



The Scottish Parliament
Pàrlamaid na h-Alba

Published 15 February 2021
SP Number 931
5th Report, 2021 (Session 5)

Local Government and Communities Committee Comataidh Riaghaltas Ionadail is Coimhearsnachdan

Report on the Homeless Persons (Unsuitable Accommodation) (Scotland) (Modification and Revocation) (Coronavirus) Order 2021/ 10

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Contents

Introduction	1
Delegated Powers and Law Reform Committee	1
Local Government and Communities Committee Consideration	2
Conclusion	4

Local Government and Communities Committee

To consider and report on communities, housing, local government, measures against poverty, planning and regeneration matters falling within the responsibility of the Cabinet Secretary for Communities and Local Government.



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Andy Wightman
Independent

Introduction

1. The Homeless Persons (Unsuitable Accommodation) (Scotland) (Modification and Revocation) (Coronavirus) Order 2021/10 is an instrument subject to the negative procedure. The purpose of this Order is to extend coronavirus related exceptions created via the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 and the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020, for a further 5 months to 30 June 2021, given the ongoing impact and repercussions to the housing and homelessness system of the pandemic.
2. The [Policy Note](#) states that the extension will allow local authorities to continue to use certain types of temporary accommodation to ensure that homeless households can physically distance and self-isolate during the continuing coronavirus pandemic. It will also permit local authorities to place households in accommodation that would otherwise be deemed unsuitable where there is a lack of suitable temporary accommodation or settled accommodation, as a result of the indirect impacts of Covid-19 on accommodation supply in the area.
3. On 15 January 2021, Andy Wightman, a Member of the Local Government and Communities Committee, lodged a motion to annul the instrument. ([Motion S5M-23878](#))
4. The Committee notes that on the same day, Andy Wightman also lodged this motion—[S5M-23862: Andy Wightman, Independent: Unsuitable Accommodation Order](#). That the Parliament notes that the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2017 prevents homeless applicants who are pregnant, whose household includes a pregnant woman or whose households includes dependent children from being housed in unsuitable temporary accommodation for more than seven days; understands that the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 was introduced to extend this duty to all homeless households and that the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020 provided exemptions that allowed homeless households to be temporarily housed in hotels and bed and breakfasts for longer than seven days, if the household does not include children or pregnant applicants or children; recognises that this exemption is due to expire on 31 January 2021; calls on the Scottish Government to honour its original commitment and fully implement the Unsuitable Accommodation Order on 1 February by removing the exemptions so that everyone is entitled to suitable temporary accommodation; believes that local authorities should have access to the support and resources required to house every homeless household in decent suitable temporary accommodation, and asks the Scottish Government to prioritise urgently social housing allocations to people who are homeless and most in need and for it consider Shelter Scotland's call for the establishment of a temporary accommodation taskforce to address what it sees as the long-term issues with the supply of suitable temporary accommodation.

Delegated Powers and Law Reform Committee

5. The Delegated Powers and Law Reform Committee considered the instrument at its meeting on [26 January 2021](#), and [reported it to Parliament](#) under reporting ground

(j) on the basis that it had breached the 28-day rule. In doing so, however, it noted that it was satisfied with the Scottish Government's explanation for the failure to comply with the rule. We note that the [Minister for Local Government and Communities had written to us on 21 December](#) to provide further information on why the Scottish Government had considered it necessary to break the rule.

6. The DPLR Committee did not draw the Parliament's attention to the instrument on any other matter within its remit.

Local Government and Communities Committee Consideration

7. The Local Government and Communities Committee considered the instrument on 10 February 2021. As a motion to annul the instrument had been laid, the Committee invited the Minister for Local Government, Housing and Planning to give evidence immediately prior to the debate.
8. Submissions on the legislation were received in advance of the meeting from COSLA and Shelter Scotland. [This link takes you public committee papers containing these two submissions.](#)
9. In his opening statement, the Minister explained the Scottish Government had decided to extend the temporary accommodation exemptions due to the ongoing COVID-19 pandemic. He said the pandemic had had a significant impact on the availability of temporary and settled accommodation. Restrictions on local authorities and registered social landlords had also resulted in a slower turnover of available properties and fewer allocations. So, local authorities still needed to use of emergency accommodation such as hotels and bed and breakfasts.
10. The Minister said the instrument would keep people off the streets and safe whilst the pandemic still remains a threat and that he had the support of COSLA and all local authorities in seeking this extension.
11. The Minister was asked what feedback he was receiving from frontline organisations that work with homeless people and if there were concerns over using temporary accommodation. The Minister said he was aware that some homeless people were being moved into mainstream housing before all aspects of the move had been concluded. He said their preference was to remain in the hotels or bed and breakfasts. He said that the most vulnerable groups are being supported in hotels and that, once a person is in mainstream housing, they may not receive all the available support to them.
12. The Minister said he was 'committed to reducing the number of people who stay in all forms of temporary accommodation'. He said this would be met through rapid rehousing and an improved quality of housing and that the Scottish Government 'would not just return to our previous homelessness system.' He said guidance has been published to assist local authorities and that councils will build on their rapid rehousing transition plans to deliver homeless services to ensure no homeless group is disadvantaged.
13. Statistics were put to the Minister indicating that there been an increase in

