

Item: 15

Education, Leisure and Housing Committee: 7 June 2023.

Homelessness in Orkney.

Report by Corporate Director for Education, Leisure and Housing.

1. Purpose of Report

To advise on the level of homelessness in Orkney for 2022/23, together with performance information.

2. Recommendations

The Committee is invited to note:

2.1.

The statistical and performance information in relation to homelessness in Orkney for 2022/23, attached as Appendix 1 to this report, which indicates the following:

- The number of homeless presentations for 2022/23 has increased by 10% from 2021/22.
- The reasons for homelessness remain broadly comparable to previous years, with a slight increase in relationship breakdown (non-violent) and asked to leave by family/friends.
- Homeless presentations for the period 1 April to 9 May 2023 have increased again, having seen a significant increase from the previous year.
- Homelessness remains a significant issue in Orkney and that lets to homeless households remain substantial relative to overall lets.

The Committee is invited to scrutinise:

2.2.

The performance information, detailed in Appendix 1 to this report, in order to obtain assurance that the Council's response to homelessness is operating satisfactorily.

3. Background

3.1.

Housing organisations are required to report against a number of service areas and indicators within the Scottish Social Housing Charter and homelessness is a central part of this.

3.2.

The Scottish Social Housing Charter, which was introduced in 2012, was subject to a review in April 2017. A further review was undertaken during 2021 and the revised charter was published in 2022.

3.3.

Some indicators have changed in recent years and the process of change is expected to continue. The requirement for councils to produce an Annual Assurance Statement in October, along with the Annual Return against the Charter in May, means that analysis of performance remains central to the delivery of housing services.

3.4.

Councils are required to publish an Annual Report against the Charter and this was done in October 2022. The Annual Report is available from [Housing Services Annual Reports \(orkney.gov.uk\)](https://www.orkney.gov.uk/housing-services-annual-reports).

3.5.

Information on the Scottish Social Housing Charter is available from: <https://www.gov.scot/publications/scottish-social-housing-charter-november-2022/documents/>.

3.6.

Reports on performance information are presented to Committee to ensure that Members have appropriate oversight in preparation for overall scrutiny of the Annual Assurance Statement in September each year.

4. Statistical Information and Performance

Statistical and performance information on homelessness is detailed, in full, in Appendix 1 to this report.

5. Corporate Governance

This report relates to the Council complying with governance and scrutiny and therefore does not, directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

6. Financial Implications

6.1.

Expenditure on homelessness is charged to the Other Housing budget within the General Fund.

6.2.

The net homelessness budget for 2022/23 was £991,200 with an actual net spend of £671,324 which gives an underspend for the financial year of £318,876.

7. Legal Aspects

There are no direct legal implications arising from this noting report.

8. Contact Officers

James Wylie, Corporate Director for Education, Leisure and Housing, extension 2401, Email james.wylie@orkney.gov.uk.

Frances Troup, Head of Community Learning, Leisure and Housing, extension 2450, Email frances.troup@orkney.gov.uk.

Lesley Mulraine, Service Manager (Housing, Homelessness and Schoolcare Accommodation), extension 2174, Email lesley.mulraine@orkney.gov.uk.

9. Appendix

Appendix 1 - Statistical Information on Homelessness.

Appendix 1 - Statistical and Performance Information on Homelessness for 2022/23

1. Legal Definition

1.1.

The statutory definition of homelessness is set out in section 24 of the Housing (Scotland) Act 1987 (the Act). This states that a person is homeless if he has no accommodation in the UK or elsewhere. A person is to be treated as having no accommodation if there is no accommodation which he, together with any other person who normally resides with him as a member of his family or in circumstances in which the local authority consider it reasonable for that person to reside with him –

- Is entitled to occupy by virtue of an interest in it or by virtue of an order of a court, or
- Has a right or permission, or an implied right or permission to occupy, or in England and Wales has an express or implied licence to occupy, or
- Occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of any other person to recover possession.

