

THE REMIT OF LOCAL GOVERNMENT IN TACKLING HOMELESSNESS

1. As part of its consideration of the Housing (Amendment) Bill, the Committee for Social Development is deliberating upon the possibility of ensuring that local councils take the homelessness strategy into consideration in the exercise of its functions. To assist the Committee with its consideration of this issue, this short briefing note examines the role of local authorities in other jurisdictions in respect of homelessness including how homelessness fits into the community planning process. The paper also considers the current role of local councils in Northern Ireland with regard to homelessness and the potential future role for local councils post-RPA.

THE DUTIES OF LOCAL AUTHORITIES IN OTHER JURISDICTIONS WITH REGARD TO HOMELESSNESS

2. Local authorities in Great Britain have a greater statutory responsibility than local councils in Northern Ireland in respect of homelessness and indeed the local housing policy and strategy generally. Put simply, local authorities in England, Scotland and Wales take on a broadly similar role to that of the Northern Ireland Housing Executive in relation to their duty to those who are homeless or threatened with homelessness.
3. In England, for example, the Government amended the homelessness legislation in 2002 through the *Homelessness Act 2002* and the *Homelessness (Priority Need for Accommodation) (England) Order 2002* to¹:
 - Ensure that all local authorities have in place a **homelessness strategy** based on a review of all forms of homelessness in their district. The strategy must be renewed every five years (but can do so more frequently if they wish) and social services must provide a reasonable assistance; and to
 - Ensure that all local authorities **strengthen the assistance available** to people who are homeless or threatened with homelessness by extending the **priority need categories** to homeless 16 and 17 year olds; care leavers aged 18-20; people who are vulnerable as a result of time spent in care, the armed forces, prison, custody, and people who are vulnerable because they have fled their home due to violence.
4. Local Authorities must also, Under s179(1) of the Housing Act 1996 **secure** 'free of charge' **advice and information** on homelessness and the prevention of

¹ Information extracted from Department for Communities and Local Government (2006) Homelessness Code of Guidance for Local Authorities.
www.communities.gov.uk/publications/housing/homelessnesscode

homelessness (either by providing this itself or by securing it from other bodies). They must also ensure that there is a **sufficient supply of accommodation** (including increasingly the supply of new accommodation) and decide if a person is **eligible for homelessness assistance**/handle applications for assistance etc.

5. In exercising their duties under homelessness legislation local authorities in England must follow a '[Homelessness Code of Guidance for Local Authorities](#)'. There is also a similar statutory '[Code of Guidance on Homelessness](#)' which local authorities in Scotland must adhere to².

LOCAL AUTHORITIES, HOMELESSNESS AND THE 'COMMUNITY PLANNING' PROCESS IN SCOTLAND

6. Community Planning in a Scottish context is defined in the Local Government in Scotland Act 2003 as a process "*by which the public services provided in the area of the local authority are provided and the planning of that provision takes place*". Local authorities in Scotland have a duty to initiate, maintain and facilitate this process. A number of public sector organisations come together in the form of Community Planning Partnerships to take the community planning process forward (e.g. local authorities, health boards, fire and police services, enterprise agencies, transport partnerships, community, voluntary and private sector organisations)³.

Further information on the community planning process and community planning structures is available from a previous research briefing paper produced for the Committee entitled '[Neighbourhood Renewal in Scotland, England and Wales](#)'.⁴

7. **Where does homelessness fit into the community planning process?** Firstly, it should be highlighted that community planning partnerships in Scotland can be quite complex structures. Usually each local authority area has a community planning board (comprising of senior officials/councillors from the local authority, health board, police etc). Day to day management of the community planning process is delegated down to other groups, e.g. 'theme' groups such as community safety; health; community regeneration; employment and life long learning etc.
8. Community Planning Partnerships agree their strategic priorities for their local area through **Single Outcome Agreements** (SOAs); these priorities should be expressed as local **outcomes** (measured using a variety of local **indicators**) to be delivered by the partners (either individually or jointly) and must be relevant to the **15 National Outcomes** set by the Scottish Government.
9. Homelessness and housing are relevant to many of the 15 National Outcomes particularly:
 - **National Outcome 10:** "We live in well designed, sustainable places where we are able to access the amenities and services we need".

² Scottish Executive (2005) Code of Guidance on Homelessness: Guidance on Legislation, Policies and Practices to Prevent and Resolve Homelessness.

www.scotland.gov.uk/Resource/Doc/53814/0012265.pdf

³ Information extracted from www.improvementservice.org.uk/community-planning/#

⁴ see www.niassembly.gov.uk/io/research/2009/1809.pdf

- **National Outcome 11:** “We live in strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others”.
- **National Outcome 5:** “Our children have the best start in life and are ready to succeed”.
- **National Outcome 6:** “We live longer, healthier lives”.
- **National Outcome 7:** “We have tackled the significant inequalities in Scottish society”.
- **National Outcome 8:** “We have improved the life chances for children, young people and families at risk”⁵.

