
To: Regulatory Functions Board

On: 3 February 2022

Report by: Acting Director of Finance and Resources

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

1. Summary

- 1.1 The purpose of this report is to provide an update to the Board in relation to applications for landlord registration refused under powers delegated to officers following the meeting of the Board on 18th August 2021.
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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 18th 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 30th September 2021, when the Minute of the Board's meeting of 18th August 2021 was approved.

- 3.3 In the report of 18th 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, following the delegation coming into effect, officers issued two separate letters to 70 non-compliant landlords, allowing them periods of 28 days and, thereafter, a further 14 days to confirm their compliance.
- 3.4 The majority of these landlords were able to confirm compliance within the above periods, allowing their applications for landlord registration to be granted. However, a number of landlords failed to respond positively to the correspondence. As a result, their applications were considered for refusal.
- 3.5 Following the issue of the above letters, 14 applications for landlord registration were refused by officers, due to landlords' failure to confirm full compliance with their legal responsibilities. Eight of these applications were by landlords seeking registration for the first time, with the remainder applying to "renew" a previous landlord registration. The Board may wish to note that, since refusal, some of the above landlords have addressed their previous outstanding compliance issues and have now reapplied for registration.
- 3.6 The Board is asked to note the terms of the report. Further updates will be provided at future meetings of the Board.

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

List of Background Papers- None.

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