

Responses to Previous Consultation

21 We invited views, last year, on our plans to commence the provision in the 2003 Act to allow Scottish Ministers to modify referrals relating to local connection and our intention to implement the proposal from HARSAG to suspend referrals in Scotland.

22 We received 72 responses overall to last year's [consultation paper](#), with 65 responding to the local connection question. These were from a range of individuals, local authorities, housing associations, tenants groups, third sector organisations, legal groups and other stakeholders. The highest level of support (51%) was for suspending local connection referrals across all local authorities in Scotland. A further 29% supported modifying local connection referrals in another way and 20% were entirely opposed to commencing the provisions. We published the [consultation responses](#), where we had received permission to do so, as well as an [analysis of the responses](#).

23 Two key themes emerged in responses to the consultation. The first, from those who supported suspending local connection referrals, was support for people experiencing homelessness to be able to choose where they wish to settle. This was seen as offering choice to people experiencing homelessness, removing unnecessary barriers to finding permanent accommodation and ensuring that homelessness services can be delivered at the point of need.

24 The second key theme, from those not favouring a suspension, mainly local authority responses, was concern over the potential increase to the numbers of referrals in areas that do not have the resources to meet accommodation and/or support needs. Various different types of local authority were cited, including major cities such as Glasgow or Edinburgh, urban areas or rural and island and highland areas.

Coronavirus pandemic

25 The opportunity was taken in the [Coronavirus \(Scotland\) \(No.2\) Act 2020](#) to make provision to extend, by 6 months, the deadline period for Scottish Ministers to publish the statement on exercising the power to modify referrals between local authorities on the grounds of local connection, as required under section 33B(1) of

the 1987 Act. The deadline is now therefore 18 months rather than 12 months after the coming into force of section 33B (on 7 November 2019). The Act also allows Scottish Ministers to introduce regulations to further extend the period by up to an additional 6 months, on a one-off basis, should this be necessary.

26 Local authorities and third sector partners have been facing particular challenges in their efforts to accommodate and support people who were rough sleeping and to prevent further homelessness during the pandemic. This significantly limited their capacity to engage while that was ongoing and the Scottish Government therefore decided to postpone the consultation until a time when capacity to deliver was restored.

Section 2: Draft Ministerial Statement and Proposal to Suspend Local Connection

27 It is the Scottish Government's expectation that those who are homeless or rough sleeping are more likely to resettle successfully, and avoid repeat homelessness, if they are living in an area of their choosing where they can access the specific services and support they require and where they are able to integrate successfully into the local community. Additionally, for some households, the ability to have a fresh start in another area can be a vitally important factor in helping them to sustain a safe and settled home.

28 We agree with the view, as expressed in the majority of responses to last year's consultation, that people experiencing homelessness are best placed to make the judgement as to the geographical area which best meets these needs. Choice may lead to better outcomes than a strict interpretation of the legislative test. However, we agree also that it is necessary to balance this desire with the need to ensure that these choices are realistic in terms of accommodation and support capacity within local authorities.

Core content of the Ministerial Statement

29 As mentioned above, Scottish Ministers are obliged to make a statement, within 18 months of Section 8 of the 2003 Act coming into force, setting out the **circumstances** in which, and the **general criteria** by reference to which, the power to modify the local connection provisions is to be exercised.

30 The Scottish Government proposes the following core content for the statement, which is informed by the consultation undertaken to date as well as separate engagement with individual stakeholders and a further analysis of previous engagement, practice and trends.

31 It is proposed that the **circumstances for modifying local connection referrals** would be:

To increase the ability of people who are experiencing or are threatened with homelessness to choose where to apply for assistance; taking account of available evidence on any detrimental effect which may result in terms of the capacity of particular local authorities to meet their homelessness duties, or outcomes for individuals or communities.