1.2.

Further, a person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

1.3.

Regard may be had, in determining whether it would be reasonable for a person to continue to occupy accommodation, to the general circumstances prevailing in relation to housing in the area of the local authority to whom he has applied for accommodation or for assistance in obtaining accommodation.

1.4.

In terms of Section 24(3) of the Act, a person is also homeless if he has accommodation but:

- He cannot secure entry to it; or
- It is probable that occupation of it will lead to abuse (within the meaning of the Protection from Abuse (Scotland) Act 2001 (asp 14)), or
- It is probable that occupation of it will lead to abuse (within the meaning of that Act) from some other person who previously resided with that person, whether in that accommodation or elsewhere; or
- It consists of a movable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it; or

- It is overcrowded within the meaning of section 135 of the Act and may endanger the health of the occupant; or
- It is not permanent accommodation, in circumstances where, immediately before the commencement of his occupation of it, a local authority had a duty under section 31(2) in relation to him (i.e. a local authority is satisfied that an applicant is homeless).

1.5.

For the purposes of the last bullet point noted above, “permanent accommodation” includes accommodation:

- Of which the person is the heritable proprietor.
- Secured by a Scottish secure tenancy.
- Secured by an assured tenancy that is not a short assured tenancy.
- Where paragraph 1 or 2 of schedule 6 to the Housing (Scotland) Act 2001 (asp 10) is satisfied in relation to the person, secured by a short Scottish secure tenancy (i.e. has been evicted previously and therefore tenancy has been granted as a short Scottish secure tenancy).

1.6.

A person is threatened with homelessness if it is likely that he will become homeless within 2 months.

2. Statistical Information on Homelessness

2.1.

The number of homeless presentations since 2011/12 is shown in the table below. It should be noted that each application refers to a household and may therefore be a single person or a family group:

Year.	Number of Applications.
2022/23.	142.
2021/22.	132.
2020/21.	136.
2019/20.	118.
2018/19.	134.
2017/18.	119.
2016/17.	127.
2015/16.	99.
2014/15.	87.
2013/14.	108.
2012/13.	107.

2011/12.	155.
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2.2.

Homelessness rose consistently until 2011/12. Since then there has been a variable picture. In 2022/23 there has been an increase.

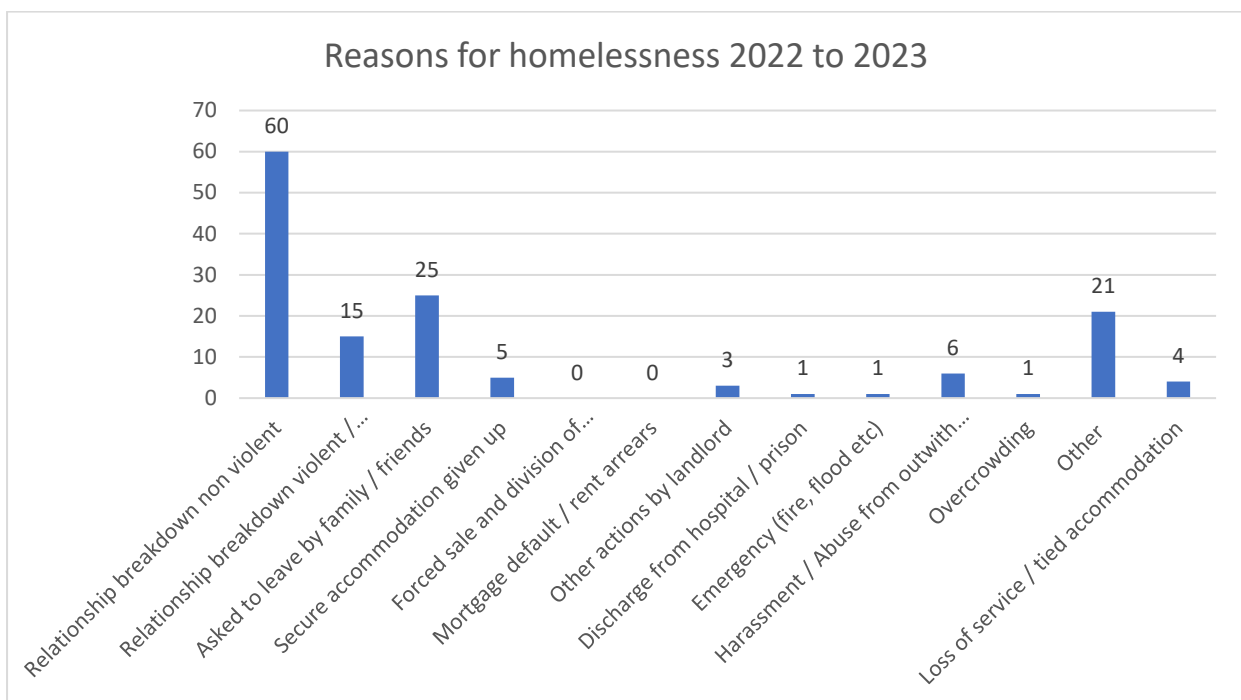
2.3.

