

Governance, Risk and Best Value Committee

10.00am, Thursday 23 January 2025

Monitoring Officer Report - Conflict of Legal Obligations and Response – referral from the City of Edinburgh Council

Executive/routine
Wards

1. For Decision/Action

- 1.1 The City of Edinburgh Council agreed to refer reports on the conflict of legal obligations arising from the use of unlicensed properties for temporary accommodation and the response. The Governance, Risk and Best Value Committee is asked to consider whether a focused audit should be added to this year's plan.

Dr Deborah Smart
Executive Director of Corporate Services

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Referral Report

Monitoring Officer Report - Conflict of Legal Obligations and Response – referral from the City of Edinburgh Council

2. Terms of Referral

- 2.1 On 26 September 2024, the City of Edinburgh Council considered a report by the Monitoring Officer on the Conflict of Legal Obligations in respect of House in Multiple Occupation (HMO) licensing and temporary accommodation.
- 2.2 The Council agreed:
 - 2.2.1 To note that the Council had a legal duty to house persons and households experiencing homelessness.
 - 2.2.2 To note that the Council also had legal responsibilities in relation to properties being used as Houses in Multiple Occupancy.
 - 2.2.3 To note that in discharging its statutory homelessness duty, the Council had been and remained in breach of its licensing obligations.
 - 2.2.4 To note that a report from the Executive Director of Place in relation to the issues raised in the report by the Monitoring Officer would be considered by the Housing, Homelessness and Fair Work Committee on 1 October 2024.
 - 2.2.5 To further note that ceasing use of these properties immediately, without alternative compliant options, would likely lead to significant and visible increases in rough sleeping, resulting in reputational damage and in some cases life threatening risk for homeless people.
 - 2.2.6 To note that, despite the likely additional costs and challenges in sourcing alternative compliant temporary accommodation, in the opinion of the Monitoring Officer, this material contravention of the Council's legal obligations amounted to illegality and maladministration and could not continue.
 - 2.2.7 To welcome the Monitoring Officer's report.
 - 2.2.8 To note the historical and other reasons for resorting to the use of unlicensed HMOs, originally during the pandemic and more recently in

response to the unprecedented pressures on homelessness in the city, leading to a declaration of the Housing Emergency.

- 2.2.9 To further note action already taken to solve the problem, including those actions outlined in the report coming to Housing Homelessness and Fair Work Committee on 1 October 2024.
 - 2.2.10 To further note action being taken alongside partners in the Third Sector and RSLs to continue to identify ways of dispensing with the need to use unlicensed HMOs.
 - 2.2.11 To ask officers to put forward a programme to safely eliminate the use of unlicensed HMOs as soon as practical. The programme to include, for example, flipping of properties, acquisitions, possible expansion of the PSL scheme, with regular Business Bulletin updates on progress to Housing, Homelessness and Fair Work Committee.
 - 2.2.12 To agree to review the homeless prevention activity to examine scope for increasing the number of homeless presentations avoided.
 - 2.2.13 To ask the Convener of the Housing, Homelessness and Fair Work Committee to write to the Scottish Government to request an increase in the Affordable Housing Supply Grant to enable the delivery of the pipeline set out in the Strategic Housing Investment Plan.
 - 2.2.14 To note with great concern the content of the report and agree to respond sensitively and justly such that all individuals experiencing homelessness were well supported and suitably housed.
 - 2.2.15 To understand that Housing, Homelessness and Fair Work Committee would consider a report at their next meeting on 1st October 2024 about emerging pressures in homelessness which would cover the issues contained in the report by the Monitoring Officer, and others relating to how the Council supported homeless households more broadly.
 - 2.2.16 To ask that both the report by the Monitoring Officer, and the follow-on report to be considered at the Housing, Homelessness and Fair Work Committee on 1st October 2024, be referred to the Governance, Risk and Best Value Committee within 2 cycles to consider whether a focused audit should be added to this year's plan.
 - 2.2.17 To further agree that the report by the Executive Director of Place, described at 4) above, also be considered by the Finance and Resources Committee, with additional information added as necessary, in order that it could consider the implications for procurement processes and the numerous off contract waivers that have been approved in relation to the provision of homeless temporary accommodation.
- 2.3 On 1 October 2024, the Housing, Homelessness and Fair Work Committee considered a further report setting out the response to the Monitoring Officer's report, immediate actions being taken and proposed actions to end the use of unlicensed HMOs for this purpose.

- 2.4 The Housing, Homelessness and Fair Work Committee agreed:
- 2.4.1 To note that during the Covid-19 pandemic the Council was required to take urgent action to provide housing for homeless people in order to protect them and comply with public health guidance.
 - 2.4.2 To note that many of the properties secured urgently at that point were non-compliant with regard to licensing requirements and suitability, but were inspected for safety before being allocated to homeless people.
 - 2.4.3 To note that since the Covid-19 pandemic homeless presentations had been rising and were in excess of pre-pandemic levels, meaning the plan to eliminate the use of such accommodation had been nullified.
 - 2.4.4 To note the steps taken so far to reduce the compliance risk identified.
 - 2.4.5 To note the Monitoring Officer report considered by Council on the 26 September 2024.
 - 2.4.6 To note the projected budget required to accommodate homeless households stated at section 4.30 of the report by the Interim Executive Director of Place.
 - 2.4.7 To note the increase in the number of households presenting as homeless and accessing temporary accommodation who had recently left Home Office accommodation following a positive asylum decision, and that asylum matters were reserved to the UK government.
 - 2.4.8 To note the increase in the number of Ukrainian Displaced Persons (UDP's) presenting as homeless and accessing temporary accommodation and that refugee matters were reserved to the UK Government, with some elements of refugee policy, notably Ukraine, overseen by the Scottish Government.
 - 2.4.9 To note that the Council Leader wrote to the Home Office on 14 August 2024 requesting cost neutral funding for providing housing to asylum seekers and refugees, and that a response was received on the 12th September outlining steps being taken to look at such funding.
 - 2.4.10 To note the award of £14.8m acquisition funding from the Scottish Government to reduce the reliance on temporary accommodation.
 - 2.4.11 To instruct the Service Director – Housing and Homelessness, to take immediate steps to secure safe transition to compliant temporary accommodation from all unlicensed HMO accommodation for all homeless households affected.
 - 2.4.12 To refer the report to Finance and Resources Committee with a request to consider additional funding be provided, as required, to ensure such safe transition.
 - 2.4.13 Additionally, to note the changing demographics of people accessing homelessness support within the Council, as set out in 4.33 of the report, and recognise that the Council's service offer might need to change to

respond to differing needs within that population. To further note the impact of this changing demographic on services right across the Council – for example, Edinburgh Health & Social Care Partnership and Children’s, Education and Justice Services – as set out in 4.40-4.49 of the report.

- 2.4.14 To therefore agree that the request for additional funds at 12 should be cognisant of: i) the need for the Council to acquire suitable and not just compliant temporary accommodation, and ii) the impact of the needs of changing demographics in the homelessness service across all Council services, and their associated costs.
- 2.4.15 To agree that if all of these costs could not be captured adequately in time for consideration at the next meeting of the Finance and Resources Committee, officers should set out to both committees how they intended to present this information to Councillors for consideration in the future, all in order to ensure all Council services were adequately resourced to ensure all groups accessing support from the Council were sufficiently supported.
- 2.4.16 To refer the report to the Edinburgh Integration Joint Board for their consideration, noting the references within the report to social work services.
- 2.4.17 To instruct the Service Director – Housing and Homelessness to provide a costed plan with milestones and a long stop date of one year to end the practice of housing homeless households in unlicensed temporary accommodation to the next meeting of the Committee for scrutiny and approval. This plan to provide a business case for use of Council owned or on contract accommodation rather than off contract waivers to bring down the cost per unit, comply with all necessary standards and reduce the uncapped budget pressure on the service.
- 2.4.18 To instruct the Service Director – Housing and Homelessness to investigate best practice in providing urgent additional and compliant temporary accommodation from Councils around the UK starting with discussions with Cardiff Council which had purchased former student accommodation, a hotel and existing HMO premises to provide compliant temporary accommodation and had also built Passivhaus modular units in the meantime, to increase the number of temporary accommodation units available.
- 2.4.19 To refer the report to the Regulatory Committee with a request that the Committee ensure steps were taken to enforce HMO Licensing conditions on any owner/property that did not comply within a maximum timescale of ten months, but with an expectation of compliance quicker where it was possible for the building to comply or earlier enforcement where compliance was impossible (the current average time to determine an HMO licence application as indicated on the Council website). Also, that

the Committee ensure that no new properties were used that did not have an HMO licence before occupation and that any that had recently been occupied without a licence be subject to enforcement action. The purpose being to ensure that the Council was not complicit in housing people in unlicensed accommodation which was itself a criminal offence.

2.4.20 To instruct the Service Director – Housing and Homelessness to ensure that the Housing Service provide all information about non-compliance to Licensing enforcement officers within the next week; that tenants affected be informed by the Council of the status of their accommodation, their rights and the standards their landlords were expected to comply with; and action be taken to check whether all the HMOs (licensed or unlicensed) being used by the Council were fully compliant with landlord Registration requirements with enforcement action being taken where this was not the case.

2.5 Both reports are referred to the Governance, Risk and Best Value Committee as agreed by Council.

3. Background Reading/ External References

3.1 The City of Edinburgh Council – 26 September 2024 - [webcast](#)

3.2 [Minute of the City of Edinburgh Council of 26 September 2024](#)

3.3 Housing, Homelessness and Fair Work Committee – 1 October 2024 – [webcast](#)

3.4 [Minute of the Housing, Homelessness and Fair Work Committee of 1 October 2024](#)

4. Appendices

Appendix 1 - Monitoring Officer Report - Conflict of Legal Obligations – report by the Council Monitoring Officer

Appendix 2 - Response to the Monitoring Officer report on conflicting legal obligations – report by the Interim Executive Director of Place

10.05am, Thursday 26 September 2024

Monitoring Officer Report – conflict of legal obligations

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 To note that the Council has a legal duty to house persons and households experiencing homelessness;
- 1.2 To note that the Council also has legal responsibilities in relation to properties being used as Houses in Multiple Occupancy;
- 1.3 To note that in discharging its statutory homelessness duty, the Council has been and remains in breach of its licensing obligations;
- 1.4 To note that a report from the Executive Director of Place in relation to the issues raised in this report will be considered by the Housing, Homelessness and Fair Work Committee on 1 October 2024;
- 1.5 To further note that ceasing use of these properties immediately, without alternative compliant options, will likely lead to significant and visible increases in rough sleeping, resulting in reputational damage and in some cases life threatening risk for homeless people; and

1.6 To note that, despite the likely additional costs and challenges in sourcing alternative compliant temporary accommodation, in the opinion of the Monitoring Officer, this material contravention of the Council's legal obligations amounts to illegality and maladministration and cannot continue.