32 It is proposed that the **general criteria, by reference to which, the power to modify local connection is to be exercised** would be:

- *To improve outcomes for households experiencing homelessness;*
- *To increase choice for households experiencing homelessness;*
- *At the same time, to maintain the capacity for local authorities to fulfil their statutory homelessness duties and their duty to house people in housing need, and to respond to:*
 - *significant undue pressures related to an increased level of households being assessed as homeless, where this pressure is due in part to the*

pressure of applications from households with no local connection to the local authority area(s);

- *significant undue pressures resulting from increases to the scale/frequency of homelessness applications from households experiencing homelessness with no local connection to the local authority area(s).*

33 This third bullet is in recognition that it is important to balance the desire to reduce burdens and increase choice for people with the need to ensure that these choices are realistic in terms of accommodation and support capacity within local authorities. The Scottish Government plans to monitor this, on an ongoing basis, to determine whether the **capacity of a local authority to meet its homelessness and housing duties** is being adversely affected by any modification to local connection. It is proposed that the factors to be considered would include:

- *number of applications/assessments*
- *number of social lets required to house statutory homeless people and associated impact on waiting lists*
- *number of households experiencing homelessness in temporary accommodation and time spent there*
- *sustainability of solutions for households experiencing homelessness*
- *ability to meet support needs*
- *ability to prevent homelessness*

Proposal to Suspend Local Connection Referrals

34 In line with the recommendation of HARSAG, the Scottish Government proposes to suspend local connection referrals between local authorities within Scotland by means of a statutory instrument (subject to affirmative procedure) which would, if approved, come into force in May 2021.

35 The suspension would take effect among Scottish local authorities only - current arrangements relating to referrals to and from authorities in other parts of the UK will continue to apply as they do now. This would mean that no local authority in Scotland could refer an applicant to another local authority in Scotland on local connection grounds - but a Scottish local authority could still refer an applicant to elsewhere in the UK and would be obliged to accept referrals from elsewhere in the UK. It should be noted that the duty to co-operate with other local authorities under section 38 of the 1987 Act remains unaffected by the proposed changes.

36 This decision is predicated on the belief that people who are homeless or threatened with homelessness generally have good reasons to present to a particular authority, and that these reasons (as described above) should be acknowledged.

37 Local authorities and their partners are key to preventing and tackling homelessness in Scotland and providing the housing and support that people need. By suspending the power of local authorities in Scotland to make referrals to other Scottish councils for local connection, we are eliminating one of the barriers people face to receiving the right support, where and when they need it. This will ensure that

front-line staff are able to focus decisions and effort on providing a prompt, person-centred approach to applicants, and help more people into a settled home more quickly.

38 However, while historical data indicates that the power for local authorities to make local connection referrals is used infrequently, and has reduced over time, we acknowledge that there should be a mechanism for dealing with a situation where a particular authority cannot cope with an increased flow of applicants, should this occur. The 1987 Act, as amended, allows for action to be taken in these circumstances and Scottish Ministers retain the power to reverse or alter these modifications, in the event that information comes to light that suggests they are no longer appropriate.

39 It is proposed that following the first exercise of the powers under Section 8, local authorities could make a case to Scottish Ministers if they believed there was a need for further modification. The criteria for making this case would be as set out in the Statement (i.e. as currently proposed at paragraphs 32 - 33 above).

Monitoring Evidence/Assessing Impact

40 The Scottish Government would also monitor all available data and evidence, against the circumstances and general criteria, set out above, to keep the Ministerial Statement under review and to take swift and appropriate action, following consultation with local authority and other key partners, should it reveal that further modification to this statement and/or the statutory order which implements changes is needed.

41 On the national level, we anticipate that the overall impact of suspending local connection referrals will be neutral. We acknowledge, however, the concerns which have been expressed by local authorities and will monitor the number of applications and homelessness assessments in each local authority so that we pick up any changes or trends

42 The existing data (see tables at Annex A) shows that only around 0.5% of applicants who are assessed as homeless are currently being referred to another local authority under this legislation, and that most people present at a local authority where they have a local connection. These data also show that the number of referrals made varies between local authorities and the data will help us understand how the legislative changes impact on different local authorities.

43 In order to measure the impact on local authorities it is important to have sound monitoring systems in place. Local authorities' use of local connection powers has been recorded through the HL1 system which includes the category 'referred to another authority'.

44 The HL1 data collection was revised in April 2007 (in response to findings from Tribal HCH research, 2005³), with additional questions on local connection added to gather information on whether, and in what way, an applicant household

³ <https://www.webarchive.org.uk/wayback/archive/20180518222506/http://www.gov.scot/Publications/2005/02/20700/52699>

has a local connection with the authority and, if they do not, in what way they have a connection with another authority. These questions were introduced to aid monitoring of future modifications to local connection rules, so that a case could be made if needed for reversing any modification and to give an indication of the number of applicants local authorities refer to another authority.

