



OFFICIAL REPORT
AITHISG OIFIGEIL

Local Government and Communities Committee

Friday 14 August 2020

Session 5



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LOCAL GOVERNMENT AND COMMUNITIES COMMITTEE

17th Meeting 2020, Session 5

CONVENER

*James Dornan (Glasgow Cathcart) (SNP)

DEPUTY CONVENER

*Sarah Boyack (Lothian) (Lab)

COMMITTEE MEMBERS

*Jeremy Balfour (Lothian) (Con)

*Annabelle Ewing (Cowdenbeath) (SNP)

*Kenneth Gibson (Cunninghame North) (SNP)

*Graham Simpson (Central Scotland) (Con)

*Andy Wightman (Lothian) (Green)

*attended

THE FOLLOWING ALSO PARTICIPATED:

Kevin Stewart (Minister for Local Government, Housing and Planning)

CLERK TO THE COMMITTEE

Peter McGrath

LOCATION

Virtual Meeting

Scottish Parliament

Local Government and Communities Committee

Friday 14 August 2020

[The Convener opened the meeting at 10:00]

Decision on Taking Business in Private

The Convener (James Dornan): I welcome everyone to the 17th meeting in 2020 of the Local Government and Communities Committee. I hope that colleagues had the opportunity to take a short break during the summer recess. I once again thank the broadcasting office for its work in organising the meeting.

I ask everyone to ensure that their mobile phones are in silent mode.

Today's main business will be an evidence session on homelessness and Covid-19. Item 1, however, is consideration of whether to take in private item 3, which will be consideration of the evidence that will be heard at today's meeting. As we are meeting virtually, rather than asking whether everyone agrees, I ask whether anyone objects. If there is silence, I will assume that members are content. No member has objected, so we agree to take item 3 in private.

Covid-19 (Homelessness)

10:01

The Convener: Item 2 is an evidence session on homelessness and Covid-19. Today we will hear about the actions that have been taken by the Scottish Government to tackle homelessness during the pandemic, and we will discuss how we can prevent a return to pre-lockdown levels of homelessness and rough sleeping.

I welcome from the Scottish Government Kevin Stewart, who is the Minister for Local Government, Housing and Planning; Janine Kellett, who is the head of the homelessness and housing-related social security policy unit; and Graham Thomson, who is the supported and temporary accommodation team leader. I am grateful to you for taking time to answer our questions today.

In a moment, I will invite the minister to make a short opening statement. Because this is a virtual meeting, we will take questions in a pre-arranged order. Each member will have up to nine minutes to ask their questions and hear answers to them. I will let members know when they have one minute of their time left. I aim to enforce the time limit fairly strictly; if we all stick to it, there will be time for supplementary questions at the end.

I would be grateful if the minister could state it clearly on the record, if he invites one of his officials to answer a question. Once the minister has made his opening remarks, I will invite members to ask their questions.

Please give broadcasting staff a few seconds to operate your microphones before you begin to ask your questions or provide answers.

I invite the minister to make a short opening statement.

The Minister for Local Government, Housing and Planning (Kevin Stewart): Thank you for the opportunity to join the committee today to provide an update on the work that the Scottish Government and partners have been doing to keep people who have been experiencing homelessness and rough sleeping safe during the pandemic.

It has been a difficult few months for everyone and, of course, the coronavirus outbreak had significant implications for people who were experiencing homelessness, particularly those who were rough sleeping, because they were already more likely to have chronic health conditions.

We acted quickly to move people off the streets and into places of safety by providing more than £1.5 million to third sector organisations in

Glasgow and Edinburgh to fund hotel accommodation and to provide support for people who were rough sleeping and people who have no recourse to public funds.

As a result, we achieved a rapid and dramatic decrease in the number of people who were rough sleeping in the areas where it was most concentrated. I take this opportunity to pay tribute to the dedication of so many partner organisations and individuals during this terrible crisis, and to put on the record my heartfelt gratitude to, and appreciation for, all those who have been involved in making this happen and keeping people safe.

We have also introduced legislation to protect renters from eviction, and we have confirmed our intention to lay regulations that will, subject to their being approved by the Parliament, extend that protection to the end of March 2021.

We also developed plans to ensure that everyone who is experiencing homelessness has access to suitable quality accommodation. That is why the local authorities' rapid rehousing transition plans are a key focus for recovery planning, through ensuring that rapid rehousing is by default the means of moving people out of temporary accommodation and into settled housing.

It is, therefore, more important than ever that we continue our hard work and maintain momentum in our efforts to tackle homelessness and rough sleeping, as we come out of the initial emergency period and into the recovery phase. I therefore asked Jon Sparkes to reconvene, on a short-term basis, the homelessness and rough sleeping action group to make further recommendations on the actions that are needed to end homelessness, in the light of the new crisis. Within weeks, HARSAG delivered its new set of recommendations to me, and we are using them to develop further our recovery plans, and to build on our "Ending Homelessness Together" action plan. I expect to publish an updated action plan next month.