The number of homeless presentations between 1 April and 9 May each year is detailed below. It is difficult to assess at this early stage in the year whether it is the case that presentations will remain broadly comparable throughout the year.

Year.	Number of Presentations.
2023.	19.
2022.	17.
2021.	9.
2020.	9.

2.4.

The graph below shows the main reasons behind homeless presentations in 2022/23:



2.5.

Generally, the reasons behind homeless presentations remain broadly similar to those of previous years. There were slight increases in relationship breakdown (non-violent) and asked to leave by family/friends. The increase in relationship

breakdown violent/abusive has returned to previous levels following a significant rise in the previous year.

2.6.

Presentations from young people under the age of 25 have increased. The table below provides more detail.

Financial Year.	Number of young people presenting as homeless.	Percentage of total homeless applications.
2022/23.	27.	19%.
2021/22.	21.	16%.
2020/21.	25.	25%.
2019/20.	23.	20%.

2.7.

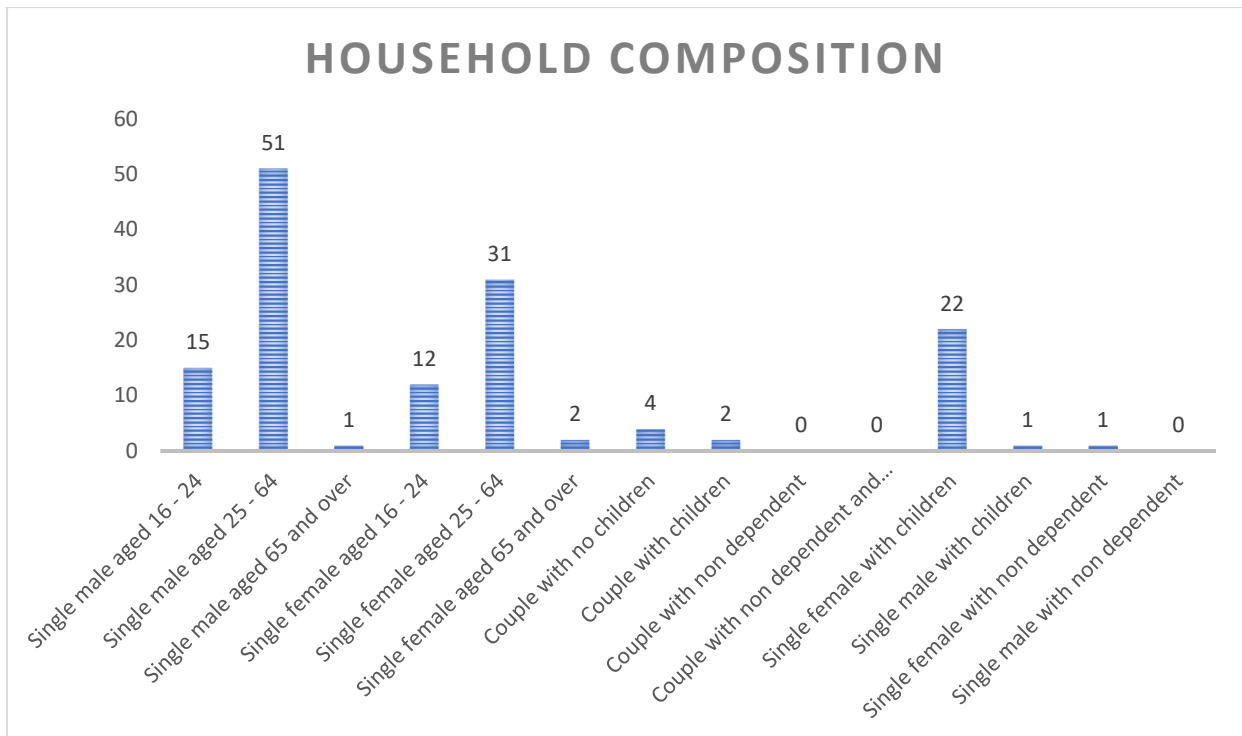
The young persons' supported accommodation projects remain vital in addressing homelessness amongst this client group and the facilities have remained fully occupied most of the year.