45 The HL1 system is able to continue to collect local connection information where the power to refer is not currently exercised and should the provisions be suspended. Data is collected quarterly and published on a 6 monthly basis which provides an opportunity to respond swiftly should any local authorities come under undue pressure.

46 To further assist with monitoring the impact of any future modification of local connection, we also took steps to publish local connection data as part of the Homelessness in Scotland Statistics from summer 2020 onwards.

Section 3: Consultation Questions and How to Respond

1. We are proposing to suspend local connection referrals between Scottish local authorities to remove barriers people face to accessing the support they need. The analysis of the 2019 consultation demonstrated that there is support for this position, although there are concerns about the potential for increases in homelessness applications and subsequent impact on statutory services.

Please give us your current views about the proposed suspension of referrals.

2. Considering the core content proposed for the Ministerial Statement (see section 2 – paras 31 - 33), please give us any suggested amendments with regard to the:

- i. circumstances for modifying local connection referrals (see para 31)
- ii. general criteria, by reference to which, the power to modify local connection is to be exercised (see para 32)

3. Please let us know about any suggested amendments you have to the factors proposed in para 33 for assessing whether the capacity of a local authority to meet its homelessness and housing duties is being adversely affected by any modification to local connection.

4. As set out in the 2019 consultation, we propose using HL1 data to monitor the impact of this change. Please let us know of any comments you have on this proposal.

Responding to this Consultation

We are inviting responses to this consultation by 23 October 2020.

Please respond to this consultation using the Scottish Government's consultation hub, Citizen Space (<http://consult.gov.scot>). Access and respond to this consultation online at <https://consult.gov.scot/housing-and-social-justice/modifying-local-connection-referrals/>. You can save and return to your responses while the consultation is still open. Please ensure that consultation responses are submitted before the closing date of 23 October 2020.

If you are unable to respond using our consultation hub, please complete the Respondent Information Form (provide below) and send to:

Stephen O'Connor
Scottish Government
Homelessness Unit (Legislation and Measurement)
Better Homes Division, 5 Atlantic Quay, Glasgow, G2 8LU

Handling your response

If you respond using the consultation hub, you will be directed to the About You page before submitting your response. Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

If you are unable to respond via Citizen Space, please complete and return the Respondent Information Form included in this document.

To find out how we handle your personal data, please see our privacy policy: <https://www.gov.scot/privacy/>

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public at <http://consult.gov.scot>. If you use the consultation hub to respond, you will receive a copy of your response via email.

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us. Responses will be published where we have been given permission to do so. An analysis report will also be made available.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to the contact address above or at Homelessness_External_Mail@gov.scot

Scottish Government consultation process

Consultation is an essential part of the policymaking process. It gives us the opportunity to consider your opinion and expertise on a proposed area of work.

You can find all our consultations online: <http://consult.gov.scot>. Each consultation details the issues under consideration, as well as a way for you to give us your views, either online, by email or by post.

Responses will be analysed and used as part of the decision making process, along with a range of other available information and evidence. We will publish a report of this analysis for every consultation. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.



Scottish Government
Riaghaltas na h-Alba
gov.scot

Title

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our privacy policy:
<https://www.gov.scot/privacy/>

Are you responding as an individual or an organisation?

- ☐ Individual
☐ Organisation

Full name or organisation's name

Phone number

Address

Postcode

Email

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- ☐ Publish response with name
☐ Publish response only (without name)
☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

