

Housing, Homelessness & Fair Work Committee

10:00am, Thursday, 18 March 2021

Local Connection: Update

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 Committee is asked to note the delay to any modifications to local connection referrals.
- 1.2 Officers will provide Committee with further updates when more information becomes available.

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Report

Local Connection: Update

2. Executive Summary

- 2.1 This report provides Committee with an update on modifications to local connection referrals. Scottish Government have advised that any changes will not take effect in May 2021 as was expected. No alternative date for the commencement of any changes has been provided.

3. Background

- 3.1 At present local authorities have the power to refer a household they have assessed as homeless to another local authority if they determine that the household does not have a local connection to their local authority area. This is set out in Section 33 of The Housing (Scotland) Act 1987 (the Act). This does not apply where there is a risk of domestic abuse.
- 3.2 Having a local connection to a local authority area is set out in Section 27 of the Act, that is:
- 3.2.1 because he or she is or was in the past normally resident in it, and this residence was of his or her own choice; or
 - 3.2.2 because he or she is employed in it; or
 - 3.2.3 because of family associations; or
 - 3.2.4 because of any special circumstances.
- 3.3 The Homelessness & Rough Sleeping Action Group (HARSAG) recommended that local connection referrals be suspended between local authorities in their interim report which was accepted by Scottish Government in 2018.
- 3.4 The Homelessness etc (Scotland) Act 2003 (Commencement no.4) Order 2019 commenced on 7 November 2019 which allows Scottish Ministers to modify the operation of Section 33 of the Act, which in turn allows local connection referrals of a homeless applicant to another local authority in certain circumstances.
- 3.5 The suspension of referrals between Scottish local authorities will remove the local connection part of the homeless assessment and will mean that households can

choose where to make a homeless application. Households will be entitled to homeless assistance in the Scottish local authority area of their choice, regardless of whether they have a local connection to that area.

- 3.6 Scottish Ministers are obliged to make a statement, within 18 months of Section 8 of the 2003 Act coming into force, setting out the circumstances in which, and the general criteria by reference to which, the power to modify the local connection provisions are to be exercised. This was extended from 12 months as part of the Coronavirus (Scotland) (No2) Act, in recognition of the sectors ability to respond to the statement during the pandemic. The Ministerial Statement will be published by 7 May 2021.
- 3.7 Consultation by Scottish Government invited comments on the suspension of local connection, the closing date for responses was 23 October 2020. Officers submitted a consultation response to Scottish Government by the deadline and a report containing this response was agreed by Committee on 5 November 2020. This highlighted the significant pressures with regards to housing and homelessness in Edinburgh and the likelihood that any suspension of local connection referrals will result in an increase in the number of households seeking homelessness assistance in the city.

4. Main report

- 4.1 Further to the submission officers received an email from Scottish Government Civil Servants on 14 January 2021 to advise that:
 - 4.1.1 As a result of COVID-19 the intention is to bring forward any legislation to modify local connection to the next session of parliament, as opposed to this session.
 - 4.1.2 This is to take cognisance of the current COVID-19 restrictions and the need to restrict movement between local authority areas.
 - 4.1.3 This will allow time to work through issues raised via consultation responses with local authorities and other stakeholders.
 - 4.1.4 The Ministerial Statement will be published by the 7 May 2021 deadline.
 - 4.1.5 All consultation responses have been published on the Scottish Government website, a report analysing the results of the consultation is expected to be available shortly.
- 4.2 Therefore, any changes to local connection will not be in place at the end of May 2021 as was expected. Officers will ensure that Committee is updated on future developments, including any details of a future commencement date.

5. Next Steps

- 5.1 Officers will continue to engage with Scottish Government Civil Servants on this matter.
- 5.2 Officers will provide further updates to Committee as information becomes available.

6. Financial impact

- 6.1 There are no financial impacts as a direct result of this report, however, it is anticipated that the suspension of local connection referrals between Scottish local authorities will result in an adverse financial impact.

7. Stakeholder/Community Impact

- 7.1 N/A

8. Background reading/external references

- 8.1 [Consultation Response: Local Connection – report to Housing, Homelessness & Fair Work Committee, 5 November 20220.](#)
- 8.2 [Consultation papers](#)

9. Appendices

- 9.1 None.