

**SCOTTISH EXECUTIVE CONSULTATION**

**HOMELESSNESS ETC (SCOTLAND) ACT 2003 - SECTION 11**

<b>Section 1</b>	
<b>1.</b>	<p><b>Is the form and manner of notifications of proceedings to local authorities clear to you from the information contained in these regulations?</b></p> <p><b>YES/NO</b></p> <p><b>Comment :</b></p> <p>To realise the intent of Section 11, Local Authorities will require time to address preventative measures. It may be helpful to consider the inclusion of a minimum timeframe for notification, at least within statutory guidance?</p>
<b>2.</b>	<p><b>Do you believe that the information outlined in the Notice of Proceedings in Form 1 is sufficient to ensure effective implementation of section 11?</b></p> <p><b>YES/NO</b></p> <p><b>Comment :</b></p> <p>The subject matter of the proceedings could usefully be included.</p> <p>Inclusion of size of household and whether or not there were dependent children, or vulnerable people, would be of immediate use to the Local Authority, although it is not a duty required under section 11. Provision of this information within Form 1 would also obviate some of the issues raised within the paragraphs under 21.</p>
<b>3.</b>	<p><b>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?</b></p> <p><b>YES/NO</b></p> <p><b>Comment ;</b></p> <p>The addition of the comments under 2 above would suffice</p>
<b>4.</b>	<p><b>Do you have any suggestions to make Forms 1 and 2 in the regulations more ‘user friendly’?</b></p> <p><b>YES/NO</b></p> <p><b>Comment :</b></p> <p>The additional information suggested could be dealt with by itemisation and tick box?</p>
<b>5.</b>	<p><b>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?</b></p> <p><b>YES /NO</b></p> <p><b>Comment:</b></p>

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	<b>Section 2</b>
	<b>A ) STATUTORY GUIDANCE TO LOCAL AUTHORITIES</b>
6.	<p><b>Are you clear from the guidance at which stage local authorities should expect to receive the notification of proceedings?</b></p> <p><b>Yes/NO</b></p> <p><b>Comment:</b> However, as noted above under response to question 1, the guidance would benefit from absolute clarity around timescales.</p>
7.	<p><b>Do you have any comments/suggestions in relation to local authorities ensuring landlords or creditors know where to send proceedings?</b></p> <p><b>YES / NO</b></p> <p><b>Comment :</b></p>
8.	<p><b>Is it clear from the guidance which information local authorities should expect to receive from landlords and creditors?</b></p> <p><b>YES/NO</b></p> <p><b>Comment :</b></p>
9.	<p><b>Is the guidance clear on what actions should be taken by local authorities when notification is received from landlords and creditors?</b></p> <p><b>YES/NO</b></p> <p><b>COMMENT</b></p>
10.	<p><b>Do you have any comments about the data protection issues raised in the guidance?</b></p> <p><b>YES/NO</b></p> <p><b>Comment :</b></p>

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11.	<p><b>Do you have any general comments or suggestions you believe would strengthen the statutory guidance to local authorities set out in section 2?</b></p> <p><b>YES/NO</b></p> <p><b>Comment:</b></p>
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<b>B) GUIDANCE TO LANDLORDS AND CREDITORS</b>	
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12.	<p><b>Is it clear from this guidance what the duty of landlords and creditors under section 11 is and how it should be discharged?</b></p> <p><b>YES /NO</b></p> <p><b>Comment:</b></p>
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13.	<p><b>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?</b></p> <p><b>YES/NO</b></p> <p><b>Comment :</b> Purpose is clear but the benefits to landlords and creditors <i>per se</i> are less so.</p>
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14.	<p><b>Is it clear from the guidance what actions landlords and creditors can take to help prevent homelessness?</b></p> <p><b>YES/NO</b></p> <p><b>Comment :</b> Whilst the information seems relevant, the realism around timescales and action is perhaps questionable?</p>
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15.	<p><b>Do you have any general comments or suggestions you believe would strengthen the guidance to landlords and creditors set out in section 2?</b></p> <p><b>YES/NO</b></p> <p><b>Comment:</b> It is not clear what action should be taken by creditors who do not know the relevant Local Authority. Given that this will impact on the timeliness of receipt of notification by the Local Authority, guidance should be provided.</p>
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	<b>EQUALITIES</b>
16.	<p>Do you feel the proposals promote equality? If not, please give details of your concerns?</p> <p>YES/NO</p> <p>Comment:</p>
	<p><b>MONITORING AND EVALUATION OF IMPLEMENTATION</b></p> <p>The Scottish Executive will consider carrying out a study on responses of local Authorities, landlords and creditors to implementation of section 11. This will require local authorities to monitor implementation during the first year and provide this information to the Scottish Executive.</p>
17.	<p>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?</p> <p>YES/NO</p> <p>Comment :</p>
18.	<p>Do you have any other comments or suggestions about the monitoring and evaluation of the implementation of section 11?</p> <p>YES/NO</p> <p>Comment:</p>

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#### Respondent information form

Please complete the details below and return it with your response. This will help ensure we handle your response appropriately. Thank you for your help.

Name: Dr Linda Leighton-Beck  
Postal Address: NHS Grampian  
Summerfield House  
2 Eday Rd  
Aberdeen AB15 6RE

1. Are you responding: (please tick one box)
- |  |  |
|--|--|
| (a) as an individual                         | <input type="checkbox"/> go to Q2a/b and then Q4         |
| (b) <b>on behalf of</b> a group/organisation | <input checked="" type="checkbox"/> go to Q3 and then Q4 |

#### INDIVIDUALS

- 2a. Do you agree to your response being made available to the public (in Scottish Executive library and/or on the Scottish Executive website)?

Yes (go to 2b below)

No, not at all

We will treat your response as confidential

- 2b. **Where confidentiality is not requested**, we will make your response available to the public on the following basis (**please tick one** of the following boxes)

Yes, make my response, name and address all available

Yes, make my response available, but not my name or address

Yes, make my response and name available, but not my address

#### ON BEHALF OF GROUPS OR ORGANISATIONS:

3. The name and address of your organisation **will be** made available to the public (in the Scottish Executive library and/or on the Scottish Executive website). Are you also content for your **response** to be made available?

Yes

No

We will treat your response as confidential

#### SHARING RESPONSES/FUTURE ENGAGEMENT

4. We will share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

Yes

No