Nick Smith

Council Monitoring Officer

Contact: Nick Smith, Monitoring Officer

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Report

Monitoring Officer Report – conflict of legal duties

2. Executive Summary

- 2.1 The Council has a statutory duty to provide temporary accommodation to households who are homeless or at risk of homelessness (the “Homelessness Duty”).
- 2.2 The Council has separate obligations under the Housing (Scotland) Act 2006 to ensure that any property being used as a House in Multiple Occupation (“HMO”) is appropriately licensed (the “HMO Licensing Duty”). This is essential to ensure that the property is safe, suitable for use as an HMO and the licence holder is fit and proper.
- 2.3 Due to the limited supply of suitable accommodation in Edinburgh, in seeking to fulfil its Homelessness Duty, the Council has been and is currently using accommodation that is unlicensed and is therefore acting in breach of its HMO Licensing Duty.
- 2.4 Under the Local Government and Housing Act 1989, the Council’s Monitoring Officer has an obligation to report illegality and/or maladministration to a meeting of the full Council. The term “maladministration” is not defined in statute but is generally accepted to include a material or systemic breach of a legal obligation.

3. Background

- 3.1 Since the Covid-19 pandemic, there has been a significant increase in temporary accommodation use for homeless persons and households.
- 3.2 During the Covid pandemic, urgent action was required to keep people safe and prevent the spread of the virus, in compliance with public health guidance. At that point urgent work was undertaken with homeless people including those sleeping rough to ensure they had access to accommodation.
- 3.3 Homeless people were offered accommodation that was procured at short notice, and this included accommodation that was non-compliant with the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 and the requirement for the landlord to be registered as a provider of HMO property.

- 3.4 This decision was taken on a balance of risk, considering the public health requirements at the time, as well the need for the landlord to be (or become) registered. The service confirmed that inspections of all properties were undertaken prior to placing any people within them.

4. Main report

- 4.1 There were clearly exceptional circumstances during the Covid-19 pandemic, and assurance was sought from the Housing and Homelessness Service that measures would be taken to ensure that the discharge of the Council's Homeless Duty would not remain in conflict with the Council's HMO Licensing Duty.
- 4.2 The Housing and Homelessness service agreed to write to relevant landlords to request that they register for an HMO licence to resolve the position. Many did so or have undertaken to do so, but others have refused or taken no action.
- 4.3 The Council therefore remains in breach of its HMO Licensing Duty by maintaining the support of homeless persons and households in some unlicensed HMO properties.
- 4.4 It is fully acknowledged that the practical challenge of not having enough accessible and legally compliant accommodation to house homeless persons is acute in Edinburgh and a key factor in the declaration of Housing Emergency in November 2023, and symptomatic of the wider Housing Emergency declared by the Scottish Government and evidenced by record numbers of households in temporary accommodation both in Scotland and UK wide.
- 4.5 However, the Council cannot allow the discharge of the Council's Homelessness Duty to conflict with the Council's HMO Licensing Duty.
- 4.6 Operating an unlicensed HMO is a criminal offence. The Council is empowered to take appropriate enforcement action against any unlicensed HMO properties and their landlords. The normal enforcement response would be to serve a rent penalty notice and consider reporting the offending landlord to the Crown Office and Procurator Fiscal for potential criminal prosecution in circumstances where they do not apply for a licence and continue to operate the HMO property.
- 4.7 The Council's ongoing position breaches its HMO Licensing Duty in terms of it placing or maintaining homeless persons in unlicensed HMO accommodation and also potentially undermines its enforcement activities against other unlicensed HMO properties.
- 4.8 Whilst the Council has sought to ensure that the properties in question are safe for occupancy via inspection, this does not purify the risks of it using an unlicensed landlord.
- 4.9 Given the ongoing legal compliance position, the Monitoring Officer has no option but to report the matter to Council for consideration and to ensure future compliance.

5. Next Steps

- 5.1 Housing and Homelessness officers will require to take steps to ensure legal compliance.
- 5.2 A report in this regard will be considered by the Housing, Homelessness and Fair Work Committee on 1 October 2024.

6. Financial impact

- 6.1 Whilst the cost of finding alternative temporary accommodation for homeless persons of households in Edinburgh could be substantial, it is not possible for the Council to remain legally non-compliant.
- 6.2 The report being considered by Housing, Homelessness and Fair Work Committee on 1st October sets out detailed financial considerations.

7. Stakeholder/Community Impact

- 7.1 HMO properties must be licensed in order to ensure that they are safe and suitable. There is a risk to the community when the licensing and enforcement regime is not being implemented.
- 7.2 Homeless people have a statutory right to access temporary accommodation. An inability to provide this will have reputational consequences for the Council and lead to poorer health outcomes for homeless people.
- 7.3 A sharp increase in rough sleeping would increase the burdens on the wider public and third sector partners in the city as they would be unable to cope with supporting homeless people who cannot access temporary accommodation.

8. Background reading/external references

- 8.1 None.

9. Appendices

- 9.1 None.

Housing, Homelessness and Fair Work Committee

10.00am, Tuesday, 1 October 2024

Response to the Monitoring Officer report on conflicting legal obligations

Executive/routine
Wards

Executive
All

1. Recommendations

1.1 Committee is asked to note:

- 1.1.1 That during the Covid-19 pandemic the Council was required to take urgent action to provide housing for homeless people in order to protect them and comply with public health guidance;
- 1.1.2 That many of the properties secured urgently at that point were non-compliant with regard to licensing requirements and suitability, but were inspected for safety before being allocated to homeless people;
- 1.1.3 That since the Covid-19 pandemic homeless presentations have been rising and are in excess of pre-pandemic levels, meaning the plan to eliminate the use of such accommodation had been nullified;
- 1.1.4 The steps taken so far to reduce the compliance risk identified;
- 1.1.5 The Monitoring Officer report considered by Council on the 26 September 2024;

Gareth Barwell

Interim Executive Director of Place

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- 1.1.6 The projected budget required to accommodate homeless households stated at section 4.30;
- 1.1.7 The increase in the number of households presenting as homeless and accessing temporary accommodation who have recently left Home Office accommodation following a positive asylum decision, and that asylum matters are reserved to the UK government;
- 1.1.8 The increase in the number of Ukrainian Displaced Persons (UDP's) presenting as homeless and accessing temporary accommodation and that refugee matters are reserved to the UK Government, with some elements of refugee policy, notably Ukraine, overseen by the Scottish Government;
- 1.1.9 That the Council Leader wrote to the Home Office on 14 August 2024 requesting cost neutral funding for providing housing to asylum seekers and refugees, and that a response was received on the 12th September outlining steps being taken to look at such funding;
- 1.1.10 The award of £14.8m acquisition funding from the Scottish Government to reduce the reliance on temporary accommodation;
- 1.2 Committee is asked to:
 - 1.2.1 Instruct the Service Director – Housing and Homelessness, to take immediate steps to secure safe transition to compliant temporary accommodation from all unlicensed HMO accommodation for all homeless households affected; and
 - 1.2.2 Refer this report to Finance and Resources Committee with a request to consider additional funding be provided, as required, to ensure such safe transition.

Response to the Monitoring Officer report on conflicting legal obligations

2. Executive Summary

- 2.1 This report responds to the Monitoring Officer report on conflicting legal obligations considered by Council on the 26 September 2024.
- 2.2 The report sets out the operating context for the Council's homelessness service, the risk profiles and data supporting decision making over the use of temporary accommodation, and the emerging pressures and risks from UK and Scottish Government legislation and policy.
- 2.3 The report sets out the current and projected financial risks faced by the Council and Integrated Joint Board.

3. Background

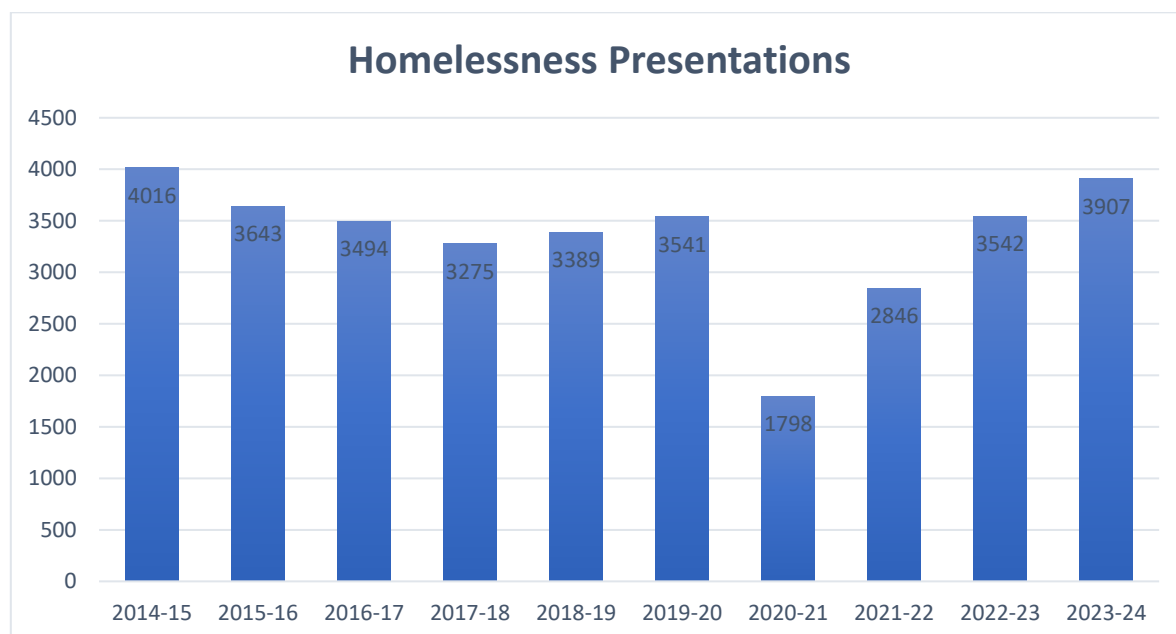
- 3.1 The City of Edinburgh Council is committed to providing safe, warm and affordable housing to anyone who needs it, and has a proud history of offering shelter and refuge to those seeking asylum and refuge. All Scottish local authorities have a statutory duty under the Housing (Scotland) Act 1987 to provide temporary accommodation to people who are homeless or threatened with homelessness, until such time as permanent accommodation has been secured.
- 3.2 When the Covid-19 pandemic was declared in March 2020, in order to comply with public health legislation and keep people safe the Council required to procure at short notice additional temporary accommodation to accommodate those rough sleeping in the city, and who presented unexpectedly at that time.
- 3.3 This meant that additional temporary accommodation spaces were secured in unlicensed HMOs. Currently 770 of the temporary accommodation spaces we have available to us are in unlicensed accommodation, where a licence is required. Due to the urgency of the situation during the pandemic, inspections of all properties were undertaken to satisfy that safety requirements were met, and discussions were held with those providers to encourage them to apply for an HMO licence. 709 of these spaces are currently being used.

