

IMPLEMENTATION OF SECTION 11 HOMELESSNESS ETC.(SCOTLAND) ACT 2003

1. SUMMARY

- 1.1 The Homelessness etc. (Scotland) Act 2003 has been phased in gradually since 2003 and the latest Section to come into force is Section 11 – ‘Notice to local authorities of proceedings for possession and enforcement of standard securities’.
- 1.2 The Act states that ‘Where a landlord raises proceedings for possession of a dwellinghouse, the landlord must give notice of the raising of the proceedings to the local authority in whose area the dwellinghouse is situated, unless the landlord – (a) is the local authority, or (b) is required to give such notice to the local authority under any other enactment.

Section 11 is due to come into force on 1st April 2009.

2. RECOMMENDATION

- 2.1 Members are requested to note :
- a) that the homeless service are currently preparing procedures to deal with Section 11 referrals to the local authority
- b) Argyll & Bute Council have agreed to be a pilot authority for the Scottish Government for the monitoring of Section 11 referrals

3. DETAIL

- 3.1 The Scottish Government has produced guidelines on the implementation of the Section 11. They have issued a document entitled ‘The Notice to Local Authorities (Scotland) Regulations 2008 (SSI 2008/324)’. This details the information which is required to be sent to local authorities under Section 11. The homeless service has set up an e-mail address (section11enquiries@argyll-bute.gov.uk) and amendments have been sent to the AVD computing system team in order that we can effectively record Section 11 referrals in the advice and assistance section of AVD (this is the Council’s Homeless Case Management system).

- 3.2 A standard letter is being developed which will be sent to the owners or tenants who are getting the repossession action taken against them. The homeless service has an agreement with the 4 RSL's that they send us notification of any tenants whom they are taking court action against. The letters currently being used by the area homeless teams are being collated and standardised.
- 3.3 A meeting is to be set up between Welfare Rights and Money Advice and the Homeless Service in order to put procedures in place which will see a co-ordinated corporate response to Section 11 enquiries.
- 3.4 Training is to be arranged on the Mortgage to Rent Scheme which will become an important area of advice when the homeless service start to get early notification of repossession proceedings.

4. CONCLUSION

- 4.1 The procedures will be finalised once discussions have taken place with the other services within the Council as mentioned above.
- 4.2 There will be a robust monitoring system put in place within AVD which will give Argyll & Bute Council detailed information on the effectiveness of Section 11. This monitoring system will inform feedback to the Scottish Government.

5. IMPLICATIONS

- 5.1 **Legal.** Section 11 places a legal obligation on landlords to inform the Local Authority when they are taking repossession action. This will help to fulfil the legal obligation of the Local Authority to prevent homelessness
- 5.2 **Financial:** None. The extra work will be carried out by existing staff. The extra work generated will be evaluated in October 2009, six months after the implementation of Section 11
- 5.3 **Personnel:** None
- 5.4 **Equal Opportunities:** None
- 5.5 **Policy:** None

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