☐ Yes

☐ No

Annex A

Section 4: Statistical Data Tables on Local Connection Referrals

| Percentage of applicants referred to another local authority for closed applications assessed as homeless or threatened with homelessness. | | | | | | | | | |
|--|---|-------|---|-------|---|-------|-----------|-----------|-----------|
| | | | | | | | | | |
| | Financial year of case closure | | | | | | | | |
| | 2016/2017 | | 2017/2018 | | 2018/2019 | | | | |
| | Applicant referred to other LA (under 87 Act) | All | Applicant referred to other LA (under 87 Act) | All | Applicant referred to other LA (under 87 Act) | All | 2016/2017 | 2017/2018 | 2018/2019 |
| Aberdeen City | 5 | 1460 | 25 | 1700 | 15 | 1675 | 0.3% | 1.5% | 0.9% |
| Aberdeenshire | 5 | 1110 | 10 | 990 | 15 | 1205 | 0.5% | 1.0% | 1.2% |
| Angus | 5 | 655 | 5 | 755 | 5 | 740 | 0.8% | 0.7% | 0.7% |
| Argyll & Bute | 0 | 480 | 0 | 485 | 5 | 445 | 0.0% | 0.0% | 1.1% |
| Clackmannanshire | 5 | 495 | 0 | 480 | 5 | 570 | 1.0% | 0.0% | 0.9% |
| Dumfries & Galloway | 5 | 875 | 5 | 920 | 5 | 890 | 0.6% | 0.5% | 0.6% |
| Dundee City | 5 | 1280 | 5 | 1335 | 5 | 1485 | 0.4% | 0.4% | 0.3% |
| East Ayrshire | 0 | 515 | 0 | 610 | 5 | 825 | 0.0% | 0.0% | 0.6% |
| East Dunbartonshire | 5 | 515 | 5 | 440 | 0 | 430 | 1.0% | 1.1% | 0.0% |
| East Lothian | 5 | 715 | 5 | 840 | 0 | 765 | 0.7% | 0.6% | 0.0% |
| East Renfrewshire | 0 | 315 | 5 | 320 | 0 | 280 | 0.0% | 1.6% | 0.0% |
| Edinburgh | 30 | 3265 | 25 | 2960 | 25 | 3035 | 0.9% | 0.8% | 0.8% |
| Eilean Siar | 0 | 135 | 0 | 145 | 0 | 135 | 0.0% | 0.0% | 0.0% |
| Falkirk | 10 | 1060 | 5 | 1035 | 10 | 1100 | 0.9% | 0.5% | 0.9% |
| Fife | 10 | 2410 | 15 | 2380 | 15 | 2525 | 0.4% | 0.6% | 0.6% |
| Glasgow City | 5 | 5785 | 5 | 5190 | 5 | 5610 | 0.1% | 0.1% | 0.1% |
| Highland | 0 | 985 | 0 | 1110 | 10 | 1230 | 0.0% | 0.0% | 0.8% |
| Inverclyde | 0 | 230 | 0 | 185 | 0 | 205 | 0.0% | 0.0% | 0.0% |
| Midlothian | 10 | 445 | 10 | 570 | 5 | 670 | 2.2% | 1.8% | 0.7% |
| Moray | 0 | 580 | 0 | 560 | 0 | 525 | 0.0% | 0.0% | 0.0% |
| North Ayrshire | 0 | 735 | 5 | 985 | 0 | 1010 | 0.0% | 0.5% | 0.0% |
| North Lanarkshire | 5 | 1895 | 10 | 2005 | 15 | 2505 | 0.3% | 0.5% | 0.6% |
| Orkney | 0 | 90 | 0 | 135 | 0 | 100 | 0.0% | 0.0% | 0.0% |
| Perth & Kinross | 0 | 1060 | 5 | 995 | 5 | 1010 | 0.0% | 0.5% | 0.5% |
| Renfrewshire | 0 | 715 | 5 | 850 | 0 | 880 | 0.0% | 0.6% | 0.0% |
| Scottish Borders | 5 | 655 | 10 | 645 | 5 | 790 | 0.8% | 1.6% | 0.6% |
| Shetland | 0 | 145 | 0 | 140 | 0 | 135 | 0.0% | 0.0% | 0.0% |
| South Ayrshire | 5 | 705 | 0 | 740 | 10 | 825 | 0.7% | 0.0% | 1.2% |
| South Lanarkshire | 10 | 2060 | 10 | 1995 | 10 | 2020 | 0.5% | 0.5% | 0.5% |
| Stirling | 5 | 615 | 5 | 565 | 5 | 590 | 0.8% | 0.9% | 0.8% |
| West Dunbartonshire | 5 | 1085 | 5 | 1080 | 0 | 990 | 0.5% | 0.5% | 0.0% |
| West Lothian | 5 | 1150 | 5 | 1450 | 5 | 1595 | 0.4% | 0.3% | 0.3% |
| All | 145 | 34225 | 190 | 34600 | 185 | 36795 | 0.4% | 0.5% | 0.5% |

| Local connection by local authority for applications assessed as homeless or threatened with homelessness | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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APPENDIX 2 CONSULTATION RESPONSE

