



## 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

Scottish Property Federation

Phone number

0131 220 6304

Address

6<sup>th</sup> Floor, 3 Cockburn Street  
Edinburgh

Postcode

EH1 1QB

Email

mcatterall@bpf.org.uk

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 Do not publish response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If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.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

It is widely acknowledged that Landlord Registration is not rigorously applied thus leaving 'rogue' landlords to continue to operate outwith due process. Much well-intentioned regulation has suffered through patchy enforcement, Landlord Registration being the clear example. Good landlords and agents are very keen for these rogue practices to be more strictly policed.

**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?

N/A

**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.

See response to question 1a

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

Please explain your answer below.

No comment

**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.

Providing an EPC for the property is required under the list of regulations in Question 1 so yes, should a minimum standard become required by law – but the EPC rating will not necessarily tell tenants, or the government, how the property’s energy efficiency is performing in practice. We see post-occupancy appraisal following energy efficiency related improvements as a necessary accompaniment, particularly further to any retrofit activity to ensure that it delivers upon its intentions. Post-occupancy appraisal of actual energy use also motivates and empowers individuals to take ownership of their energy use, which will be vital to ensuring cost-related energy efficiency measures are more likely to be considered by landlord and tenant.

There are some concerns over the capacity of the EPC assessors to meet the likely demand of the PRS sector for EPCs as well.

**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.

While our members understand and agree that the Landlords’ names should be provided as well as the relevant registration numbers and HMO contact number and expiry date some of our members have raised concern that the landlord’s contact details are on the face of the MTA. Tenants should be expected to contact the letting agent where applicable.

Our members welcomed that the proposal that the Model Tenancy Agreement (MTA) can be served electronically, where both the landlord and tenant agree that is their preferred method of communication.

Some of our members are of the view that there should be a presumption in favour of electronic communication from the outset by default and not on exchange of a written form for landlords and PRS operators using Apps in

marketing and tenancy management customer services. This is crucial for the App to work efficiently and effectively.

**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.

Please see our response to question 4

## 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.

Our members would be willing to pay the additional fee if this resulted in better enforcement measures.

**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.

This would seem to be a sensible approach.

**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 SPF agrees with discounting the fee where on-line applications are made as this should technically reduce the cost to local authorities. To do otherwise would seem to be a retrograde step.

**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.

This would seem to run counter to the proposals to offer a discount for on-line registration.

**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.

It would be helpful to have further details of what constitutes a 'fit and proper person'.

**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.

Comments

**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.

Comments

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

Please explain your answer below.

As already stated clarification on what constitutes a fit and proper person is required.

'Rogue' landlords who operate outwith due process would be unlikely to notify the local authority of most these changes and enforcement could be difficult.

**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.

As already stated it is widely acknowledged that Landlord Registration is not rigorously applied thus leaving 'rogue' landlords to continue to operate outwith due process. Much well-intentioned regulation has suffered through patchy enforcement, Landlord Registration being the clear example.

Better communication from government and local authorities, backed up by robust enforcement of existing provisions and incentives would be effective in rooting out rogue landlords and tenants who behave badly and could create a positive impact on the current housing supply crisis. Good landlords and agents are very keen for these 'rogue, practices to be more strictly policed.

### 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.

Comments

**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.

There are a number of landlords with small housing portfolios and thus small margins of profit with which to undertake costly improvements. Very few, will have access to funds to allow them to carry out major repairs. The range of measures likely to be recommended by EPCs will include expensive proposals (like boiler replacement), which would be an issue for such landlords. Without financial support, small landlords will have to shoulder a significant impact to their cashflow. For most, the rent is likely to cover the mortgage, with a small surplus to cover reactive repairs and maintenance.