2.8.

The Council developed six units of accommodation in 2015 which are being used as move on accommodation for young people who are ready to progress from the supported accommodation projects. These are providing support for those young people who have some independent living skills but insufficient levels to maintain unsupported accommodation.

2.9.

The household composition of all homeless applications for 2022/23 is shown in the graph below:



3. Statistical Information on Temporary Accommodation

3.1.

At 31 March 2023, 72 households were in temporary accommodation. This compares to previous years as follows:

Year.	Number of households in temporary accommodation.
31 March 2023.	72 households.
31 March 2022.	47 households.
31 March 2021.	69 households.
31 March 2020.	45 households.

3.2.

The table above shows that there has been a significant increase in the amount of households in temporary accommodation compared to the previous year. Care generally needs to be taken with this indicator as this represents one day of the year rather than it being a cumulative figure. Equally, throughout financial year 2022/23, the number of households in temporary accommodation has generally been above 65 households.

3.3.

The number of emergency tenancies created each year increased in 2022/23, as shown in the table below:

Financial Year.	Number of new emergency tenancies created.
2022/23.	107.
2021/22.	99.
2020/21.	105.
2019/20.	109.

3.4.

The trend in respect of the use of Bed and Breakfast accommodation has generally declined over recent years. In 2022/23, 37 cases were offered Bed and Breakfast accommodation, a reduction from the previous year's figure of 51 cases. Each placement is recorded separately and therefore 37 cases does not relate to 37 households. Instead, one household had more than one placement. For 2022/23 a total of 30 households were accommodated. It should also be noted that four of those cases spent 30 days, 27 days, 14 days and 13 days respectively in Bed and Breakfast accommodation which has impacted on the overall average duration figure. During 2022/23 insufficient temporary accommodation was available to meet the needs of homeless households which has resulted in the use of Bed and Breakfast accommodation remaining high for this financial year.

3.5.

Figures for previous years are more straightforward. In 2019/20, 31 cases were placed in Bed and Breakfast accommodation and the average duration increased but the number of cases decreased in 2020/21 with only 10 cases. The figures are shown in the table below:

Financial Year.	Number of nights.	Average duration.
2022/23.	182.	4.9 nights.
2021/22.	266.	5.2 nights.
2020/21.	55.	6.1 nights.
2019/20.	149.	4.8 nights.

3.6.