The homelessness prevention and strategy group, which I co-chair with Councillor Elena Whitham of the Convention of Scottish Local Authorities, will help us to drive the plans forward. That group is united in having a vision of a future in which people are moved into their own homes as soon as possible; in which there is no need for night shelters; in which we act on early warning signals to get children and young people back on track and avoid routes into homelessness; in which women who are experiencing homelessness have access to gender-specialist services; in which people are not left destitute by design; and in which homelessness duties are discharged in a way that advances equality.

The work of our partners on the strategy group is being supported by Everyone Home, which is a collective of 27 influential third sector and academic organisations that have come together to support our response to the pandemic. Furthermore, through the change team we are ensuring that people with lived experience are at the heart of informing our recovery plans.

I realise that there are challenges ahead of us in the coming months. Our plans are extremely ambitious, but ambitious is what we must be in order to tackle and end homelessness. I know that if we work together and embrace the opportunity, we can help to ensure that people who experience homelessness and people who are at risk will be supported towards a better future.

I look forward to your questions.

The Convener: You mentioned people who have no recourse to public funds. What impact does that have on your ability to do what you would like to do once we come out of the pandemic? According to the last report that we received, you had not received a response from the United Kingdom Government by 12 July. Have things changed? Are you now in correspondence? Where are we with that?

Kevin Stewart: We have been in constant communication with the UK Government on the matter of people who have no recourse to public funds. I have to say that the policies on having no recourse to public funds will be the greatest barrier to our being able to end homelessness and rough sleeping. During the course of the pandemic, the policies have been put to one side and we have been able to accommodate people, take them off the streets and provide them with the services that they require.

We had hoped that the UK Government would seek to change the policies and allow us to continue to help folks, rather than see people being put into destitution, as is the case. Unfortunately, the UK Government seems to be adamant about bringing back in all the no recourse to public funds policies, which are, in my opinion, completely and utterly inhumane. That means that the Scottish Government, local authorities and stakeholders in Scotland will have to work around those policies, which is absolutely awful.

What has surprised me most about that is that it seemed, when the Prime Minister was questioned just a few weeks ago by committee chairs at Westminster, that he did not understand or know anything about the policies regarding people having no recourse to public funds, and was rightly horrified when he was told what the policies actually mean. However, it seems that although he might have been horrified during that question session, his Government is absolutely adamant

about bringing back into force those inhumane policies.

The Convener: I have a couple of questions on HARSAG; the first ties into your previous answer. Will the policies on having no recourse to public funds have a knock-on effect on your ability to progress recommendations from HARSAG?

Kevin Stewart: Of course they will have a knock-on effect. That is why folks in HARSAG, including Jon Sparkes, have said that the recommendations in the group's report are not only for the Scottish Government, but are for the UK Government. We will continue to lobby hard and to fight the UK Government on the policies on having no recourse to public funds. I know that stakeholders across the country feel the same as we do. As I said, the issue is the biggest barrier that we have in trying to end rough sleeping and homelessness in Scotland.

The policies are inhumane. Many of the folks who currently have no recourse to public funds have come to live and work here, but are now, for whatever reason, on their uppers and need help. However, we are told that we cannot help them. That is very wrong indeed, and I cannot understand any Government's being as inhumane as the UK Government is being on the issue. The PM seemed to recognise that, but the UK Government carries on regardless with the policies. I hope that UK Government will rethink its approach and that we can do our level best for everyone who has chosen to make Scotland their home.

The Convener: Can I just check whether "on their uppers" is an official term?

Kevin Stewart: I do not know whether it is an official term, but it is certainly one that my old grandma used to use quite a lot.

The Convener: What actions from the HARSAG report will be implemented as a matter of priority, and what will be the financial implications for councils and their partners?

Kevin Stewart: In all this, we have to capitalise on the resources that we have already put in. In the past wee while, I have been very much involved in persuading local authorities to look closely at their rapid rehousing transition plans, and to boost the housing first approach so that we can move folks out of hotel accommodation into permanent accommodation with the right levels of support in order that they do not drift back into rough sleeping. That is extremely important. In doing that, we will save a lot of money; it will save spending on crises. Beyond that, doing it right stops the human cost of not doing it properly. Efforts are being made—in some cases supreme efforts—with third sector partners and local authorities to get it right.

I know that there will be impediments to achieving some of the aims, but now, more than ever, we need to work together to ensure that we do our level best for people.

10:15

The pandemic and the emergency period have been absolutely awful, but they have given us the opportunity to ensure that we do our level best for folks who were previously rough sleeping. There have been efforts made by many people in getting folks off the streets. We must capitalise on that and try to ensure that we keep people safe and off the streets in the future. I know that all the partners will do their level best to achieve that.

