

Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday, 3 March 2025

Request for Removal of Landlord Registration

Item number

Report number

Executive/routine

Wards

All

Executive Summary

This is a request for the Licensing Sub Committee to remove the landlord registration of Kevin Cowley (Landlord registration no.524729/230/07062).

This report outlines the procedures that the committee should adopt when considering this request and sets out the various options that are open to the committee.

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Request for Removal of Landlord Registration

1. Recommendations

- 1.1 After hearing from Council Officers, Police Scotland and Kevin Cowley, it is recommended that the Licensing Sub-Committee removes the entry of the landlord from the Register of Landlords.

2. Background

- 2.1 Landlord Registration was introduced in 2006 under the Antisocial Behaviour etc. (Scotland) Act 2004. Subject to some statutory exceptions, it requires landlords of let properties and Houses of Multiple Occupation to register with their local authority. The registered person is required to be a fit and proper person. The matters to which the local authority must have regard in considering whether a registered landlord is a fit and proper person are laid out in the Antisocial Behaviour etc. (Scotland) Act 2004.
- 2.2 The Act provides that the Committee must have regard to certain material, including whether the landlord has contravened any provision of the law relating to housing, or landlord and tenant law. As part of the registration process, applicants are asked to disclose relevant criminal convictions.
- 2.3 The actions of the landlord in relation to any antisocial behaviour affecting a house which they let or manage must also be taken into account.
- 2.4 Additionally, consideration must be given to any material that shows that the applicant has committed any offence involving:
- Fraud or other dishonesty;
 - Violence;
 - Drugs;
 - Discrimination;
 - Firearms (within the meaning of section 57(1) of the Firearms Act 1968); or that the applicant has
 - Committed a sexual offence (within the meaning of section 210A(10) of the Criminal Procedure (Scotland) Act 1995).

3. Main report

- 3.1 The entry for Landlord Registration (ref. 524729/230/07062) (Appendix 1) submitted by Kevin Cowley relates to one property at 16/6 Water Street, Edinburgh EH6 6SU.
- 3.2 Kevin Cowley declared no convictions on the application for registration. However, Police Scotland has now reported details of a relevant conviction (Appendix 2).
- 3.3 Taking into account the nature of his conviction, the Committee is asked to remove the entry from the Register of Landlords on the grounds that Kevin Cowley is not a fit and proper person to be registered as a landlord with the City of Edinburgh Council.
- 3.4 Kevin Cowley has been invited to attend or to be represented.

4 Measures of success

- 4.1 Not relevant, as decisions on individual registrations have to be considered on their own merits.

5 Financial impact

- 5.1 The Council's costs are contained within the fees charged for registration.

6 Risk, policy, compliance and governance impact

- 6.1 The process outlined takes account of the relevant statutory provisions.
- 6.2 The applicant has a right of appeal against any decision made. The appeal lies to the First Tier Tribunal.

7 Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report.

8 Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9 Consultation and engagement

- 9.1 None.

10 Background reading/external references

- 10.1 None

11 Appendices

11.1 Appendix 1 - Landlord Registration summary

11.2 Appendix 2 - Letter from Police Scotland dated 22 October 2024.