The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2014 (as amended) in effect prevents the legitimate use of Bed and Breakfast accommodation for housing homeless households except in certain circumstances.

3.7.

As of May 2020, the order was amended to extend the seven day time limit that families with dependent children and pregnant women should spend in unsuitable accommodation to all homeless household groups. There were some temporary exemptions in place during COVID-19, meaning that the Council has not been in a position of breaching the order prior to 2022/23. However, this is now a significant challenge due to the number of homeless households requiring temporary

accommodation and therefore the Council has breached on 6 occasions during 2022/23.

3.8.

The average time from homeless presentation to completion of the Council's duties under the homelessness legislation is shown by year in the table below:

Financial Year.	Time from homelessness presentation to completion of Council's duties.
2022/23.	26.7 weeks.
2021/22.	27 weeks.
2020/21.	27.7 weeks.
2019/20.	25.6 weeks.

3.9.

In 2022/23 the average time from homelessness presentation to completion of the Council's duties under the homelessness legislation has decreased slightly. A range of reasons account for this timescale such as young people living in the supported accommodation who required long periods before they were ready to take on a permanent tenancy and the availability of permanent accommodation of the right size and area. A total of 15 cases waited over a year to be permanently rehoused. In general terms the pressure is related to one bedroom properties. Section 6.13 shows the number of households permanently rehoused by the Council and Orkney Housing Association Limited.

4. Changes to the Legislation

4.1.

From 1 January 2013 the homelessness legislation changed. The result was that the priority need classification (assessment of vulnerability) was removed nationally leaving three remaining hurdles. These were:

- Is the household homeless?
- Has the household become homeless intentionally?
- Does the household have a local connection (for example, have they lived in the area for six out of the last 12 months, three out of the last five years, have a connection as a result of employment or some other special reason)?

4.2.

This process has changed as a result of amendments to the Homelessness etc (Scotland) Act 2003. From November 2019, the duty to consider intentionality became a power to do so. In December 2020, the Council resolved that investigation into the intentionality criteria should continue within the assessment process.

4.3.

Changes to the local connection hurdle were introduced on 29 November 2022 by the Scottish Government. This change removes the hurdle of a household requiring to have a local connection with the area to which they present as homeless. Since this change was introduced 5 households have been accepted who would have not had a local connection previously. This is being closely monitored and Council representatives are regularly meeting with Scottish Government to analyse the impact to all 32 Councils but with particular scrutiny for the islands.

5. Homelessness Prevention

5.1.

Preventative work is as follows:

Financial Year.	Number of households receiving housing options / advice and information.
2022/23.	22.
2021/22.	18.
2020/21.	22.
2019/20.	19.

5.2.

In general terms, provision of housing advice, particularly provision of a housing options interview, can reduce the number of homelessness presentations. However, there has been a general decline in households receiving housing options advice. While there has been a slight rise in homelessness presentations during the same period, it is not always possible to make a direct correlation between the two. Sometimes there are no other housing options which could assist someone and the Council does have a duty towards them under the homelessness legislation. On that basis, that is the route that requires to be taken.

5.3.

The Council was re-accredited in respect of the National Standard for Information and Advice Providers last year. The National Standards determine that housing advice can be delivered at three different levels. The Council delivers housing advice at two of these levels as follows:

- Type 1 – General advice provided and signposting to another agency.
- Type 2 – Specific advice provided and case work delivered.

5.4.

The Council is required to publish the levels and type of advice provided as part of the National Standard for Information and Advice Providers accreditation.

5.5.

