



Landlord Registration in Scotland: Consultation on a review of landlord registration applications and fees: Analysis of Responses



PEOPLE, COMMUNITIES AND PLACES

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Why Research, 2018

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Executive Summary

1. In May 2013, the Scottish Government (SG) published its Strategy for the Private Rented Sector in Scotland, setting out the vision for a private rented sector. While most landlords aim to provide good quality accommodation and services to their tenants, the available evidence indicates that some landlords are not aware of their legal responsibilities.
2. In March 2018 the Scottish Government launched a consultation – ‘Landlord Registration in Scotland: Consultation on a review of landlord registration applications and fees’ – seeking views on a requirement for landlords to provide additional information about compliance with legal duties, and on a range of options for increasing application fees. The proposals set out in the consultation paper were designed to strengthen the system of landlord registration in a proportionate way. The consultation opened on 15 March 2018 and closed on 7 June 2018.

Respondent Profile

3. In total, there were 239 responses to the consultation, of which 80 were from organisations (broken down as below), 95 from individuals and 64 from those who identified themselves as landlords.

Table 1: Respondent Groups

	Number
Housing association	8
Local Authority	30
Lettings / residential lettings / property management	23
Professional organisation	4
Representative organisation	5
Safety / risk	4
Tenants' interests / tenants / Residents group	3
Other (e.g. charities / health / professional organisations / manufacturer)	3
Total organisations	80
Individuals	95
Self-identified landlords	64
Total respondents	239

Key Themes

4. A number of key themes were evident across questions as well as across respondent groups and these are summarised below.
 - A need for changes to the online registration system which is currently perceived not to be user-friendly or fit for purpose; requests for a user-friendly, streamlined and fully automatic online registration system, with guidance provided to landlords. Some allowance would need to be made for landlords who are not able to apply online.
 - The proposals as set out in this consultation paper will result in increased workloads for landlords and create unnecessary paperwork. These will also introduce extra costs and administration for local authorities.
 - Concerns over how the proposals will fit with current data protection and GDPR requirements.
 - The need for enforcement to be applied in order to deal with rogue landlords, with a perception from some that landlords who do register are currently subsidising rogue landlords who do not register.
 - A need for consistent administration across Scotland, with some suggestions for a national registration system to be operated across Scotland rather than having 32 different systems which lead to duplication of effort and inconsistency across Scotland.
 - Requests for transparency in how local authorities make up their charges.
 - The suggested proposals (or some of them) will duplicate information provided which is already required through other legislation.
 - Data gathered through the landlord registration system should be shared across local authorities and could be used to feed into relevant policy areas as an aid to decision-making.

Consultation Questions

5. The following paragraphs summarise the main findings from each of the consultation questions.

Main Findings: Prescribed information

Expanding prescribed information (Q1, Q1b, Q1c, Q2)

6. A majority of respondents agreed that landlords should have to confirm whether they comply with each of the requirements specified in the consultation paper. A key theme was simply that this will encourage landlords to comply with the requirements, ensure that the market has compliant landlords or that it helps landlords to understand their obligations. Those in disagreement with this proposal or who gave an answer of 'unsure' focused on the increased workloads this would introduce for landlords, thus making the registration process more onerous and time consuming. Other issues

related to the need for enforcement of legislation and the need for an effective online registration system.

7. Key specific requirements, each cited by a minority, which respondents felt landlords should not have to confirm that they comply with included Energy Performance Certificates (EPC), mortgage / loans / tax, legionella assessments, gas safety and electrical safety.
8. A majority of respondents (117) felt that landlords should be required to provide evidence of compliance with the specified requirements, although a minority (82) disagreed with this. Two key themes were that this would create unnecessary paperwork and burden on landlords or that this would create too much administration and / or cost for local authorities and impact on timescales. There were some suggestions, each from a small proportion of respondents that local authorities should carry out random sample checks each year, that landlords should have to provide evidence on request; or that evidence should be provided with application forms. It was felt that it can be difficult to provide evidence for some forms of certification although specific evidence that could be provided included electrical or PAT testing, gas safety certificates, EPCs, carbon monoxide safety and fire compliance.
9. Other questions that it was felt should be included in an application for landlord registration included details of any criminal convictions, whether action has previously been taken by a tenant against a landlord, whether registration has ever been refused, relevant landlord insurance, proof that mortgage right-to-let has been granted, details of any standard security over a property, property ownership, gas, electrical and fire compliance and whether an agent is used.

Energy performance certificate rating (Q3)

10. A majority of respondents agreed that landlords should be required to provide the domestic EPC rating for property. The highest level of disagreement came from respondents in the lettings / residential lettings / property management sub-group.
11. A minority of respondents noted that the EPC rating is already provided when a property is advertised; a similar proportion felt this will ensure compliance with legislation and that the EPC is a useful document to provide. However, a small proportion of respondents felt that the EPC is of little benefit to tenants as they are unlikely to make decisions on where to live based on this. Other points, each made by a small proportion of respondents, were that there is an existing EPC database which could be used to help with the registration process or that legislation is about to change and an EPC will be needed to show that a landlord meets the requirements of the new legislation.

Miscellaneous amendments to prescribed information (Qs4-5)

12. A majority of respondents felt that applicants should only be required to provide a home address and a correspondence address, whilst a large minority generally agreed with this proposal. Another key theme was that if a landlord is paying to use an agency, all communication should be via that agency. The issue of data protection and / or GDPR was raised by some respondents, with concerns that personal information should not be publicly available. There were some suggestions for other types of information that could be provided. These included an email address, a home address and a correspondence address or an option to use a business address.
13. There was also majority support for the proposal that applicants should be required to provide an email address, and home and mobile phone number (if they have one), and a key theme that emerged at this question was one of general support. There were some suggestions of a need for flexibility within the system, alongside suggestions for specific types of information that could be provided. Again, the issue of data privacy was raised by a small proportion of respondents, with comments that the register should be managed by the local authority and not be available to the general public.

Main findings: Landlord registration application fees (Qs6-14)

Application fees (Q6)

14. A greater number of respondents disagreed (119) than agreed (99) that it is reasonable to increase registration fees in line with inflation, to reflect the increased cost to local authorities, with greatest levels of disagreement from organisations involved in lettings / residential lettings / property management, self-identified landlords and individuals.
15. A key theme from those who agreed with this proposal was that this is reasonable or that current fee levels do not reflect the amount of work conducted by local authorities. However, a smaller proportion of respondents felt that the current fee is fair, already high enough or that there is no justification for a fee increase, for example, because costs for private landlords are already high. Other issues raised, each by a small proportion of respondents, included requests for an increase to be in line only with inflation, transparency in how costs are calculated, the need for an online registration system that is fit for purpose or for a national Scotland-wide registration system.

Additional fee (Q7)

16. A majority (106) of respondents felt it is reasonable for local authorities to charge a lower additional fee, in cases where the maximum set fee exceeds the cost of the work undertaken to prompt a landlord to make an application, although a large minority (91) disagreed. A small proportion of respondents suggested a fixed fee for applications, with one standard national fee applied for late applications. There were also a small number of requests for

discretion to be applied by local authorities in cases of unusual circumstances. Local authorities themselves were concerned about the planning and administration of this proposal.

