

# Briefing

## Shelter Scotland briefing for Stage Three of the Homelessness etc. (Scotland) Bill

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# Shelter

The following short paper outlines Shelter's views on the Homelessness etc. (Scotland) Bill in advance of the final stage of its parliamentary passage. Shelter has consistently supported the bill throughout its passage as a progressive response to homelessness in Scotland, one which places Scotland ahead of the rest of the UK in terms of tackling homelessness and its causes.

This paper deals with some of Shelter's final concerns regarding the bill, some of the proposed Stage 3 amendments, and issues around implementation.

## **The Bill as amended at Stage 2**

Shelter is generally pleased with amendments made to the bill at Stage 2. Most amendments will make the bill more robust, and ensure its effectiveness in responding to vulnerable homeless people.

- An amendment was passed at Stage 3 which took away the automatic entitlement to a short tenancy to intentionally homeless people with a recent history of anti-social behaviour. In our Stage 2 briefing, we accepted that this provision was necessary to prevent applicants being evicted under the Housing Act, and successfully re-applying under the provisions of the bill. However, it gives local authorities the power to decide on a case-by-case basis whether these applicants will receive a short tenancy or 'section seven' accommodation. Shelter presses the Scottish Executive to issue guidance for local authorities to ensure good practice in carrying out their discretionary powers in this area.
- We make a similar point in relation to local authorities' discretion regarding whether or not they take action against a household at the end of the tenancy. An amendment, which Shelter opposed, was passed at Stage 2 which gave local authorities the power to evict without grounds at the end of the tenancy. We opposed this on grounds that it undermined the principles of the Task Force, and took away part of the incentive for households to engage with support. We believe that guidance is needed that will encourage local authorities to balance the need for action against difficult tenants with preventing homelessness and giving tenants the best opportunity to sustain their tenancies.

## **Proposed Stage 3 amendments**

### **Bed and breakfast accommodation**

An amendment to the bill at Stage 2 outlawed the use of bed and breakfast accommodation for families, except as emergency accommodation. The amendment to Section 8 of the bill reflected the views of the Homelessness Task Force, and similar developments in England, to ban this form of accommodation for families. Shelter supported the amendment at Stage 2, and commended the parliament for its progressive

approach to the protection of children. An amendment has now been put forward at Stage 3 which would change the amendment as passed. While Shelter is not convinced that there is a technical need to change the amendment, we would support the Stage 3 amendment with a number of qualifications.

Firstly, the Stage 3 amendment proposes the production of regulations to prescribe the kind of accommodation which is unsuitable in certain circumstances. For this amendment to work, and to reflect the amendment made to the bill at Stage 2, there must be a commitment from the Minister at Stage 3 that these regulations will amount to the outlawing of the use of bed and breakfast accommodation for families. Otherwise, the principle of the Stage 2 amendment will be lost.

Secondly, the regulations should be produced within weeks of the bill becoming law. The use of bed and breakfast accommodation for families is an urgent problem which needs to be rectified immediately. Shelter hopes that the parliament will support the views of the majority of members on the Social Justice committee and ensure that any amendment to Section 8 of the bill will ensure that no child will have to live in bed and breakfast accommodation in the future.

### **Case Study: Family in B&B Accommodation**

**(provided by a Shelter Scotland Housing Aid Worker).**

A family (a young woman with two children aged eight & nine) approached Shelter for help after they became homeless from private rented accommodation following being issued with a notice to quit. The town they lived in has very little social rented housing and people can wait 5 years upwards on the housing list for accommodation.

They were moved into a B&B in Glasgow, which was approximately 10 miles away from their previous place of residence. The family were very distressed at the accommodation they had been provided with. They were told that they could be there for several months before being moved into a temporary furnished flat. The B&B accommodation is unsuitable in many respects: it was dirty, and it had shared kitchen facilities, which were dirty. Other (adult) residents would drink alcohol outside the accommodation or in the foyer and corridors.

The family shared one large room in which they had to do everything i.e. eat, sleep, live. There was no privacy from each other. The children missed breakfast, as they had to leave before it was served at 8am to get to school in time. One child was sick in the bed (through anxiety) and they were not provided with clean bedding until 6pm the following evening. They felt scared living there, which was heightened by the fact that the door to their

room had at some time in the past been damaged by an attempted break-in. They were unable to spend odd nights with family for respite, as there was a risk that the accommodation would be cancelled along with their homeless application. The mental health of all family members was affected – due to constant anxiety, crying and sleeplessness.

The decision to place them indefinitely in B&B accommodation was challenged by Shelter, and the family were eventually placed in furnished accommodation, however, this was following four months in the bed and breakfast accommodation.

### **Priority need**

The expansion of priority need is to be managed by a statement to be produced by 2005. Shelter recognises that some MSPs advocate provisions relating to the rate of priority need expansion, and its impact on housing supply. However, we would recommend that this is contained within the process of drafting the statement, rather than presupposing the contents of the statement at this early stage.

### **Ensuring the bill's success**

This landmark bill has arisen from the recommendations of the Homelessness Task Force. The Homelessness Monitoring Group, the successor to the Task Force, has a clear implementation strategy for the recommendations, and the implementation of the bill is crucial to the success of this strategy.

It was suggested early on in Stage 1 that certain provisions in the bill should have their implementation delayed due to a lack of resources. Shelter has consistently said that while recognising the huge resource implications of this bill, implementation should not be delayed due to a resource shortage. Rather, the bill should be used as a lever for further resource input to housing supply and support.

Finally, Shelter commends the Scottish Parliament on a bill which will provide Scotland with the most progressive homelessness legislation in Europe. The bill follows the policy intention set down in the Homelessness Task Force's second report, which was endorsed by parliament in March 2002. Shelter looks forward to the implementation of a bill that, for the first time since homelessness law was introduced in 1977, says that everyone who is homeless will receive a service, and that everyone who is homeless will have the right to housing within a decade.

### **March 2003.**

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