- 3.4 The Council declared a Housing Emergency in November 2023 principally due to the level of homelessness in the city. A Housing Emergency Action Plan (HEAP) was agreed by the Housing, Homelessness and Fair Work Committee in February 2024. This sets out a range of actions designed to remove the social, legal and financial risk around the use of non-compliant accommodation.
- 3.5 Recent changes to legislation and policy have had an impact on homelessness demand, including the removal of local connection, the early prison release scheme, changes to the welcome accommodation policy for Ukrainian Displaced People (UDPs) and accelerated asylum decisions.
- 3.6 This report sets out the impact of these external pressures, placing them in the context of the Council’s Housing Emergency Action Plan, Strategic Housing Investment Plan, and Affordable Housing Supply Programme and property acquisitions funding.

4. Main report

Homelessness services’ response to the pandemic

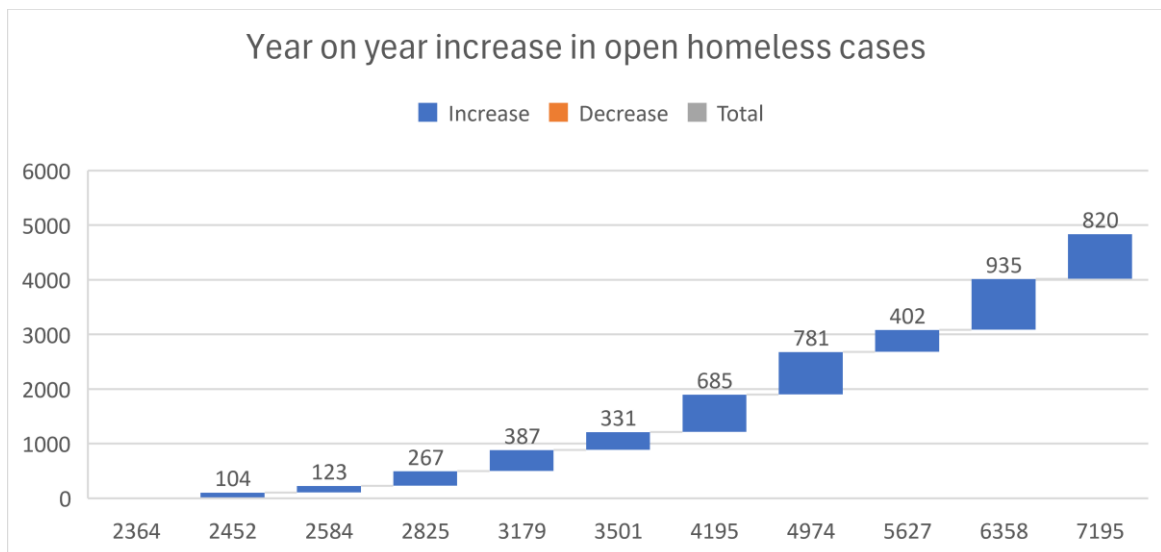
- 4.1 The City of Edinburgh Council is committed to providing safe, warm and affordable housing to anyone who needs it, and has a proud history of offering shelter and refuge to those seeking asylum and refuge. A separate report on the agenda today sets out the breadth of this support.
- 4.2 The number of households in temporary accommodation on 31 August 2024 was 5,123. 1,430 households of these households are in temporary accommodation classed as unsuitable under the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014. Edinburgh currently has the highest number of homeless households in temporary accommodation recorded for the city.
- 4.3 The graph below illustrates the homeless presentation trend over the last ten years:



4.4 The graph below illustrates the ten year trend in homelessness assessments.



4.5 The graph below illustrates the increasing trend in open homeless cases over the last ten years.



4.6 Further information on homelessness presentations and performance is available in the Cyclical Assurance report being considered by Committee today, and at Appendix 1 to this report.

4.7 Currently 709 of the 1430 households in unsuitable temporary accommodation are spread across 28 unlicensed HMO properties. The decision to use these properties was based on the balance of risk between legal compliance and public health and safety during the unprecedented pressures and operating environment of the pandemic.

- 4.8 Inspections were undertaken in all unlicensed HMO properties to satisfy officers that the living conditions were acceptable, with homeless households only being put into these properties once these checks were made.
- 4.9 Alongside the decision to use these properties was a clear direction to work with providers to become licensed, and to develop an exit strategy to remove any compliance risk as soon as practical.
- 4.10 Ongoing efforts have been made with providers to achieve licensed status. Seven operators who require an HMO and are currently unlicensed, and have no application in process, are undertaking renovations and have indicated they will apply once these renovations are complete. The majority of these providers are on 'spot purchase' contracts, requiring no notice period.

Post pandemic temporary accommodation strategy – Private Sector Leasing

- 4.11 The agreement of a new Private Sector Leasing (PSL) contract was intended to increase the supply of compliant temporary accommodation in a cost controlled manner. When the pandemic started in March 2020 PSL properties had reduced to 1,375 and a new contract offering improved terms to landlords was awarded with the aim of increasing properties to a minimum of 1,850, and at September 2023 the number of properties in the scheme had increased to 1,848.
- 4.12 The Council's budget strategy for homelessness services incorporates the assumption that numbers continue to grow, to provide more suitable and cost-effective temporary accommodation, and the March 2025 target is 1,867 properties. However, since September there has been a reduction in properties and at 30 June 2024 the number had reduced to 1,772, which is 95 behind the March 2025 target.
- 4.13 Officers are actively working on proposals to address this situation and a report on this matter will be presented to Finance and Resources Committee in November.

Post pandemic temporary accommodation strategy – New Homes

- 4.14 Over the last 10 years Edinburgh has delivered 11,134 new affordable homes (including homes for social rent, mid-market rent, intermediate rent and low cost home ownership). Under the current housebuilding programme, there are currently 756 affordable homes under construction, another 1,800 affordable homes at detailed design stage and thousands more in the future pipeline.
- 4.15 The current Strategic Housing Investment Plan 2025-29 (SHIP) was submitted to Scottish Government in December 2023. It set out a potential pipeline to approve 11,106 homes and complete 10,804 affordable homes over a five year period. Delivering this would require £894m of Scottish Government subsidises.
- 4.16 Scottish government grant funding was reduced by 24% at the beginning of 2024/25. Following discussions with partners in relation to phasing of projects and their ability to bring forward private finance as well as the strategic use of commuted sums, an affordable housing programme of 587 new approvals has been able to be brought forward in 2024/25.

- 4.17 It is anticipated that the grant funded element (427 approvals / 70%) of the programme will be for social rent. However, with uncertainty in future years' grant funding allocations, it remains challenging to develop a steady pipeline of affordable housing projects. Reducing the reliance on grant funding in future years where possible remains a key focus to try and bring an element of certainty in the pipeline.
- 4.18 As noted in the update to HH&FW Committee on 27 August 2024, a cross-service working group has been established to explore approaches to support a sustainable programme of Council housebuilding into the future. The key areas for consideration are financial modelling to reduce the reliance on grants, increasing income to mitigate the reduction in the grant availability, managing cost increases and delivering the Granton project alongside the city-wide development programme.
- 4.19 The latest city plan (which will be reported to full council for formal adoption in November 2024) seeks to increase the proportion of affordable homes in new residential planning applications of 12 homes or more, from 25% to 35%.

Post pandemic temporary accommodation strategy – Additional Housing Options

- 4.20 In April 2024, the Finance and Resources Committee agreed an additional 60 Homeless Accommodation with Support spaces, in order to provide suitable and supported accommodation as an alternative to bed and breakfast accommodation
- 4.21 Officers continue to work with third sector partners to provide alternative and suitable accommodations, through the use of social investment funds. This work has resulted in the delivery of 32 additional homes, purchased by the Simon Community for service users with complex needs. In addition to this Cyrenians have currently delivered 8 homes for homeless people experiencing domestic abuse and anticipate this growing to 30 homes.
- 4.22 Officers continue to engage with Mid-Market Rent providers in the city to increase the housing options available to homeless people. In the year to March 2024 68 households accessed MMR properties, with 48 from Edinburgh Living. In total Edinburgh Living have provided 164 lets to people who are at risk of homelessness.
- 4.23 The HEAP agreed in February 2024 contained a number of actions designed to cease the use of non-compliant temporary accommodation. These include:
- 4.23.1 The purchase of 'off the shelf' accommodation to increase the Council's housing stock. To date 502 additional properties have been approved for purchase, 130 homes have already been completed, with all remaining homes being handed over by the end of 2025/26;
- 4.23.2 Increasing the rate of allocation of settled accommodation to homeless households by all social landlords in Edinburgh. So far in 2024/25 there has been an increase from 71% to 76% of Council homes allocated to homeless households. For RSLs this has increased from 55% to 65%;
- 4.23.3 Increasing homelessness prevention activity. In 2024/25 over £10m of costs have been avoided for over 400 households;

- 4.23.4 Increase the rate of return of void Council properties to use for settled accommodation. Since June 2023 430 void properties have been returned to use, increasing annualised rental income for reinvestment by c£2m;
- 4.23.5 Increase the number of properties available through our Private Sector Leasing (PSL) scheme, as set out earlier in this report. A report will be submitted to Finance and Resources Committee in November seeking approval to enhance this scheme;
- 4.23.6 Increasing Council housing stock through the Acquisitions and Disposals policy. So far, this policy resulted in a net increase of 200 Council homes;
- 4.23.7 Appointment of a second Empty Homes Officer. Recruitment is ongoing for this post;
- 4.23.8 Mapping the homeless support system across the city to identify duplication and steps required to improve efficiency. An update on this research will be presented to the Homelessness Task Force in October 2024, and
- 4.23.9 On 22 August 2024, Policy and Sustainability Committee considered a report on A Visitor Levy for Edinburgh – Draft Scheme. The draft scheme proposes to assign a fixed annual amount from the net proceeds for housing and tourism mitigation. It is proposed that a fixed annual sum of £5m would be committed to capital borrowing repayments, resulting in approximately £70m of investment to deliver social and mid-market rent homes in the city. Further work is underway to clearly evidence how the provision of affordable housing could help to facilitate the achievement of the scheme’s objectives.

