

ANGUS COUNCIL

Housing Committee - 22 April 2004

**CONSULTATION PAPER  
UNSUITABLE TEMPORARY ACCOMMODATION FOR FAMILIES WITH CHILDREN: ORDER  
UNDER SECTION 29(3) OF THE HOUSING (SCOTLAND) ACT 1987**

**REPORT by DIRECTOR OF HOUSING**

**ABSTRACT**

This report seeks Housing Committee approval for a response to a recent Scottish Executive consultation paper and advises on the implications for current and future temporary accommodation in Angus.

**1. RECOMMENDATION**

It is recommended that Members:

- (i) approve the response to the consultation paper on accommodation that is unsuitable for families with children;
- (ii) note the implications for current and future temporary accommodation in Angus.

**2. BACKGROUND**

The Scottish Executive has invited comments on the consultation paper by 30 April 2004.

Powers were taken through the Homelessness etc (Scotland) Act 2003 to enable Ministers to set out in subordinate legislation accommodation that is unsuitable for use by the local authority as temporary accommodation. The Executive now wishes to use these powers to ensure the type of accommodation that is unsuitable for children is clearly defined and that the exceptional circumstances in which its use might be permitted are set out. The consultation paper sets specific questions on the way forward

**3. ANGUS COUNCIL RESPONSE**

Angus Council welcomes the Executive's commitment to ensuring temporary accommodation is suitable for families and children and supports the view that bed and breakfast type accommodation is generally inappropriate. The draft response is detailed in Appendix 1.

The response notes that particularly in rural areas it might be less damaging for a family and children to be allocated temporary accommodation, which would normally be considered unsuitable (e.g. bed and breakfast), than to move the household from the wider supports available to them in their area, e.g. extended family, friends, school etc. It is therefore, essential that there is acknowledgement of circumstances in which it would be appropriate to use such accommodation. The Order should not be prescriptive; the use of such accommodation should be at the discretion of the local authority, taking account fully of individual circumstances.

It is also essential that ample time be given to secure sufficient alternative accommodation, and funding to meet any capital and associated revenue costs is granted to authorities.

**4. IMPLICATIONS FOR TEMPORARY ACCOMMODATION IN ANGUS**

The Strategy for Temporary Accommodation and Support Services approved by Committee in August 2003, has an action plan to provide a range of suitable temporary accommodation and support services.

A high priority has been given to developing appropriate accommodation for families and other vulnerable homeless people across Angus. Furnished tenancies grant has been used to provide six furnished temporary units of family accommodation by 31 March 2004 with a further 18 units planned for July 2004.

## **5. FINANCIAL IMPLICATIONS**

There are no direct financial implications arising from this report.

## **6. HUMAN RIGHTS IMPLICATIONS**

It is considered that in following the recommendations contained in this report, the Council would not be acting in any way that is incompatible with human rights legislation.

## **7. CONSULTATION**

In preparing this report the Chief Executive, Director of Finance, Director of Law & Administration and Director of Social Work and Health have been consulted.

## **8. CONCLUSION**

Angus Council's Homelessness Strategy 2003-08 has planned for the delivery of a sufficient supply, range and location of temporary accommodation that should eliminate the use of bed and breakfast accommodation in all but exceptional circumstances.

Nevertheless, the opportunity to respond to the Scottish Executive's consultation paper on unsuitable accommodation for families with children is to be welcomed and it is hoped that the forthcoming Order prescribing unsuitable accommodation will acknowledge local authorities discretion to find flexible solutions that reflect the circumstances of individual households.

**Ron Ashton**  
**Director of Housing**

Note:- The following background papers, as defined by Section 50d of the Local Government (Scotland) Act (other than any containing confidential or exempt information) were relied on to a material extent in preparing this report:

**Housing Committee report no. 877/03 August 2003 - Temporary Homeless Accommodation and Support Strategy 2003-2008.**

**Unsuitable Accommodation Consultation**  
Homelessness Team  
Scottish Executive Development Department  
1H (Bridge)  
Victoria Quay  
**EDINBURGH**  
EH6 6QQ

Dear Sir / Madam

**CONSULTATION PAPER:  
UNSUITABLE TEMPORARY ACCOMMODATION FOR FAMILIES WITH CHILDREN and  
“BEST INTERESTS OF CHILDREN”**

I refer to your letter of 30 January 2004 seeking comments on the above. Angus Council welcomes this opportunity and hopes the following will help in your consideration of the issues.

