



Consultation on landlord registration applications and fees.

RESPONDENT INFORMATION FORM

Please Note this form **must** be completed and returned with your response.

Are you responding as an individual or an organisation?

Individual

Organisation

Full name or organisation's name

ARLA Propertymark

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response with name

Publish response only (without name)

Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Yes

No

Consultation Answer Form

Part 1 – Landlord registration: Prescribed information

Question 1a: Do you think that landlords should have to confirm whether they comply with each of the requirements specified above? Please explain your answer

Yes No Unsure

Please tick only one box and explain your answer below.

Yes, we do think that landlords should have to confirm whether they comply with each of the requirements. Landlords should have to do this by completing a check list when registering.

Question 1b: If not, which requirement(s) do you think landlords should not have to confirm that they comply with and why?

Please explain your answer below?

Comments

Question 1c: Do you think that landlords should be required to provide evidence of compliance with any of the requirements specified above?

Yes No Unsure

Please tick only one box and explain your answer below.

We do not think that landlords should have to be required to provide evidence of compliance with any of the requirements other than completing a check list. We think this for two reasons. Firstly, local authorities should be focusing on those landlords who are not registering. Secondly, a more complex application process leaves local authorities susceptible to data breaches.

The focus of registering landlords should be on the individual rather than the condition of the property. Existing legislation already stipulates that the requirements listed must be met to rent out a property. Landlord Registration gives local authorities a tool to drive out the worst landlords. However, by asking local authorities to process more documentation this will take vital resources away from councils to enforce against those landlords who do not comply with the rules. Furthermore, disputes concerning property conditions are enforced by the First-Tier Tribunal and local authorities do not need to waste time duplicating the work of other organisations.

Landlords and letting agents expected to register by law must have the

confidence that their personal details will be handled sensitively. In February 2017, hundreds of landlords who had not yet registered with Rent Smart Wales were revealed. The Wales-wide scheme ran by Cardiff Council had contacted people who had started but not finished the registration process. However, the email addresses of recipients could be seen in the message. Under Rent Smart Wales, landlords with property in Wales must register themselves and their rental property address(es). Landlords must also be licensed to carry out letting or property management activities or arrange for a licensed agent to undertake these activities on their behalf. We are concerned that if a city council such as Cardiff working on behalf of the Welsh Government had a data breach then many local authorities in Scotland will not have the capacity to process and keep secure large amounts of extra data.

Question 2: What other questions, if any, do you think should be included in an application for landlord registration?

Please explain your answer below.

The application for landlord registration should include two additional questions. Firstly, a declaration of criminal convictions relating to housing offences, bribery and bankruptcy. Secondly, to coincide with the Scottish Letting Agent Register, the application for landlord registration should ask whether the landlord is using a letting agent or not. If the landlord is using an agent, then they should provide the number that the Scottish Government has given to the registered letting agent.

Question 3 If a minimum energy efficiency standard linked to an EPC rating is introduced, do you think that landlords should be asked to provide the domestic EPC rating for property?

Yes No Unsure

Please tick only one box and explain your answer below.

No, we do not think that landlords should be asked to provide the domestic EPC rating for the property. As outlined in our response to question 1c, landlord registration should focus on the individual and not the condition of the property. Legislation is already in place setting the minimum standard a property must be before it is let.

Question 4: Do you think that the applicants should only be required to provide a home address and a correspondence address?

Yes No Unsure

Please tick only one box and explain your answer below.

Yes, we do think that applicants should only be required to provide a home address and a correspondence address.

Question 5: Do you think that applicants should be required to provide an email address, home and mobile phone number (if they have one)?

Yes No Unsure

Please tick only one box and explain your answer below.

Yes, we do think that applicants should be required to provide an email address, but a home or mobile phone number rather than both.

Part 2 – Landlord registration: Application fees

Question 6: Do you think it is reasonable to increase registration fees in line with inflation, to reflect the increased cost to local authorities?

Yes No Unsure

Please tick only one box and explain your answer below.

Yes, we do think it is reasonable to increase registration fees in line with inflation.