During financial year 2022/23 housing advice was delivered as follows:

Competency.	Type 1.		Type 2.	
	2021/22.	2022/23.	2021/22.	2022/23.
Housing Benefit.	1.	2.	0.	1.
Discrimination in Housing.	0.	0.	0.	0.
Disrepair in Housing.	1.	3.	1.	0.
Harassment and Illegal Eviction.	1.	7.	2.	0.
Homelessness (priority need).	14.	15.	2.	2.
Mobility and Transfers.	0.	0.	0.	0.
Mortgage Arrears.	0.	0.	0.	0.
Housing Options General.	18.	21.	0.	0.
Housing Options Local Authorities.	17.	5.	0.	0.
Housing Options Private Sector.	17.	7.	0.	0.
Housing Options Owner Occupiers.	3.	2.	0.	0.
Relationship Breakdown.	1.	4.	0.	0.
Rent: Private Sector.	4.	2.	0.	0.
Rent Arrears.	0.	0.	0.	0.
Repair and Improvement Grants.	0.	0.	0.	0.
Security of Tenure.	7.	9.	5.	0.
Anti-Social Behaviour.	0.	0.	0.	0.

6. Discharge of Homelessness Duty

6.1.

The percentage of homeless households interviewed within one to five days is as follows:

Financial Year.	Within 1 working day.	Within 5 working days.	Over 5 days.
2022/23.	70%.	18%.	12%.
2021/22.	80%.	13%.	7%.
2020/21.	73%.	21%.	6%.
2019/20.	82%.	9.3%.	8.4%.

6.2.

Care needs to be taken, however, with the indicator at section 6.1 above as households can choose when they wish to attend for an interview. Households who are facing homelessness immediately would always be interviewed within one

working day. In 2022/23 there were 18 cases over five working days. The reasons behind this were 11 households at their own request and seven households who delayed due to work commitments. Therefore, it took additional time to make arrangements to complete the homeless interview. It is worth noting that interviews can be undertaken in person or via telephone and staff are flexible in respect of interview times.

6.3.

The percentage of applications assessed within 28 days is shown in the table below:

Financial Year.	Percentage of applications assessed within 28 days.
2022/23.	95.1%.
2021/22.	81.1%.
2020/21.	88.2%.
2019/20.	91.5%.

6.4.

The information outlined at section 6.3 above refers to the period between homeless interview and the decision as to whether they are homeless being made and shows an increase in applications assessed within the period.

6.5.

The data below shows the average time taken between presentation and homeless assessment over the previous four years:

Financial Year.	Time Taken.
2022/23.	18.9 days.
2021/22.	21.6 days.
2020/21.	23.5 days.
2019/20.	23.0 days.

6.6.

This compares to previous years as follows:

Time Taken.	2022/23.	2021/22.	2020/21.	2019/20.
Less than 2 weeks.	31%.	29.5%.	22%.	23.7%.
2 to 4 weeks.	62.7%.	34.5%.	66%.	58.5%.
Longer than 4 weeks.	6.3%.	36%.	12%.	17.8%.

6.7.

Repeat homelessness is difficult to counteract as households may become caught in a cycle of homelessness if they secure a short term let, for instance. The level of repeat homelessness is as follows:

Financial Year.	Number of cases of repeat homelessness.
2022/23.	3.
2021/22.	1.
2020/21.	2.
2019/20.	2.

6.8.

Each year, it is generally the case that contact is lost with some households prior to the homeless decision being made. This is as follows:

Financial Year.	Percentage of households with whom contact was lost.
2022/23.	2.7%.
2021/22.	3.4%.
2020/21.	2.2%.
2019/20.	1.6%.

6.9.

This is 3 cases out of 112 cases which were closed in the same period.

6.10.

It is important to note that the Council must permanently rehouse households it finds to be homeless and to be unintentionally homeless. Therefore, it is not the case that the Council must permanently rehouse all households who present as homeless. The percentage of households permanently rehoused is as follows:

Financial Year.	Percentage of households the Council accepted a duty to permanently rehouse.
2022/23.	78.9%.
2021/22.	74.2%.
2020/21.	79.4%.
2019/20.	79.7%.

6.11.

