

**Young R (Robert)**

**From:** Bate F AM (Robin)  
**Sent:** 27 March 2007 11:42  
**To:** Young R (Robert)  
**Subject:** FW: Consultation Response

A nother one

\*\*\*\*\*  
 This email has been received from an external party and  
 has been swept for the presence of computer viruses.  
 \*\*\*\*\*

**Homelessness etc (Scotland ) Act 2003: Implementation of Section 11**

RESPONDENT INFORMATION DETAILS

Name: Janice Wilson  
 Organisation: The Highland Council  
 Address: Glenurquhart Road Inverness  
 Postcode: IV3 5NX  
 Email: janice.wilson@highland.gov.uk  
 Telephone Number: 01463 702052  
 Responding as: on behalf of a group or organisation  
 Individual Permission:  
 Confidentiality  
 Group or Organisation: Yes  
 Share Response Permission: Yes

Consultation Questions  
 Section 1

<p>Q1: Is the form and manner of notifications of proceedings to local authorities clear to you from the information contained in these regulations?</p>	<p>Yes</p>
--	------------

<b>Comment:</b>	The form itself is quite clear.
Q2: Do you believe that the information outlined in the Notice of Proceedings in Form 1 is sufficient to ensure effective implementation of section 11?	No
<b>Comment:</b>	More detail is required to ensure correct identification of individuals. If this measure is to be successful this would also require details of other people who might apply as homeless in their own right (e.g. qualifying occupiers).
Q3: Do you believe that the information outlined in the Calling "up Notice etc, in Form 2 is sufficient to ensure effective implementation of section 11?	No
<b>Comment:</b>	As Q2 above
Q4: Do you have any suggestions to make Forms 1 and 2 in the regulations more "user friendly"™?	No
<b>Comment:</b>	Forms are straight forward but don't™ provide enough information.
Q5: Do you have any general comments or suggestions on the form and manner of the notification to local authorities from landlords and creditors as outlined in the regulations set out in section 1?	Yes
<b>Comment:</b>	We have some concerns about the stage at which notification would take place. A lot of cases where Notice is served will be resolved without actual homelessness, and without the need for other intervention. It would be easier to manage a smaller number of notifications at a later stage " for example when a court date is set. To ensure effective use of staff and resources Local Authorities need confirmation of any ongoing actions as tenants may not engage with the Local Authority at first. Also need to know if an arrangement between the tenant and landlord has been made or if the arrears have been paid or if the tenant/owner has left the property.

Section 2

--	--

<p>Q6 : Are you clear from the guidance at which stage local authorities should expect to receive the notification of proceedings ?</p>	<p>Yes</p>
<p><b>Comment:</b></p>	<p>We assume that notification will take place at the time a Notice of Proceedings (or equivalent) is served</p>
<p>Q7: Do you have any comments/suggestions in relation to local authorities ensuring landlords or creditors know where to send proceedings?</p>	<p>Yes</p>
<p><b>Comment:</b></p>	<p>This will be very resource intensive; we are unsure how we could track all landlords and creditors. Highland is still very much in the midst of processing Landlord Registration Scheme applications and no work has been done on ensuring all landlordâ€™s have registered, nor is it clear how this bit of work will be done. The penalties of not registering may have the effect of actually increasing homelessness. As far as creditors are concerned how could a local authority satisfy itself that they had actually notified every lender. What would be the penalty to landlord/lenders if they didnâ€™t notify us or didnâ€™t notify us at the right time. There has to be a responsibility on landlords and lenders to advise the Local Authority in question as they must all be aware of the Local Authority area the property is in, if not it will be easy to find out. This responsibility should not be only the Local Authorityâ€™s.</p>
<p>Q8: Is it clear from the guidance which information local authorities should expect to receive from landlords and creditors?</p>	<p>Yes</p>
<p><b>Comment:</b></p>	<p>See Question 2</p>
<p>Q9: Is the guidance clear on what actions should be taken by local authorities when notification is received from landlords and creditors?</p>	<p>Yes</p>
<p></p>	<p>We are concerned about the resource issues involved in responding to notifications. It is unlikely that writing to tenants will be sufficient to identify and respond to problems. . Making an undertaking to visit everyone who has been served with a NTQ would be difficult</p>