Question 7: Do you think it is reasonable for local authorities to charge a lower additional fee, in cases where the maximum set fee exceeds the costs of the work undertaken to prompt a landlord to make an application?

Yes No Unsure

Please tick only one box and explain your answer below.

Yes, we do think it is reasonable for local authorities to charge a lower additional fee, in cases where the maximum set fee exceeds the costs of the work undertaken to prompt a landlord to make an application.

Question 8: Do you think that the 10% discount applied to on-line applications should be changed? If so, what should be changed?

Yes No Unsure

Please tick only one box and explain your answer below.

The Scottish Government need to decide what they want from the registration process. They cannot ask local authorities and landlords to do more and provide them with less resources. As outlined on Page 13 of the consultation document, if local authorities are already struggling to process online applications and are finding it difficult to provide support for applicants with complex circumstances, they are unlikely to be able to process an extensive list of requirements and documents from landlords. Landlord registration must focus on the individual who is registering not the property condition.

Question 9: What are your views on including an amount in the application fee to cover the operating costs of the on-line registration service?

Please explain your answer below.

The Scottish Government are asking local authorities to process more information as part of landlord registration but giving them less resource to do this work. Completing the application on-line is quick and simple. Furthermore, it is commonly used and any increase in costs may deter landlords from registering online and slow down the process for all involved. The Scottish Government must continue to fund the operating costs otherwise landlord registration will not fulfil its aim of ensuring that landlords are fit to rent out property.

Question 10: Do you think that a local authority should receive an application fee when they carry out a fit and proper person test on a joint owner?

Yes No Unsure

Please tick only one box and explain your answer below.

Yes, we do think that a local authority should receive an application fee when they carry out a fit and proper person test on a joint owner. The fee will cover the costs of two checks in one application to ensure both parties meet all the requirements.

Question 11: Do you think that each local authority should receive an application fee when a person applies to more than one local authority, and the fit and proper person assessment is required?

Yes No Unsure

Please tick only one box and explain your answer below.

No, we do not think that each local authority should receive an application fee when a person applies to more than one local authority, and the fit and proper person assessment is required. Local authorities must work collaboratively to reduce work being duplicated and keep down costs for applicants.

Question 12: Do you think that landlords should receive a 100% discount on the application fee for a letting agent who has applied to be registered with the Scottish Government?

Yes No Unsure

Please tick only one box and explain your answer below.

Yes, we do think that landlords should receive a 100% discount on the application fee for a letting agent who has applied to be registered with the Scottish Government. Through the register these agents have already been vetted as 'fit and proper'. They are trained and qualified and working to a Code of Practice. By providing a discount for landlords on the application

fee this will encourage more landlords to use letting agents, who play an important part in ensuring the private rented sector is professional and properties are well managed.

Question 13: What are your views on charging a fee for specific changes in circumstance to an existing registration?

Please explain your answer below.

Charging fees for specific changes in circumstances are acceptable if they relate to a landlord and their suitability to rent out property, not the condition of the property.

Question 14: What are your views on offering incentives to landlords and agents to apply for registration and/or improve their practice?

Please explain your answer below.

We agree that offering incentives to landlords and agents is a positive way of ensuring that they register and improve their practice.

Membership of professional bodies throughout the sector should be encouraged.

More publicised evidence of enforcement action against rogue landlords and letting agents is the best way to maintain high standards across the board.

Part 3 – Landlord Registration: Impact Assessments

Question 15: Are there any proposals in this consultation which impact or have implications on 'equality groups'? Choose from the following options:

Yes No Unsure

Please tick only one box and explain your answer below.

We do not believe there are any proposals in the consultation which impact or have implications on 'equality groups'.

Question 16: Do any of the proposals in this consultation have any financial, regulatory or resource implications for you and/or your business (if applicable)? Choose from the following options:

Yes No Unsure

Please tick only one box and explain your answer below.

We are concerned about the implications for local authorities who are being asked to do more work with less resources.

The Scottish Government must realise that any increases in costs for landlords are likely to impact on tenants through higher rents.