

11. PRIVATE LANDLORD REGISTRATION ENFORCEMENT –
IMPLEMENTATION OF RENT PENALTY NOTICES

A report had been circulated by the Head of Housing, Customer and Building Services which set out the proposed processes for applying various enforcement tools in relation to unregistered and registered landlords.

All private landlords with some exceptions were required to apply for registration in the register of landlords. Appendix 1 to the report contained a list of landlord exemptions. The requirement enabled councils to remove disreputable landlords from the housing market in order to protect tenants and the wider community from the impact of antisocial behaviour and mismanaged property.

Under Part 8 of the Antisocial Behaviour, etc (Scotland) Act 2004, it was a requirement for all persons leasing residential property in Scotland to be registered with the local authority. It was a criminal offence for a landlord to enter into a lease or occupancy agreement without being registered.

In addition the local authority had the power to issue a “Rent Penalty Notice” under Section 94 of the 2004 Act, the effect of which was to prevent the landlord collecting rent from any residential properties whilst unregistered.

The Rent Penalty Notice would give a period of 28 days prior to commencement during which the landlord may still register. If the landlord registered during that period the Rent Penalty Notice would be revoked.

Implementing Rent Penalty Notices as an enforcement tool had notable benefits in terms of improving performance and compliance in private rented sector, however it was recognised that implementation was not without challenge and a clear process had been created.

The report concluded that West Lothian Council were the only local authority who did not use Rent Penalty Notices as an enforcement action against private landlords and therefore having available enforcement tools in place would ensure compliance with legislation, reduce corporate risk and improve performance.

The panel was asked to note the enforcement process proposals.

Decision

To note the contents of the report.