Sarah Boyack (Lothian) (Lab): It is good to see the housing minister today. I draw attention to my entry in the register of members' interests regarding my previous employment at the Scottish Federation of Housing Associations.

I very much welcome the minister's comments about the importance of housing first. Can he give us an update on how the current plans for how we support people who have been rough sleeping will be sustainable and what will happen as we move into the autumn? My understanding is that there is a major challenge in my city in supporting people through the pandemic. What will happen with the short-term accommodation that they are currently in? For example, hotel accommodation will not be available in the months to come. How can we ensure that we have sufficient housing to move people into, given the crisis in Edinburgh? I think that more than 1,000 families are already in short-term temporary accommodation.

Kevin Stewart: At the outset, I should say that some folks who have been in hotel accommodation have already moved on to other accommodation. That is extremely important to get across. We have not simply moved folks into hotels and left them there. During the course of the pandemic, the right support has been made available and, where possible, many folks have moved on after we have delved and found out what their needs are.

I will not identify hotels if members do not mind, but there is a very good example in Edinburgh. A hotel that has been used in Edinburgh has basically become an all-singing, all-dancing hub that has brought services together probably better than ever before. We have to learn lessons from that to ensure that we are getting it right for folks and that, when we move people on, we do that with the appropriate support. Ms Boyack is right to point out that we need to get that right and that there needs to be the right accommodation with the right support.

Obviously, I am very well aware of the difficulties that there sometimes are in obtaining accommodation in Edinburgh. That is why the Government has put so much affordable housing money into the capital city. Edinburgh has also benefited from underspends that other authorities have, unfortunately, had.

We need to look beyond the social sector, as well, and use everything at our disposal to be able to house folks. In recent times, I have provided resources for a pilot project with the Cyrenians, Streetwork and—oh, gosh—another organisation. I beg your pardon; I will come back to that. That was to look at how we can also utilise the private rented sector in Edinburgh so that we can maximise the amount of accommodation that we have in the capital city. The three organisations involved are Streetwork, Cyrenians and Crisis—I apologise to Crisis for forgetting its involvement in the pilot.

Sarah Boyack: I very much welcome the cross-agency work that is being done, which is fantastic and inspiring, but I continue to have concerns about the longer-term transition period. I welcome the minister's comments about the private rented sector. We face a big challenge with short-term lets because we have lost permanent housing in the city. The issue is how we provide additional accommodation at scale, given that we already have a housing crisis, not just with people who face homelessness but with people who have experienced domestic violence during the pandemic or families who are in inappropriate accommodation. Although the past investment is welcome, the challenge lies in the scale of the crisis.

Can you give us any reassurance on how we can support people with permanent accommodation on the scale that we need, not just in Edinburgh but in other parts of the country, too?

Kevin Stewart: Ms Boyack mentioned the short-term lets situation. As I have already reported to the committee, we had to pause the short-term lets work during the pandemic. However, I have said that we will ensure that all the new regulations are in place by the end of March 2021, which was what we previously agreed. We are having to fast-track that work after the pause. That might present an opportunity, as Ms Boyack has pointed out.

Through the affordable housing supply programme, the Government has invested heavily in Edinburgh and across Scotland. There has been a pause on that during the pandemic, but we are now able to move forward with delivery. We will reach the target of providing 50,000 affordable homes, but not in the time period that we envisaged. That is extremely unfortunate, but I am

sure that folk understand the reasons for that. Beyond that, as the committee is aware, the Government has put in place £300 million for the 2021-22 financial year to ensure that the investment in affordable housing is not paused. Obviously, we must look to build on that.

As Ms Boyack knows from her previous job, stakeholders in Scotland are very much up for what the Government has set out that it wants to achieve when it comes to affordable and social housing. I pay tribute to the local authorities, the housing associations and the construction industry, which have helped us to deliver on our ambition in Edinburgh and beyond. We need to continue that work as we move forward.

The Convener: Sarah, you have one minute left. If you want to ask a very brief question, we can try to get a brief answer.

Sarah Boyack: I have two brief comments to make. First, I want to follow up on the issue of short-term lets. Secondly, I very much welcome the commitment to additional social housing. The challenge is getting it in place as quickly as possible, given the housing crisis, which pre-dated the pandemic. I look forward to hearing from the minister on those issues.

Kevin Stewart: Convener, I should also have mentioned that we are making changes to the unsuitable accommodation legislation, to ensure that we eradicate unsuitable accommodation.

Beyond that, if local authorities want to buy homes off the shelf or take stock back into local authority or housing association control, there is flexibility in the affordable housing supply programme for them to do that at the moment. Local authorities need to talk to my officials on the ground about that. Those have to be the right homes in the right places, but that flexibility is there, which the City of Edinburgh Council, as well as other local authorities, might want to consider.

Graham Simpson (Central Scotland) (Con): Before I get into my questions, I note that this might be my final meeting as a full member of the committee, should Parliament approve changes to committee membership next week. I might continue as a substitute. I say to all committee members and the convener that it has been an absolute pleasure to serve on the committee.

