

EAST AYRSHIRE COUNCIL

CABINET - 19 DECEMBER 2007

THE HOMELESSNESS ETC (SCOTLAND) ACT 2003: ABOLITION OF PRIORITY NEED

Report by the Executive Director of Neighbourhood Services

1. PURPOSE OF REPORT

- 1.1 To recommend amendments to the Council's existing policies in respect of homelessness and house allocation to ensure the Council is able to comply with the Scottish Governments objectives in relation to the abolition of priority need.

2. BACKGROUND

- 2.1 In 2001, the Scottish Parliament passed legislation which placed additional duties on Councils to provide a minimum of temporary accommodation, advice and assistance to all applicants assessed as homeless. In particular, Councils have from September 2002 been required to provide temporary accommodation, advice and assistance to non priority applicants who in the past would have received advice and assistance only.
- 2.2 The Homelessness Etc (Scotland) Act 2003 aims to ensure that by 2012 everyone assessed as being unintentionally homeless is entitled to permanent accommodation. Local authorities have been set targets, founded on a 2005/2006 baseline study, carried out on behalf of the former Scottish Executive, to reduce non priority assessments by 50% by 2009 and by 100% by 2012. Local authorities have some flexibility in determining their own local strategies to meet these targets to take account of local needs.
- 2.3 This report was considered and endorsed by the Corporate Management Team at their meeting on 28th November.

3. PROGRESS

- 3.1 The number of applications made under the homeless persons legislation to East Ayrshire Council in the five year period up to and including 2006/2007 is set out in table 1 below:

2002/2003	2003/2004	2004/2005	2005/2006	2006/2007
950	1,017	1,185	1,252	1,185

Source: Scottish Government Statistical Bulletin Housing Series: HSG/2007/6

- 3.2 Some applications will have been from households that applied previously in the year but in general, the number of applications dropped by 5% during 2006/2007 compared to the previous year. Across Scotland, applications reduced by 2% over the same period. During 2006/2007, noting that in the case of repeat applications the most recent assessment was selected, a total of 560 households were

assessed as priority homeless, 69% of all households assessed as homeless by the Council. Priority homeless assessments averaged 77% across Scotland during that year. Over the same period, the corresponding figures for the two neighbouring authorities in Ayrshire were 81% in North Ayrshire and 75% in South Ayrshire.

- 3.3 The changes in legislation are having a noticeable impact on applications and this has been reflected in changing assessments and outcomes for homeless people. Table 2 below illustrates the reported outcomes for homeless applicants in East Ayrshire by assessment decisions in cases reported closed, again over the five year period up to and including 2006/2007. The actions here relate to offers of accommodation by the Council and exclude referrals to other local authorities or the provision of information and advice.

	Priority Homeless			Non Priority Homeless		
	Accommodation Offered			Accommodation Offered		
	Number	Permanent %	Temp %	Number	Permanent %	Temp %
2006/2007	485	85	5	196	71	15
2005/2006	514	82	9	281	40	44
2004/2005	458	82	9	249	29	53
2003/2004	388	80	12	276	14	58
2002/2003	344	80	15	263	6	40

Source: Scottish Government Statistical Bulletin: Housing Series: HSG/2007/6, HSG/2006/6, HSG/2005/6, HSG/2004/5, HSG/2003/5

4. PROPOSAL

- 4.1 One of the main aims of the Council's current Homelessness Strategy is to maximise efforts to prevent homelessness arising in the first instance and a number of initiatives and services have been developed to minimise the risk of homelessness affecting those at greatest risk including young people and those who may be vulnerable as a result of poor health or financial hardship. However, the Strategy also recognises the need to improve the Council's crisis response to help alleviate the effects of homelessness when this occurs and to assist those who are affected by homelessness to resettle effectively within the community.
- 4.2 Although the Council is making good progress in meeting the Scottish Government's interim 2009 target leading to the abolition of priority need by 2012, more needs to be done to reduce the number of non priority homeless assessments and increase opportunities for homeless applicants to access temporary accommodation and permanent housing across the Council area.
- 4.3 In view of the Scottish Government's intention to phase out the distinction between priority and non priority applications, it is proposed to extend the criteria under which a household is regarded as having a priority need for accommodation. The Housing (Scotland) Act 1987, Section 25 states that a household is regarded as having a priority need for accommodation if:
- a. the household contains dependent children
 - b. a member of the household is pregnant
 - c. a member of the household is vulnerable because of:

old age
learning disability
physical disability
personality disorder
mental illness
chronic ill health
miscarriage
abortion
discharge from hospital, prison or the armed forces
other special reasons

- d. he/she is:
a single young person under 21 who is looked after by a local authority (formerly 'in care')
at school leaving age or later
at risk of sexual or financial exploitation or involvement in substance misuse as a result of their living circumstances
- e. the household is homeless in an emergency (such as fire or flood)
- f. he/she is a person aged 16 or 17
- g. he/she runs the risk of domestic abuse
- h. he/she runs the risk of violence or harassment by reason of their religion, sexual orientation, race, colour or ethnic or national origins

