

Young R (Robert)

From: Bate RAM (Robin)
Sent: 27 March 2007 15:10
To: Young R (Robert)
Subject: FW: Consultation Response

A nother one Robbie

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

RESPONDENT INFORMATION DETAILS

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Responding as: on behalf of a group or organisation
Individual Permission:
Confidentiality:
Group or Organisation: Yes
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Consultation Questions
Section 1

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| <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>No</p> |
| <p>Comment:</p> | <p>The wording as applies to the exact timing of notification of proceedings remains vague and lacks authority. The manner of notification is clear, as is the circumstances of notification- it is the question of "when" that could be firmed up. Wording such as "desirable" as related to guidance to landlords in notifying local authorities is weak. For consistency the "Evictions in Practice" 2005 by Communities Scotland which states that homelessness services should be contacted prior to starting formal proceedings should in our view be mandatory and could help assist both planning and prevention.</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>Yes</p> |
| <p>Comment:</p> | <p>In addition, if possible some indication of the amount under dispute could be relevant. If there is to be discussion of loans and of prevention then a relatively minor arrear or default could be "loaned" and hence prevent eviction. The alternative for local authorities is expensive temporary accommodation solutions, potential upheaval for families and protracted searches for a solution.</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>Yes</p> |
| <p>Comment:</p> | <p>As above some indication of amount would seem pertinent as would guidance on how a lender would recognise a local authority by way of a Protocol or Agreement. Our experience of lenders is that it is difficult to know whom to contact or where to strike agreement.</p> |
| <p>Q4. Do you have any suggestions to make Forms 1 and 2 in the regulations more "user friendly"™?</p> | <p>No</p> |
| <p>Comment:</p> | |

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| <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>Comment:</p> | <p>As regards the provision of loans and of mediation arrangements more clarity is sought. Especially as to how if at all this might interact with "schemes of assistance" elsewhere within the 2006 Act. Structures in local authorities vary widely regards private landlords and RSL's. Some have registration outwith Housing Services altogether and some have centralised homeless teams but area based letting teams. For consistency notification would best be handled through Homelessness Services in our view.</p> |

Section 2

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| <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>Comment:</p> | <p>There is a suggestion that it be at or shortly after service notice. Then in later guidance to landlords it suggests that before is better. It must be possible to be prescriptive that "before" is essential is helping prevention and planning. A few weeks is insufficient time for local authorities to meaningfully avoid homelessness or ensure appropriate temporary accommodation.</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>Comment:</p> | <p>As above we would suggest for consistency those who manage Homelessness Services could be primary points of contact and dissemination.</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>Comment:</p> | |

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| Q9: Is the guidance clear on what actions should be taken by local authorities when notification is received from landlords and creditors? | Yes |
| Comment: | With the exception of earlier comments on how loans might work, where that budget might come from and who would monitor, approve and administer such a response. |
| Q10: Do you have any comments about the data protection issues raised in the guidance? | No |
| Comment: | |
| Q11 : Do you have any general comments or suggestions you believe would strengthen the statutory guidance to local authorities set out in section 2? | No |
| Comment: | As above. |
| Q12 : Is it clear from this guidance what the duty of landlords and creditors under section 11 is and how it should be discharged? | No |
| Comment: | Former comments leave it wide open to interpretation as to "exactly" when informing the local authority takes place and will inevitably vary. |
| 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? | No |
| Comment: | For RSL's the link with Section 5 is crucial. A "never ending duty" is a puzzling response from RSL's and might prompt a "welcome to our world" response from homeless services. However, the recommendation that dialogue is essential is the correct way forward for all parties. The current manner of Model Agreement (SFHA) appears to present a void led rather than person centred approach to some interpretations and could do with revisal. |
| Q14 : Is it clear from the guidance what actions landlords and creditors can take to help prevent homelessness? | Yes |
| | Although it lacks specific detail as to how |

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| Comment: | or when a referral for support services might be addressed. This could be a complex but crucial element in prevention and draws implications for supporting people budgets. |
| Q15 : Do you have any general comments or suggestions you believe would strengthen the guidance to landlords and creditors set out in section 2? | No |
| Comment: | Other than above. Early notice and support/advice. |
| Q16: Do you feel the proposals promote equality? If not, please give details of your concerns? | No |
| Comment: | There is a growing concern as to how monitoring addresses the needs of A8 people. Planning to meet the needs of potentially large numbers of migrant workers for example who often begin residence in private accommodation has proved difficult. This is an area subject to much local scrutiny with regards consultation and service redesign. This is an area where capacity building in some minority communities needs specific encouragement. |
| 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 |
| Comment: | |
| Q18 Do you have any other comments or suggestions about the monitoring and evaluation of the implementation of section 11 ? | No |
| Comment: | |

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