- 4.24 Alongside the HEAP, a review of Housing and Homelessness services has been completed, with a new service structure agreed to ensure we have the posts required to tackle these issues sustainably. This includes the new post of Head of Strategy, Commissioning and Service Improvement with the key remit to develop a service wide strategy, consolidate all internal and external commissioning to ensure Best Value, and identify programmes of work required to improve services. This includes the creation of a Housing Data and Insights function to provide greater understanding of performance and guide resource allocation.

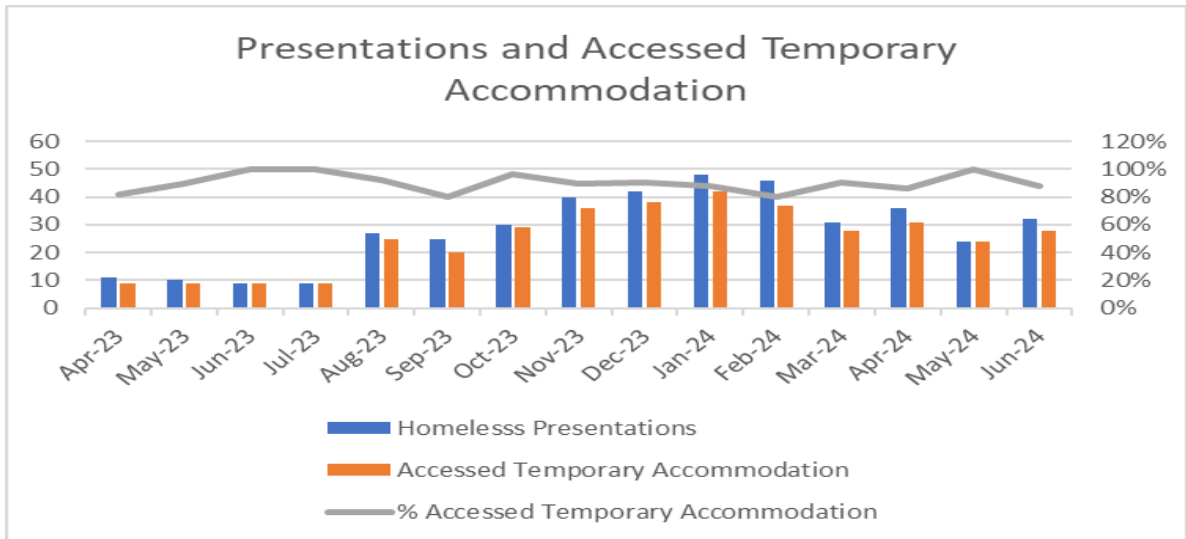
Emerging pressures impacting progress in removing compliance risk

- 4.25 The recent increase in the number of homeless households in temporary accommodation has been driven by a number of legislative and policy changes introduced by the UK and Scottish governments as set out below. In order to monitor these figures and the Council’s response we are looking at ‘core’ homelessness, where homelessness is driven by traditional societal factors and where the Council and partners may be able to take steps to prevent homelessness, and ‘emerging’ homelessness where homelessness presentations are driven by new and reserved legislation and policy across UK and Scottish governments, and where the Council has no preventative role.

- 4.26 Between October 2023 and June 2024, there was a net reduction in core homelessness of 52 (where the service is able to prevent homelessness) and an increase in emerging homelessness of 227. This was primarily driven by the increase in presentations from UDPs and households from an asylum / refugee background.
- 4.27 The recent rise in emerging homelessness has to a great extent nullified the projected impact of the actions designed to reduce and remove the social, compliance and financial risks associated with non-compliant temporary accommodation.
- 4.28 The rising number of emerging homelessness assessments exerts greater pressure on the housing system in the city, with the likelihood that this will mean continuing to rely on unsuitable accommodation to house those assessed as homeless while we phase out the use of such accommodation.
- 4.29 This situation presents a risk to the delivery of the agreed Housing Emergency Action Plan targets and budget strategy to reduce the number of households living in temporary accommodation by March 2025. Collectively these present financial stability and compliance risks to the Council as this is the most expensive type of accommodation that the Council has access to.
- 4.30 The table below shows the overall growth since March 2023 and the projected number of households in temporary accommodation at March 2025. Should this growth be realised the net expenditure relating to emerging homeless households would be £12.0m in 2025/26. This risk is not currently factored into the estimated savings gap of £30m in 2025/26 which was reported to Finance and Resources Committee on 19 September.

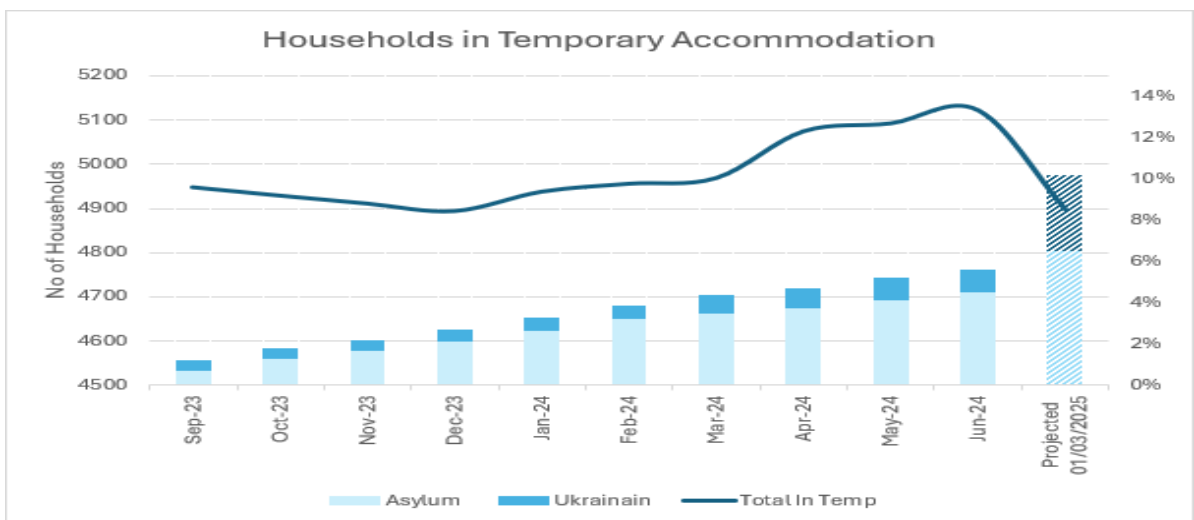
	Mar-23	Sep-23	Mar-24	Jun-24	March 25 forecast	Notes
Asylum/refugee background *	0	35	165	231	320	* There may have been a small number at March 2023 but information is not available. The growth has reflected the change to UK Government policy which came into force in mid-2023. Growth is expected to continue in 2025/26
UDPs	24	28	46	58	180	Growth is expected to continue in 2025/26
Core homelessness	4,760	4,885	4,758	4,834	4,398	Target is to reduce households in temporary accommodation utilising the HRA empty homes being brought into use
	4,784	4,948	4,969	5,123	4,898	

4.31 Since August 2023, Edinburgh has seen a rise in the number of homeless presentations from households who have recently had a positive asylum decision and have been asked to leave Home Office accommodation. Between April 2023 and June 2024, there were 420 presentations, with 374 (89%) taking up temporary accommodation. This included households (as noted above) and households from refugee resettlement programmes. The chart below shows the monthly breakdown of both homeless presentations and households accessing temporary accommodation, with 89% of presentations resulted in the household accessing temporary accommodation.



4.32 The Home Office has recently indicated that work to clear the asylum dispersal backlog will be accelerated, meaning it is likely the 2024/25 projection noted above will become the baseline planning assumption for the 2025/26 budget.

4.33 As noted in the table above, there has been a significant rise in presentations since August 2023. This coincides with the introduction of the Home Office Accelerated Asylum Scheme. The chart below shows the impact of this on the total numbers of households in temporary accommodation, rising from 35 (1% of total households in temporary accommodation) in September 2023 to 231 (5% of total households in temporary accommodation) in June 2024.



4.34 Analysis of the impact of policy decisions related to asylum, refugee, early prison release and suspension of local connection on Edinburgh's homelessness figures is contained in Appendix 2.

Impact and Future Projections

4.35 As set out above, there are a number of legislative and policy changes that are having an adverse impact on the number of households in temporary accommodation in the city.

4.36 Whilst the service has introduced a number of preventative services, which prevented homelessness for 461 households in 2023/24 and 419 so far in 2024/25, the service's ability to prevent emerging homelessness is limited.

4.37 The number of households from an asylum / refugee background is expected to increase to 320 by March 2025, with the number of homeless UDPs expected to increase to 180. Should this growth be realised the net expenditure relating to emerging homeless households would be £12.0m in 2025/26. This risk is not currently factored into the estimated savings gap of £30m in 2025/26 which was reported to Finance and Resources Committee on 19 September.

4.38 The increased demand from the changes to local connection policy and the early prison release scheme, particularly if the early prison release scheme is extended, will increase the £12m pressure highlighted above.

4.39 The growth in demand is also impacting on the Council's ability to deliver its statutory duty to provide temporary accommodation to households who are homeless or at risk of homelessness. In the period April to August 2024 there were 812 occasions when the Council failed to accommodate a homeless household. This compares to 391 occasions in the same period in 2023. These are not always due to a lack of accommodation.

4.40 Officers are currently analysing the failures to accommodate data for 2023/24 to establish the requirement for additional accommodation to meet this need. This will include establishing the type of accommodation required and projected costs.