I have worked closely with the minister over the years. We have not always agreed, but we have always had a professional relationship, and I thank him for his help and assistance over the years.

The minister referred to the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2020. I think that he will be aware that Crisis has said that the wording of the order, which was extended to cover all homeless households,

should be tightened up. Will he say something about that?

Kevin Stewart: I am not aware of comments from Crisis on that. I will go away and have a look at that, and I will talk to Crisis and perhaps to Graham Simpson about some of those issues. It might well be that I am missing or not remembering something; I cannot think of anything off the top of my head about that.

We continue to talk about the unsuitable accommodation order with stakeholders, including local authorities and third sector partners. Some folks were not happy about us bringing in the new unsuitable accommodation legislation during the emergency period, which is earlier than planned. I have not explained this to the committee before, but I have explained it to many others. We were going to bring in the unsuitable accommodation order and regulations in March 2021. However, I did not see the point in bringing in legislation in the emergency period, only for it to possibly lapse, and then bringing in a new order in March 2021.

How we have done that has caused some consternation, which I understand. We have put in place a group of folk to continue discussions on the unsuitable accommodation order in order to iron out some of the difficulties that folk perceive there to be. I will look at what Crisis has said, and we can have further discussions with the unsuitable accommodation order group to find a way to come to an agreement and make everyone as happy as possible.

Graham Simpson: That is okay. It relates to the Everyone Home collective; there have been some comments on the wording of the order. I am happy to send a briefing to the minister explaining the concerns, rather than taking up time today. I will do that as soon as the meeting has finished.

I have a question about the extension of the no-eviction period, which the First Minister announced on Wednesday during First Minister's question time. Has that been discussed by your resilience group?

Kevin Stewart: I did not catch which group Mr Simpson mentioned there, convener.

Graham Simpson: There is a resilience group that meets, which you chair, Mr Stewart.

10:30

Kevin Stewart: There are three resilience groups. I have been meeting regularly with the chairs of those local authority, social housing and private rented sector groups—those meetings are now fortnightly.

I do not think that it would have come as a surprise to those folks that we were going to move

towards extending no-evictions policies. I have said to folks for quite some time that we would likely do so.

As the committee is well aware and as the First Minister pointed out, we have to evidence to Parliament the reasons for that extension, which we will do, because we have been gathering evidence as we have moved forward. I hope that Parliament will agree to that extension.

There are some debates around the eviction scenario when it comes to antisocial behaviour or to criminality and we will look carefully at the evidence that we have gathered on that front before coming to decisions on those areas of the extension. However, I do not think that it will have come as a surprise to many that that is how we plan to move forward.

Graham Simpson: When we introduced the no-eviction measure in the emergency legislation—I think that it was in the Coronavirus (Scotland) (No 2) Act 2020—there was concern that preventing evictions would have a knock-on effect on social and private landlords, so you introduced a loan fund that landlords could apply to. What has been the uptake of that fund?

Kevin Stewart: First, Mr Simpson asked earlier about the issue that Crisis raised—I have just had a message saying that it is a drafting issue to do with the guidance, which we will fix. I do not know what that drafting issue is, but we will fix it. That shows how modern technology can work in these circumstances—you dinna need to have a note slipped to you, which happens when you are in the committee room.

On the non-business landlord statistics, from 5 May to 7 August, 86 applications were received. Of those, 26 were rejected. Thirty loans have been offered and 30 loan applications are in process. The value of the loans paid out so far is £116,124.

Graham Simpson: That does not sound like a massive uptake. Convener, would you be able to give me more time?

The Convener: Given that it is your last appearance at the committee, I am happy to give you an extra minute.

Graham Simpson: You are very generous, convener.

The Convener: We will miss him.

Graham Simpson: I will move on to another issue, then. In a recent discussion that I had with Shelter Scotland, it was suggested that rough sleeping is creeping back. It is possibly just a slight rise; nonetheless, it is a rise. Are you hearing that too, minister?

Kevin Stewart: We had reduced the number of folk rough sleeping to a handful. In most cases

throughout the lockdown, the numbers have been fewer than 30; 30 is highest number that I have heard. Since the relaxation of lockdown, there have been opportunities for some folk to go back to street begging and to their old ways. However, organisations such as Simon Community Scotland and Streetwork continue to engage with folk to try to get them back inside.

The supreme efforts of some of those groups have been immense. I have regularly spoken to folk who have been rough sleeping, sometimes for a long time, and, to be honest, I thought that some of them would never go inside. However, the efforts of the front-line teams have been immense, and those efforts continue. There has been drift, but we are doing our level best to get folk back inside and to move them on into suitable accommodation.

The Convener: I record my thanks to Graham Simpson for carrying out his duty while on the committee. He has been a valued committee member. He joined the committee before I did. It is fair to say that we have not agreed on everything, but we have always worked constructively to try to get things done. It will be interesting to see who his replacement will be, and I hope that we will have a similar working relationship. Good luck with your new position, Graham.

