

**Young R (Robert)**

**From:** Bate RAM (Robin)  
**Sent:** 19 March 2007 12:18  
**To:** Young R (Robert)  
**Subject:** FW: Consultation Response

Robbie

One more to action as earlier.

Robin

Robin Bate  
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Please see Homelessness website  
<http://www.scotland.gov.uk/Topics/Housing/homeless/intro>

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-----Original Message-----

**From:** june.shennan@moray.gov.uk [mailto:june.shennan@moray.gov.uk]  
**Sent:** 19 March 2007 12:10  
**To:** Homelessness External Mail  
**Subject:** Consultation Response

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

RESPONDENT INFORMATION DETAILS

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 Moray  
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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>
<p><b>Comment:</b></p>	<p>But timescales for notification to local authorities would be essential to ensure there is adequate opportunities for prevention work to be undertaken. Would suggest that both first class post and electronic notifications are used. A named person would also be required to receive the information being presented.</p>
<p>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?</p>	<p>No</p>
<p><b>Comment:</b></p>	<p>It would be helpful for local authorities to receive non-identifying information on all qualifying occupiers and all other household members, if known. Named person would also be required for enquiries to landlord. The local authority would also require the reason for serving notices e.g. non-payment of rent, anti-social behaviour etc along with limited information on the history to the action being taken. Alternative communication requirements need to be highlighted and also potential hazardous situations.</p>

<p>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?</p>	<p>No</p>
<p><b>Comment:</b></p>	<p>See comments as at Q2 above.</p>
<p>Q4. Do you have any suggestions to make Forms 1 and 2 in the regulations more "user friendly"™?</p>	<p>Yes</p>
<p><b>Comment:</b></p>	<p>The proposed forms are acceptable but somewhat "messy" and perhaps the guidance requires further clarity to avoid confusion for staff dealing with this. Further guidance or clarity in regard to short assured tenancy would be helpful.</p>
<p>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?</p>	<p>Yes</p>
<p><b>Comment:</b></p>	<p>See comments at at Q4 above. Notification to local authorities of each Notice of Proceedings for possession will be of limited value as many notices are not progressed to eviction stage. Should this be done when Court action has been instructed?</p>

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>No</p>
<p><b>Comment:</b></p>	<p>It is unclear if the authority should be notified when the initial notice or when the case is due to be called at court, or once the court has for eviction. We also have concerns over timescales, para 17 stat "reasonable time" and "it would be desirable that the notice is give soon as possible" and this wording may not ensure adequate notification authorities.</p>
<p>Q7: Do you have any comments/suggestions in relation to local authorities ensuring</p>	<p>Yes</p>

<p>landlords or creditors know where to send proceedings?</p>	
<p><b>Comment:</b></p>	<p>Scottish Executive website with a link to local authority websites. Financial Services Authority (FSA) have local authority contacts. Local authority would be required and also protocol put in place. Para 2 to 'MoneyScotland', the government's money advice hub. This has the nearest money advice agency... <a href="http://www/moneyscotland.gov.uk/ContentID=173&amp;p_applic=CCC&amp;pElementID=126&amp;pMenuID=1&amp;Para 23">http://www/moneyscotland.gov.uk/ContentID=173&amp;p_applic=CCC&amp;pElementID=126&amp;pMenuID=1&amp;Para 23</a> should also contain the above reference to 'MoneyScotland'</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>Yes but comments as per Q2 above.</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>No</p>
<p><b>Comment:</b></p>	<p>How far do local authority powers go? What happens when the powers of a local authority. The amount of prevention work due to the action taken to take has resource implications that have to be addressed.</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>It is essential that staff training and internal procedures relating to place prior to the implementation of Section 11 to avoid confusion very little choice left for those who will be potentially homeless with relating to themselves that is passed to the local authority.</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>As per the previous comments in regard to timescales and perhaps plain English. However, landlords also need the ability to take evi</p>

	necessary.
Q12 : Is it clear from this guidance what the duty of landlords and creditors under section 11 is and how it should be discharged?	Yes
<b>Comment:</b>	The duty of landlords and creditors is clear but perhaps more emp landlords and creditors to carry out work to prevent homelessness on when the duty has to be discharged.
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?	Yes
<b>Comment:</b>	
Q14 : Is it clear from the guidance what actions landlords and creditors can take to help prevent homelessness?	Yes
<b>Comment:</b>	But private landlords who have only one or two properties may sti effective to evict rather than try to prevent homelessness in the lo
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>	More widespread promotion of guidance for private landlords or c information and advice.
Q16: Do you feel the proposals promote equality? If not, please give details of your concerns?	No
<b>Comment:</b>	Not sure the guidance deals sufficiently with equality of issues. Er appropriate formats has cost implications.
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>	If the Scottish Executive make it clear from the beginning the info appropriate systems are in place,
Q18 Do you have any other comments or suggestions about the monitoring and evaluation of the implementation of section 11 ?	No
<b>Comment:</b>	

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