It is expected that, in general terms, the figures outlined at section 6.10 above will rise as the homelessness legislation changes from being a system with what was “three hurdles”, as outlined at section 4.1 above, to asking one question being “is the household homeless?”.

6.12.

The average length of time that a homeless family remains in emergency housing before being offered a secure tenancy from either the Council or Orkney Housing Association Limited varies considerably from year to year, depending on factors such as whether new schemes are built. The average times are shown in the table below:

Financial Year.	Bedsit.	One Bedroom.	Two Bedroom.	Three Bedroom.
2022/23.	Nil.	10.2 months.	5.4 months.	5.4 months.
2021/22.	21 days.	9 months.	5.3 months.	8.9 months.
2020/21.	Nil.	9.2 months.	5.4 months.	11.6 months.
2019/20.	Nil.	8.2 months.	4.1 months.	8.6 months.

6.13.

As well as the time taken to permanently rehouse a homeless household changing over time, there are also changes in respect of the number of households waiting for each size of property. Over the last 10 years demand has changed significantly with a growth in demand for one bedroom households being most notable. The table below provides data for the previous four financial years. The figures in brackets relate to the number of homelessness presentations:

Financial Year.	Bedsit.	One Bedroom.	Two Bedroom.	Three Bedroom.
2022/23.	Nil.	39 cases.	21 cases.	4 cases.
2021/22 (132).	1 case.	60 cases.	23 cases.	10 cases.
2020/21 (136).	Nil.	40 cases.	15 cases.	5 cases.
2019/20 (118).	Nil.	42 cases.	19 cases.	2 cases.

6.14.

The number of households permanently rehoused are as follows:

Financial Year.	Housed by the Council.	Housing by Orkney Housing Association Limited.
2022/23.	41.	21.
2021/22.	72.	30.
2020/21.	25.	36.

2019/20.	26.	38.
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6.15.

The figures shown at section 6.14 above show a reduction in the number of homeless households permanently rehoused by the Council from last year, this is due to the number of vacancies becoming available in the year. However, there are still a high proportion of lets being allocated to homeless households. In October 2020 the Scottish Housing Minister wrote to all social housing providers asking that homeless households be prioritised in terms of their Lettings Policy and therefore the Council has been taking account of this.

6.16.

Section 3.1 shows that the number of households in temporary accommodation has increased from the previous year and this is predominantly because there have been no new builds this financial year.

6.17.

Since the Council's current lettings policy was implemented on 1 October 2006, the proportion of properties being allocated to homeless households had risen considerably. The situation continued to improve regarding housing a broad range of needs groups and the results are evident generally relative to the time taken to rehouse homeless applicants. Partially this was as a result of the Council's programme of new build.

6.18.

In general terms homeless households are usually allocated one-third of all Council vacancies.

6.19.

The context surrounding homelessness continues to change. The Council had hoped to implement a new lettings policy from 1 April 2021 as a result of changes introduced by the Housing (Scotland) Act 2014, however, this had been delayed initially due to COVID-19 and has been further delayed due to staff vacancies and issues with changes to the housing management system. However, this will be implemented during 2023/24. During financial year 2020/21, the Scottish Government asked all councils to prioritise re-housing homeless households above other needs groups, due to the pandemic. In addition, introduction of the Rapid Rehousing Transition Plan and the changes to the homelessness legislation are likely to result in changes to the proportion of homeless households being permanently rehoused annually. This coincides with a period of substantially reduced house building by the Council. A Business Plan for the Housing Revenue Account will be presented to committee in due course, which will consider development options for the future.

6.20.