4.41 There has also been a significant rise in the number of out of Edinburgh temporary accommodation placements. In July 2023 there were 7 placements compared to 108 in July 2024. The total costs associated with the July 2024 placements is £72,970.

4.42 Corporately the Integrated Joint Board (IJB) and Children's, Education and Justice services are impacted by the increase in asylum, refugee and local connection homeless presentations. These services also have financial and operational challenges.

4.43 Operationally it should be acknowledged that Edinburgh Health and Social Care Partnership (EHSCP) will continue to face additional challenges as a consequence of increased service demand relating the housing emergency.

- 4.44 The projected increase will result on pressures being applied to Primary Care, GP practices, mental health services (often exacerbated by trauma) and an increase in addiction services demand due to common issues associated with multiple complex needs and homelessness.
- 4.45 The relationship between poverty, deprivation and homelessness/addiction and mental health should not be underestimated, and it should be noted that these additional pressures will adversely impact on those most disadvantaged. Given the serious financial and resource pressures experienced by the EHSCP, any increase in demand will likely result in additional waiting lists, poorer outcomes and risk to existing savings plans.
- 4.46 Partnership working across Homelessness Services and the EHSCP will be critical in addressing the challenges wherever possible, however without additional funding the EHSCP will be unable to address the projected increased pressures.
- 4.47 Children, Education and Justice Services have experienced a rise in Unaccompanied Asylum Seeking Children (UASC). Whilst the costs of the UASC population are currently covered by Home Office funding, there is an emerging risk if the population continues to increase that the service will no longer be able to access accommodation at rates covered by the Home Office funding.
- 4.48 The changes to the Scottish Government's Warm Scottish Welcome Accommodation Policy has also had an impact on UDP children's schooling. Schools in the city are at capacity in many year groups resulting in UDP children having to travel long distances to school. There is a reluctance from parents to accept offers of accommodation because of concerns about the distance, the fact that children have already attended two different schools or subject choices being unavailable for senior pupils in a new school.
- 4.49 Refusing offers through the policy can result in the household presenting as homeless to the local authority. The number of school moves coupled with new arrivals makes assigning the appropriate support more difficult, for example some schools employed Ukrainian and Russian speaking staff who could now be better used in other schools. This has been compounded with the withdrawal of funding for Barnardos support.

5. Next Steps

- 5.1 Ongoing discussion with UK and Scottish Governments on cost neutrality related to asylum and refugee presentations.
- 5.2 Council officers will continue to meet regularly with Scottish Government officials regarding the particular risks Edinburgh faces from the issues raised in this report; with the UK Government through the Asylum Partnership Board, and COSLA to ensure appropriate risk identification and mitigation.

- 5.3 The Housing and Homelessness service will continue to implement homelessness prevention services to prevent homelessness where possible, noting the challenges of doing so for this cohort (emerging homeless households).
- 5.4 Officers will continue to work with partners to deliver the actions identified in the Housing Emergency Action Plan.
- 5.5 Officers will continue to seek opportunities to increase the Council's permanent and temporary accommodation stock.
- 5.6 Officers will continue to provide cyclical assurance reporting to the Housing, Homelessness and Fair Work Committee on performance.
- 5.7 Officers will develop plans to use the £14.8m acquisitions funding provided by the Scottish Government on 10 September alongside ongoing work to maximise the number of properties available for social rent in the city.
- 5.8 Officers will continue to participate in the Housing Minister's Housing Investment Task Force, with the aim of identifying innovative financing solutions to increase housing supply in Edinburgh.
- 5.9 Officers will continue to work to safely reduce reliance on temporary accommodation to house those presenting as homeless, with the aim of eliminating compliance risk in housing and homelessness services.
- 5.10 Officers from Housing and Homelessness and Finance will continue to work together on assuring Best Value in homelessness services.
- 5.11 Officers will continue to assess risk related to homelessness, mitigate these where possible, and update the relevant Council and Committee meetings as required.

6. Financial impact

- 6.1 The 2024/25 budget was set on the basis households in temporary accommodation would reduce to 4,398 by March 2025. This reduction would be achieved primarily through increasing HRA lets to homeless households, as a result of bringing void properties into use, with a corresponding reduction in expensive bed and breakfast (B&B) provision. The 2025/26 budget assumptions include an additional saving of £2m for the homelessness service.
- 6.2 At June 2024, there were 231 households from an asylum/refugee background and 58 from a Ukrainian background in temporary accommodation, placing an estimated annual impact of £7.2m based on June households.
- 6.3 The numbers are expected to increase to 320 and 180 respectively by March 2025 which would result in £12.0m of net expenditure in 2025/26. This risk is not currently factored into the estimated savings gap of £30m in 2025/26 which was reported to Finance and Resources Committee on 19 September. Any further growth during 2025/26 will increase this pressure.

- 6.4 The Council has not received additional funding from the UK Government or Scottish Government to meet these additional costs.
- 6.5 The Housing and Homelessness service is working towards achieving the target of 4,398 households from other client groups by March 2025 and is developing proposals to achieve the 2025/26 approved saving of £2m.
- 6.6 Increased demand on Homelessness Services will also increase pressure on Health and Social Care Services. Any increase in demand will likely result in additional waiting lists, poorer outcomes and risk to the existing savings plans in the HSCP.
- 6.7 Partnership working across Homelessness Services and the HSCP will be critical in addressing the challenges wherever possible however without additional funding the HSCP will be unable to address the projected increased pressures.
- 6.8 Children, Education and Justice Services have experienced a rise in Unaccompanied Asylum Seeking Children (UASC), this presents an emerging risk that the service will no longer be able to access accommodation at rates covered by the Home Office funding.

7. Equality and Poverty Impact

- 7.1 The Edinburgh Poverty Commission aims to end poverty within a decade. Making Edinburgh a city where:
 - 7.1.1 Fewer than one in 10 children and adults live in poverty at any given time;
 - 7.1.2 No-one is trapped in long term persistent poverty;
 - 7.1.3 No one has to go without the basic essentials they need to eat, keep clean and safe, and stay warm and dry; and
 - 7.1.4 No one feels stigmatised, abandoned, or treated with less respect by the city when seeking or needing support.
- 7.2 One of the key actions to end poverty in Edinburgh includes 'a decent home we can afford to live in'. The emerging pressures noted in this report increase demand for housing in the city.
- 7.3 The Child Poverty (Scotland) Act 2017 sets out targets to reduce the proportion of children in poverty by 2030. Three drivers which can lead to measurable improvement in income for low income households were identified as:
 - 7.3.1 Increasing income from employment;
 - 7.3.2 Reducing costs of living; and
 - 7.3.3 Increasing income from social security and benefits in kind.
- 7.4 Priority families most at a higher risk of poverty include lone parents, disabled, minority ethnic, young mothers, children under one years old and families with three or more children.

- 7.5 In 2023/24, 74% of Council homes and 52% of Registered Social Landlord (RSL) homes were let to homeless households.
- 7.6 In 2023/24, 13% of homeless presentations were by single parent families and a further 5% by couples with children. Just under half of presentations were from non-white Scottish, British and Irish populations; 11% were Black; 6% Asian, 14% from white other (Polish and other) and 16% other (Ukrainian, Arab, Mixed, Gypsy Traveller and other).
- 7.7 62% of homeless presentations were by males and 38% of homeless presentations made by females in 2023/24.
- 7.8 33% of homeless presentations in 2023/24 were made by applicants aged between 35 and 49. Additionally:
- 7.8.1 31% were made by applicants aged between 25 and 34;
 - 7.8.2 18% were made by applicants aged between 18 and 24;
 - 7.8.3 were made by applicants aged between 50 and 59;
 - 7.8.4 3% were made by applicants over 60; and
 - 7.8.5 2% were made by applicants aged 16 and 17.

8. Climate and Nature Emergency Implications

- 8.1 As a public body, the Council has statutory duties relating to climate emissions and biodiversity. The Council

“must, in exercising its functions, act in the way best calculated to contribute to the delivery of emissions reduction targets”

(Climate Change (Emissions Reductions Targets) (Scotland) Act 2019), and

“in exercising any functions, to further the conservation of biodiversity so far as it is consistent with the proper exercise of those functions”

(Nature Conservation (Scotland) Act 2004)

- 8.2 The City of Edinburgh Council declared a Climate Emergency in 2019 and committed to work towards a target of net zero emissions by 2030 for both city and corporate emissions and embedded this as a core priority of the Council Business Plan 2023-27. The Council also declared a Nature Emergency in 2023.

Environmental Impacts

- 8.3 There are no environmental impacts.

9. Risk, policy, compliance, governance and community impact

- 9.1 The overarching risks resulting from these pressures are compliance and financial. The HEAP has a target of reducing void Council homes to 650 by 31 March 2025, with an allocation target of 75% of these void properties to homeless households, and 75% of that being allocations to homeless households in unsuitable accommodation. Unsuitable accommodation is the most expensive type of temporary accommodation we use to house homeless households, and as set out in this report we are currently seeing a medium term increase in homeless numbers.
- 9.2 The financial risks equate to a projected increased spend of £12m, and an ongoing reliance on unsuitable accommodation to house those presenting as homeless. This risk is not currently factored into the estimated savings gap of £30m in 2025/26 which was reported to Finance and Resources Committee on 19 September.
- 9.3 A risk and scenario planning session took place on 19 August 2024 to ensure we are capturing all relevant corporate risks.

