

Local Government, Housing and Planning Committee

5th Meeting, 2023 (Session 6)

Tuesday, 21 February 2023

Public petition PE1778: reviewing the Scottish Landlords Register scheme

Background

1. This petition was considered in Session 5 by the Committee's predecessor the Local Government and Communities Committee, which agreed to keep it open pending further consideration by the Scottish Government.

[Review the Scottish Landlords Register scheme - Petitions \(parliament.scot\)](#)

2. On 31st October 2022 the Convener wrote to the Scottish Government seeking an update on progress with the issues raised by the petition. The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights has since replied.

Purpose of the petition

3. The petition called on the Scottish Parliament to urge the Scottish Government to review the effectiveness of the Scottish Landlords Register Scheme.
4. The petitioner contends that the landlords register is not fit for purpose. He argues that inspections of properties are rarely carried out, and that the "fit and proper person" test is, in his experience, a paper exercise. Overall, he contends that landlord registration is too much of a light touch process and may lead to inappropriate people becoming and remaining landlords.

Committee's consideration

5. During its consideration of the petition, the Local Government and Communities Committee took into account the views and evidence received and a report by the UK Collaborative Centre for Housing Evidence, which noted views that in Scotland the relevant legislation had been 'hastily assembled' and that 'National systems of registration or licensing require greater clarity of purpose, both on a national level and in their enforcement by local authorities.'
6. The main report stated that 'Scottish authorities also reported a lack of clear guidelines to inform enforcement decisions, particularly in relation to the application of the 'fit and proper person' test.'

7. The Committee agreed that the petition raised some questions about the process of landlord registration, and wrote to the Scottish Association of Landlords, Cosla, and the Scottish Government seeking their views.
8. The Minister for Local Government, Planning and Housing responded that the Government did not agree with the petitioner's views (that a full review of the policy is required), and that engagement had been carried out with local authorities during the development of the Private Landlord Registration (information) (Scotland) Regulations 2019. However, the Scottish Government intended to return to this work in 2021 and work with local authorities to assess the effectiveness of the current statutory guidance and to update it.

Scottish Government's position

9. The Scottish Government has now provided an update on the current position:

“Due to the coronavirus outbreak and the subsequent pressures on both Local Authorities and Scottish Government, the Scottish Government returned to this work early in 2022 and **draft Statutory Guidance has been produced**, including all legislative changes such as the Private Landlord Registration (Information) (Scotland) Regulations 2019. This was sent to all Local Authorities for consultation.

A short-term working group has been set up to discuss and finalise the comments from Local Authorities with the aim of issuing a revised Statutory Guidance early 2023. We continue to work toward the commitment we made in the Housing to 2040 strategy, to review the existing registration and regulation regimes within the private rented sector. We have published analysis of the response to our Private Rented Sector Strategy and are considering our next steps.”

For decision

10. **The Committee may wish to ask the Scottish Government for sight of the draft Statutory Guidance and for a summary of the changes it makes to the landlords' registration scheme, in order to determine whether it addresses the concerns of the petitioner.**

**Committee Clerks
February 2023**