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**Report To:** Environment and Regeneration Committee      **Date:** 17 January 2019

**Report By:** Corporate Director Environment, Regeneration and Resources      **Report No:** ENV006/19/RD

**Contact Officer:** Roisin Dillon      **Contact No:** 01475 714214

**Subject:** Registration of Private Landlords – Progress Update

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## 1.0 PURPOSE

1.1 The purpose of this report is to update the Committee on the progress to date in relation to the approval of private landlords and agents onto the Scottish Government Private Landlord Register. In addition to this to highlight the protocols put in place to refuse or remove landlords, or agents, from the Private Landlord Register; including on the grounds of not being a fit and proper person.

## 2.0 SUMMARY

2.1 The Antisocial Behaviour etc. (Scotland) Act 2004 (“the Act”) introduced the Private Landlord Registration Scheme to Scotland. The scheme has operated since 2006. The scheme places a legal responsibility on private residential landlords to register with those local authorities where they are actively renting housing to unrelated persons. Agents are also required to register with the Local Authority.

2.2 As of December 2018 within Inverclyde Local Authority there are the following number of registered Landlords and registered properties; Landlord Registrations – 3325, Registered Properties – 4620.

2.3 The majority of landlords and agents conduct themselves in a proper manner and thereby contribute to the Local Authority’s objective to support good quality housing and proper management in this key sector. However, a small number of landlords and agents continue to perform to an unacceptable standard in their compliance with housing legislation; as a result a number of processes have been put in place to manage these individuals into compliance, or to remove them from the register. To date a total of 5 Landlords have been subject to the process; three successfully, a further two will be dealt with formally through the removal of registration process.

2.4 The legislation specifies the considerations that the local authority must have regard to when considering applications, including the criteria for deciding if the landlord or agent is a “fit and proper” person. This criteria was approved by Committee in September 2013 has been reviewed and amended. Progress has been made since May 2017 and a management plan has been adopted to deal with those who are at risk of not meeting the “fit and proper person” test if they fail to improve their practices.

## 3.0 RECOMMENDATIONS

3.1 That Members note the contents of the report.

## 4.0 BACKGROUND

4.1 Part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004 provides that, other than the limited exemptions contained in Section 83 of the Act, all landlords who are not a local authority or registered social landlord must register with the local authority. Failure to apply for registration is a criminal offence.

It should be noted that limited companies etc. where they are legal persons are treated in the same manner as individuals.

4.2 Section 84 of the Act provides that the local authority shall register a landlord or agent where the appropriate information has been submitted, the appropriate fee paid and where it is satisfied that the relevant person is a “fit and proper person” to act as a landlord or agent.

When considering whether someone is a fit and proper person, Section 85 of the Act provides that the local authority shall have regard (among other things) to any material specified in Section 85 subsections (2) to (4) of the Act viz. –

“(2) Material falls within this subsection if it shows that the relevant person or, as the case may be, the person has–

(a) committed any offence involving–

(i) fraud or other dishonesty;

(ia) firearms (within the meaning of section 57(1) of the Firearms Act 1968;

(ii) violence; or

(iii) drugs;

(aa) committed a sexual offence (within the meaning of section 210A(10) of the Criminal Procedure (Scotland) Act 1995;

(b) practised unlawful discrimination in, or in connection with, the carrying on of any business; or

(c) contravened any provision of–

(zi) any Letting Code issued under section 92A;

(i) the law relating to housing; or

(ii) Landlord and tenant law.

4.3 A process (Appendix 1) and suite of letters have been agreed. This will be the standard approach taken in circumstances where an unregistered landlord has come to our attention, or where the registration has lapsed. Work will commence in early 2019, subject to resources, to identify those who have never registered or whose registration has lapsed and bring them into compliance.

## 5.0 IMPLICATIONS

### 5.1 Finance

There are no financial implications

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/(savings)

<b>Cost Centre</b>	<b>Budget Heading</b>	<b>With effect from</b>	<b>Annual net impact £000</b>	<b>Virement From</b>	<b>Other Comments</b>
N/A					

**5.2 Legal**

The process and suite of letters have been developed in consultation with the Head of Legal & Property Services

**5.3 Human Resources**

This report does not impact on Human Resources.

**5.4 Equalities**

Has an Equality Impact Assessment been carried out?

X

YES (see attached appendix)

NO - This report does not introduce a new policy, function or strategy or recommend a substantive change to an existing policy, function or strategy. Therefore, no Equality Impact Assessment is required.

**5.5 Repopulation**

Good quality housing in a mixture of tenures contributes to the attractiveness of the area to both current residents and prospective future residents.

**6.0 CONSULTATIONS**

6.1 N/A.

**7.0 BACKGROUND PAPERS**

7.1 EDUCOM/25/17/DH

## Appendix 1 Landlord Registration – Unregistered/ Lapsed Landlord Process