homeless households being given temporary accommodation over the last six months, and that thousands of households needed permanent accommodation. The minister was also asked what preventions were in place to stop people in the private housing sector from becoming homeless. He said the Scottish Government had given local authorities an additional £5 million for rapid rehousing transition plans and that he would continue to monitor the data to ensure the number of homeless people goes down. The Minister said that using information from front line staff had contributed to better multi-agency working to deal with a range of issues.

14. Marion Gibbs Team Leader, Homelessness and Housing-Related Social Security Unit, Scottish Government added that, due to the way the lockdown happened, there was no alternative for homeless people to find accommodation such as staying with family and friends. She said there was a 'natural increase' in the use of temporary accommodation to help those in this situation. She said five housing hubs have been created across Scotland. All local authorities are members. She said this was a good source of 'information on the ground' allowing the Scottish Government local authorities to exchange information effectively.
15. Witnesses were asked about pregnant women and homeless families. Marion Gibbs said that if a local authority has a household with children or pregnant women in unsuitable accommodation for more than seven days then this would be in breach of the current rules. She added that some local authorities may have only have the option of using a bed and breakfast but they would seek to move those people out as quickly as possible.
16. Once evidence was concluded, the Committee moved on to debate the instrument.
17. Andy Wightman moved motion S5M-23878. He said there was no reason for a further extension, referring to the Scottish Government's 'failure to ensure that homeless people have a legal right to suitable temporary accommodation.' He said that the Scottish Government had told the committee in September 2020 that local authorities and registered social landlords would ensure that '80% to 90% housing allocations would be made to homeless people' but that on average only 39% of allocations had been to homeless people.
18. Sarah Boyack said she supported much of what Mr Wightman had said but could not support the motion to annul. She said the root problem was a lack of suitable housing and that the pandemic had exacerbated the problem. She said 'wraparound' support is required and that it should go further than just providing accommodation. She said the pandemic had brought further challenges such as increased debt and domestic violence against women.
19. Keith Brown said he could not support the motion. He said that good quality social housing is 'the root of the issue.' He said that temporary accommodation was uneconomic and the funds spent on this type of accommodation should be put towards a major house-building programme.
20. Responding to the debate, the Minister said rough sleeping across Scotland was very low. He said that the Scottish Government had to listen to the people requiring accommodation and that the answer isn't always mainstream accommodation. He said the Scottish Government had lost £218 million in housing consequential from the UK Government. In relation to concerns over domestic abuse, he said the Domestic Abuse (Protection) (Scotland) Bill had been introduced to provide further

protection.

21. The Minister referred to pilot schemes being run by several organisations using homes in the private sector as suitable accommodation. He said he would consider recommendations from those pilots when they were available. He said councils had also coped with the added pressure of accommodating prisoners from their release programme. He referred to recent UK Government decisions that he said had not helped the sector, and said the UK Government should not end the furlough scheme. Concluding, the Minister said Mr Wightman's motion would be damaging to some of the most vulnerable people at this time.
22. Summing up, Andy Wightman said homeless people should have the right by law to not be housed in unsuitable temporary accommodation. He added 'it is not a question of the views of local government, central Government or front-line organisations' and that 'it is a matter of what the law should say'. He indicated that he would press the motion. As there was objection to the motion, it was put to the vote.
23. Mr Wightman's motion was not agreed to (by division: For 1, Against 6, Abstentions 0)

Conclusion

24. The Local Government and Communities Committee recommends not to annul the Homeless Persons (Unsuitable Accommodation) (Scotland) (Modification and Revocation) (Coronavirus) Order 2021 [draft] and that it be approved.