Annabelle Ewing (Cowdenbeath) (SNP): I echo those comments about Graham Simpson. We will see yet another new member coming.

The minister has talked at length about the substantial efforts that have been made to tackle homelessness during the initial stages of the pandemic and how successful they have been. Those efforts have involved everyone—every agency and part of government and the third sector have pulled together, which has been hugely successful.

We have heard about the no recourse to public funds spanner in the works. When it comes to sustaining the excellent work that we have seen in the past months, what impact will the UK Government's social security cuts have on efforts to maintain the position that we have managed to achieve?

Kevin Stewart: The impact of social security cuts is immense. The no recourse to public funds policy is, as I have said, one of the biggest barriers that we have to ending rough sleeping in Scotland.

During the pandemic, I have taken part in calls with UK ministers about some of the issues that we have faced. Some of the things that have happened have been beneficial, but many of the measures that they have put into play are short term. For example, the changes that were made to local housing allowance meant that we could utilise more housing in the private rented sector in

many places in Scotland, particularly in Edinburgh. However, we have no guarantee that that will be a permanent fixture; we might have to go back to the default position on that, which would cause us a lot of grief, particularly in Edinburgh.

During the pandemic, we provided £600,000 to ensure that people with no recourse to public funds in Glasgow and Edinburgh were provided with suitable hotel accommodation. We also provided an additional £275,000 to support the basic needs of those people during the emergency period. We would not have been able to hand out that money if there had not been that relaxation, and we will go back to the default position of not being able to help people who are destitute. Without doubt, that is inhumane, which is why the UK Government needs to change its mind, accept some kind of reality and allow us to help people who are in need.

Although the first emergency period is over, local lockdowns are coming into play in places where the virus is spreading again. I am sitting in a back bedroom in Aberdeen during a local lockdown. Is the UK Government truly saying that, when that happens, we are unable to help folks whom it deems to have no recourse to public funds? Quite frankly, if that is what it is saying, it is putting everyone at risk. The UK Government needs to have a massive rethink. The Prime Minister needs to think again and reflect on what he said at the Westminster Liaison Committee meeting a while back when he seemed to be unable to comprehend the policy, and he needs to get rid of it.

Annabelle Ewing: The minister talks about the need for UK Government ministers to accept reality. Given that many senior UK Cabinet ministers think that it is wise for someone to drive around for 30 minutes to test their eyesight, I suggest that reality and the UK Government are not necessarily that closely intertwined.

In my final few minutes, I turn to another issue. I am well aware of councils' current policies of directing their focus during the Covid period to homelessness cases and to cases involving domestic abuse. I have constituents who are desperate to move to a different council house because their circumstances have changed. For example, their families might have expanded, or it might be for one of a host of other reasons. As I understand it, Fife Council has paused its general council housing application process. Does the minister have more information on the general position in Scotland? When might we see a shift towards looking at the position of the many constituents of mine who have been in touch with me week in and week out on that issue?

Kevin Stewart: I pay tribute to local authorities and housing associations for dealing with

allocations, some of which had to happen during the worst of the lockdown. In particular, I pay tribute to South Lanarkshire Council, which seemed to operate above and beyond the call of duty in allocating even during the worst period.

10:45

As we move forward, allocations policy has to be looked at carefully. Ms Ewing is right that allocations should be focused on folks who are homeless and are dealing with family breakdown situations that have occurred during the course of lockdown, and, in particular, on rehousing people—women, in the main—who have faced domestic abuse.

Although it is not in my gift to set allocations policies, my expectation is that local authorities and registered social landlords prioritise folks who find themselves homeless at the moment and folks who faced domestic abuse and family splits during the lockdown.

I recognise that others might have desperate needs, which is why I would never say that 100 per cent of allocations should go to the groups that I have mentioned. However, in the short term, significant amounts of housing need to be allocated to folks who have experienced homelessness, domestic abuse or family breakdown.

Annabelle Ewing: Convener, can I—

The Convener: I am sorry, Annabelle, but we must move on to Andy Wightman.

Andy Wightman (Lothian) (Green): I have a few questions of clarity and fact that do not require long answers.

On 29 March, the First Minister said that the coronavirus legislation

“will ensure that no one can be evicted from their home during this crisis.”

Similarly, during First Minister’s questions this week, she said:

“Our clear intention is to ensure that nobody is evicted as a result of the crisis that we are living through.”—[*Official Report*, 12 August 2020; c 14.]

Of course, the legislation extends the notice period for most eviction grounds to six months. I have a constituent who was served a notice to quit on 6 July this year, which means that they have to be out by 9 January 2021. Even if the coronavirus legislation is extended until 31 March 2021, that person will be evicted from their homes during the crisis that we are living through, will they not?

