

**Young R (Robert)**

**From:** Bate RAM (Robin)  
**Sent:** 16 March 2007 10:40  
**To:** Young R (Robert)  
**Subject:** FW: Consultation Response

Robbie

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Thanks

Robin

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

RESPONDENT INFORMATION DETAILS

Name: Paul McVey  
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 Responding as: on behalf of a group or organisation  
 Individual Permission:  
 Confidentiality:  
 Group or Organisation: No  
 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>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><b>Comment:</b></p>	<p>Would it not be useful to include details of Qualifying Occupiers and/or dependents in the household?</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><b>Comment:</b></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><b>Comment:</b></p>	<p>So long as there is flexibility for each Local Authority and partners to adapt them to fit their own means, obviously including the relevant detail - see evolution of Section 5 Protocols.</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>A brief protocol along the lines of the guidance suggested - should be adopted again along the lines of the Section 5 Protocols</p>

Section 2

<p>Q6 : Are you clear from the guidance at</p>	
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<p>which stage local authorities should expect to receive the notification of proceedings ?</p>	<p>No</p>
<p><b>Comment:</b></p>	<p>At one stage it refers to notification on the serving of a NOP (Notice of Proceedings) but at another, it is when court action is raised. While i understand that one should follow the other, in practice it is a minority of NOPs which actually are referred for legal action, due to the tenant contacting the landlord and the situation being resolved. I worry that if the LA were to be notified of every NOP that they would be swamped and the effectiveness of intervention might be lost.</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 should be outlined in the brief protocol mentioned at Q5.</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>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><b>Comment:</b></p>	
<p>Q10: Do you have any comments about the data protection issues raised in the guidance?</p>	<p>No</p>
<p><b>Comment:</b></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>Landlords should be made (through regulation) to incorporate the notification to local authorities in their rent management or rent arrears procedures. I must stress though that this should be at the stage the landlord is referring the tenant to their solicitors for legal action, and not simply at NOP stage.</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?	No
<b>Comment:</b>	For the reasons highlighted in Questions 6 and 11 - must be more specific re when the notification stage is.
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>	It should be happening anyway.
Q14 : Is it clear from the guidance what actions landlords and creditors can take to help prevent homelessness?	Yes
<b>Comment:</b>	
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
<b>Comment:</b>	
Q16: Do you feel the proposals promote equality? If not, please give details of your concerns?	Yes
<b>Comment:</b>	
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>	
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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