Landlord registration fee discounts (Q8)

17. A majority (130) of respondents disagreed with the proposal to change the 10% discount to online applications, compared to 78 who agreed, and the highest levels of agreement came from local authorities. The key theme mentioned related to issues with the current online application system. There was also a preference from some respondents to retain the online discount as it currently exists; that said, there was also comment that the majority of landlords now complete the application online and that the 10% discount is no longer needed, although there were some suggestions for an increased fee for offline applications.

Landlord registration online system (Q9)

18. A higher proportion of respondents disagreed with including an amount in the application fee to cover the operating costs of the online registration than agreed; a key theme was that additional fees should not be necessary or that the current registration fee is sufficient. That said, a minority of respondents perceived the proposed cost of £2 every three years as being reasonable or minimal.
19. There were some comments that as the registration system is government-led, then they or the public purse should pay registration fees; additionally, there was a perception from some that the system offers no benefits to landlords. There was also a perception that online registration should be more efficient and counteract any additional costs. There were also concerns from small numbers of respondents that higher costs will discourage landlords from registering, that landlords are already being expected to deal with increased financial burdens, that increased costs to landlords may result in increased rents to tenants or that properties will be removed from the rental market. Once again, there were some comments about the registration system and a need for improved functionality.

Joint owner discount (Q10)

20. More respondents disagreed (117) than agreed (84) with the proposal for a local authority to receive an application fee when they carry out a fit and proper person test on a joint owner. Highest levels of agreement came from local authorities and highest levels of disagreement from organisations in the lettings / residential lettings / property management sector, self-identified landlords and individuals. The key theme mentioned was that if the full joint owner discount is not offered, then many joint owners will not be declared to the local authority.

Multiple area discount (Q11)

21. A higher proportion of respondents disagreed (121) than agreed (75) that each local authority should receive the full application fee when a person applies to more than one local authority, and the fit and proper person assessment is required. A key theme from those not supporting this proposal was that local authorities should be able to share their information and not have to duplicate work; this would also help reduce costs. There was support for having one national landlord licensing authority and having standardised rules across Scotland for checks.
22. The key theme from those in support of the proposal was that local authorities need to conduct their own fit and proper person assessment and the associated administrative work (this was particularly noted by local authorities).

Agent fee discount (Q12)

23. A majority (141) of respondents agreed with the proposal for landlords to receive a 100% discount on the application fee for a letting agent who has applied to be registered with the Scottish Government, compared to 40 who disagreed. The majority of pro-comments included that the discount would be applied consistently or equitably, that landlords would be encouraged to use registered and trained agents, that the discount would encourage better landlord compliance, that landlords are already paying agents and that landlords should not have to pay fees as well as agents.
24. A minority of respondents noted that letting agents will shortly have their own register and will not be required to register on the landlord registration system; thus they would not be liable for a fee so a discount would be inappropriate.

Change of circumstance (Q13)

25. A large majority of respondents held negative opinions in relation to charging a fee for specific changes in circumstance to an existing registration, with a minority stating that there should be no additional charges. The dominant theme was that this would deter landlords from updating changes. A minority of respondents felt that there should not be charges applied for updating online information.
26. Those in favour of this proposal agreed that local authorities need to cover costs, although some respondents gave specific examples of which types of charges should, or should not, incur additional charges i.e. if the change is non-routine such as issue of an HMO licence or legal action against a landlord, then it could attract an additional fee.

Incentivising landlords (Q14)

27. Views were relatively split, in that a broadly equal number of respondents supported or did not support the proposal to offer incentives to landlords and agents to apply for registration and / or improve their practice. The benefits of offering incentives or discounts included reductions in enforcement costs, reduced bureaucracy and participating in the Landlord Accreditation Scheme, obtaining membership of the Scottish Association of Landlords (SAL) or taking part in forums, conferences and meetings. There was also support for training course attendance or accredited training to qualify for discounts.
28. A minority of respondents were in favour of having a discount available, such as for early renewal or within a specified time prior to registration expiry. Smaller numbers also suggested that incentives may increase compliance.
29. Those not in support of incentives for landlords focused on the fact that registration is a legal obligation and there should be no incentives. Some commented that this would not help to deter rogue landlords who are non-compliant anyway and some suggestions of a need to enforce penalties for non-compliance. A number of these respondents were against extra training or accreditation being eligible to qualify for discounts. There were some suggestions that better guidance and communication with landlords should be a priority.

Main Findings: Impact Assessments (Qs15-16)

Equality Impact Assessment (Q15)

30. The large majority of respondents felt there were no proposals in the consultation that would impact or have implications on equality groups. Only very small numbers of respondents cited any specific groups of individual who might be impacted upon by any of these proposals.

Business and Regulatory Assessment (Q16)

31. A majority of respondents felt the proposals would have financial, regulatory or resource implications for them or their business, and this view was particularly high among self-identified landlords. Additional costs specified by respondents included increased registration fees, increased compliance costs and the loss of discounts. There were also some references to an increased administrative burden. Some respondents felt one impact could be the continuing viability of the rental sector or that tenants would suffer from rent increases. Many of the local authorities also commented that these proposals would result in a need for additional resources because of increased workloads for staff, for example, for checking certification.

Introduction

Background

1. The private rented sector has grown significantly in recent years and plays a key role in helping to meet housing need in Scotland, with around 770,000 people currently living in private rented accommodation.
2. In 2004 mandatory registration for private landlords was introduced and a duty was placed upon local authorities across Scotland to prepare and maintain a public register of private landlords. Registration commenced in April 2006.
3. Local authorities have the power to decide who can legally operate as a landlord. The current system of landlord registration allows tenants and prospective tenants to rely on the judgement of their local authority as to whether the landlord is a fit and proper person to rent property. Landlords have to provide local authorities with information to demonstrate that they comply with the requirements of registration.
4. In May 2013, the Scottish Government (SG) published its Strategy for the Private Rented Sector in Scotland. The document set out the vision for a private rented sector that provides good quality homes and high management standards, inspires consumer confidence, and encourages growth through attracting increased investment.
5. The Strategy describes the purpose of landlord registration as providing a register of all private landlords for public inspection, providing a regularly updated register and to ensuring that enforcement action is targeted at the worst landlords in the sector.
6. While most landlords aim to provide good quality accommodation and services to their tenants, the available evidence indicates that some landlords are not aware of their legal responsibilities. Furthermore, landlord registration application fees have remained static since 2006 and so a review of the current fee structure is appropriate to reflect the increased expectations on local authorities to administer and enforce landlord registration in a growing market.
7. In March 2018 the Scottish Government launched a consultation – ‘Landlord Registration in Scotland: Consultation on a review of landlord registration applications and fees’ – seeking views on a requirement for landlords to provide additional information about compliance with legal duties, and on a range of options for increasing application fees. The proposals set out in the consultation paper were designed to strengthen the system of landlord registration in a proportionate way. The consultation opened on 15 March 2018 and closed on 7 June 2018.

8. It invited views on a range of issues including:
- Prescribed information.
 - Landlord registration application fees.
 - Impact assessments.

Respondent Profile

9. In total, there were 239 responses to the consultation, of which 80 were from organisations, 64 from self-identified landlords and 95 from individuals.
10. Respondents were assigned to respondent groupings in order to enable analysis of any differences or commonalities across or within the various different types of organisations and individuals that responded.
11. A list of all those organisations that submitted a response to the consultation and agreed to have their name published is included in Appendix 1.