10. Background reading/external references

- 10.1 [Housing Emergency declaration 2nd November 2023](#)
- 10.2 [Housing Emergency Action Plan 27th February 2024](#)
- 10.3 [SHIP update report 14th May 2024](#)

11. Appendices

Appendix 1 - Ten year homelessness trends

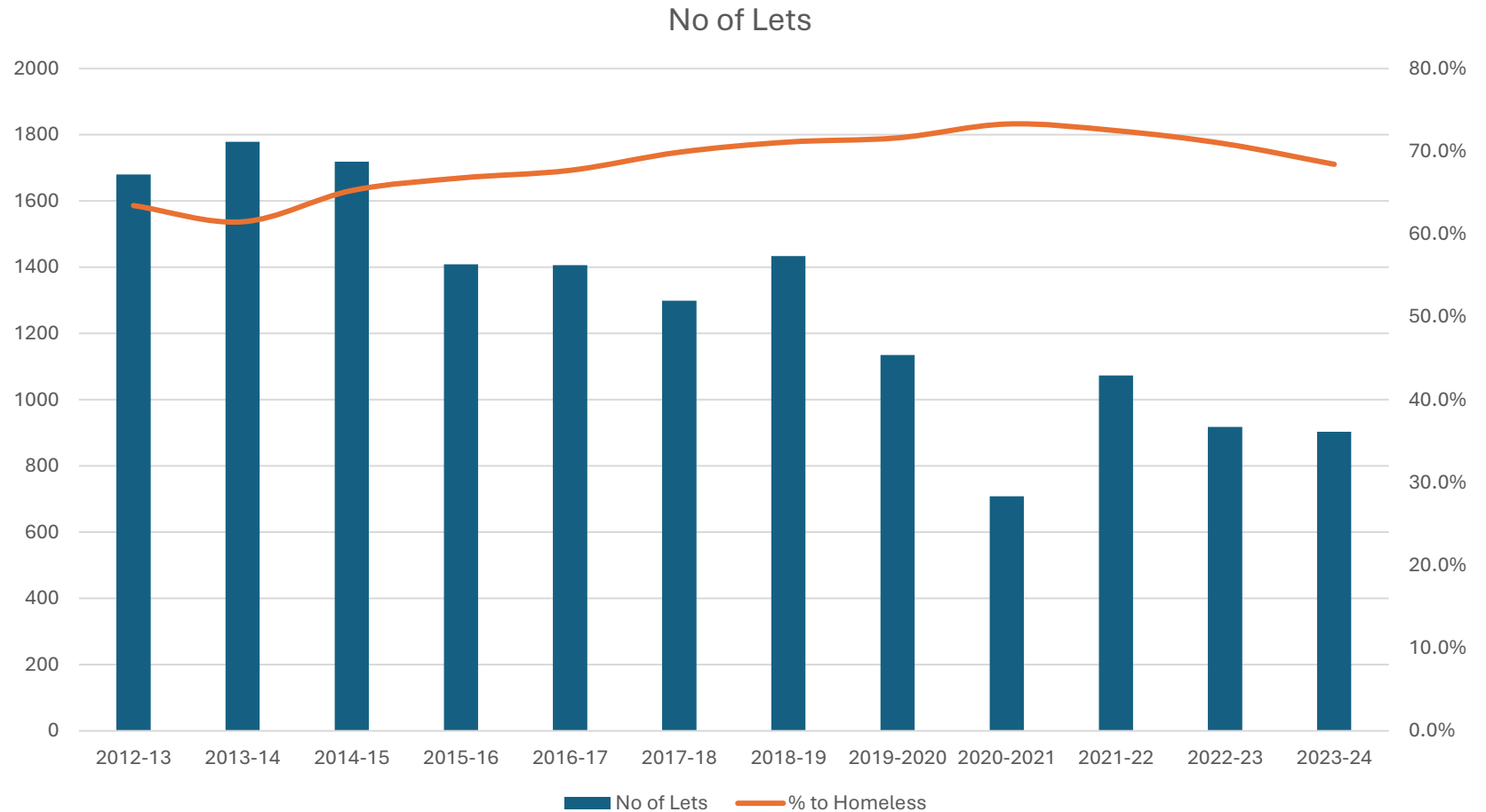
Appendix 2 - analysis of the presentations during the period March to June 2024

10 year trend data on homelessness services

October 2024

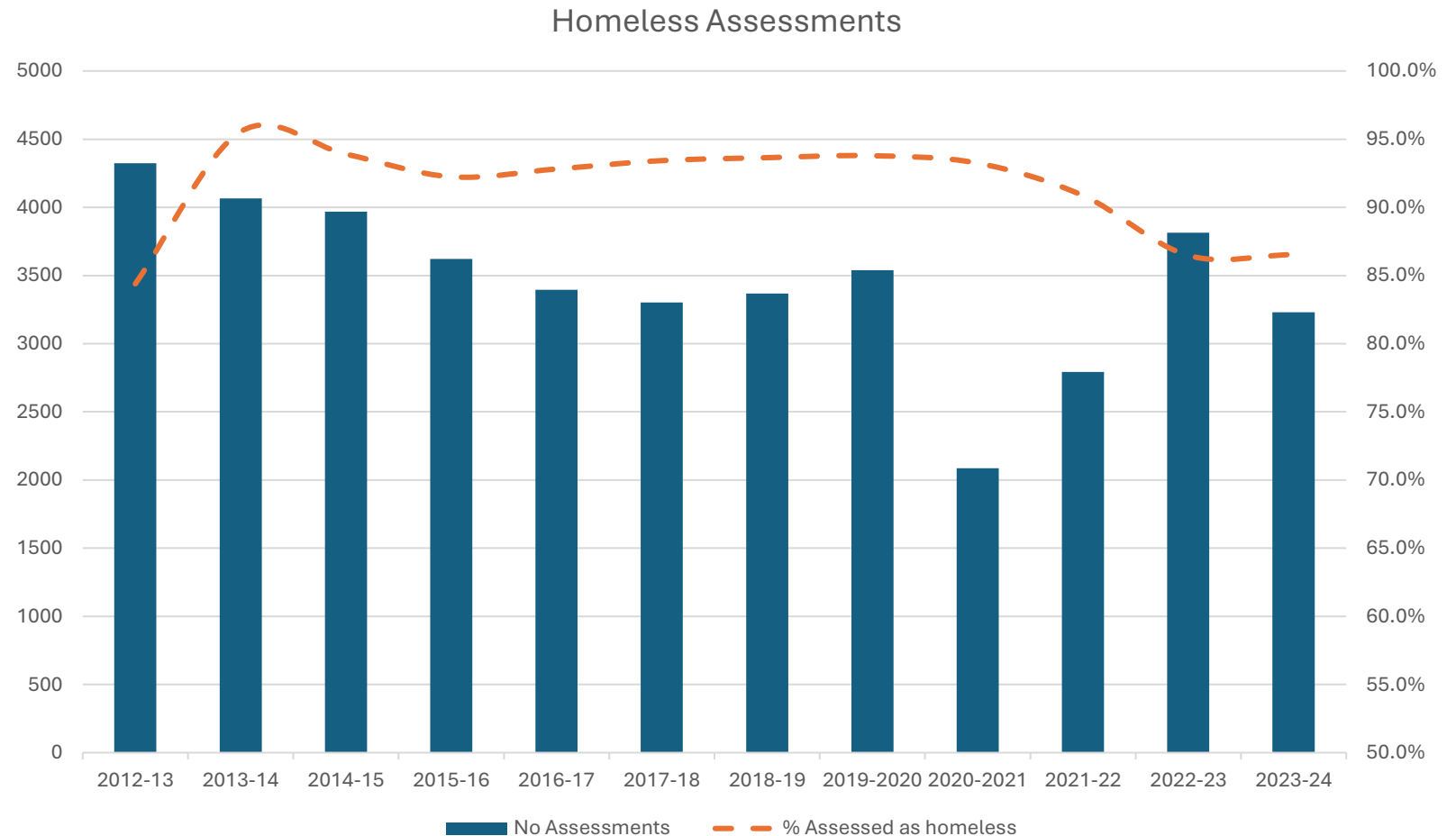
CEC Lets

- In 2012-13, there were 1,680 CEC lets. In 2022-23, there were 918. A reduction of 45%.
- In 2012-13, 63.5% of all CEC lets went to homeless households; in 2022-23, 70.9% of all CEC lets went to homeless households.
- As at end of January 2024, there have been 903 CEC lets, with 68.4% going to homeless households.



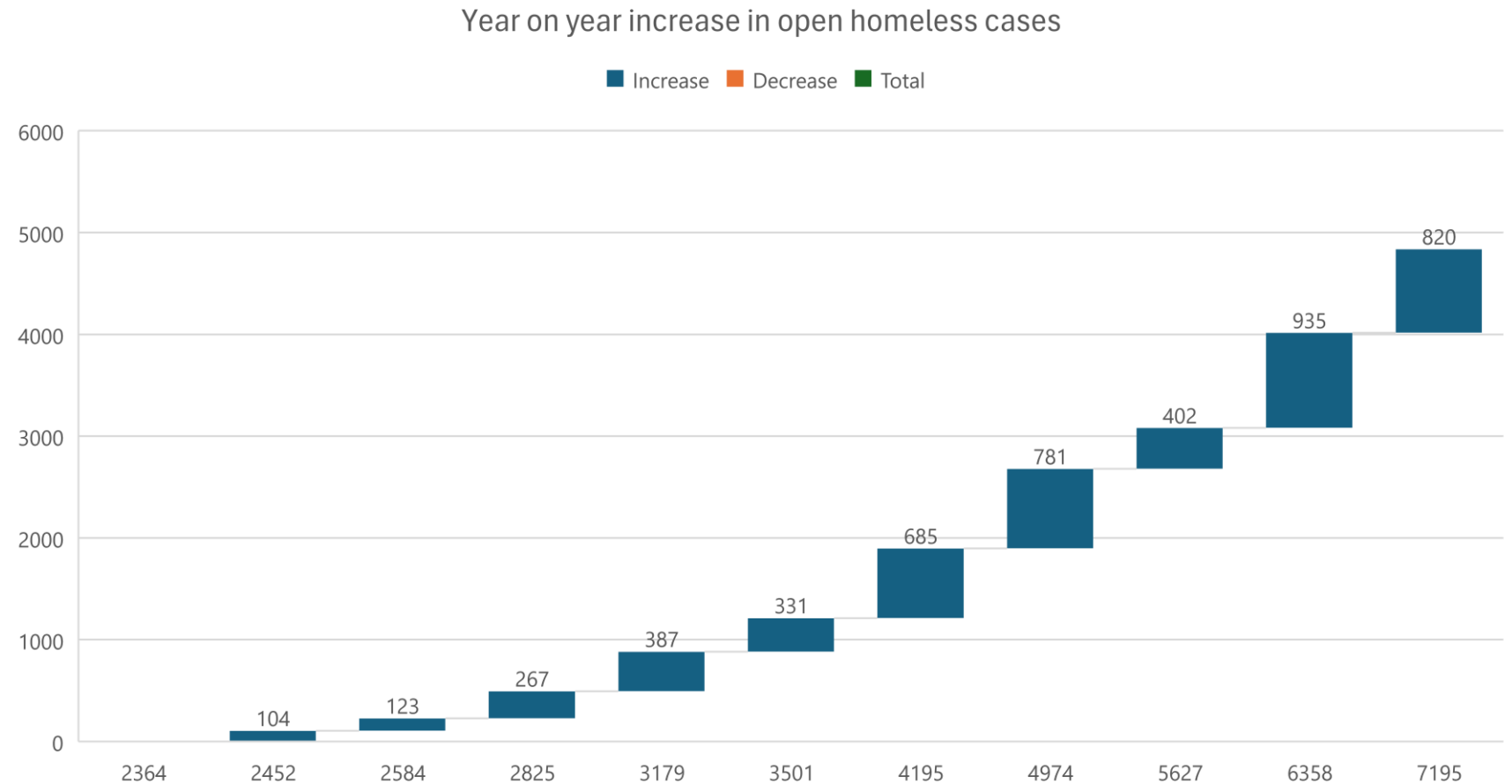
Homeless Assessments

- In 2022-23, there were 3,815 homeless assessments completed with 86.5% of households assessed as being statutorily homeless.
- It is likely there will be greater than 3,870 homeless assessments in 2023-24.
- Whilst there had been a reduction in homeless assessments between 2012-13 and 2016-17, excluding the covid years, there has been increased assessments over the last 2 years. This is replicated Scotland wide.



