

Section 1

Q1 – Is the form and manner of notifications of proceedings to local authorities clear to you from the information contained in these regulations?

Yes / No - Yes

Comment - No comment

Q2 – Do you believe that the information outlined in the Notice of Proceedings in Form1 is sufficient to ensure effective implementation of Section 11?

Yes / No – No

Comment: It would be useful to have :

The amount of debt – to determine level of priority to be awarded to the case and an indicator of the extent of the financial problem faced.

Tenancy start date

Household composition

Reason for raising the action

Details of how debt was accrued (if rent arrears is the issue)

What action, if any, has already been taken to address the problem

Details of creditors/lenders/landlords/legal reps. – as a point of contact for the homeless advisor

Q3 – Do you believe that the information in the Calling Up Notice etc. in form 2 is sufficient to ensure effective implementation of Section 11?

Yes / No – No

Comment – same reasons as given for Q2 above.

Q4 – Do you have any suggestions to make forms 1 and 2 in the regulations more “user-friendly”?

Yes / No – Yes

Comments – It would be helpful to have:

Details of where to obtain the original forms and to whom they should be addressed at the Local Authority

Guidance notes regarding landlords'/creditors' obligation to complete and submit the notification as soon as possible

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 / No – Yes

Comments – In addition to the comments and suggestions covered in Questions 1 -4 above, we would like to see a requirement placed on landlords

and creditors to notify the local authority if there are any changes to the situation that result in the tenancy *not* being brought to an end.

Section 2

A) STATUTORY GUIDANCE TO LOCAL AUTHORITIES

Q6- Are you clear from the guidance at which stage local authorities should expect to receive the notification of proceedings?

Yes / No – No

Comments – It is only *implied* that landlords/ creditors should submit the notification as soon as the initial writ is lodged or at the outset of any action. While local authorities may infer that landlords and creditors should submit notification at the beginning of proceedings, no clearly defined time scale is stated.

Q7 – Do you have any comments or suggestions in relation to local authorities ensuring landlords or creditors know where to send proceedings?

Yes / No – Yes

Comments –In many Authorities links with private and social landlords are established in several departments / sections for different reasons; there will need to be coordination between these sections/departments and staff dealing with homeless prevention in order to utilise the notifications from landlords/creditors effectively. In order for notifications not to get lost in the system landlords/creditors will need to be given a named person or section to contact. Local Authorities will need time to establish new internal procedures and identify responsible staff.

Q8 – Is it clear from the guidance which information local authorities should expect to receive from landlords and creditors?

Yes / No – Yes

Comments – but, as stated earlier, we believe that more information should be required.

Q9 – Is the guidance clear on what actions should be taken by local authorities when notification is received from landlords and creditors?

Yes / No – Yes

Comments – It is clear that the local authority is expected to take a pro-active approach in order to try and prevent homelessness from occurring if possible, and to alleviate and improve, as far as possible, the household's circumstances if cessation of the tenancy cannot be avoided. This differs from

the approach that this authority already strives to take with potentially homeless clients in only one respect – that the authority will be required to start preventative action before the household has made contact with it.

Q10 – Do you have any comments about the data protection issues raised in the guidance?

Yes / No No

Q11 - Do you have any general comments or suggestions you believe would strengthen the statutory guidance to local authorities set out in section 2?

Yes / No – Yes

Comments – The guidance should recognise that proactive steps or early interventions by the local authority, on the basis of notification from a disgruntled landlord or creditor, may, in some cases, seem intrusive and potentially threatening by the tenant. It should also allow for the fact that unsolicited letters and visits from official organisations may go unheeded. Consideration should also be given to the fact that there are no sanctions at all to be applied against landlords/creditors who do not comply with this duty, and it is possible that landlords/creditors will not see any advantage to themselves to do so. Whilst local authorities can refuse to grant registration to private landlords who fail to comply with this duty, this would have other undesirable consequences. The guidance should state that Section 11 is just one measure that has been introduced to assist local authorities in their prevention of homelessness strategies; and Local Authorities should continue to tackle prevention of homelessness with a range of methods appropriate to the circumstance of each case.

B) GUIDANCE TO LANDLORDS AND CREDITORS

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 / No – Yes

Comments – No comment

Q13 – Is it clear from the guidance what section 11 is and how landlords and creditors can contribute to and benefit from this?

Yes / No – Yes – it is clear how they should contribute

No – it is not clear how they will benefit- it will possibly be regarded by them as more bureaucracy in order to remove tenants that they have a legal right to remove.

Q14 – Is it clear from the guidance what actions landlords and creditors can take to prevent homelessness?

Yes / No – Yes

Comments – We believe that small private landlords are less likely to pursue preventative actions than RSLs.

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 / No – No

Comments – No comment

EQUALITIES

Q16 – Do you feel the proposals promote equality? If not, please give details of your concerns.

Yes / No – No

Comments

Tenants in the private rented sector are less likely to receive preventative, proactive assistance from landlords / creditors than those with RSL tenancies.

There is nothing to suggest that Section 11 will help tenants with e.g. mental health issues, personality disorders, learning difficulties, under-developed social and self-care skills etc. – especially in the private rented sector.

Section 11 does not change the way local authorities already aim to work in terms of promoting equalities and social inclusion. Nor does it add resources to facilitate the achievement of this objective.

Q17 – Do you agree with local authorities being asked to monitor implementation in the first year and being asked to provide this information to the Scottish Executive?

Yes/ No – Yes

Comments – No comments

Q18 – Do you have any other comments or suggestions about the monitoring and evaluation of the implementation of Section 11?

Yes / No - No

Comments - No comment

