



Glasgow City Council

Wellbeing, Empowerment, Community & Citizen Engagement
City Policy Committee

Report by Interim Chief Officer, Glasgow City Health and Social
Care Partnership

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REVISED HOMELESSNESS POLICY

Purpose of Report:

The report provides an update on revisions to the Council's Homelessness Policy.

Recommendations:

Wellbeing, Empowerment, Community & Citizen Engagement City Policy Committee is asked to:

- a) Note the contents of the report;
- b) Note the revised Homelessness Policy;
- c) Note reports will be presented to the City Administration Committee and Glasgow City Integration Joint Board; and
- d) Note that the Policy will be further reviewed in March 2023 or sooner if there are further legislative changes as a result of the Scottish Government's five year Ending Homelessness Together Action Plan.

Ward No(s):

Citywide: ✓

Local member(s) advised: Yes No consulted: Yes No

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1. Purpose

- 1.1 The report provides an update on revisions to the Council's Homelessness Policy.

2. Background

- 2.1 The Council has substantial legislative duties to people affected by homelessness. These duties are discharged through the Glasgow City Integration Joint Board.
- 2.2 Part II of the Housing (Scotland) Act 1987 (as amended) (the 87 Act) sets out the powers and duties of local authorities in dealing with applications from people seeking help on the grounds that they are homeless or threatened with homelessness.
- 2.3 In November 2018 the Scottish Government and COSLA jointly published a five year Ending Homelessness Together Action Plan. A key element of the plan was to request Local Authorities to submit Rapid Rehousing Transition Plans by 31st December 2018.
- 2.4 Through their RRTPs Local Authorities were set out how they were going to transform their homeless systems in order to ensure that homelessness was prevented where possible and where it did occur households were accessing the right support in order that they resettled into permanent tenancies as quickly as possible. Glasgow was commended by the Scottish Government for the scope and ambition of its RRTP.
- 2.5 Section 37 of the act provides the relevant minister with the power to issue guidance to Local Authorities on the discharge of their homelessness functions (Section 37(1) of the Act sets out that Local Authorities must have regard to any guidance issued by the minister. In October 2019 the Scottish Government is a revised Code of Guidance on Homelessness (2019). The code of guidance is available at <https://www.gov.scot/publications/code-guidance-homelessness-2/>
- 2.6 The 2019 Code of Guidance replaces the previous version published in 2005 and has been updated with the intention of accurately reflecting legislative changes since then, notably through the commencement of provisions in the Homelessness etc. (Scotland) Act 2003.

3. Proposed Policy Revisions

- 3.1 The proposed revisions to the Council's Homelessness Policy reflect the legislative changes implemented by the Scottish Government, the publication of the Code of Guidance on Homelessness (2019) and clarifications on local policy.

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3.2 The revisions to the Homelessness Policy are:

- **Unsuitable Accommodation Order 2014**

In essence the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 prohibits the use of bed and breakfast type accommodation to accommodate families with children and pregnant women. In certain circumstances Councils can place families with children and pregnant women in bed and breakfast type accommodation for a maximum of 7 days. The 2014 order is available at <http://www.legislation.gov.uk/ssi/2014/243/made> . The revision to the policy sets out how the Council will work to implement the order.

- **Inquiries into Intentionality**

Prior to November 7th 2019 when an applicant was found to be homeless, or threatened with homelessness, the local authority had a duty assess whether the applicant had become homeless or threatened with homelessness intentionally. As of this date the duty to investigate intentionality was revised by the Minister to become a power to do so.

To be found to be intentionally homeless depends on the applicant having acted, or failed to act, deliberately, and being aware of all the relevant facts. A person is not intentionally homeless if it would not have been reasonable for them to continue to occupy their previous accommodation.

Local authorities are also required to have regard to all the circumstances of an applicant before considering whether to investigate or reaching a decision on intentionality, and each case should be decided on its merits.

The revised policy sets out how the Council will exercise its power to investigate intentionality. We will do so with regard to Code of Guidance on Homelessness (2019) and taking the individual circumstances of the household into account.

If the household is found to be intentionally homeless and they require emergency accommodation then it will be provided for a reasonable period while the council provides them with advice and assistance to help them source alternative accommodation.

- **Clarification of the Council's Rent Setting Process for Temporary Furnished Flats**

The proposed revised policy sets out the basis on which the Council sets charges for the provision of temporary furnished flats. The Council will set a revised set and charging structure each year. The appropriate Council Committee will set the rent and charges. The Council will have regard to Code of Guidance on Homelessness when setting the rent and charges for temporary furnished flats.

<http://www.glasgow.gov.uk/councillorsandcommittees/viewSelectedDocument.asp?c=P62AFQDN0GNTNTNT1>

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- **Clarification of the holding of offers of settled accommodation**

When the Council has assessed an applicant as intentionally homeless with a local connection to Glasgow then the Council will make one offer of reasonable housing. The definition of 'reasonable' is contained in the Code of Guidance <https://www.gov.scot/publications/code-guidance-homelessness-2/> The Council will make referrals to the City's RSLs to help secure an offer of settled housing for the applicant. When a homeless applicant refuses the offer of a settled tenancy with a housing association. The Council will discharge their duty if it upholds that the offer was reasonable. The applicant can appeal this decision within twenty-one days.

Due to the pressure on the supply of social housing in the City the Council is not able to hold any offer of settled accommodation which the appeal is outstanding. If the household's appeal is successful a second offer of reasonable housing will be made. This is our current practice and the proposed revised policy makes this clear.

4. Policy and Resource Implications

Resource Implications:

<i>Financial:</i>	No direct financial issues
<i>Legal:</i>	The proposed revised policy has been drafted in consultation with the Council's Legal Services.
<i>Personnel:</i>	No direct personnel issues.
<i>Procurement:</i>	No direct procurement issues

Council Strategic Plan: A Healthier City - Priority 46

Equality and Socio-Economic Impacts:

<i>Does the proposal support the Council's Equality Outcomes 2017-21</i>	Yes, provision of homelessness services supports the Council's Equality ambitions.
<i>What are the potential equality impacts as a result of this report?</i>	No negative impact.
<i>Please highlight if the policy/proposal will help address</i>	People facing economic disadvantage are disproportionately affected by homelessness. The delivery of homelessness services is aimed

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socio economic disadvantage.

at preventing homelessness where possible and alleviating its impact when it occurs.

Sustainability Impacts:

Environmental:

No direct impact.

Social, including opportunities under Article 20 of the European Public Procurement Directive:

Yes, by continuing to adopt a rights based approach to service provision and improving outcomes for people affected by homelessness

Economic:

No direct impact.

Privacy and Data Protection impacts:

No direct impact

5. Recommendations

5.1 Wellbeing, Empowerment, Community & Citizen Engagement City Policy Committee is asked to:

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