

POLICY NOTE

THE PRIVATE LANDLORD REGISTRATION (FEES) (SCOTLAND) REGULATIONS 2019

SSI 2019/160

The above instrument was made in exercise of the powers conferred by sections 83(3), 87(4), 88(2C), 99 and 141(2) of the Antisocial Behaviour etc. (Scotland) Act 2004 and all other powers enabling them to do so. The instrument is subject to negative procedure.

Purpose of the instrument. This instrument is being laid to introduce an increase in the fees for applications made under The Antisocial Behaviour etc. (Scotland) Act 2004 for landlords applying to the relevant local authority for entry on the register of landlords. The fee increase reflects the reasonable costs of the administration of landlord registration.

Policy Objectives

The Antisocial Behaviour etc. (Scotland) Act 2004 (“the 2004 Act”) makes provision for private landlords to apply to the relevant local authority for entry on the register of landlords. Applicants must pay a principal fee and a fee for every property included in the application for registration or subsequently added to an existing registration, subject to any applicable discounts. An additional fee is also payable if two requests have been made by a local authority for a landlord to submit an application, or notify any changes to a registration prior to an application or notification being made.

The principal, property and additional fees have not increased since 2006 and no longer reflect the costs of administering landlord registration. This instrument increases the principal fee from £55 to £65, the property fee from £11 to £15 and the additional fee from £110 to £130. The new fees apply from 11 June 2019.

The instrument also establishes the principle of a rate of inflation increase based on the Consumer Prices Index (CPI) from 1 April (or the first working day after that date) each year going forward, subject to regular review.

The Scottish Ministers and local authorities will take appropriate steps to publish landlord registration application fees on the Scottish Government and local authority websites.

The fee increase reflects the reasonable costs of the administration of landlord registration, including provision of the internet-based registration service; procedures for checking compliance with registration requirements and provision of advice and support to applicants.

Consultation

A full public consultation ran for 12 weeks from 15 March to 7 June 2018, supported by a series of 7 stakeholder events held across Scotland. Consultation responses were received from a range of stakeholders, including housing associations and local authorities; lettings and professional organisations; tenant, resident and landlord representative organisations; individuals and those with an interest in property condition and safety.

A full list of those consulted and who agreed to the release of this information is attached to the consultation report published on the Scottish Government website. It includes Shelter Scotland; Scottish Association of Landlords & Council of Letting Agents; Convention of Scottish Local Authorities; Scottish Land and Estates; Chartered Institute of Housing and private individuals.

Due to stakeholder concerns about the cumulative impact of all the proposals for increasing application fees, the policy approach was adapted to deliver more moderate changes reflected in this instrument which will protect ongoing provision of the internet-based application system and improve landlord compliance with their legal responsibilities.

Further consultation took place with local authorities to inform the Scottish Government's assessment of the impact of new procedures for checking compliance with registration requirements and additional provision of advice and support to applicants on fees.

Impact Assessments

An Equality Impact Assessment (EQIA) has been completed. The assessment found that the policy is not discriminatory and has no significant issues that will impact negatively on any of the equality groups. The EQIA notes that a Fairer Scotland Duty assessment is not required.

A Child Rights and Wellbeing Impact Assessments (CRWIA) screening has been completed and will be published on the Scottish Government's website with the EQIA.

Financial Effects

Costs fall to the Scottish Government for upgrading the internet-based service to amend the fee that must accompany an application. The main financial impact will be for landlords when they apply for registration. However, the fees remain reasonable and proportionate to the overall costs of registration. For example, a landlord with a single property the change equates to an increase of £14 over a three-year registration period.

A Business and Regulatory Impact Assessment (BRIA) has been completed and is attached. The assessment concluded that the policy will have minimal impact on businesses and will not adversely affect competition in the market place.

Scottish Government
Housing and Social Justice Directorate

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