Table 2: Respondent Groups

	Number
Housing association	8
Local Authority	30
Lettings / residential lettings / property management	23
Professional organisation	4
Representative organisation	5
Landlord Service Provider / Safety / risk	4
Tenants' interests / tenants / Residents group	3
Other (e.g. charities / health / professional organisations / manufacturer)	3
Total organisations	80
Individuals	95
Self-identified landlords	64
Total respondents	239

12. As Table 2 shows, the two largest organisation sub-groups were local authorities and organisations involved in lettings / residential lettings / property management.
13. 64 individual respondents identified themselves as landlords and were placed into a separate sub-group in order to ascertain whether they held differing opinions to respondents who did not identify themselves as landlords or other sub-groups.

Methodology

14. Responses to the consultation were submitted using the Scottish Government consultation platform Citizen Space, or by email or hard copy.
15. It should be borne in mind that the number responding at each question is not always the same as the number presented in the respondent group table. This is because not all respondents addressed all questions. This report indicates the number of respondents who commented at each question.
16. Some of the consultation questions contained closed, tick-boxes with specific options to choose from. Where respondents did not follow the questions but mentioned clearly within their text that they supported one of the options, these have been included in the relevant counts.
17. The researchers examined all comments made by respondents and noted the range of issues mentioned in responses, including reasons for opinions, specific examples or explanations, alternative suggestions or other comments. Grouping these issues together into similar themes allowed the researchers to identify whether any particular theme was specific to any particular respondent group or groups.
18. It should be noted that there are some statements made by respondents that show a misunderstanding of landlord registration, and are inaccurate or inconsistent about the operation of landlord registration. However, analysis has examined all the responses and does not comment on the factual accuracy of any of the answers provided by respondents.
19. When considering group differences however, it must also be recognised that where a specific opinion has been identified in relation to a particular group or groups, this does not indicate that other groups did not share this opinion, but rather that they simply did not comment on that particular point.
20. While the consultation gave all who wished to comment an opportunity to do so, given the self-selecting nature of this type of exercise, any figures quoted here cannot be extrapolated to a wider population outwith the respondent sample.
21. A small number of verbatim comments from those who gave permission for their responses to be made public have been used in the report to illustrate themes or to provide extra detail for some specific points.
22. A number of stakeholder events were conducted as part of this consultation process. Many of the points raised at these events reiterated issues and themes raised within the written consultation responses. Where a different issue or theme was raised at a stakeholder event(s), it is commented on in this report.

Part 1 – Prescribed information

23. The consultation document advised that when applying to be registered as a private landlord, applicants must provide certain personal information and limited information about property they rent out to tenants; this is referred to as 'prescribed information'. A person who applies to be registered must declare that the information included in the application is accurate and that they comply with other legal requirements relating to the letting of houses. The consultation proposed that applicants are required to confirm whether they comply with a number of specific requirements relating to letting houses. These are:
- Property meets standards that apply to it (i.e. the Tolerable Standard and the Repairing Standard).
 - Property meets the specific requirements relating to gas, electrical and carbon monoxide safety.
 - A current Energy Performance Certificate (EPC) exists for the property and is available to tenants.
 - Property advertisements include details of the landlord registration status and EPC rating.
 - Owners of flats within a tenement are aware of their responsibilities in relation to common repairs and have appropriate buildings insurance.
 - Owners of houses in multiple occupation have a House in Multiple Occupation (HMO) licence.
 - Risk assessments for Legionnaire's disease have been undertaken and the findings acted upon as necessary.
 - The implications of renting houses for mortgage, insurance and tax purposes are understood.
 - Tenancy deposit protection is applied when a deposit is taken.
24. To help applicants understand the legal responsibilities relating to letting houses they will be signposted to information on the relevant standards, before being allowed to complete their application. Provision can be made to allow for applicants to say why a duty does not apply.

Expanding prescribed information

Q1: Do you think that landlords should have to confirm whether they comply with each of the requirements specified above?

Table 3: Question 1a

	Yes	No	Unsure	No reply	Total
Housing Association	7	1	-	-	8
Local Authority	29	-	1	-	30
Lettings / residential lettings / property management	15	8	-	-	23
Professional organisation	2	-	-	2	4
Representative organisation	5	-	-	-	5
Safety / risk	3	-	-	1	4
Tenants' interests / tenants / Residents group	3	-	-	-	3
Other (e.g. charities / health / professional organisations / manufacturer)	3	-	-	-	3
Individuals (96)	62	26	5	2	95
Self-identified landlords	30	29	5	-	64
Total (239)	159	64	11	5	239

25. As shown in Table 3, a majority of respondents (159) agreed and 64 disagreed that landlords should have to confirm whether they comply with each of the requirements specified in the consultation paper. While there was agreement across all organisation sub-groups, those in lettings / residential lettings / property management, housing associations, self-identified landlords and individuals were the only sub-groups where any respondents disagreed with this proposal.
26. Of those who identified themselves as landlords, views were split and almost equal numbers responded 'yes' and 'no' to this question.
27. Respondents were invited to explain their answer and 183, across all sub-groups, took the opportunity to comment.
28. The key theme from a large minority of respondents was that this will encourage landlords to comply with the requirements, ensure that the market has compliant landlords and helps landlords to understand their legal obligations. Smaller proportions also noted that this is reasonable, that it is good practice and will ensure a level playing field for all landlords or that

landlords should be compliant in all aspects of the law. A small proportion also simply noted their agreement with the proposal.

29. As noted by an organisation in the tenants / residents group,

“[We are] supportive of expanding the range of requirements that landlords must confirm they comply with in connection with an application to register as a landlord. Setting out the individual components of the ‘fit and proper person’ test in this way will go some way to ensuring that landlords are fully aware of their responsibilities when it comes to letting out property.”

30. A small proportion also commented that requirements for landlords need to be specific and clear, with clear guidance being provided, for example, offering links to relevant legislation or relevant websites.

31. Of the respondents who answered ‘no’ or ‘unsure’ to this question, a key focus was on the increased workloads for landlords that this would introduce, thus making the registration process more onerous and time consuming.

32. The consultation analysis also shows there were concerns around the enforcement of legislation, and comments made by a small proportion of respondents included that local authorities do not currently enforce penalties on landlords and of a need to have enforcement; or of the need to target rogue landlords who do not register.

33. A small number of respondents made suggestions for changes to the registration process. These included the need to have an effective online registration system; that it may be difficult to confirm specific requirements relating to gas, electrical and carbon monoxide safety within the registration process; or that matters relating to mortgage and tax should be of no concern to the registration process.

34. Other comments made by a very small proportion of respondents included:

- Landlords should already have this information to hand and it should be easy to confirm.
- Many dwellings are not compliant at present.
- This is important for accountability and transparency.
- Landlords should also be required to provide legal confirmation that they have complied with the necessary legislation and / or to provide evidence of this; or that certificates should be provided as proof of compliance.
- This will help to maintain standards of rented properties.
- Disagreement with the requirement for a Legionella risk assessment.
- Landlords of HMOs are governed by other legislation.
- This is unfair on landlords and should be extended to other types of rented property such as caravan sites and holiday homes.