Question 1

We are proposing to suspend local connection referrals between Scottish local authorities to remove barriers people face to accessing the support they need. The analysis of the 2019 consultation demonstrated that there is support for this position, although there are concerns about the potential for increases in homelessness applications and subsequent impact on statutory services.

Prior to COVID-19 West Lothian was already experiencing significant pressures on housing availability due to demand for social housing and in particular homeless services. Whilst the homeless applications from 2018/19 to 2019/20 decreased from 1,517 to 1,469 by 3.2% the council experienced an increase in applications assessed as homeless, where there is a duty to provide temporary and permanent accommodation, rising by 8.7% from 1,123 in 2018/19 to 1,221 in 2019/20.

Since COVID-19 the council has seen demand for homelessness increase further by 11% from 323 in Q1 of 2019/20 to 360 in Q1 2020/21. The number of households in temporary accommodation has increased by 21% from 490 in Q1 2019/20 to 543 in Q1 2020/21. Most notably the biggest impact to be seen so far is in the reduction in the availability of mainstream lets by 86% from 382 in Q1 2019/20 to 54 in Q1 2020/21, due to restrictions on allocations.

The council anticipates that the full extent of COVID-10 has not yet been experienced and has significant concerns that homelessness will rise over the course of 2020/21. The councils updated RRTP modelling is suggesting that assessments are expected to rise by 23% to 1,239 in 2020/21 and the backlog of homeless applicants waiting to be rehoused is expected to rise by 91% to 1,047 in 2020/21.

This is why the council remains opposed to the proposals to remove local connection duties as any potential rise in homeless applications will have a further impact on homeless services where there is already not enough supply to meet demand.

The council has high demand in the areas to the east of West Lothian (Livingston and Broxburn) and an under supply of larger family accommodation in these areas. The council has concerns that the close proximity to Edinburgh may adversely affect West Lothian were referrals to be suspended. Those on low incomes in Edinburgh who cannot afford to access the private rented, mid-market rental options or who are living in unsuitable accommodation may choose to present homeless to West Lothian. West Lothian's proximity to Edinburgh along with good transport links makes this an attractive solution to their housing needs.

The council also has concerns that young families in particular residing in Edinburgh with limited housing options are likely to look to one of the neighbouring authorities to resolve their housing needs due to affordability issues within the private sector and pressures on social rented stock in Edinburgh. This will bring further pressure on existing high demand from families with a local connection to West Lothian due to the potential disproportionate net inflow from the city.

Section 33 (2)(c) of the Housing Scotland Act 1987 prevents local authorities from referring applicants with no local connection to another authority where there is a local connection if there is a risk of domestic abuse. The council is concerned that the removal of local

connection referrals will potentially place victims of abuse at risk where they have presented to a local authority with no local connection as removal of these connections will potentially allow the perpetrators of domestic abuse to abuse this new power and potentially increase their opportunities to reoffend.

In addition to this active offenders who may not be known to services could potentially abuse the removal of no local connection powers by presenting as homeless to an area where they are unknown to. Within Criminal Justice and Housing in West Lothian there are close working relationships and shared IT systems to allow for the sharing of appropriate information. Where offenders are free to present as homeless to any local authority where there is no local connection there would need to be robust processes in place to risk assess and screen this cross county borders to ensure no high risk offenders take advantage of this.

There are also concerns about how this will potentially impact the National Accommodation Strategy for Sex Offenders in Scotland (NASSO). Obtaining housing for MAPPA offenders in West Lothian can be challenging due to the complexities in finding appropriate resources within current demand and supply pressures by removing these powers there is potential for supply for social housing to be further pressured placing more pressure on the ability to find suitable housing for offenders as part of the NASSO strategy.