Kevin Stewart: By extending the notice period that a landlord must give, we are ensuring that tenants have time to access available support in

the short term and, if necessary, have time to plan for the longer term, including finding a suitable alternative housing option as we recover from the unprecedented crisis.

Where a tenant has received a notice to leave, I urge them to access the advice and support that is available to them. Where an application for eviction is subsequently made to the tribunal, the Coronavirus (Scotland) Act 2020 ensures that all private rented sector eviction grounds are discretionary. Previously, if a tenant was in more than one month’s rent arrears on the day of a tribunal hearing, the granting of that eviction would be mandatory. However, the changes that we have put in place through the emergency legislation, which we are extending, mean that a tribunal now has discretion to take all matters into account, including the impact that Covid-19 has had on the tenant, and that could result in it refusing the eviction order.

Andy Wightman: It could, but it does not necessarily mean that it will.

The first coronavirus legislation report to Parliament in June 2020 stated:

“The Scottish Government is developing a process to analyse the immediate impact of the extended notice periods. This analysis will be used to help inform the future assessments of continued necessity of these provisions.”

Has that process now been concluded? If so, what are the results of it?

Kevin Stewart: We are looking at data that we receive from a number of sources, all of which will help us in determining how we move forward. Of course, we will report to Parliament on our findings on that. I do not have all the information on the analysis at my fingertips, but I am more than happy to write to the committee to set out how we are dealing with that.

The Convener: That is helpful—thank you.

Andy Wightman: It would be helpful. I raise the matter because HARSAG has reconvened and produced a helpful report on 14 July, and I understand that the Scottish Government has accepted all the recommendations in principle. Recommendation 44 states:

“There should be no evictions into homelessness from the Private Rented Sector or social housing sector until at least April 2021.”

How is that to be achieved, given that there is no guarantee that any tenant who is served with a notice to leave—for example, my constituent who was served on 9 July—will not be evicted into homelessness? How is that recommendation to be implemented?

Kevin Stewart: As Mr Wightman rightly points out, the Government has agreed to all of the recommendations in principle. Some of them will

be more difficult to implement than others. The Government will set out and publish in late autumn how we are going to respond to and deal with each of the recommendations. We will deal with all of them individually. As I pointed out in answer to previous questioning, some of the recommendations are not for us, but we will have to work through them and try to deal with that, too. At the end of autumn, we will publish information on exactly how we will move forward on all those fronts.

Andy Wightman: I understand that, in one particular case that is reported in a recent tribunal judgment, the tenant acknowledged that they were in arrears, accepted a notice to leave and presented themselves as homeless to their local authority. However, the local authority told the person that they could not present as homeless until they had an eviction order granted by the tribunal, which forced her to contest the issue, go through the tribunal and get the order. Is that your understanding of the basis on which private rented sector tenants should, as a matter of either policy or law, be entitled to present as homeless?

Kevin Stewart: I am not aware of that case, but I will look at exactly what was said at the tribunal and at what the tenant was told by the local authority. In such situations, I expect that logic, and not necessarily just guidance, should come into play. I will look at what happened in that particular case and get back to the committee on the points. Beyond that, if there need to be changes of policy or guidance on some issues, I am more than willing to consider that to ensure that local authorities act with common sense in order to help people out.

Andy Wightman: That is helpful. I will endeavour to send the particular judgment to the minister—it is not the only judgment that makes reference to that issue.

I have raised with the minister previously the issue of why the private rented sector resilience group continues to have no representation on it from organisations that represent private sector tenants. In a written answer to me, the minister said that Shelter Scotland and Citizens Advice Scotland represent tenants, but of course they do not. Is it still the minister's position that it is appropriate for there to be no representatives of private tenants on the private rented sector resilience group?

Kevin Stewart: As I said to Mr Wightman in my written answer, Shelter Scotland and Citizens Advice Scotland do an absolutely amazing job in representing the views of private rented sector tenants. As they deal with private rented sector tenants on a daily basis, they can give the views of hundreds, if not thousands, of folk who come to them with difficulties.

Beyond that, I know for a fact that some of the folk who are on the group are themselves private rented sector tenants.

Jeremy Balfour (Lothian) (Con): Good morning. As for Graham Simpson, this might well be the last meeting that I attend as a member of the committee, as I am moving on, and I want to thank the convener and the rest of the committee. I have not been on the committee that long, but I have very much enjoyed my time on it, and I wish members well for the next few months.

I echo what the minister said at the start. I think that the third sector and local authorities have done an amazing job on homelessness, and a lot of credit should go to everyone who has been involved in that work.

As we move into the autumn, as Sarah Boyack said, none of us wants to see rough sleeping, but it is likely that there will still have to be night shelters in Edinburgh and Glasgow, certainly for a few months. How will that work in practical terms? What work is the Scottish Government doing to help the third sector to provide those shelters, even if they need to be available for only a short period?

