

Temporary accommodation plan 'risks putting people back on the streets'

An Edinburgh Council plan to move 700 homeless people out of unlicensed temporary accommodation before the start of December could put some "back on the streets" or into less suitable housing, homelessness leaders have warned.

The council has booked hundreds of rooms in hotels and B&Bs as temporary accommodation in response to rising demand since the pandemic, when emergency action was taken to prevent the spread of Covid-19. The change of these properties into primary residences, as opposed to being for guests only, means they are legally required to be licensed as a house of multiple occupation (HMO).

Many have failed to do so however, and there are still around 700 rooms across 30 unlicensed HMOs being used as temporary accommodation. Lawyers have warned the council it is committing criminal offence by paying operators who don't comply with its own health and safety licensing requirements. These include checks a landlord is a fit and proper person, and that tenants are afforded adequate living standards, and an appropriate number of bathrooms and toilets are provided, which most hotels are unlikely to pass.

Urgent action is now being taken in response to the legal advice in a bid to move everyone in the city currently in unlicensed HMOs into alternative, lawful accommodation by the start of December. This includes halting any new council house allocations or non-urgent repairs until January, unless disabled or awaiting discharge from hospital, and diverting more resources towards getting void properties back into use.

But with an increasing lack of housing in the Capital the move

could lead to some homeless people being moved into temporary accommodation outside the city – and others sleeping rough.

The plan was agreed by an emergency housing committee on Wednesday, November 13.

Ewan Aitken, chair of Shape, a collective of 20 charities involved with tackling homelessness, urged councillors to allow more time to address the crisis as he said moving people out at as short notice as was being proposed risked causing “more harm”.

He said: “I’m thinking about the consequences of moving this many people, many of whom are vulnerable, from one form of temporary accommodation to another in a very short timescale.”

Mr Aitken, a former Edinburgh council leader and now CEO of Cyrenians, highlighted that half of the people who present as homeless require additional support often provided on site at the hotels and B&Bs used, and that the same level of service would not be available to those being moved into flats or houses.

“Given what they’ve gone through,” he said, “the consequences of that for them may mean a reaction that will say either ‘I’m not moving,’ or ‘I’m leaving’. Or if they have to move, they will be less able to maintain that tenancy because the support requirements would be more stretched, or it’s not in a community that they can build those support requirements, and so you have people ending up back on the streets or you will be in tenancies that are actually less viable and much more difficult to support.

“Which means they’re more likely to break down. And you’ll have people re-traumatised by that experience.

“If there is therefore a way in which we can extend that period even for a short time then I think it is worth looking at really hard.

“The consequences of not achieving that – the human consequences – would be enormous.”

Mr Aitken added: “There is a defence that not having enough time meant there would be human harm caused by following through at the timescales there.”

The Haymarket Hub Hotel for the homeless, which has 65 emergency beds for anyone who turns up needing a place to stay, is one of the properties without an HMO licence which the council plans to stop paying for.

Alasdair Bennett, chief executive of the Bethany Christian Trust, which runs the Rapid Re-accommodation Welcome Centre, based within the hotel, in partnership with the council and Scottish Government, told the meeting: “With winter approaching, every night someone spends without shelter is a risk to their life.

“Keeping the centre open, with en suite facilities, the council supports individual’s privacy and stability.

“The average new attendance of people who are new to such circumstances, is about 26 new people every week...so the projected figures over the next 24 weeks is about 600 people that would therefore, if you remove the safety net, those individuals would either fall through it or increase the demand on every other service to seek to mitigate.”

He asked that the hotel remains open to the homeless until next April, adding the current timeframe was “just too short”.

But the council’s monitoring officer Nick Smith said: “You have no choice about whether to take an unlawful decision or not, you can’t. What you are able to decide is the manner in which to resolve that issue.

“You have a recommendation from officers as how to best do

that. It is imperfect. I really wish I wasn't sitting here today answering these questions, but we are where we are."

Director of housing and homelessness Derek McGowan said the likely outcome of councillors not following officers' recommendation would be "a queue of homeless people out the front door needing housed" on December 1st.

He added: "The work we're doing, and it's important to stress we're looking at our own void properties but also what else is available in the city, private rented stock, short-term lets, and the commissioning team are working hard to achieve that. That is the risk we are trying to avoid."

Committee convener Jane Meagher said: "None of us wants our tenants to have a reduction in service, however temporary that may be. None of us wants to continue to take the legal risk which is being highlighted to us by council officers.

"Fundamentally, this is a symptom of our housing emergency where we simply do not have enough homes of certain types and tenures."

SNP group leader Simita Kumar said: "The report before committee today is extremely worrying. I am deeply concerned about the rushed timeline to relocate hundreds of people by the end of November, and I strongly urge that this process be carried out in the most person-centred way possible.

"However, I remain concerned about the lack of governance and oversight. As a councillor, I do not feel I have been adequately informed about the severity of issues surrounding unlicensed HMOs, and it is troubling to learn that the council continued to use these accommodations for over two years outside of urgent powers during the pandemic. We should never have reached this crisis point. A phased and reasonable approach would have been more effective and responsible."

Greens councillor Ben Parker said: "We know the decision is

going to be bad for people in temporary accommodation, it's going to be bad for council tenants who have a reduced service in terms of repairs, and it will be bad for people across the city who are awaiting allocations and are in desperate need of social housing. So nobody wins today."

An amendment passed by the Greens agreed if the Scottish Government provided "sufficient assurance to the council that there is no need to urgently decant people from unlicensed accommodation" then officers will revert to a previous decision to implement "a phased, one-year plan to remove people from unlicensed temporary accommodation in order to minimise harm".

Conservative group leader Iain Whyte accused the Greens of seeking to "ignore the criminal law".

He said: "All of these HMOs are unsuitable.

"Where they're unlicensed that brings in lots of additional risks, because we don't know if the people running them are fit and proper, we don't know if they have appropriate facilities to be able to be licensed, in fact I understand some of them aren't licensed because they don't have proper facilities.

"Ultimately we've been told nobody wins here. I think we have a chance here for a win for some of those people who have been in B and Bs, unlicensed B and Bs, for two, three years. That's a win for them if we can give them a temporary tenancy in a flat with their own living as well as their own bedroom, a kitchen, with their own bathroom."

By Donald Turvill Local Democracy Reporter