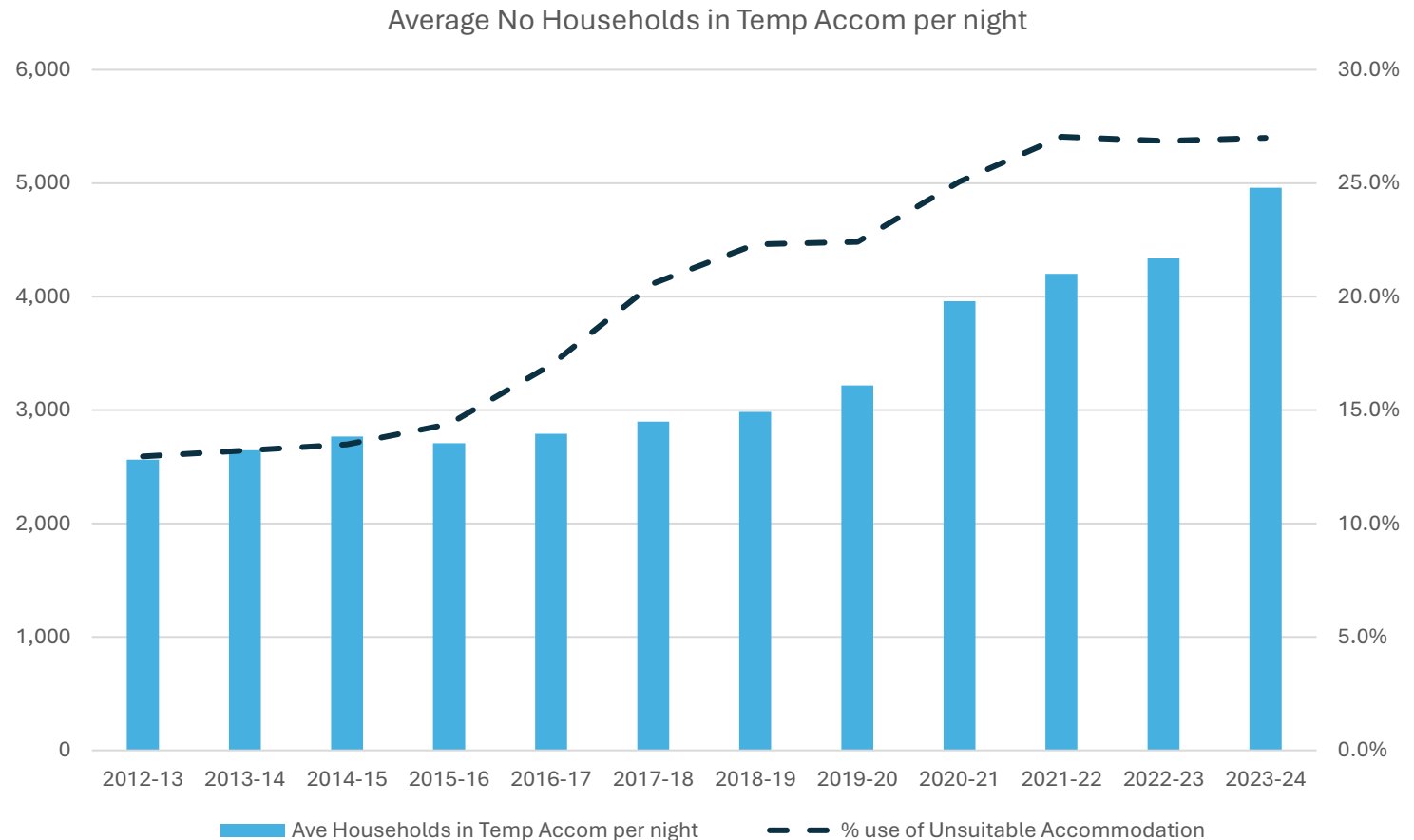
Open Homeless Cases

- For each of the last 12 years, there have been more homeless presentations each year than homeless cases closed.
- This has led to a net increase of around 5,700 cases.



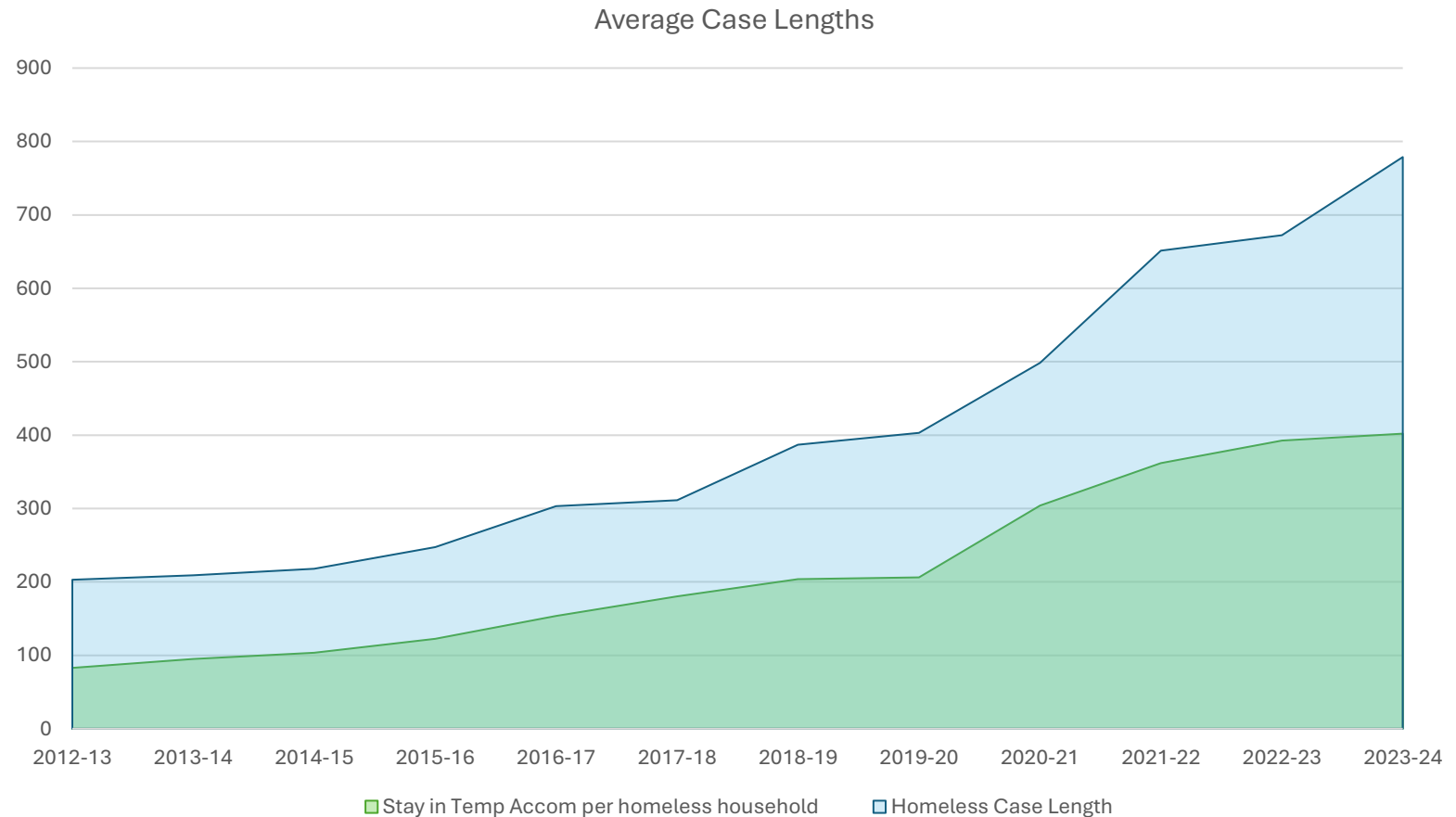
Households in Temporary Accommodation

- In 2012-13, there were on average 2,560 households accommodated in Temporary Accommodation per night, with 13.0% in unsuitable accommodation (as per current definitions).
- In 2023-24, there have been on average 4,958 households accommodated in Temporary Accommodation per night, with 27.0% in unsuitable accommodation.
- This is a 94% increase in households being accommodated.