Kevin Stewart: I know that Mr Balfour has been heavily involved with the Bethany Christian Trust over the years, and I pay tribute to him and to it for the efforts that they have made to help homeless folk over the piece.

I will be honest: I do not like night shelters, and I think that we need to move away from that kind of service delivery. However, I recognise that, in the short term, there might well be a need for some such provision over the winter months. That provision must be very different from what has been provided previously, as Bethany and the Glasgow City Mission recognise. We cannot have the situations that we have had previously, with people together in close proximity, because that could act as a Petri dish for the virus.

We are lucky in that we have not had a huge number of coronavirus cases in the homeless community, although there were scares at the beginning of the pandemic, as Mr Balfour is well aware.

We are looking, with partners, at what kind of provision needs to be put in place for the coming winter. I hope that that provision is not utilised to any huge degree. The provision must be designed in a different way to ensure that we do our utmost to protect folk, and I know that the Glasgow City Mission and Bethany are involved in positive discussions with my officials on what the requirements in that regard will be.

Jeremy Balfour: I point out that I came off the Bethany board in June this year.

Like the minister, I do not like night shelters and I wish that they were not there. However, I recognise that perhaps we have to have them for a short period.

As the minister will be aware, the night shelters in Edinburgh and Glasgow have no public funding; funds are raised by the charities themselves. In the circumstances, will he consider a funding package, at least for this year, to help them to do what they have been doing?

11:00

Kevin Stewart: As I said, we are in discussions with those organisations. We recognise that what has to be delivered has to be delivered differently and at a cost. We will consider all that as we move forward.

We have a job of work going through with the Glasgow city health and social care partnership, City of Edinburgh Council, Bethany Christian Trust and Glasgow City Mission, and we will take on board what all those folk have to say about the issue as we move forward.

We will consider the funding, but I point out to Jeremy Balfour that local authorities have the responsibility for this. We will look at it carefully.

The Convener: Before we move to the next question, I express my thanks to Jeremy. He has not been on the committee as long as Graham Simpson, but his concise method of questioning as produced good answers from ministers in the period that he has been with us. It will be interesting to see who takes your places on the committee, and I wish you both good luck with whatever you move on to.

Kenneth Gibson (Cunninghame North) (SNP): I mourn the imminent departure from the committee of Graham Simpson, whom I have seen more as a father figure than a colleague—or perhaps as a slightly befuddled and bewildered old uncle. I also wish Jeremy Balfour all the best; he has not been on the committee quite as long as Graham Simpson, but he has made a significant contribution, too.

I declare an interest as someone who rents out a private tenancy. As someone who also has a tenancy, I received an eight-page letter from the minister a few days ago. It is dated 5 August and is headed, “Supporting private rented tenants during the Covid-19 pandemic”. What prompted the minister to distribute that letter? Was it distributed to every private tenant in Scotland? If not, does he have plans to do that?

Kevin Stewart: It was distributed to all private rented sector tenants in Scotland that we know of in order to put across exactly what their rights are and to explain where they can access help. The

letter follows on from a communication from me that was sent to all social housing tenants in Scotland. However, this one goes further. As Kenneth Gibson rightly points out, there is a huge amount of comprehensive information in the body of the letter to ensure that we get things right.

Where did the idea come from? It came from tenants and the private sector resilience group. There were discussions on the timing of the letter. Some folks wanted to issue a letter earlier, but we would not have been able to capture all the information that we have put in the communication that has gone out, so I think that the timing has been right. There has been a lot of interest in the letter, and a lot of folk have already accessed help and further information.

Kenneth Gibson: I think that it is invaluable. It has been produced with the co-operation of Public Health Scotland, Citizens Advice Scotland and Shelter Scotland, so it is a co-operative document.

A report that came out recently was “A Stronger Scottish lifeline in the economic storm”. On tenants, it said:

“Government should prepare to step in where tenants are independently assessed as being unable to pay.”

In the letter that you have distributed, there is a section on universal credit in which how to apply for universal credit is talked about. Universal credit is not devolved, of course. Where do you think the remit of the Scottish Government ends and that of the UK Government begins? What is being done to ensure that co-operation is seamless? We have heard from Andy Wightman and others about tenants who are in difficulties, for example. How can we ensure that we do not have that problem and that tenants do not fall between cracks?

Kevin Stewart: One of the reasons for those letters is to try to signpost folk to help and where they should go if they are in difficulties. Mr Gibson is right to point out that the Scottish Government does not control universal credit or housing benefit. We have said from the very beginning that folks should access the UK benefits system if they are experiencing difficulties with paying rent and that folks who can pay rent should pay rent during this period. The emergency legislation does not mean a rent holiday. If a person rents, they should be paying rent. If they cannot do so, they should apply for universal credit and housing benefit. If that payment is not enough, they can access discretionary housing payments through local authorities.