- This will just be a tick box exercise.
 - Agents should be allowed to complete this on behalf of landlords.
 - Concern over bad tenants and suggestions for a tenant registration process.
 - Local authorities do not have the required resources.
 - This obligation is already placed upon landlords.
 - EPCs should be scrapped as they are of little use.
 - Exclude requirements for mortgage / tax information as this does not come under the law relating to housing or landlord and tenant law.
 - There was a suggestion from some of the stakeholder events that the list should be separated to distinguish between information that is a “requirement” and information that is “advice”.
35. All respondents who answered ‘no’ to Question 1a (whether landlords should have to confirm whether they comply with each of the requirements specified) were then asked which requirements they thought landlords should not have to confirm that they comply with. However, some of those who gave answers other than ‘no’ to Question 1 also answered Question 1b, and their comments have been included in the analysis.

Q1b: If not, which requirement(s) do you think landlords should not have to confirm that they comply with?

36. A total of 81 respondents opted to provide commentary in response to this question, a number of whom simply reiterated points made to the previous question. While a small proportion felt that the existing required level of detail is sufficient, a similar proportion felt that landlords should have to confirm they comply with all this information.
37. Specific requirements which respondents felt landlords should not have to confirm that they comply with included:
- EPC.
 - Mortgage / loans / tax.
 - Legionella assessment.
 - Gas safety.
 - Electrical safety.
38. Once again, comments made, each by a small proportion of respondents included reference to the need for enforcement of any requirements, comments on the need to deal with rogue landlords or that this approach would be overly burdensome to landlords.

39. A very small proportion of respondents noted that this is already done; a similar proportion said that it should be presumed that landlords comply with any requirements.

Q1c: Do you think that landlords should be required to provide evidence of compliance with any of the requirements specified above?

Table 4: Question 1c

	Yes	No	Unsure	No reply	Total
Housing Association	7	1	-	-	8
Local Authority	18	8	3	1	30
Lettings / residential lettings / property management	12	8	3	-	23
Professional organisation	-	1	1	2	4
Representative organisation	2	2	-	1	5
Safety / risk	2	1	-	1	4
Tenants' interests / tenants / Residents group	2	-	-	1	3
Other (e.g. charities / health / professional organisations / manufacturer)	2	-	1	-	3
Individuals	49	30	14	2	95
Self-identified landlords	23	31	9	1	64
Total (239)	117	82	31	9	239

40. As demonstrated in Table 4, a majority of respondents (117) felt that landlords should be required to provide evidence of compliance with any of the specified requirements, although a minority (82) disagreed with this proposal. Smaller proportions were unsure or did not provide an answer to this question. Among landlords specifically, more did not support this proposal than did (31 did not support this, compared to 23 who did). Some of those who gave answers other than 'no' to Question 1 also answered Question 1c, and their comments have been included in the analysis. Table 4 shows responses from all respondents.
41. A total of 179 respondents opted to provide further commentary in response to this question.
42. Two key themes emerged in response to this question, each cited by around a quarter of respondents. These were that this would create unnecessary paperwork and burden on landlords, or that this would create too much administration and / or cost for local authorities and impact on timescales.

These two themes came primarily from respondents who had answered 'no' or 'unsure' to this question.

43. Smaller proportions of respondents, primarily organisations, suggested that local authorities should carry out random sample checks each year or that landlords should have to provide evidence if a complaint against them is made. As noted by an organisation in the lettings / residential lettings / property management sector which was supportive of the proposal,

“There is currently no requirement of a landlord to provide this information which is policed, the only current requirement being that it be provided to tenants for them to police it. Legislative requirements are not always understood by tenants and they are not qualified to make judgements on their own safety w.r.t. let property. Particularly safety and tenancy sustainability requirements should be policed by civic authorities who generally have greater authority and competence when dealing with 'rogue, non-compliant' landlords failing to meet their Repairing Standard obligations.”

44. A small proportion of respondents, primarily organisations, noted that evidence should be provided by landlords alongside their application form or that local authorities need to conduct checks of any required certification. A small proportion of respondents also noted that it can be difficult to provide evidence on compliance with the Tolerable and Repairing Standards and that some requirements do not qualify for certification. As one landlord commented, some of this information is already required through other legislation and some can be difficult to easily provide:

“Requirement for EPC is already covered as a requirement for advertising. LGSR¹ is a legal requirement and an offence if not current. Presence of CO Alarm is covered under the LGSR. Submission and checking of other certificates (LGSR, EICR², PAT³, LRA⁴) would be an administration burden. Difficult to easily provide evidence re compliance with tolerable and repairing standards. The compliance against their requirements are better considered by FTT should a case be brought by a tenant.”

45. Some respondents made suggestions for specific evidence that should be provided by landlords. This included electrical or PAT testing, gas safety certificates, EPCs, carbon monoxide safety and fire compliance.
46. Other comments, each made by a very small proportion of respondents, included:
- Queries over the process of reviewing evidence and what resources would be provided to local authorities.

¹ Landlord Gas Safety Record

² Electrical Installation Condition Report

³ Portable Appliance Testing

⁴ Legionella Risk Assessment

- This should be carried out by letting agents where they are being employed by landlords.
 - This will drive up registration costs.
 - This will drive up rents for tenants (and disproportionately impact upon poorer tenants).
 - It may lead to some landlords not registering or driving landlords with only a single or small number of properties out of the market.
 - The need for checks to be proportionate.
47. Once again, small numbers of respondents referred to the need to deal with rogue landlords or commented that enforcement is needed.
48. At stakeholder events, there were a small number of additional suggestions. These included the introduction of a digital wallet for storage of relevant certificates; for checks to be carried out on a small sample of landlords to ascertain whether they have provided all the required information (i.e. checks to be proportionate); these checks might be initiated by a tenant complaint, or for applications to carry the caveat that the local authority may ask for evidence of compliance.

Q2: What other questions, if any, do you think should be included in an application for landlord registration?

49. Respondents were invited to offer suggestions for additional questions, and 140 did so. The key theme to emerge, from a very large minority of respondents across most sub-groups, was that no other questions should be included in an application for landlord registration and that plenty of information is already provided.
50. Some specific other questions to be included were suggested by a minority of respondents. These included:
- Details of any criminal convictions / CCJs.
 - If a landlord has had any action taken against them by previous tenants.
 - Whether a landlord has been refused registration.
 - Relevant landlord insurance and proof that mortgage right-to-let has been granted / details of any standard security attached to the property.
 - Ownership of the property e.g. owned outright / with mortgage etc.
 - Gas safety.
 - Electrical safety.
 - Whether property complies with fire safety regulations.
 - Other certification e.g. questions relevant to energy efficiency.
 - Whether an agent is used and if the agent is registered with Government's Letting Agent Register.

- Private Residential Tenancy (PRT) was mentioned at stakeholder events.

51. Once again, a very small proportion of respondents referred to this as creating unnecessary paperwork and being too onerous on landlords.

52. A very small number of respondents referred to the usefulness of the landlord registration process as a means of gathering data to feed into government policy. As a representative organisation commented,

“ Regulatory decisions about the private rented sector are currently based on very little data and the policies introduced are not being appropriately monitored. We would welcome voluntary questions for landlords to record the rent that the property is achieving, the length of tenure, size of property etc. This could be associated with a discount of say £5 or £10 to incentivise landlords providing the information.”

Energy Performance Certificate Rating

53. The consultation paper noted that Scottish Ministers have powers under section 64 of the Climate Change (Scotland) Act 2009 to require the assessment of a property’s energy performance, and for the owner to take action to improve the energy efficiency and environmental impact of a property. Scottish Ministers have confirmed that minimum energy efficiency standards will be introduced. To support the enforcement of the minimum standards, once introduced, applicants could be asked to provide information on the EPC rating of a property when confirming there is an EPC.