During 2022/23 the Council had 80 vacancies to fill, which were allocated as follows:

- 41 Homeless Households (27 Kirkwall, 5 Stromness, 5 Mainland, 4 Isles).
- 2 Emergency Platinum (2 Kirkwall).
- 3 Medical (2 Kirkwall, 1 Stromness).
- 14 Overcrowding (7 Kirkwall, 2 Stromness, 5 Mainland).
- 0 Under-occupancy.
- 1 Corporate Parent (Kirkwall).
- 8 Specific Need to be in the Community (2 Kirkwall, 2 Stromness, 1 Mainland, 3 Isles).
- 1 Unsatisfactory Living Arrangements (Kirkwall).
- 0 Relationship Breakdown.
- 1 Insecurity of Tenure (Stromness).
- 0 Emergent households.
- 10 No Priority (1 Kirkwall, 2 Stromness, 3 Mainland, 4 Isles).

During 2021/22 the Council had 118 vacancies to fill, which were allocated as follows:

- 72 Homeless Households (48 Kirkwall, 17 Stromness, 6 Mainland, 1 Isles).
- 6 Emergency Platinum (3 Kirkwall, 1 Mainland, 1 Isles, 1 Stromness).
- 3 Medical (2 Kirkwall, 1 Isles).
- 15 Overcrowding (10 Kirkwall, 1 Stromness, 2 Mainland, 2 Isles).
- 2 Under-occupancy (2 Mainland).
- 2 Corporate Parent (2 Kirkwall).
- 7 Specific Need to be in the Community (3 Kirkwall, 1 Mainland, 2 Isles, 1 Stromness).
- 2 Unsatisfactory Living Arrangements (1 Stromness, 1 Isles).
- 0 Relationship Breakdown.
- 1 Insecurity of Tenure (1 Stromness).
- 3 Emergent households (2 Kirkwall, 1 Mainland).
- 5 No Priority (2 Kirkwall, 1 Stromness, 2 Mainland).

6.21.

Allocations to homeless households in Kirkwall and Stromness as a percentage of all general needs allocations are as shown in the following table:

Financial Year.	General Needs Allocations to Homeless Households in Kirkwall and Stromness.
2022/23.	59.3%.
2021/22.	61%.
2020/21.	57.9%.
2019/20.	42.0%.

7. Appeals

7.1.

Any applicant has the right to appeal the Council's homelessness decision under the homelessness legislation, if they wish. This may be because they have been found to:

- Be not homeless.
- Be intentionally homeless.
- Have no local connection (up to 29 November 2022)

7.2.

Various local agencies can assist an applicant to appeal if they wish, including Orkney Citizen's Advice Bureau and Advocacy Orkney.

7.3.

Responsibility for considering any appeal is currently delegated to the Corporate Director for Education, Leisure and Housing and, in doing so, the case is considered in full along with any supporting information relevant to the case. The Officer who made the original decision is not involved in the appeal.

7.4.

The data regarding decisions in respect of appeals are as shown below:

Financial Year.	Number of appeals received in relation to homeless decision.	Number of cases withdrawn.	Number of cases not upheld.	Number of cases upheld.	Number of cases no grounds for appeal.
2022/23.	4.	0.	1.	3.	0.
2021/22.	2.	0.	1.	1.	0.
2020/21.	4.	0.	1.	2.	1.
2019/20.	3.	0.	2.	1.	0.

7.5.

Where an appeal has been upheld further information may have come to light during the course of the appeal.

7.6.

If an applicant is dissatisfied with the Council's decision after appeal, they can consider judicial review. This process can be used where an applicant believes the Council has failed in its legislative duty.

7.7.

In addition, applicants can also appeal the reasonability of temporary accommodation if they wish. This happened for the first time during 2011/12. There have been no appeals of this type in 2022/23.

7.8.

Applicants can also appeal the reasonability of an offer of permanent accommodation if they so wish. This happened for the first time during 2008/09. The decisions in this respect are as follows:

Financial Year.	Number of appeals.	Number of cases not upheld.	Number of cases upheld.
2022/23.	3.	2.	1.
2021/22.	14.	3.	11.
2020/21.	2.	1.	1.
2019/20.	5.	1.	4.

7.9.

The appeals were around the type of property, access to parking and timescales for responding to an offer of permanent housing.