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**To:** Regulatory Functions Board

**On:** 1 June 2023

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**Report by:** Director of Finance and Resources

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**Heading:** **Registration of Private Landlords: Applications refused under Delegated Authority**

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**1. Summary**

- 1.1 The purpose of this report is to provide a further update to the Board in relation to applications for landlord registration refused under powers delegated to officers following the meeting of the Board on 18<sup>th</sup> August 2021. Previous updates were given to the Board at its meetings on 3<sup>rd</sup> February, 8<sup>th</sup> June and 26<sup>th</sup> October, all 2022.
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**2. Recommendations**

- 2.1 It is recommended that the Board note the contents of the report.
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**3. Background**

- 3.1 On 18<sup>th</sup> August 2021, the Board considered a report by the Director of Finance and Resources relative to outstanding applications for private landlord registration where landlords had not confirmed their compliance with regulatory requirements set out in regulations made under the terms of the Antisocial Behaviour etc. (Scotland) Act 2004 ("the 2004 Act"). The report set out options to facilitate determination of these applications.

- 3.2 The Board agreed that it be recommended that the Scheme of Delegated Functions be amended to include a delegation to officers to refuse applications for landlord registration where the requirements set out in regulations made under the 2004 Act, and detailed at Paragraph 3.3 of the report considered at the above meeting, are not met, subject to regular reports being submitted to the Board detailing the applications refused. This delegation subsequently came into effect after the meeting of Council on 30<sup>th</sup> September 2021, when the Minute of the Board's meeting of 18<sup>th</sup> August 2021 was approved.
- 3.3 In the report of 18<sup>th</sup> August 2021, officers indicated that it was anticipated that any power delegated to officers would not be used until two communications had been issued to applicants allowing them an opportunity to demonstrate their compliance. Accordingly, the practice adopted by officers has been to issue two separate letters to non-compliant landlords, allowing them periods of 28 days and, thereafter, a further 14 days to confirm their compliance.
- 3.4 Similar to the position at the time of the previous reports, the majority of landlords written to were able to confirm compliance within the above periods, allowing their applications for landlord registration to be granted.
- 3.5 In the period from 5<sup>th</sup> October 2022 to 12<sup>th</sup> May 2023, only one application for landlord registration (renewal) required to be refused by officers due to failure to confirm full compliance with landlords' legal responsibilities. It is possible that this landlord no longer requires their registration.
- 3.6 Officers reported to the Board in October 2022 that the backlog in landlord registration applications, which related to compliance issues, had been cleared. The Board may note from the terms of Paragraph 3.5 above that there has now also been a sustained improvement in relation to declared compliance by applicants for landlord registration.
- 3.7 Given this improvement, it may be that the Board would prefer that further update reports on the number of applications refused by officers will be provided annually.

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## Implications of the Report

1. **Financial – Nil**
2. **HR & Organisational Development – Nil**

3. **Community Planning – Nil**
4. **Legal – as detailed in the report**
5. **Property/Assets – Nil**
6. **Information Technology – Nil**
7. **Equality & Human Rights -**

The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report, as the report only provides the Board with an update on refused applications for landlord registration as previously requested by the Board.

8. **Health & Safety - Nil**
9. **Procurement – Nil**
10. **Risk - Nil**
11. **Privacy Impact - Nil**
12. **Cosla Policy Position – Nil**
13. **Climate Emergency – Nil**

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**List of Background Papers-** None.

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