**Application of the Order**

***a. Do you agree that this is the priority area at this stage?***

Other vulnerable groups such as children who have been previously looked after and 16-17 year olds should also be considered.

**Types of accommodation to be covered**

***b. What are the common characteristics of “bed and breakfast” accommodation?***

Single room living with a communal entry, overcrowding, lack of private space, restricted access, lack of cooking facilities, shared toilet and bathrooms, no internal and external play areas and little security for residents.

***c. What characteristics would any accommodation have that would make it unsuitable for families with children?***

Poor play and care facilities for children. These would include the lack of facilities to prepare hot food, space for children to play within the living accommodation, and physical boundaries within the accommodation to keep vulnerable children and young people away from predatory adults. Shared toilet and bathroom facilities and restrictions on times of access would also make accommodation unsuitable for families with children

The location is also important. Depending on the circumstances of the household, consideration should be given to lessen disruption and ensuring easy access to facilities and services.

***d. How might the Order differentiate between accommodation of varying equality or standard so that accommodation which might be acceptable is not excluded from the range of options open to a local authority?***

Where a property meets the HMO licensing standards and where the landlord is accredited.

- e. ***Should the Order cover all unsuitable accommodation regardless of whether it is owned and run in private, public or voluntary sectors?***

Yes.

### **Exceptions**

- f. ***Are there any types of accommodation that should be considered unsuitable for families with children in all circumstances?***

No, although generally bed and breakfast accommodation should be avoided unless there are exceptional circumstances, see below.

- g. ***In what circumstances might it be acceptable for the local authority to offer bed and breakfast type accommodation for use by families with children?***

In a rural area, where there is no other alternative and or, it is the express wish of the household.

- h. ***How should we define such circumstances, for example an "emergency"?***

There are several factors that could result in acceptable circumstances and it would be unhelpful to be too prescriptive. A common sense approach to finding a solution, albeit it temporary, that is acceptable to the household should decide the outcome.

- i. ***What time period, if any, should apply in such circumstances?***

It should be reviewed every 28 days or in exceptional circumstances, a defined period agreed with the household.

- j. ***Should there be different exceptions based on, for example, the age of the child / children concerned?***

Circumstances would be considered each time and cannot be specified in advance.

- k. ***Should any or all exceptions require the agreement of the household concerned?***

See g) above.

### **Alternative accommodation**

- l. ***What actions could local authorities take to develop alternative options for temporary accommodation provision?***

Local housing supply and demand will be influential. In high demand areas, private sector leasing or lead tenancies could be used to extend the supply of temporary accommodation. In areas where there is low demand, furnished tenancies grant could be used to create additional temporary accommodation from mainstream social rented housing. Where appropriate, the tenancy could transfer over into an SST, hence avoiding further disruption.

- m. ***What good practice examples are currently in use?***

Angus Council is implementing the latter, allowing an efficient response to varying demands for temporary accommodation and reducing the stigma associated with temporary accommodation.

### **Other**

- n. ***Are there other factors that should be taken account of in drafting the Order?***

Consideration should be given to capital and associated revenue costs that could arise from increasing the provision of suitable accommodation for families and children.

### **Timing**

- o. ***Is October 2004 an appropriate timescale?***

It is essential there is enough time for implementation. There must be adequate lead in times and funding available to ensure that alternative provision can be developed.

**Best Interests of Children**

***p. What is meant by “best interests”? How might the term be defined in guidance***

With due respect to the physical, mental and emotional needs of the child.

***q. Are there common issues that should apply to ALL children regardless of individual circumstances such as age or health?***

As commented earlier, provision should be made that facilitates children's' basic needs being met adequately, somewhere that has security to both keep them safe and help them be safe, and for there to be some place to play.

***r. What individual circumstances should be taken into account***

Location and length of stay in provision respective to the needs of the child and family e.g where more damage could be caused by moving the household from the wider supports available to them in that area, for example extended family, friends etc.

***s. What actions should the local authority take to meet the duty***

Joint strategic planning and working to meet the needs of children and families are essential.

***t. What examples of current good practice exist***

No comment.

This letter will be presented to the Housing Committee on April 22 2004 for ratification by the Elected Members.

Yours faithfully

**RON ASHTON  
DIRECTOR OF HOUSING**