The Scottish Government has added an extra £5 million over the piece to deal with the emergency that we face. However, it cannot mitigate every aspect of the failings of the UK benefits system. I am not in charge of the £22 billion—I think that that is the figure—that is spent

on housing benefit in some way, shape or form in the UK, but I wish that I were in control of housing benefit, as we would do things very differently in Scotland. However, folks should access universal credit and housing benefit, which are still, unfortunately, part of the UK Government's remit.

Kenneth Gibson: The National Residential Landlords Association has said that 95 per cent of tenants are continuing to pay their rent as normal during the pandemic. However, the committee has been advised that, in the social rented sector, the Glasgow and West of Scotland Forum of Housing Associations has suggested that some tenants are taking the emergency legislation to protect tenants from eviction as an opportunity not to pay rent. Do you have any evidence on whether that is the case? If so, what is the scale of that? If that is taking place and social rented landlords are losing money, is the Scottish Government doing anything to help them with additional funding to replace any lost revenue?

Kevin Stewart: I am aware of the letter from the Glasgow and West of Scotland Forum of Housing Associations. It will come as no surprise to the committee that the forum has written to me about those issues. We as a Government will continue to gather evidence on what is happening out there and look to see what can be done.

I simply reiterate what I have just said: people should be paying their rent if they can afford to pay their rent. With the emergency legislation, there is the ability for folk to stop paying if they cannot pay. If they cannot pay, they should immediately get in touch with their landlord to see what help can be provided to them and get the advice that is required to access the support that is out there if they are having real difficulties. However, if you are in work and your income has not changed, you should be paying your rent. It is as simple as that.

Kenneth Gibson: My final question is on antisocial behaviour. When I was a councillor, as I was in Glasgow for seven years back in the 1990s, the most difficult issue that I had to deal with was antisocial tenants. In those days, the majority of such tenants were local authority tenants, but things have changed and they exist across all sectors to a greater extent than before, proportionally speaking.

What is happening with antisocial behaviour? Is it happening on the same scale as before? Has there been a spike? What is being done to address antisocial behaviour? Most tenants do not really take any interest in whether their neighbours are paying their rent, but if their neighbours are causing difficulties and making their lives a misery, that is a real issue that they want to see tackled. Although we are all sympathetic on the rent issue, I do not know that many of us have a lot of

sympathy for people who behave in an antisocial way towards tenants and others.

Kevin Stewart: It would be fair to say that there seems to have been a spike in the level of antisocial behaviour in certain areas; in some cases, there has been real criminality.

With lockdown and all the rest of it, some folk's tolerance levels are low, which is understandable. However, in many cases, we have seen an increase in antisocial behaviours. The issue has been among those that have been at the forefront of discussions that I have had with front-line staff from housing and homelessness hubs who are having to deal with it daily. Such behaviour is unacceptable and, as we move forward, we need to look at whether we should extend provisions in some of the areas in question to deal with some of the significant difficulties that people and communities are facing because of antisocial tenants.

The Convener: If the police think that the safest way to protect the security of other residents is to move the family out, is there scope for that? Kenneth Gibson has raised an important issue.

Kevin Stewart: It is difficult for me to talk about hypothetical cases. I am sure that we all have cases of antisocial behaviour in our constituency mailbags, and we sometimes think that it should be easy to deal with a case. However, sometimes it is not so easy just to move people out to deal with it.

Under the emergency legislation, we did something different with the eviction policy as regards antisocial behaviour and criminality. We need to look at this whole area and to take account of all the feedback that we have had on what we need to do to get this right for those folks who are suffering because of antisocial behaviour and criminality in their neighbourhoods.

The Convener: Annabelle Ewing wants to come in.

Annabelle Ewing: I do not believe that any of the questions that I asked involved me having to refer to my entry in the register of interests, but I think that I should again advise the committee and anyone who is watching that I rent out a flat.

The Convener: Thank you. Does anyone have any supplementary questions? If so, I ask them to make them short.

Graham Simpson: I have a quick question—it goes back to Kenny Gibson's question about people not paying rent and the evidence that we got from the Glasgow and West of Scotland Forum of Housing Associations. Is it possible for the minister to find out if that is the case across the country and what the unpaid rent figures might

be? If we are extending the legislation, as we discussed earlier, that would be useful to know.

11:15

Kevin Stewart: We are constantly seeking information on all those issues. I think that I said to Ms Boyack that we will look at all the data that we can get our hands on to see what we need to do.

I point out that, in many cases, the difficulties with non-payment of rent pre-date coronavirus and the emergency period. In a call that I had this week, a provider mentioned a figure of between £12,000 and £14,000 of rent debt, which goes back way before the emergency period. That is somebody who has not paid rent for an extremely long time. In looking at the issue, we must recognise that some of the difficulties that we are hearing about from social and private landlords relate to cases that significantly pre-date the circumstances that we find ourselves in.

The Convener: That completes the questions and concludes our evidence session. I thank the minister and his officials for taking part.

11:16

Meeting suspended until 11:26 and continued in private thereafter until 11:55.

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