

Regulatory Committee

12.30pm, Monday, 5 February 2024

Landlord Registration Update

Executive/routine
Wards

All

1. Recommendations

1.1 Regulatory Committee is asked to:

1.1.1 Note the information provided in this report in relation to Landlord Registration in Edinburgh; and

1.1.2 Discharge the motion agreed by Regulatory Committee on 4 December 2023 (Appendix 1).

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Landlord Registration Update

2. Executive Summary

- 2.1 This report seeks to discharge a motion raised by Councillor McKenzie, from the Regulatory Committee of 4 December 2023 (Appendix 1), by providing information in relation to the operation of the Landlord Registration system in Edinburgh, including the roles of Customer and Regulatory Services.

3. Background

- 3.1 On 4 December 2023, Committee approved a motion by Councillor McKenzie as detailed in Appendix 1. This report addresses the motion.
- 3.2 The Landlord Registration scheme was introduced in 2006 under the [Antisocial Behaviour etc. \(Scotland\) Act 2004](#) ('the Act'). Subject to certain statutory exceptions, it requires landlords of let properties, including Houses of Multiple Occupation, to register with their local authority.
- 3.3 As at 3 January 2024, there are approximately 43,000 landlords registered within the City of Edinburgh Council area.

4. Main report

- 4.1 As required by the Act, the Council makes the following information publicly available on the corporate website:
- 4.1.1 The name(s) and correspondence address(es) of private landlords or agents who act on the owner's behalf;
 - 4.1.2 Whether a landlord is registered, or if their application is awaiting approval;
 - 4.1.3 If a landlord's registration has been subsequently refused or removed;
 - 4.1.4 The local authority with which the owner or agent is registered; and
 - 4.1.5 Whether there are any outstanding Repairing Standards Enforcement Orders for the property.
- 4.2 Tenants should be able to use the register to identify and contact their landlord or agent to obtain such information. The Council does not hold copies of tenancy

agreements or other similar information, nor would the Council have a legal basis for requiring landlords to provide such.

- 4.3 In Edinburgh, Customer Services within the Corporate Services Directorate manage the Scottish Landlord Register for Edinburgh. This includes processing applications, maintaining records and responding to queries from landlords, with the mailbox receiving an average of 30 emails per day. These are predominantly from landlords seeking to update their registration information. A triaging process is carried out to ensure emails are prioritised and directed to the correct service delivery area. The team also deals with simple enquiries from members of the public, including tenants. The enquiries requiring further investigation are then sent to Regulatory Services for follow up action.
- 4.4 The indicative response time for this service is two weeks or 10 working days, and the current average response time is five working days. The website is regularly updated with response times, if these differ from the agreed service level.
- 4.5 A recent review of the [Landlord Registration](#) page on the Council's website is complete, with improvements made to ensure that users are directed to the correct service area and that it is clear how assistance can be sought where required. A breakdown of these changes is listed below.
- 4.5.1 The Council's website has been updated with a direct link to the Registers of Scotland site to allow users to search for landlord contact details or to check if a landlord is registered. Citizens are directed to contact the Transactional Landlord Registration service in the event that a property appears not to be registered. The 'Contact Us' details provide clear guidelines around the timescales for processing of information.
- 4.5.2 A clearer description of services related to Landlord Registration and Enforcement or Complaints has been added so that customers can direct their enquiry to the most appropriate service.
- 4.5.3 Auto responses now provide a commitment to redirect to the appropriate service if the enforcement or complaint enquiry is passed to Landlord Registration inadvertently. A further enhancement to the service has been introduced to triage all enquiries on a daily basis to ensure that each enquiry is directed to the correct service.

Landlord Registration Enforcement

- 4.6 The Private Rented Services (PRS) Enforcement team is responsible for enforcement activity in relation to all private landlords in Edinburgh. The team receives complaints of which, on average, 58% are from members of the public in relation to properties which they believe should be registered, or in relation to landlords who are not complying with their responsibilities. The remaining referrals (42%) are from other agencies and partner organisations including the Department for Work and Pensions, Police Scotland or other Council teams.