Q3: 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?

Table 5: Question 3

	Yes	No	Don't know	No reply	Total
Housing Association	8	-	-	-	8
Local Authority	24	4	2	-	30
Lettings / residential lettings / property management	12	9	2	-	23
Professional organisation	1	1	-	2	4
Representative organisation	4	-	1	-	5
Safety / risk	1	-	1	2	4
Tenants' interests / tenants / Residents group	3	-	-	-	3
Other (e.g. charities / health / professional organisations / manufacturer)	3	-	-	-	3
Individuals	50	30	14	1	95
Self-identified landlords	27	29	8	-	64
Total	133	73	28	5	239

54. As Table 5 demonstrates, a majority of respondents (133) agreed that landlords should be asked to provide the domestic EPC rating for property, compared to 73 who disagreed. Small numbers of respondents provided an 'unsure' response (28) or did not reply (5). Across organisations, the highest level of disagreement came from those in the lettings / residential lettings / property management sub-group. Of those self-identifying as landlords, views were evenly split between those who were supportive and those who were not.
55. Respondents were invited to explain their answer and 172 took the opportunity to comment.
56. A minority of respondents commented that the EPC rating is already provided when a property is advertised. A similar proportion noted their general agreement with the proposal in that it will ensure compliance with legislation and would be a useful document to provide. A smaller proportion noted this would be useful to help potential tenants make an informed decision on the cost of utilities or that tenants should be able to decide whether a property might be cheap or expensive to heat.
57. However, a small proportion also felt that this is of no benefit to tenants as they will not base their decision to rent a property on the EPC or that they would choose a property because they like it.

58. A small proportion of respondents commented that legislation is about to change and that the impact on the private rental sector (PRS) needs to be measured accurately and that an EPC will be needed to show that a landlord is meeting the requirements of this new legislation.
59. A small proportion of respondents commented that there is an existing EPC database and that this should be used to assist with the registration process.
60. Other comments, each made by a very small proportion of respondents, included:
- This is not relevant.
 - This will add to the cost of the registration process.
 - This would be of no benefit to the landlord.
 - This is not a safety issue for tenants.
 - An EPC is not required when letting property through local authorities or housing associations.
 - Tenants need to know the energy efficiency rating of a property.
 - This will provide local authorities with an indication of the condition of the housing stock.
 - This would be useful for data gathering purposes.
 - Providing evidence of compliance will speed up the registration process and reduce the time and cost of the application process.
 - This will encourage landlords to invest in their properties.
 - A tax break should be offered to landlords to help offset costs or the Scottish Government should incentivise energy performance.
 - Some older properties do not meet EPC ratings.
 - The efficacy of EPCs is limited as many are based on assumptions of limited value or that they do not provide realistic information and can be misleading.
 - This would be administratively cumbersome for local authorities.
 - Landlords should have to provide information on why a property does not meet the minimum required standard.
 - This could be difficult to manage in rural and remote areas; there should be a distinction between rural and urban private rental sectors.
 - Queries on who will check the rating.
 - The system needs to be able to recognise exemptions.

Miscellaneous amendments to prescribed information

Contact information

61. The consultation paper stated that in order to clarify and streamline the registration process, one option would be to amend the legislation so that only the applicant's home address and a correspondence address are required. The latter would be the address that anyone searching the register can use to contact the landlord and that local authorities could use to send out information to the landlord. An applicant can specify what address they want correspondence sent to and the online application allows an applicant to nominate a different address for individual properties.

Q4: Do you think that the applicants should only be required to provide a home address and a correspondence address?

Table 6: Question 4

	Yes	No	Don't know	No reply	Total
Housing Association	6	2	-	-	8
Local Authority	19	9	2	-	30
Lettings / residential lettings / property management	14	7	2	-	23
Professional organisation	2	-	-	2	4
Representative organisation	3	1	1	-	5
Safety / risk	1	-	1	2	4
Tenants' interests / tenants / Residents group	1	1	-	1	3
Other (e.g. charities / health / professional organisations / manufacturer)	2	1	-	-	3
Individuals	71	17	6	1	95
Self-identified landlords	39	12	11	2	64
Total	158	50	23	8	239

62. As shown in Table 6, a majority of respondents (158), across all sub-groups, were supportive of this proposal, whilst 50 were not supportive. Higher proportions of those who self-identified as landlords were supportive of this proposal than those who were not.

63. A total of 123 respondents opted to provide additional commentary to this question. A large minority of respondents generally agreed with the proposal; reasons given included that this will help to clarify and streamline the registration process. One local authority commented that ...

“Landlords have ultimate responsibility for their property, even when employing an agent. Landlords should be aware of the need for local authorities to reach them regarding their property if required. If an Agent is used they must be registered and their details provided too. Both a correspondence and a home address should be required. The ability to highlight which address to contact for in relation to each property is a good function to have to allow flexibility as stated in the example”

64. Another theme that emerged from a minority of respondents was that if a landlord is paying to use an agency, then all communication should be via the agency.
65. Data protection was clearly an issue for some respondents, with comments that personal information should not be made public and of a need to protect landlords' private details or that only a correspondence address should be provided to allow for privacy to be maintained. This issue received greater prominence from individuals than organisations. A very small number of respondents also queried whether this proposal breaches GDPR or data protection legislation. Alongside the issue of data protection, a very small proportion of respondents commented that it can be dangerous to give a landlord's home address to some tenants.
66. Some respondents referred to other types of information that should be provided, and these included:
- A telephone number.
 - A home address, a correspondence address and a contact address.
 - An email / online address.
 - Home address for registration details and a correspondence address which could be an agent.
 - There should be an option to use a business address.
 - A UK-based address for overseas landlords or mandatory use of an agent for non-UK based landlords.
67. Very small numbers of respondents commented that the provision of a home address allows for tenants and contractors to be able to contact a landlord directly and that there will be instances where this direct contact will be necessary. One organisation queried how the registration system will deal with institutional investors who are likely to lease their properties to another company which in turn then leases to the tenants.

Other contact details

68. The consultation paper noted that applicants are not currently required to provide an email address (unless they are using the online system), a home telephone number or mobile telephone number. Local authorities can post correspondence using the address provided by the landlord but it is often more convenient to contact landlords by email or phone.

Q5: Do you think that applicants should be required to provide an email address, home and mobile phone number (if they have one)?

Table 7: Question 5

	Yes	No	Don't know	No reply	Total
Housing Association	7	1	-	-	8
Local Authority	26	2	-	2	30
Lettings / residential lettings / property management	12	9	2	-	23
Professional organisation	2	-	-	2	4
Representative organisation	3	-	2	-	5
Safety / risk	1	-	1	2	4
Tenants' interests / tenants / Residents group	2	-	1	-	3
Other (e.g. charities / health / professional organisations / manufacturer)	3	-	-	-	3
Individuals	64	23	7	1	95
Self-identified landlords	30	23	8	3	64
Total	150	58	21	10	239

69. As demonstrated in Table 7, there was majority support across all sub-groups for this proposal, with agreement from 150 respondents and disagreement from 58. A slightly larger proportion of self-identified landlords supported this proposal than did not.
70. Respondents were invited to provide commentary in support of this response and 129 opted to do so. The key comment was general support for the proposal; for example, comments that as many contact details as possible should be provided or that this will increase communication channels. Suggestions for flexibility within the system were mentioned by a small number of respondents.