4.4 In order to secure significant progress towards achieving the 2009 interim target, it is proposed that the Council extend their assessment criteria to allow the following additional group categories to be treated as being in priority need albeit that they do not meet the statutory criteria:

- applicants aged between 18 and 26
- applicants aged 46 and over
- applicants with a significant medical issue
- applicants supported by social services Criminal Justice Team
- applicants with contact rights in respect of dependent children
- applicants whose household includes young persons under the age of 19 for whom the applicant either has or had parental responsibilities

4.5 This proposal is based on an analysis of homeless applications received by the Council which suggest that adoption of this particular measure for introduction no later than April 2008 should enable the Council to meet its obligations under the legislation.

4.6 The Housing (Scotland) Act 2001 requires the Council to provide a minimum of temporary accommodation, advice and assistance to all applicants assessed as homeless. As part of the Council's current Homelessness Strategy, a housing option is made available to everyone presenting as homeless. At the meeting held on 22 March 2006, the Council's Housing Committee approved changes to the Housing Allocation Policy and, in particular, amended the quota of lets set for each of the existing applicant groups. The present quota arrangements are as follows:

- non householder 38%
- householder group 13%
- transfer group 13%
- medical group 15%

- homeless group 20%
- miscellaneous 1%

4.7 The requirement to provide temporary accommodation for applicants presenting as homeless to the Council under the terms of the Council's existing policy has significantly increased demand on the Council stock of both temporary accommodation units and permanent housing. Although there has been a slight reduction in the number of applications noted during 2006/2007 it is unlikely that overall pressure within the Housing system will reduce significantly as we move towards the abolition of priority need by 2012. Over recent months, the number of properties let to homeless applicants has exceeded the allocated quotas as a result of the need both to provide sustainable housing outcomes for those assessed as homeless under the legislation and to maintain a suitable supply of temporary accommodation units for new applicants presenting to the Council. In order to address this issue it is proposed to increase the quota of lets to the homeless group to 32% from its present level of 20%. To accommodate this increase, it is proposed that the quota for the six groups be adjusted as follows:

- non householders 32%
- householder group 10%
- transfer group 10%
- medical group 15%
- homeless group 32%
- miscellaneous 1%

4.8 Over recent years, the Council has developed a range of temporary accommodation including dedicated hostel units as well as furnished units funded by grant assistance provided by the Scottish Government. This provision has proved to be extremely effective in providing good quality and safe accommodation for people caught up in a crisis situation and also helps provide opportunities for those households to access health and other support services.

4.9 In order to ensure the supply of such accommodation in the longer term, and to minimise the risk of homeless applicants having to be housed temporarily in unsatisfactory private or out with the boundaries of East Ayrshire, it is proposed to identify an additional 20 properties within the Council's mainstream stock across the district. These units will be added to the existing temporary accommodation pool and will be decorated and furnished accordingly to provide a decent standard of accommodation for homeless applicants.

5. FINANCIAL IMPLICATIONS

5.1 The cost of decorating and furnishing the additional properties to be used as temporary accommodation for the homeless will be met from funds awarded to the Council by the Scottish Government to help deliver the Homelessness Strategy in East Ayrshire.

6. LEGAL IMPLICATIONS

- 6.1 The recommendations as outlined below will assist the Council in meeting its statutory obligations in terms of the Housing (Scotland) Act 1987 as amended, the Housing (Scotland) Act 2001, and the Homelessness Etc (Scotland) Act 2003 in relation to the Council's duties in respect of the homeless.
- 6.2 Any changes to the Allocation Policy will require to be published.

7. CONCLUSIONS

- 7.1 Tackling homelessness remains an important issue for the Scottish Government which has committed itself to the 2012 target for the abolition of priority need. The council, as a significant landlord in East Ayrshire, has an important role to play in meeting the Government's targets through the use of the Council housing stock to provide temporary and permanent accommodation for those assessed as being in need of accommodation under the terms of the Homelessness legislation. The proposed changes to the House Allocation Policy aim to respond to changing demographics and indicators of housing need and supply within East Ayrshire whilst maintaining a reasonable balance of opportunity between different groups of waiting list applicants. The proposals support the Improving Opportunities theme of the East Ayrshire Community Plan and the Council's objectives as set out in the Local Housing Strategy and Homelessness Strategy 2006/2009.

8. RECOMMENDATIONS

- 8.1 It is recommended that the Cabinet:
- i) approve the proposals as set out in paragraphs 4.4, 4.7 and 4.9 of the report; and
 - ii) otherwise note the content of this report.

CMCA/LA

13th December 2007

William Stafford
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LIST OF BACKGROUND PAPERS

NIL

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