

**REPORT TO: HOUSING, DUNDEE CONTRACT SERVICES AND ENVIRONMENT SERVICES COMMITTEE - 22 MARCH 2010**

**REPORT ON: SECTION 11, HOMELESSNESS etc. (SCOTLAND) ACT 2003**

**REPORT BY: DIRECTOR OF HOUSING**

**REPORT NO: 132-2010**

**1. PURPOSE OF REPORT**

The purpose of this report is to update Committee of the progress which has been made in carrying out the Government legislation requirements of Section 11 of the Homelessness etc (Scotland) Act 2003 which came into force on 1 April 2009.

**2. RECOMMENDATIONS**

**It is recommended that Committee:**

- 2.1. Note the contents of this report.
- 2.2. Remit the Director of Housing to update the Homeless Action Plan to reflect performance in this area to ensure that it is monitored at regular intervals.

**3. FINANCIAL IMPLICATIONS**

- 3.1. None.

**4. MAIN TEXT**

- 4.1. The Scottish Government is strongly committed to preventing homelessness whenever possible and ensuring it is tackled effectively where it does occur, as was highlighted in the previous Housing Committee Report of 19 March 2007 (Report 180-2007). As such there are greater responsibilities placed on Local Authorities to plan and deliver, by means of early intervention; and for more emphasis to be put on preventative measures to reduce homelessness.
- 4.2. To assist Local Authorities in the prevention of homelessness, Section 11 of the Homeless (Scotland) Act 2003 requires landlords (RSL and Private Rented Sector) and creditors to notify the Local Authority when raising proceedings for possession, or servicing notices relating to mortgages.
- 4.3. The objective of Section 11 is to try and reduce potential homelessness by ascertaining if assistance can be given by the Local Authority or other agencies, to prevent tenants/home owners losing their homes.
- 4.4. Meetings were held with Registered Social Landlords and Private Landlords to discuss the issues involved in Section 11, which was subsequently followed by the introduction of a Homeless Prevention Protocol.

In addition to the aforementioned protocol there was also a document - Tenancy Sustainment Guide for Private Landlords - introduced to assist landlords whose tenants may be in some form of difficulty which could lead to potential eviction. Both these documents are on the Council's Website.

- 4.5. Contact with creditors has not been possible due to the difficulties of determining who they are at any given time, due to the considerable amount of lenders in the market. This issue is being dealt with by the Scottish Government.
- 4.6. All section 11 cases are sent to a central location - Homeless Strategy Team, Shore Terrace - and are subsequently distributed to either the Homeless Prevention Team if they have originated from a Social Registered Landlord or to the Welfare Benefits Section of Social Work Department if they pertain to private Landlords or Creditors/Lenders for investigation and assistance. This process is being reviewed at present as was originally agreed at the commencement of Section 11 to ensure the most efficient and effective methods are being implemented to prevent potential homelessness.
- 4.7. Section 11 will assist the Housing Department consider long term strategies and the planning of these. It is, however, in many ways limited due to the tight timescales involved in Section 11s from the date they are received until the landlord/creditor will take legal action. In view of the above there is the need for more work to be carried out 'pre Section 11 stage', which will be further discussed at the annual review in March 2010. This will assist in further prevention work or will at least provide more adequate timescales, if homelessness is inevitable to be prepared to find alternative accommodation for the individual.
- 4.8. Performance figures for the first nine months are included in Appendix 1.

## 5. **POLICY IMPLICATIONS**

- 5.1. This policy has been screened for any policy implications in respect of Sustainment, Strategic Environment Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

## 6. **CONSULTATIONS**

- 6.1. The Chief Executive, Depute Chief Executive (Support Services), Director of Finance, Assistant Chief Executive and all other Chief Officers have been consulted in the preparation of this Report. No concerns were expressed.

## 7. **BACKGROUND PAPERS**

- 7.1. The Scottish Government: Statutory Guidance for Local Authorities on Section 11.
- 7.2. Homeless Prevention Protocol.
- 7.3. Tenancy Sustainment Guide for Private Landlords.
- 7.4. Housing Committee Report (180-2007).

**ELAINE ZWIRLEIN**  
**DIRECTOR OF HOUSING**

**1 February 2010**

**SECTION 11 STATISTICS - APPENDIX 1**

<b>1st Quarter 2009 (April - June)</b>	<b>RSLs</b>	<b>Private Rented Sector Landlords</b>	<b>Creditors</b>	<b>Total</b>
Section 11 Notice Referrals	35	9	39	83
Homeless Prevention	30	7	36	73
* Homeless Cases	5	2	3	10
<b>2nd Quarter 2009 (July - September)</b>				
Section 11 Notice Referrals	25	4	54	83
Homeless Prevention	22	2	48	72
* Homeless Cases	3	2	6	11
<b>3rd Quarter 2009 (October - December)</b>				
Section 11 Notice Referrals	44	13	47	104
Homeless Prevention	40	11	43	94
* Homeless Cases	4	2	4	10

\* Homeless cases are based on homeless applications which were submitted to the Lily Walker Centre from Section 11 notifications.