71. Only a very small proportion noted their disagreement with this proposal, for example, that this is not required or that it will increase bureaucracy.
72. Again, the issue of data privacy was raised by respondents - a minority of respondents commented that the register managed by the local authority should contain this information but that it should not be available to the general public. A smaller proportion also referred specifically to data protection or GDPR and concerns that this may counteract data protection legislation. An organisation in the lettings / residential lettings / property management sub-group referred to GDPR legislation introduced in May 2018 and noted;

“No specific reference is made to GDPR compliance in the consultation document. In the absence of a legally compliant privacy notice, and more specific details of how the Scottish Government and local authorities plan to store and manage the private data of landlords, there should be no mandatory requirement to provide email addresses, mobile numbers etc.”

73. Some respondents commented specifically on different types of information that could be provided, with various comments on the provision of an email address; some of these noted that email offers various advantages over other types of information, such as speed or transparency, that an email address is most appropriate or simply that it is a better means of contacting a landlord. A small number suggested that a mobile number should be provided alongside an email address or that a phone number should be provided alongside an email address but that this phone number should be the choice of the landlord.
74. A small number of respondents commented that phone numbers are less appropriate than email addresses or that a landlord should not have to provide any form of phone number. That said, a very small proportion also noted that a local authority should use the postal service to contact landlords or that some landlords preferred the local authority to use the postal service. This latter comment was made by individuals.
75. A small proportion of respondents commented that it should be the choice of the landlord as to what channel of information is used; and a very small number noted that not all landlords will have an email address or mobile phone number.
76. Other comments, each made by a very small proportion of respondents, included:
 - Landlords should have to provide at least one option.
 - An email address should be compulsory.
 - Landlords should have to provide at least one phone number.
 - An agent’s details should be provided if a landlord is using an agent.

- It will be difficult to keep the website up-to-date because of changing phone numbers.
 - There should be a messaging system offered for reminders and other information.
 - This will help to reduce the administrative burden and cost for local authorities.
77. Very small numbers of respondents made comments regarding the website and these included:
- The new system introduced only asks for mobile phone numbers and that it would be useful to be able to provide more than one phone number.
 - The website needs to be working effectively.

Part 2 – Landlord registration application fees

Application fees

78. The consultation paper noted that when landlord registration was introduced in 2006, the Scottish Ministers used powers under section 83(3) to set national fees, with the aim of simplifying the fee structure and creating consistency across Scotland. For most landlords, the application fee consists of a principal fee of £55 and a property fee of £11 for each property being let. Registration lasts for three years, unless it is revoked.
79. The consultation proposed that registration fees should be uprated by inflation (CPI) from the period between 2006 and 2016, as a measure of the overall changes in the public sector pay of local authority staff. Over this period, CPI has increased by a total of 26%. Uprating the principal, property and additional fees by CPI would result in revised fees of approximately £70, £14 and £139 respectively. Question 6 asked:

Q6: Do you think it is reasonable to increase registration fees in line with inflation, to reflect the increased cost to local authorities?

Table 8: Question 6

	Yes	No	Don't know	No reply	Total
Housing Association	7	1	-	-	8
Local Authority	28	2	-	-	30
Lettings / residential lettings / property management	6	15	1	1	23
Professional organisation	2	-	-	2	4
Representative organisation	3	2	-	-	5
Safety / risk	1	-	-	3	4
Tenants' interests / tenants / Residents group	3	-	-	-	3
Other (e.g. charities / health / professional organisations / manufacturer)	2	1	-	-	3
Individuals	35	53	7	-	95
Self-identified landlords	12	45	6	1	64
Total	99	119	14	7	239

80. As Table 8 demonstrates, a greater number of respondents disagreed (119) with this proposal than agreed (99). Although there was a degree of

agreement across all organisation sub-groups, the highest levels of agreement came from respondents within the local authority sub-group. High proportions of organisations in the lettings / residential lettings / property management sector, self-identified landlords and individuals disagreed.

81. Respondents were invited to explain their answer and 191 took the opportunity to comment. A minority reiterated their support for the proposition. Their reasons included responses along the lines that the requirements of local authorities to carry out checks and enforcement have increased and current fee levels do not reflect the costs associated with administering the service, or that the proposal is a reasonable and fair reflection of the current costs to local authorities.
82. However, a number of comments, each made by a smaller proportion of respondents included that the current fee is fair and sufficient, that fees are already high enough and should not be increased or that there is no justification for the proposed increase. Other comments also mentioned that costs for private landlords are already high, that there is now less viability in being a landlord or that the registration service offers no benefit to landlords.
83. Other comments, each made by a small proportion of respondents included the need to keep any increase in line with inflation only, or that any increase at the proposed level should be phased in over a period of time.
84. A number of comments, each made by a small proportion of respondents referred to the online system currently used; comments included that the current system is not fit for purpose, the need for a sensible online system to be introduced or a need to match increased costs with an increased value in the service.
85. There were also a number of comments made about the likely impact this proposal will have on landlords. These included the potential for rents to increase alongside the proposed increase in registration fees, or that this is just other tax upon landlords.
86. A range of other comments, each made by a small proportion of respondents referred to local authorities, with comments such as a need for them to become more streamlined and efficient and less bureaucratic. A very small proportion of respondents also asked for transparency over how costs are incurred by local authorities or proof of the need to increase registration fees.
87. A small proportion of respondents also noted the need for a Scotland-wide registration system rather than having registers administered by every local authority. There were also a small number of requests for support and training to be provided to landlords.
88. Other comments, each made by a very small proportion of respondents, included:
 - There should not be a registration fee.

- References to the cost of a Disclosure Scotland fee or background checks on tenants, both of which are at a level of only £25.
 - Suggestions that the Scottish Government should pay for the system.
 - Regulated tenancies do not allow for rent increases.
 - The revenue generated should be used for enforcement.
 - There is a need to police the current system.
 - Fees should be proportionate to the number of properties owned by an individual landlord.
 - This will result in fewer properties being available for rent or will discourage landlords from providing reasonably priced housing which is a benefit from which local authorities gain.
 - This will lead to more landlords deregistering / more rogue landlords.
 - There is a need to consider the Retail Price Index (RPI) instead of CPI. This is what is used by local authorities to calculate increases in other licensing fees etc. (cited by respondents at stakeholder events).
89. A professional organisation noted a number of issues in relation to this proposal, including the importance of monitoring costs in the future and the potential for further reviews of fees, as well as the need to carry out enforcement activities:

“It is important to ensure that any fees being charged to landlords are proportionate and that local authorities are working as efficiently as possible to keep costs down to ensure that tenants are not penalised with higher rents. Bearing this in mind, we do think that after 12 years of operation, it is reasonable to consider increasing fees to support local authorities to process applications It also states that due to variation in practice across local authorities, it is difficult to gather precise information on the costs of managing the registration process. We recommend better monitoring of costs going forward and a further review of fees if necessary to ensure that they are reflective of actual costs which could be higher or lower than those proposed in this consultation.”

Additional fee

90. The consultation paper explained that current legislation requires an additional fee of £110 to be paid when a landlord applies, or reapplies to be registered, but only after the local authority has made two separate requests for an application to be made. While the fee represents the increased work that local authorities have to undertake in order to help non-compliant landlords to meet the requirements of registration, the amount of work required varies. As such, the single rate additional fee currently charged may not always reflect the amount of work undertaken by the local authority to secure an application for registration. The Scottish Government is proposing the drafting of regulations so that the additional fee is set as a maximum amount, which would enable a local authority to vary or waive the fee according to the additional work undertaken.