- 4.7 The team also provides advice and guidance for tenants and neighbours of properties subject to landlord registration requirements and other applicable housing legislation. This advice can relate to issues such as rent deposit schemes, the role of the First Tier Tribunal and the current temporary cap on rent increases in place until 31 March 2024.
- 4.8 All complaints are recorded and investigated, and appropriate action is taken. This may include informal action, issuing corrective advice and guidance, written warnings and rent penalty notices.
- 4.9 In more serious cases, a report will be submitted to the Licensing Sub Committee for consideration. This may recommend removal from the Landlord Register on the grounds that the landlord is not a fit and proper person to be registered. In the most serious cases, a report will be submitted to the Crown Office and Procurator Fiscal Service for consideration of prosecution, which could result in a fine of up to £50,000.
- 4.10 Service requests received and enforcement outcomes since 2019 are shown at Appendix 2. The figures reflect an increase in overall service demand and a decrease in enforcement output, which is partly related to the more moderate approach to enforcement taken during the Coronavirus pandemic. During this period, the focus was on support and ensuring compliance with legislation, however now that period has passed these figures will increase again as the normal regulatory approach has resumed.

5. Next Steps

- 5.1 This report reflects the work that it has been possible to do in the time available to meet the requirement to provide a report within one cycle. It is intended that any outstanding elements of the motion will be followed up with a report in future business bulletins to keep Committee updated.

6. Financial impact

- 6.1 There is no direct financial impact on the Council. All costs are contained within existing income from licensing or landlord registration fees.

7. Equality and Poverty Impact

- 7.1 Matters described in this report have no relationship to the public sector general equality duty, thus there is no direct equalities impact arising from this report.

8. Climate and Nature Emergency Implications

- 8.1 No climate or environmental impact arises from the contents of this report.

9. Risk, policy, compliance, governance and community impact

- 9.1 The Council's approach to managing the landlord registration process and associated enforcement activity contributes to the Council's strategic priority to create good places to live and work in Edinburgh.

10. Background reading/external references

- 10.1 [Landlord Registration webpage](#)
10.2 [Being a Landlord in Scotland Resource](#)

11. Appendices

- Appendix 1 Motion by Councillor Mackenzie as agreed by Regulatory Committee on 4 December 2023
Appendix 2 Enforcement figures since 2019

Appendix 1

Motion by Councillor Mackenzie

Regulatory Committee – 4 December 2023

Item 9.1 – Landlord Registration

Committee Notes:

A temporary cap on rent increases during private tenancies is due to be lifted on 31 March 2024.

Anxiety among some tenants that this will be followed by unreasonable rent increases. Many tenants do not possess contact details for their landlords and that this information is not always available on the Scottish Landlord Register.

Recent requests for information from landlordregistration@edinburgh.gov.uk have elicited automated replies stating predicted response times of between 2 weeks and 1 month. The absence of information on engaging with the Council offline in relation to landlord registration.

Committee Agrees:

- 1) The Council should strive to provide appropriate information to tenants timeously and accessibly in response to requests.
- 2) A report to the next Regulatory Committee on landlord registration will provide:
 - 2.1) An update on current response times for information requests, with proposals to reduce these if required.
 - 2.2) A breakdown of the information that tenants can reasonably expect when making enquiries on landlord registration.
 - 2.3) Proposals to improve access.

Appendix 2

Complaints and Enforcement Action relating to unregistered Landlords or properties	2019	2020	2021	2022	2023
Complaints and enquiries about Unregistered Landlord/Property	472	488	413	635	754
Investigation outcome – Exempt from Landlord Registration	73	78	27	59	197
Investigation outcome – Landlord properly registered	163	109	79	143	181
Investigation Outcome - Landlord Registration received as a result of enforcement action	233	234	122	198	296
Rent Penalty Notice	96	13	0	0	16
Warning letters	248	195	41	26	47