

REPORT TO: HOUSING COMMITTEE - 15 JANUARY 2007

REPORT ON: MODIFYING LOCAL CONNECTION
PROVISIONS IN HOMELESSNESS LEGISLATION

REPORT BY: DIRECTOR OF HOUSING

REPORT NO: 21-2007

1. PURPOSE OF REPORT

- 1.1. To prepare Dundee's response to the consultation paper issued by the Scottish Executive on modifying and monitoring Local Connection provision in homeless legislation.

2. RECOMMENDATIONS

It is recommended that Housing Committee:

- 2.1. Note the comments of this report and the consultation response attached at Appendix 1.

3. FINANCIAL IMPLICATIONS

- 3.1. As this is currently a consultation document, there are no financial implications for the Housing Revenue Account or Council Tax.

4. SUSTAINABILITY POLICY IMPLICATIONS

- 4.1. None.

5. EQUAL OPPORTUNITY IMPLICATIONS

- 5.1. None.

6. BACKGROUND

- 6.1. The Ministerial Statement on the Abolition of Priority Need published in December 2005, confirmed that Ministers intend to legislate this year to make changes to the current local connection provisions within homeless legislation.
- 6.2. Local Authorities are now asked to respond to this consultation paper and express their views on the proposed changes and the effective monitoring of these.

7. THE CURRENT PROCESS

- 7.1. Currently Local Authorities have the power under Section 33 of the Housing (Scotland) Act 1987 to refer homeless households who do not have a local connection with them to another Local Authority where they do have such a connection.
- 7.2. This power only applies where the household has been found to have a priority need for accommodation and to be unintentionally homeless, and this assessment 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.
- 7.3. A local connection is currently formed on the basis of:
- a. because he/she is, or in the past was, normally resident in it and his residence in it is or was of his own choice; or
 - b. because he/she is employed in it, or
 - c. because of family associations, or
 - d. because of any special circumstances.

Residence or employment whilst serving in the armed forces is exempt, as is residence due to detention or under section 95 of the Immigration and Asylum Act 1999.

8. THE PROPOSED PROCESS

- 8.1. The Homelessness Task Force recommended in their final report that *"the provisions in the Housing (Scotland) Act 1987 which enable one Local Authority to refer a homeless applicant to another Local Authority be suspended; but that the Scottish Parliament should have power, by way of statutory instrument, to re-activate them, either for Scotland as a whole or for particular Local Authorities, in case demand pressures prove intolerable"*.
- 8.2. The Executive and the Scottish Parliament have endorsed the above recommendation on the basis that:
- applicants should be assisted by the Authority to whom they apply,
 - respecting applicants individual choices,
 - increasing the likelihood that accommodation would be sustained.
- 8.3. Scottish Ministers must publish a statement setting out the general criteria by reference to which modifications will take place.

9. TIMESCALES

- 9.1. The deadline for responses to this consultation document is **19 January 2007**. All responses are required to be sent by e-mail prior to this date.

9.2. Following the closing date, all responses will be analysed and considered along with any other available evidence to inform the Ministerial Statement on the Modification of Local Connection Provisions.

10. **CONSULTATIONS**

10.1. Comments have been sought from relevant Departments, stakeholders and other partner agencies. All feedback has been incorporated into this response.

11. **BACKGROUND PAPERS**

11.1. Scottish Executive's Consultation Paper on Modifying Local Connection Provisions in Homeless Legislation.

ELAINE ZWIRLEIN
DIRECTOR OF HOUSING

11 DECEMBER, 2006

Response to Consultation Paper -
Modifying Local Connection Provisions in Homeless Legislation

Questions:

Q1 Do you agree with the principles behind the Homelessness Task Force's recommendation on local connection?

Yes.

Agree with the principles, but it will be difficult to gauge the effect on accommodation and support needs prior to the modification of local connection.

An area of concern is that there is no consistency between Local Authorities as to how they will implement the next phase of abolition of priority need. This issue could be alleviated if the Code of Guidance was updated to state which category of homeless applicant should now be added to the Priority Need list. If each Local Authority makes their own decision on how to reduce Priority Need then this could lead to an imbalance in certain areas and client groups.

For example, given that Dundee has prisons in close proximity, it is a concern that additional accommodation and support needs would arise. This potentially could mean that where Local Authorities give priority needs to a specific client group, ie prisoners, then they could find that they have an influx of this client group from neighbouring authorities.

Homeless applicants often have chaotic lifestyles and high support needs and this could have an adverse impact on existing Supporting People budgets.

Q2 Do you agree with the proposal that the local connection provision should be suspended among Scottish Local Authorities? If you disagree please state why and your preferred approach to modifying the existing local connection provisions.

Yes.

Whilst we agree in principle, there are concerns for resources. As stated above, the impact on provision of temporary and permanent accommodation along with Support Needs could be resource intensive. This is especially true where we receive applicants who have particularly high needs, such as Schedule 1 offenders, ex-prisoners, those with substance misuse issues and/or mental health issues.

The suspension of local connection should be carried out in tandem with the reduction in Non-Priority cases. It is essential that Local Authorities adhere to the same criteria when increasing Priority Need.

Consideration should be given to wider independent consultation as partner agencies in the voluntary and Registered Social Landlord (RSL) sector may have concerns regarding the type of client group that we may receive should local connection be suspended. There may also be implications for other statutory bodies such as Health Boards, Police, etc.

Q3 Do you agree this should be implemented at the same time as the new HL1 becomes operational?

Note: The HL1 is the electronic recording mechanism used between the local authority and the Scottish Executive.

No.

There are considerable changes to be implemented in April 2007 to the HL1. Past experience has shown that any new system tends to have 'teething problems'. It may be more practical to allow the HL1 to go live and address any issues prior to the suspension of local connection.

Q4 Do you agree with the proposed monitoring arrangements? If not, what other arrangements ought to be put in place?

No.

We require to test the new monitoring system using National Insurance numbers through the HL1 before the suspension of local connection.

The questions relating to support needs in the HL1 are untested and may require to be adapted/amended once this new monitoring regime is in place.

The ability of Local Authorities to achieve the objective of multiple presentations and the suspension of local connection will depend on the timescales set in the Ministerial Statement.

Q5 Would guidance on applications to more than one Authority be helpful?

Yes.

Guidance would ensure consistency amongst Local Authorities. The ability to apply to more than one Local Authority requires a co-ordinated approach which could prove labour intensive as there is a possibility of one applicant being offered housing by different Local Authorities. Inconsistencies within the implementation of the reduction in Non Priority Need between Local Authorities could also be an issue.

Applicants would also require clarity of their rights to apply to more than one Local Authority.

Q6 Do you agree with the proposed content of the Ministerial statement setting out the circumstances in which, and the criteria with reference to which, modifications to the local connection will be made?

Yes.

This will ensure consistency between Local Authorities. It should be noted however, that anecdotal evidence suggests that homeless applicants from rural areas move to Dundee to gain access to services. Effective monitoring through the HL1 is necessary to ensure there is not a large increase in accommodation and support needs for urban Local Authorities.

Q7 What additional or difference content would you suggest?

Key indicators would require to be set to assess at which point Local Authority homelessness services are deemed to be at a scale which would undermine its capacity to fulfil its duties to all priority need, unintentionally homeless applicants.

Q8 Do you feel the proposals promote equality? If not, please give details of your concerns?

Yes.

These proposals do give additional rights and choice to homeless people.