Q7: 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?

Table 9: Question 7

	Yes	No	Don't know	No reply	Total
Housing Association	6	2	-	-	8
Local Authority	3	24	2	1	30
Lettings / residential lettings / property management	11	7	3	2	23
Professional organisation	1	-	1	2	4
Representative organisation	5	-	-	-	5
Safety / risk	1	-	-	3	4
Tenants' interests / tenants / Residents group	2	-	-	1	3
Other (e.g. charities / health / professional organisations / manufacturer)	-	3	-	-	3
Individuals	45	32	16	2	95
Self-identified landlords	30	23	9	2	64
Total	104	91	31	13	239

91. As shown in Table 9, while a majority of respondents (104), across all sub-groups, were supportive of this proposal, 91 did not agree that local authorities could 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. Highest levels of disagreement came from local authorities. Views were relatively split among self-identified landlords.
92. A total of 157 respondents provided additional commentary in support of their response to this question; and the key theme, albeit cited by a small proportion of respondents was support for the proposal. A similar proportion also commented that the costs charged to landlords should reflect the cost of the work undertaken by a local authority. That said, a very small proportion noted that any extra fee should be clarified so that these charges are transparent and can demonstrate the level of work undertaken by a local authority.
93. A small proportion of respondents suggested a fixed fee for applications, with one standard national fee applied for late applications, with some comments that this proposal would introduce too much inconsistency across Scotland.

94. A small proportion of respondents felt the current fee is acceptable and should remain as this.
95. A very small proportion commented that whatever fee is charged, a local authority should be able to apply discretion in unusual circumstances, for example, if a landlord has been in hospital or if there are other genuine reasons for failure of communication.
96. A number of the local authorities commented that this would be difficult to plan and administratively complex to manage.
97. Other points raised, each by very small numbers of respondents, included:
 - This allows for flexibility within the system.
 - This allows for landlords to be treated fairly if they have made a simple error which has been quickly rectified.
 - This will encourage registration, although a similar proportion felt this would discourage registration and non-compliance.
 - There should be a major increase in the penalty for non-registration.
 - Generating an automated email should not mean additional work for local authorities.
 - There should be no fees charged for landlord registration.
98. Some comments, each made by a very small proportion of respondents, referred to the role of local authorities within this process. These included a suggestion that local authorities should have a duty to remind landlords, with excess charges only applied on refusal to re-register; that local authorities need more power to deal with landlords who fail to comply with registration; or that local authorities need to undertake enforcement.
99. Some comments were made, each by a very small proportion of respondents in relation to the registration process itself. These included a need to improve the renewal process, preferences for the online application to be national across Scotland, and provision of a streamlined and fully automatic online system.

Landlord registration fee discounts

100. The consultation paper noted that there are a number of discounts that may apply to landlords, although the way in which they are calculated can be complex, difficult to apply and do not always reflect the work that local authorities do to process applications. The consultation sought views on whether some of the discounts should be discontinued.

Q8: Do you think that the 10% discount applied to online applications should be changed? If so, what should be changed?

Table 10: Question 8

	Yes	No	Don't know	No reply	Total
Housing Association	3	4	1	-	8
Local Authority	19	9	1	1	30
Lettings / residential lettings / property management	3	17	2	1	23
Professional organisation	-	-	2	2	4
Representative organisation	1	3	1	-	5
Safety / risk	1	-	-	3	4
Tenants' interests / tenants / Residents group	1	1	-	1	3
Other (e.g. charities / health / professional organisations / manufacturer)	-	2	1	-	3
Individuals	33	53	8	1	95
Self-identified landlords	17	41	4	2	64
Total	78	130	20	11	239

101. As Table 10 shows, a majority of respondents disagreed (130) with the proposal to change the 10% discount applied to online applications, although a large minority agreed with this (78). The highest levels of agreement came from local authorities; the lowest levels from organisations in the lettings / residential lettings / property management sector. A higher number of self-identified landlords disagreed with this proposal than agreed.

102. A total of 151 respondents provided additional commentary to this question. The key theme cited by respondents related to issues with the current online application system which is perceived to be in need of improvement, to be more user-friendly, and for guidance and /or information on how to use the system and / or support from local authorities to be provided to landlords. An organisation in the lettings / residential lettings / property management sub-group commented on how the current system is not user-friendly:

“The discount should represent the cost saving to the council. Applying online is only problematic as the system is not user friendly. Most of the landlords we represent are happy to use the online system however the system is too complicated to navigate. Complex circumstances are the exception and are rare in

our experience. Consider allowing the agent to complete the registration on behalf of the landlord.”

103. The other key theme, albeit only cited by a minority of respondents was a preference to retain the online discount as it currently exists, to reflect the savings that this approach offers over manual registration applications. A slightly smaller proportion also noted an online approach saves local authorities money as it is cheaper to manage and that the discount should be retained, or that a discount encourages landlords to use the online application system.
104. That said, a small proportion of respondents noted that the majority of landlords now complete their registration online, and felt that a discount is no longer needed; and smaller proportions simply noted the 10% was no longer needed and should be removed; or that the online discount should be removed as it is unfair to those landlords who do not have online access.
105. Conversely, there were also suggestions from a small number of respondents that an increased fee should be charged for offline applications or in situations where local authority staff assistance is needed to complete an application; and a slightly smaller proportion queried whether there should be a dual rate application system, with higher fees charged for offline.
106. A small number of respondents felt the online discount should be increased, and suggestions varied from an increase of more than 10% to 100%, although the most frequently cited level was 20%. While one respondent suggested an increase of more than 10%, other respondents cited specific amounts such as 20% or 25%.

Landlord Registration online system

Recovery of support costs

107. The consultation paper proposed to include an amount within the principal fee as a reasonable contribution to the core running costs of the online system. Based on the number of landlords who applied to be registered in 2016 and 2017, and who paid a principal fee, the additional cost per application would be no more than £2.00 over a three year registration period. This figure might be reduced, depending on whether other proposals in the consultation relating to fee discounts are taken forward.

Q9: What are your views on including an amount in the application fee to cover the operating costs of the online registration?

108. A total of 208 respondents gave comments in response to this question.
109. A majority of respondents broadly disagreed with the proposal to include an amount in the application fee to cover operating costs of the online service. A smaller proportion gave comments agreeing with the proposal.