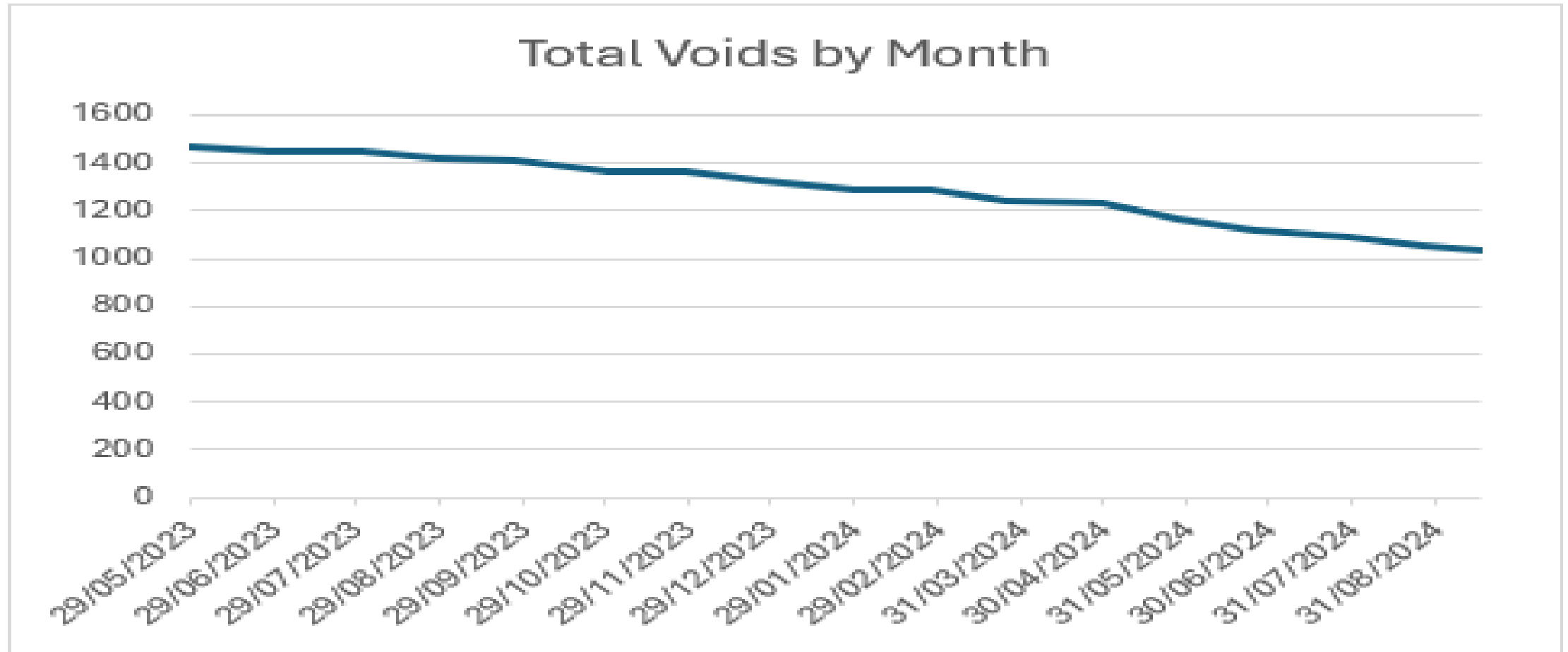


Case Lengths

- In 2012-13, the average case length for a household assessed as statutorily homeless was 203 days. In 2023-24 this has risen to 775 days.
- An increase of 572 days / 284%.
- Over the same period, the time the average household assessed as statutorily homeless and who has required temporary accommodation has increased from 83 days to 402 days.
- An increase of 319 days / 386%.



CEC Void properties since May 2023



Appendix 2 - analysis of the presentations during the period March to June 2024

- 87% of presentations were from households who have recently had a positive asylum decision, 13% were from households from refugee resettlement programmes. This includes members of households who had arrived as children with their parents under previous resettlement schemes, who are now adults seeking homelessness assistance;
 - Of the 87% of households who had recently had a positive asylum decision, the vast majority (52%) of households had previously resided in Home Office accommodation in England. The remainder of households came from Northern Ireland (18%), Scotland (not Edinburgh) (18%), Edinburgh (4%) and Wales (2%), Unknown (6%); and
 - Analysis of the nationality of households found that people come from a wide range of countries, with 22 nationalities represented.
- 1.1 The differences in homelessness legislation in Scotland and England may be a contributing factor in the number of presentations from households who have previously resided in Home Office accommodation in England.
 - 1.2 In England, a person gains a local connection with a local authority area from residing in Home Office accommodation. In Scotland, no local connection is gained from residing in Home Office accommodation, meaning that a person leaving Home Office accommodation can present to a local authority of their choice.
 - 1.3 Furthermore, priority need remains in English homelessness legislation, whilst this no longer exists in Scottish homelessness legislation. This means that single men (which the majority of households are) are not entitled to homelessness assistance beyond 56 days in England but are entitled to full homelessness assistance in Scotland. This includes access to temporary accommodation and settled accommodation.
 - 1.4 The initial projections provided by COSLA suggested that 165 households with newly granted refugee status would present for homelessness assistance in Edinburgh in the first six months. That projection was based on households who had resided in the two Home Office accommodation services in Edinburgh. These two hotels can accommodate 215 people.
 - 1.5 However, as noted above, in the data analysis the presentations for homelessness assistance are mainly from people presenting from England. Therefore, it is likely that the current trend will continue.

Scottish Warm Welcome Accommodation Policy

- 1.6 The Scottish Government has sponsored over 30,000 Ukrainians to come to Scotland since Spring 2022. A recent change to the Scottish Government Warm Scottish Welcome Accommodation policy for UDPs, which came into force in December 2023, means that local authorities must give UDPs two offers of accommodation (one of which must be a tenancy offer). If both offers are rejected a 60 day notice period is served after which time the household must vacate Scottish Government welcome accommodation. If the vacating UDP household is unable to

secure their own follow-on accommodation, then they are directed to present as homeless to a Local Authority.

The re-entry policy states that welcome accommodation is only available for new arrivals under the Super Sponsor Scheme or those with significant safe-guarding concerns. All other arrivals therefore not entitled to welcome accommodation are directed to local authorities for assistance. Non-entitled households potentially include all UDPs who have arrived in the UK through the Homes for Ukraine (213,000), and the Family Visa Scheme (108,000).

- 1.7 Given that Edinburgh is the main arrival hub into Scotland and due to local connection legislation changes the impact on Edinburgh is likely to be significant in comparison to other local authorities.
- 1.8 Edinburgh currently has between 750 and 800 individuals estimated to be living in Scottish Government Welcome accommodation as well as an estimated 900 individuals in host arrangements.
- 1.9 The Scottish Government are currently considering future plans for the Scottish Government Welcome accommodation. As noted above, this accommodation currently has an estimated 750 - 800 individuals, equating to 366 households residing in this accommodation which is procured and funded by the Scottish Government. From this total, 186 households are residing in self-catering apartments, with all others residing in hotel accommodation.
- 1.10 Officers have repeatedly advised the Scottish Government that this passes the financial and accommodation risks to Local Authorities. Discussions are ongoing with Scottish Government officials to identify a collaborative approach to reducing the risks around this issue, and officers are strongly advocating for a model that is cost neutral to the Council.
- 1.11 The impact of this change in policy is evident in Edinburgh with the number of homeless UDP households rising. There were 24 homeless UDP households in temporary accommodation prior to the Move-on and Re-entry Policy being introduced in December 2023, compared to 58 homeless UDP households in June 2024.
- 1.12 A further 16 households have been assessed as homeless but at this time are not being accommodated in temporary accommodation.
- 1.13 Of this increase of 34, only 10 households had any previous connection to Edinburgh. There is a commonly held perception among the UDP community across Scotland that they will have more opportunities for paid employment, education, and support if they relocate to Edinburgh.
- 1.14 Presentations have included UDPs whose host arrangement has ended outside Edinburgh, people who have decided to leave Welcome Accommodation for personal reasons for longer than is permitted, people who are re-entering the UK following a period settled elsewhere, and households who have vacated Scottish Government Welcome Accommodation following a rejection of two offers of accommodation.

- 1.15 Given the trends identified above, officers are projecting an ongoing rise in the number of homeless UDP households in temporary accommodation of 10 per month, rising to 180 by March 2025.
- 1.16 Committee are asked to note that Homes for Ukraine Visas for UDPs were initially for a period of three years, with an 18 month extension announced which could take the Visa period up to March 2027 dependent on when the Visa was issued. Additionally, whilst arrivals have slowed, the Homes for Ukraine visa scheme remains open and over 14,000 Super Sponsor visa holders may still travel to the UK.

Local Connection

- 1.17 The changes to legislation around local connection mean that households are now able to present and receive homelessness assistance, including accommodation, in any Scottish local authority area of their choice. Following a delay to the commencement date, this came into effect at the end of November 2022.
- 1.18 In 2023/24 Edinburgh saw 97 households from elsewhere in Scotland make a homeless presentation with 60 of these going on to access temporary accommodation. Of these, 55 households were assessed as homeless with 32 of these having accessed temporary accommodation. Presentations came from 18 other Scottish local authority areas.
- 1.19 In the first three months of 2024/25, 32 households from elsewhere in Scotland made a homeless presentation with 21 going on to access temporary accommodation. Of these 25 households have been assessed as homeless, with 14 of these having accessed temporary accommodation. Presentations have come from 11 other Scottish local authority areas.
- 1.20 Committee should note that there is no formal mechanism for tracking the impact of households leaving Edinburgh to present at other Scottish Local Authorities as a result of this policy. Therefore, the full impact of this policy is unknown.

Early Prison Release Scheme

- 1.21 Due to rising numbers of prisoners across the Scottish prison estate, the Scottish Government announced plans in May 2024 for an early prison release scheme. This meant that that people sentenced to less than four years in prison were considered for release from custody six months earlier than they would have been. The following prisoners were exempt from consideration:
 - 1.21.1 Those on remand;
 - 1.21.2 Life sentence prisoners, including those on an Order of Lifelong Restriction;
 - 1.21.3 Terrorists;
 - 1.21.4 Those serving an extended sentence; or subject to supervised release orders; or subject to sex offender notification requirements; or liable for removal from the UK or subject to extradition requirements;

1.21.4 Those with convictions under the Abusive Behaviour and Sexual Harm (Scotland) Act 2016, Domestic Abuse (Scotland) Act 2018, or the Domestic Abuse (protection) (Scotland) Act 2021; and

1.21.5 Those who prison Governors believe pose an immediate risk to an individual or groups in the community.

1.22 It was expected that throughout June and July 2024 between 500 and 550 prisoners across Scotland would be released under this scheme.

1.23 In Edinburgh, 13 prisoners were identified for release under this scheme (this was implemented over four x weekly tranches). Of these, five people either had a tenancy to which they could return or someone they could stay with and the other eight were potentially homeless. Three households accessed temporary accommodation.

1.24 Whilst this tranche is complete, officers are anticipating that there may be further instances in the future; though this is dependent on legislative changes by Scottish Government. Officers will ensure Committee are kept updated on this matter.