The council has previously suggested modifying local connection in another way and would again propose that local connection referrals are modified in another way. This is due to existing flexibility which already exists within the current legislation allowing a significant level of choice for applicants in terms of which authority they wish to live in and to establish local connection. The council proposes modifications through the provision of a definition of the application of “any special circumstances” to widen local connection rights to a significant range of applicants such as:

- people with specific need to be housed in an area due to their social networks, health reasons, or addiction issues where services/ support for those with addictions are available,
- anyone who has been rough sleeping in an area (such as Edinburgh) and wishes to return to a community where they believe they can sustain accommodation. In addition to the above we would wish the Scottish Government to consider the following additional options:
- Reduce the 5 year residency rule for family associations to a shorter period.
- Greater collaboration to be undertaken at a housing options HUB level with neighbouring local authorities agreeing local protocols allowing greater flexibility.

Question 2

Considering the core content proposed for the Ministerial Statement (see section 2 – paras 31 - 33), please give us any suggested amendments with regard to the:

- circumstances for modifying local connection referrals (see para 31)**
- general criteria, by reference to which, the power to modify local connection is to be exercised (see para 32)**

The council remains committed to ending homelessness and agrees with the Ministerial Statement for modifying local connection referrals to increase the ability of people who are experiencing or are threatened with homelessness to choose where to apply for assistance.

The council agrees that those who are homeless are more likely to resettlement successfully, and avoid repeat homelessness, if they are living in an area of their choosing where they can access the specific services and support they require and where they are able to integrate successfully into the local community.

Due to the already significant supply and demand pressures in West Lothian along with predicted future demands as a result of COVID-19, the council is concerned that any additional demand from homeless applicants with no local connection will not achieve the best outcome for that individual as outlined above. Applicants with no local connection will potentially experience long waiting times for permanent accommodation, lengthy stays in temporary accommodation, required use of Unsuitable Accommodation and may not receive an offer of housing in their chosen community due to the miss match between demand and supply. The council does not believe that by removing local connection referrals and increasing demand for homeless services applicants with no local connection will result in a better outcome as they have chosen to reside in West Lothian.

The council does not agree with the proposed general criteria for modifying local connection and does not believe that this will improve outcomes for homeless households in West Lothian. This is due to the ongoing supply and demand pressures and the requirement for the council to limit the choice of area for a permanent offer to ensure minimum time is spent in temporary accommodation as possible and limit use of unsuitable accommodation. The council does not agree that this will increase choice for homeless households and will be potentially detrimental increasing waiting times further.

If certain areas become hot spots for homeless applications due to the availability of specific services such as education, health, social care, drug and alcohol services or employment opportunities it is possible that both the council and partner organisations will become overwhelmed by the increase in homeless applications and those subsequently housed with specific needs.

The council therefore suggests that as capacity to fulfil statutory duties is already difficult to achieve that wider homeless demand pressures and the use of unsuitable accommodation are considered along with additional pressures that could incur within other services such as Health, Education and Social Policy.

Question 3

Please let us know about any suggested amendments you have to the factors proposed in para 33 for assessing whether the capacity of a local authority to meet its homelessness and housing duties is being adversely affected by any modification to local connection.

The council welcomes the Scottish Governments recognition that it is important to balance the desire to reduce burdens and increase choice for people with the need to ensure that these choices are realistic in terms of accommodation and support capacity within local authorities. The council agrees with the factors to be monitored however also proposes that all homeless applications are monitored to understand the overall impact on supply and demand which would include lengths of stay in temporary accommodation, waiting times for permanent accommodation and the use of unsuitable accommodation.

The council suggests that the percentage of social lets to homeless households is also monitored to take account of how much of social rented stock is being allocated to homeless households to manage the demand for homeless services.

As outlined above, the council also suggests that the impact on wider service such as Health, Education and Social Policy are also monitored as they may be adversely impacted through any rise in homeless demand as a result of removing local connection referrals.

Question 4

As set out in the 2019 consultation, we propose using HL1 data to monitor the impact of this change. Please let us know of any comments you have on this proposal.

The council does not believe HL1 to be the only effective monitoring mechanism to monitor the impact of this change due to the potential impact on education, health, social care, drug and alcohol services or employment opportunities.

Monitoring of the impact of the suspension of referrals should take account of pressures on housing supply and increased pressures on homeless services and other services listed above.