

NORTH LANARKSHIRE COUNCIL

REPORT

To: PLANNING AND ENVIRONMENT COMMITTEE		SUBJECT: MANDATORY REGISTRATION OF PRIVATE LANDLORDS
From: DIRECTOR OF PLANNING AND ENVIRONMENT		
Date: 11 October 2006	Ref: 58/604	

1. Purpose of Report/ Introduction

- 1.1 The purpose of this report is to advise members of the procedures for refusing or revoking registration of private landlords and agents managing properties under Part 8 of the Antisocial Behaviour etc (Scotland) Act 2004.

2. Background

- 2.1 On 30th April 2006 it became mandatory for all private landlords in Scotland, with some exceptions, to register with all local authorities in whose area they let residential property and to date North Lanarkshire has received applications from over 1800 landlords which are being processed.
- 2.2 Members may recall that the Planning and Environment Committee at it's meeting on 14 March 2006 noted the new duties placed on the Council in respect of private landlord registration and approved the establishment of a Housing Regulation Team within Environmental Health to implement the new scheme and manage the licensing of houses in multiple occupation (HMOs). The team has been established and is now processing the applications received for registration.

3. Proposals/Considerations

- 3.1 Where there is evidence that the applicant may not be fit and proper to act as a landlord then the application has to be scrutinised in detail and a judgement made to determine if the application should be refused. If evidence to that effect comes to light after an application has been approved then the registration may be revoked.
- 3.2 Evidence taken into account when assessing whether an applicant is fit and proper as prescribed in section 85 of the 2004 Act includes any material which shows the applicant has committed any offence involving fraud, dishonesty, violence or drugs, unlawful discrimination of any kind, antisocial behaviour and/or the failure to deal with antisocial behaviour, and any other information relevant to the question of whether the person is fit and proper. A statutory right of appeal to a Sheriff exists if registration is refused or revoked.
- 3.3 Rejecting or revoking registration will have serious consequences for the landlord or agent and Scottish Executive guidance suggests an appropriate committee or sub-committee of elected members should constitute the forum in which to assess the

recommendation and strength of supporting evidence presented by officers and make a decision accordingly.

- 3.2 Arrangements are in place to determine HMO licence applications which attract objections or representations or such applications as, in the view of the Director of Planning and Environment, fall to be refused. These arrangements require that such matters are determined by the General Purposes (Licensing) Sub-Committee.
- 3.3 Given the similarities of the mandatory scheme for licensing HMOs and the scheme for registration of landlords, the Head of Central Services has advised that it would be appropriate that recommendations for refusal or revocation of registration also be determined by the General Purposes (Licensing) Sub-Committee.

4. Sustainability Implications

- 4.1 The recommendations to the committee are consistent with policy and there are no sustainability implications.

5. Corporate Considerations

- 5.1 The Head of Legal Services and the Head of Central Services have been consulted in the compilation of this report.

6. Recommendations

- 6.1 That the committee approves the proposals described in paragraphs 3.1 to 3.3 and recommends that the Council's Scheme of Administration be amended to provide that all applications for registration which the Director of Planning and Environment recommends for refusal, and all proposals to revoke registrations shall be referred to the General Purposes (Licensing) Sub-Committee for determination.
- 6.2 That the matter be referred to the General Purposes Committee

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