

To: HOUSING AND SOCIAL WORK SERVICES COMMITTEE		Subject: IMPLEMENTATION OF SECTION 11 OF THE HOMELESSNESS ETC (SCOTLAND) ACT 2003
From: HEAD OF HOUSING SERVICES		
Date: 25 FEBRUARY 2009	Ref: MP/SM/AM	

1. Purpose of Report / Introduction

The purpose of this report is to advise Committee of procedures to be adopted in order to implement Section 11 of the Homelessness etc (Scotland) Act 2003.

2. Background

- 2.1. The Scottish Government has recently notified their intention to implement Section 11 of the Homelessness etc (Scotland) Act 2003 with effect from 1 April 2009.
- 2.2. This part of the Act requires all landlords (other than local authorities) and creditors to notify the relevant local authority when they raise possession proceedings or serve other eviction type action notices. The Section gives Ministers powers to specify in Regulations the 'form and manner' of such notifications.
- 2.3. The landlords and creditors that will be required to submit Section 11 notices include:-
 - Registered Social Landlords (Housing Associations)
 - Private sector landlords
 - Mortgage providers (Banks and Building Societies)
- 2.4. The aim of placing a duty on landlords and creditors to inform the relevant local authority when they raise action is to ensure that local authorities are alerted to households at risk of homelessness at an early stage. Local authorities may be able to respond on an individual basis to prevent homelessness occurring, and the information contained in the notices can also help inform strategic planning of prevention and homelessness services.
- 2.5. Draft guidance for local authorities, social landlords, private sector landlords and creditors was published by the Scottish Government in December 2008 with the intention of assisting authorities to develop local procedures and practices in relation to Section 11 and promote discussion and debate. Comments have been invited and will be used to finalise the guidance ready for publication in March 2009.
- 2.5 Awareness raising activities are currently being undertaken by Scottish Government at a national level through:
 - Scottish Federation of Housing Associations (SFHA)
 - Council of Mortgage Lenders (CML)
 - Scottish Association of Landlords (SAL)
 - National Landlord Association (NLA)
 - Scottish Rural Property and Business Association (SRPBA)

This activity is intended to ensure that agencies know when, where and how to contact a local authority in order to comply with legislation.

3. Proposals / Considerations

- 3.1. Because the Scottish Government is planning an extensive publicity campaign to raise awareness of duties under Section 11, in the short term it is not intended that any awareness-raising will be undertaken by the Council. There are, however, a number of awareness-raising initiatives that could be taken locally, if this were considered appropriate and desirable once Section 11 procedures have had a chance to settle in.
- 3.2. Within North Lanarkshire, it is intended that initial contact will be made by landlords and mortgage lenders direct to the Housing Service given their pivotal role in preventing homelessness. At this stage the proposal is to have a single point of contact within Housing with details available on the Scottish Government website.
- 3.3. The information the Council receives through Section 11 referrals will be minimal (name and address). However it will enable the Council to write to the household facing possible eviction in order to provide them with information about local contacts if they require advice and support such as
 - Financial advice
 - Legal advice
 - Advice about alternative accommodation options
- 3.4. The local contacts will include:-
 - Financial Inclusion Team
 - Money Advice Team
 - Homeless Prevention Teams located in First Stop Shops
 - Local CAB
 - Shelter Housing Advice Service
- 3.5. A separate report to this Committee identifies funding support for external projects that assist the Council in preventing homelessness. Procedures will be developed between Housing, Social Work and other relevant council services to ensure that effective liaison and referral arrangements are in place.
- 3.6. In order to develop a better understanding of the actions of landlords and creditors in relation to tenants and mortgage holders, a database will be maintained of Section 11 referrals and subsequent actions. This will provide a broad framework for monitoring the impact of Section 11 referrals and assist in measuring the overall resource implications for the future.

4. Financial / Personnel / Legal / Policy Implications

- 4.1. There are no immediate financial implications as the new requirements will be met within current resources and staffing arrangements.. However the number of referrals received and subsequent actions will be monitored in order to ensure that there are adequate staff resources to provide the service in future. The proposed arrangements will be reviewed one year after the implementation of Section 11 (from April 2010).

- 4.2. There are no permissions required by the tenant or owner as there is a statutory duty on landlord or creditor to provide the local authority with information. However permission will need to be sought if information is then shared with another agency outwith the authority unless these agencies already have existing arrangements within service level agreements or protocols to share information.

5. Recommendations

It is recommended that the Committee:

- (i) Note the legal requirement to implement Section 11 from 1 April 2009.
- (ii) Approves the actions proposed within the report



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Head of Housing Services
Date 26 January 2009

For further information on this report please contact Audrey McGuinness on telephone 01698 274138.