<p><b>Comment:</b></p>	<p>to resource and would impact on other work the Council does. This is also likely to result in increased referrals / workloads for other agencies such as CAB, Money Advice, Advocacy Services etc. It should also be acknowledged that often tenants will not wish to respond / engage</p>
<p>Q10: Do you have any comments about the data protection issues raised in the guidance?</p>	<p>Yes</p>
<p><b>Comment:</b></p>	<p>Section 25 of the Consultation document states that "landlords should refer tenants with rent arrears to a debt counselling/money advice service"™. They would only be able to do this if the tenant agreed to this and provided a mandate to allow it to happen. You also state that landlords should monitor outcomes " there will be no onus on the tenant to advise the landlord of any outcome whether this is in relation to where the applicant moves to or the support services they are offered/receive.</p>
<p>Q11 : Do you have any general comments or suggestions you believe would strengthen the statutory guidance to local authorities set out in section 2?</p>	<p>Yes</p>
<p><b>Comment:</b></p>	<p>To be effective and really prevent homelessness occurring the sanctions against landlords need to be strengthened, there needs to be incentives for the landlord. From a Local Authority point of view, additional resources will be required to do this effectively.</p>
<p>Q12 : Is it clear from this guidance what the duty of landlords and creditors under section 11 is and how it should be discharged?</p>	<p>Yes</p>
<p><b>Comment:</b></p>	
<p>Q13 : Is it clear from the guidance what the purpose of section 11 is and how landlords and creditors can contribute to and benefit from this?</p>	<p>Yes</p>
<p><b>Comment:</b></p>	
<p>Q14 : Is it clear from the guidance what actions landlords and creditors can take to help prevent homelessness?</p>	<p>Yes</p>

<b>Comment:</b>	Landlords and lenders working more closely with tenants to sustain the tenancies/accommodation would be welcomed by the Local Authority.
Q15 : Do you have any general comments or suggestions you believe would strengthen the guidance to landlords and creditors set out in section 2?	Yes
<b>Comment:</b>	Guidance for landlords and lenders on what might be done at the first signs of any tenancy issues that might prevent them having to take any action would be helpful.
Q16: Do you feel the proposals promote equality? If not, please give details of your concerns?	No
<b>Comment:</b>	There needs to be further guidance to landlords and lenders in working with minority groups, how and when to use translation services how to access these what the cost will be etc, and a clear guide that they must ensure that tenants understand what is happening and why. There also has to be information available for the tenants so that they know what the process will be.
Q17 : Do you agree with local authorities be asked to monitor implementation in the first year and being asked to provide this information to the Scottish Executive?	Yes
<b>Comment:</b>	Substantial resources will have to be used to do this effectively and unless additional resources are made available this will impact on other work undertaken by the Local Authority.
Q18 Do you have any other comments or suggestions about the monitoring and evaluation of the implementation of section 11 ?	Yes
<b>Comment:</b>	To emphasise the additional pressure this will put on Local Authorities, landlords, lenders and other services/organisations that might be involved. It will be important that monitoring and evaluation of the operation of Section 11 assesses the effectiveness of the provisions in actually preventing and reducing homelessness.

PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.  
On entering the GSI, this email was scanned for viruses by the Government Secure Intranet (GSI) virus scanning service supplied exclusively by Cable & Wireless in partnership with MessageLabs.

In case of problems, please call your organisational IT Helpdesk.

The MessageLabs Anti Virus Service is the first managed service to achieve the CSIA Claims Tested Mark (CCTM Certificate Number 2006/04/0007), the UK Government quality mark initiative for information security products and services. For more information about this please visit [www.cctmark.gov.uk](http://www.cctmark.gov.uk)