10. Below are two illustrative examples of how homelessness fits into local authority Single Outcome Agreements (and how national priorities feed into local outcomes and progress monitored by local indicators). It should also be mentioned that local strategies, such as the local homelessness strategy, health and general housing strategies for each local authority area, should act as a vehicle for identifying priorities and implementing progress.

East Ayrshire Single Outcome Agreement 2008-2011⁶

National Outcome 6: We live longer, healthier lives

Local outcome is to improve the health and wellbeing of the local population by targeting health improvement interventions and programmes to communities and groups at greatest risk such as prisoners and people who are homeless.

Local indicator to monitor progress is the number of re-admissions for mental health problems for those who have had a hospital admission of over 7 days. Baseline figure for 2006/07 was 105 admissions for mental health problems progress target is to reduce this figure to 95 by 2011.

National Outcome 8: We have improved the life chances for children, young people and families at risk

Local outcome is to improve the educational achievement of children and young people at risk by, amongst other outcomes, reducing the risk of homelessness.

Two **local indicators** used to monitor progress are, i.e.

- The total number of homeless presentations each year - baseline figure for 2006/07 was 1,186 homeless presentations aim to reduce this figure to 1,064 by 2011.
- The percentage of repeat homelessness with one year - baseline figure for 2006/07 was 11.6% repeat homelessness within one year target and the target was to reduce this to 11% by 2008/09.

⁵ National Outcomes extracted from Scottish Government (2008) Single Outcome Agreements: Guidance for Community Planning Partnerships, p17.

www.improvementservice.org.uk/library/download-document/2154-single-outcome-agreements-guidance-for-community-planning-partnerships/

⁶ See www.improvementservice.org.uk/library/download-document/2370-east-ayrshire-single-outcome-agreement-2009-onwards-annex-2/

Edinburgh Single Outcome Agreement 2009-2012⁷

National Outcome 7: We have tackled the significant inequalities in Scottish society

Local outcome is to reduce deprivation and all forms of inequality in Edinburgh through, amongst other things, the prevention of homelessness.

Local indicator to measure progress is an increase in the percentage of housing advice cases resulting in the prevention of homelessness from a baseline of 39% in 2009/10 to 47% in 2011/12.

THE CURRENT ROLE OF LOCAL COUNCILS IN NORTHERN IRELAND WITH REGARD TO HOMELESSNESS

11. As evident from the previous section the statutory duties of councils in Northern Ireland in relation to homelessness are not on par with local authorities in Great Britain or the Republic of Ireland. Whilst local councils in Northern Ireland do not have significant statutory duties directly pertinent to homelessness they do have an interest in homelessness on a number of other levels, this list is not exhaustive, but includes for example, that:

- **Councils have a general interest in housing policy, particularly local district housing plans and strategies.** The main vehicle for councils to exercise strategic and collective input into issues pertaining to homelessness is through the **Northern Ireland Housing Council**. The Housing Council is comprised of one representative from each of the 26 District Councils in Northern Ireland. The Housing Council is “an advisory and consultative body considering any matter affecting housing referred to it by the Department for Social Development or the Northern Ireland Housing Executive which appears to the Housing Council to be a matter pertinent to Housing on the wider front”⁸. The Housing Council have raised a number of homelessness-related issues with the Department over the last year, e.g. the Housing Executive’s Homelessness Strategy, empty homes, the regulation of the private rented sector (including issues around security and length of tenure), and mortgage rescue proposals⁹. There are plans for the Housing Council to have an enhanced role post-Review of Public Administration. However, how this role fits in with the future **community planning model** or indeed what role councils will have in relation to the wider issue of housing in respect of community planning requires further clarification.
- **Councillors and council officials play a role in the formulation of district housing plans and local housing strategies.** The preparation of local district housing plans involves consultation between the Housing Executive and local stakeholders, such as councillors and council officials. Through this process local councillors and officials can raise issues relevant to local homelessness such as social housing shortages, the impact of current and future demographic projections etc¹⁰.

⁷ See www.improvementservice.org.uk/library/download-document/2365-edinburgh-single-outcome-agreement-2009-onwards/

⁸ Information extracted from the Northern Ireland Housing Council website - www.nihousingcouncil.org/About-the-NIHC/Our-vision.aspx

⁹ Northern Ireland Housing Council (2009) Annual Report 2008-09.

www.nihousingcouncil.org/CMSPages/GetFile.aspx?guid=39e0cf4a-c8c5-4b75-8da1-a7a9d0e39dcb

¹⁰ For district housing plans see www.nihe.gov.uk/index/sp_home/plans/district_housing_plans.htm

- **Councillors often play a role as the first point of contact** for some local residents in respect of their housing concerns. One only has to read through council minutes to deduce that people contact their local councillors (amongst other sources) for information and advice on housing and that councillors will, as a result, raise general issues of concern in council meetings. In addition to this, councillors and councils themselves will often take on a **signposting role** in that they will direct people (either in person or by providing contact numbers/web links on council websites) to the most relevant agencies (e.g. Housing Executive District Offices, community and voluntary bodies) that can deal with housing problems.
- **Councils sponsor and support initiatives that promote the physical and mental wellbeing of people including those who are homeless**, e.g. Coleraine Borough Council recently launched (April 2009) a new service called 'Cook-It' aimed at enhancing cooking skills and an understanding of health and nutrition. The initiative is targeted at a number of groups including residents in homeless shelters¹¹. In 2006 Belfast City Council backed a Simon Community and Irish Football Association street soccer initiative aimed at homeless young people between the ages of 17-26 as part of the Council's plans to improve services for young people¹².
- Homelessness can often be linked to **anti-social behaviour**, either because the tenant has to move out because they are the victims of anti-social behaviour or because the tenant has been evicted from their home because of their own anti-social behaviour. Although this issue is primarily within the remit of the Northern Ireland Housing Executive, local councils do have a **general interest in preventing and tackling the causes of anti-social behaviour in local communities**, e.g. through community safety projects, anti-social behaviour forums, community safety wardens, initiatives to address hate crime etc.
- Councils joint fund (along with DSD) local voluntary and community bodies through the **Community Support Programme**. Whilst the aim of the programme is to strengthen communities, increase community participation and to promote social inclusion, some of this funding may *indirectly* assist families or individuals who are homeless or threatened with homelessness by providing advice or emotional support, e.g. through the provision of advice services on a range of issues such as benefits, housing, debt and support for local women's groups.

THE TRANSFER OF FUNCTIONS AND THE POTENTIAL ROLE OF LOCAL COUNCILS POST-REVIEW OF PUBLIC ADMINISTRATION (RPA)

12. The following functions will transfer from the Department for Social Development to local government by 2011:

DSD Functions:

- Some urban regeneration functions including the neighbourhood renewal programme.
- Some functions associated with town and city regeneration such as public realm/environmental improvement schemes and comprehensive development.

¹¹ Coleraine Borough Council Press Release. 'Coleraine groups invited to 'Cook-It', 27 April 2009, www.colerainebc.gov.uk/news/news_item.php?id=942

¹² Belfast City Council Press Release. 'Camaraderie and confidence with sport'. www.belfastcity.gov.uk/news/news.asp?id=63&month=February%202006

- Local community development support (Community Support Programme and the Community Investment Fund).
- Living over the Shops initiative.

Northern Ireland Housing Executive Functions:

- Registration of Houses in Multiple Occupation (HMOs).
- Housing unfitness responsibilities, including repair and demolition notices.
- Local energy conservation (the Northern Ireland Housing Executive will retain its statutory role as the home energy conservation authority);
- Traveller transit sites.

13. There are no transferable functions that are *explicitly* related to homelessness, however, a number of the functions may indirectly lead local government to take a much wider interest in **housing policy in general** including issues around homelessness. It is difficult to envisage at this stage exactly what shape the community planning model will take in the future, but neighbourhood renewal will undoubtedly form an important part of local community plans. As housing is an implicit part of neighbourhood renewal one can only draw inferences that transferring this function will lead to the new councils paying closer attention to local housing need.
14. There are two other transferable functions which *may* impact on local council's consideration of any homelessness strategy, i.e. the transfer of statutory duty for Traveller transit sites to local government and the possible transfer of the Living Over the Shops initiative. The initiative is aimed at tackling the shortage of local housing and is relevant to other transferable functions, i.e. town/city centre regeneration (by encouraging more people to live in town/city centres).
15. As none of the transferable functions overtly relate to homelessness, local councils may be somewhat constrained in tackling issues relating to homelessness in the exercise of their functions. In England and Wales, local authorities have been given much greater flexibility to overcome such constraints through '[The Well Being Power](#)'¹³ (local authorities in Scotland also have a power to advance wellbeing). Before the introduction of the Well Being Power, local authorities in England and Wales could only do those things that they were empowered to do by specific statutory powers, duties and functions and did not have any means of overcoming any limitations they encountered. However, Section 2 of the Local Government Act 2000 (the '2000 Act') allows local authorities to do anything they consider likely to promote the economic, social and environmental well-being of their area unless explicitly prohibited elsewhere in legislation¹⁴.
16. In Wakefield, for example, families living on an estate blighted by crime and drug-abuse were said to be given a lifeline by the wellbeing power. It allowed the houses to be bought by the Council without a lengthy Compulsory Purchase Order process. The families were able to move away from the area and get a fair price for their homes and the Council was free to redevelop and regenerate the estate. To date, however, there has been limited use of the power by local authorities in England and Wales (i.e. only one in twelve councils is actually using

¹³ For further information on the Well Being Power see

www.communities.gov.uk/localgovernment/localregional/localcommunity/wellbeingpower/

¹⁴ Department for Communities and Local Government (2008) Practical Use of the Well-Being Power, p1. www.communities.gov.uk/localgovernment/localregional/localcommunity/wellbeingpower/

Providing research and information services to the Northern Ireland Assembly

the power)¹⁵. It may be possible that the relevance for local councils in Northern Ireland in respect of taking the homelessness strategy into consideration will be of greater relevance if councils receive a similar statutory power of well-being.

OCTOBER 2009

¹⁵ Department for Communities and Local Government News Release. 'Healy – wellbeing power is forgotten tool in tough economic times'. 17 November 2008.
www.communities.gov.uk/news/localgovernment/1061378