110. A minority of those respondents who commented, stated that additional charges or fees should not be necessary or that the current registration fee should be enough. Smaller numbers noted that all operating costs should be included in the registration fee, with the suggestion that this would reduce complications.
111. A small proportion commented that as the registration service was a government requirement or initiative, it should be left to the government, local authority or public purse to pay for it. Others, and in particular landlords, pointed out that landlords should not have to pay for a system regarded as bureaucratic and perceived to hold no benefits for them.
112. A minority of respondents, and landlords in particular, noted that it did not make sense for there to be a need to pay extra operating costs for an online system, and cited that online efficiencies should reduce the need for any additional costs. Smaller numbers said the proposal was counterintuitive to offering a discount for online registration or that online registration should remain discounted, or pointed out that no additional fee was payable for online registration in the past.
113. Smaller numbers of comments focused on the negative impacts on landlords and the private rented sector as follows:
- Higher costs will discourage landlords from registering or generally being compliant.
 - Landlords already have to cope with increased financial burdens (e.g. costs, fees, taxes).
 - Landlords are likely to pass on extra costs to tenants in the form of rent increases.
 - Landlords may end up selling their properties leading to a possible decrease in available accommodation.
114. Other negative comments or alternative suggestions relating to the proposal included the following:
- General comments about the additional cost being unjustified.
 - Alternative suggestions that charging should be based on the number of times that individuals use the system.
 - Alternative suggestions that the system should be managed nationally or that there should be one central landlord authority to reduce administration and gain from economies of scale.
 - Lack of clarity around how the Scottish Government receives payment (e.g. questions around whether local authorities are invoiced).
 - Suggestions that better enforcement procedures regarding rogue landlords would be a more effective way of raising money.

115. A minority of respondents raised concerns about the proposed registration system itself or highlighted problems with the current online system, and commented that it needs to be fit for purpose. Specific points made included:

- Suggestions for improvements to functionality, including: a review list, auto approval of renewals to prevent duplicate accounts by customers, the ability to add rent penalty notices, an improved search function, and the ability to bulk upload property-related data.
- Perceptions of improvements needed to, or problems pinpointed with, the current online system, including: lack of user-friendliness, the system being time consuming, an inability to find landlord numbers on the system, frustrations with the one-time logon process, poor search functionality, the database being inaccurate or incomplete, and email alert problems with joint holders. As an organisation in the lettings / residential lettings / property management sector commented,

“The inclusion of a separate monetary element in the registration fee to cover the operating costs of the on line service is not currently justified or reasonable. The current data base system is not particularly user friendly, and the accuracy and extent of the stored registration data are extremely questionable. There are significant gaps in the directory of registration information. For example, a public search of certain rental properties will disclose a negative result for landlord/agency details. Database users and stakeholders are then obliged to make time consuming enquiries with local authority employees to elicit the necessary information.”

116. Among the respondents whose comments showed general approval of the proposal, some stated that it was reasonable to recover costs incurred in administering the registration service, or that operating costs should be met by landlords or service users without public subsidy.

117. A minority of respondents perceived the proposed extra cost of £2 every 3 years as being reasonable or minimal.

118. Some respondents regarded the proposal positively as long as the fee only added up to the cost of delivery, with others being in favour as long as fees did not escalate from the stated amount.

Joint owner discount

119. Where a property is jointly owned, the law requires that all the joint owners must apply to be registered and the current regulations allow for one of the joint owners to be nominated as the lead owner, who is required to pay the principal application fee whilst other joint owners receive a 100% discount. However, where a joint owner applies to be registered, the local authority must assess whether the person is fit and proper and the local authority does not receive any income towards the cost of conducting this assessment.

Q10: 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?

Table 11: Question 10

	Yes	No	Don't know	No reply	Total
Housing Association	4	2	1	1	8
Local Authority	19	8	3	-	30
Lettings / residential lettings / property management	9	12	1	1	23
Professional organisation	1	-	1	2	4
Representative organisation	1	2	1	1	5
Safety / risk	1	-	-	3	4
Tenants' interests / tenants / Residents group	3	-	-	-	3
Other (e.g. charities / health / professional organisations / manufacturer)	2	1	-	-	3
Individuals	32	48	15	-	95
Self-identified landlords	12	44	6	2	64
Total	84	117	28	10	239

120. Table 11 shows that 117 respondents disagreed with the proposal for a local authority to receive an application fee when they carry out a fit and proper person test on a joint owner, whilst 84 respondents agreed. The highest levels of agreement with this proposal came from local authorities. Self-defined landlords and individuals showed the highest levels of disagreement.

121. Respondents were invited to explain their answer and 154 took the opportunity to comment.

122. The key theme raised by a minority of respondents, was that if the full joint owner discount is not offered, then many joint owners will not be declared to the local authority. As noted by a local authority, this would have a knock-on disadvantage of losing information that is valuable to local authorities. A representative organisation commented,

“This could lead to applicants only listing one owner where there is actually a joint owner. It is important the information is accurate and only one fee per property should be charged.”

123. A wide range of other points were raised, each by a small proportion of respondents. Those in support of this proposal noted that the process

undertaken is the same for both owners and so an additional fee for joint owners is justified, that all joint owners should be checked and therefore pay the fee or that an additional fee would simply cover the costs incurred by local authorities.

124. A number of other comments were made, each by a small proportion of respondents; these included suggestions that the fee could be discounted or slightly reduced for joint owners or that the fee should be a modest one. One local authority commented on the need to strike a balance between the information required and the need to simplify the process,

“[An] Indication of how many landlords would be affected would be required before an opinion can be formed. There is a balance to be struck around encouraging maximum disclosure to allow accurate checking and recording versus simplification of process.”

125. A small proportion of respondents simply reiterated their disagreement with this proposal and commented that this is not justified or that the fee is already sufficiently priced to cover the costs of assessing joint owners.
126. A similar proportion of respondents pointed out that if joint owners are married (and this is assumed to be the case in many instances), there will be no need for an additional assessment as it is likely that only one of these couples will actively be responsible for managing their property. A slightly smaller proportion also felt that if the nominated lead owner is assessed as fit and proper, there should be no need to conduct assessments on other joint owners.
127. Once again, there were a very small number of references, primarily from local authorities, that this would increase administration of the service and further complicate the process.
128. Other comments made, each by a very small proportion of respondents included:
- The fee should reflect costs but this should not be doubled in price.
 - Removing the discount will help to simplify the process and remove the confusion of lead owner.
 - This will just create more work and increased bureaucracy.
 - There would be hardly any additional work to be carried out.
 - This is an attempt at revenue generation.
 - The additional cost of conducting assessments of joint owners should be covered by greater fines and penalties on landlords who do not comply with legislation.
 - Joint owners should not be charged for a function that is a statutory duty.

Multiple area discount

129. The consultation paper noted that there is a central online system for making applications and searching for information about a landlord or property, and that each local authority is responsible for preparing and maintaining their own register of private landlords. Applicants applying to more than one local authority receive a 50% discount on each online application made to multiple authorities at the same time.

Q11: 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?

Table 12: Question 11

	Yes	No	Don't know	No reply	Total
Housing Association	3	4	1	-	8
Local Authority	24	3	3	-	30
Lettings / residential lettings / property management	3	14	5	1	23
Professional organisation	-	2	-	2	4
Representative organisation	-	4	-	1	5
Safety / risk	1	-	-	3	4
Tenants' interests / tenants / Residents group	2	-	1	-	3
Other (e.g. charities / health / professional organisations / manufacturer)	2	-	1	-	3
Individuals	28	51	15	1	95
Self-identified landlords	12	43	7	2	64
Total	75	121	33	10	239

130. Table 12 shows that 75 respondents (including four in five local authorities) agreed that each local authority should receive the full application fee when a person applies to more than one local authority, and the fit and proper person assessment is required; however 121 respondents, including a majority of landlords, disagreed.

131. Respondents were invited to explain their answer and 156 commented further.

132. A key theme, from a large minority of respondents was that local authorities should be able to share their information or should not have to duplicate

work, thereby enabling one fit and proper assessment to be sufficient. Some of these respondents added that this would result in cost savings.

133. A minority of respondents were in favour of there being one co-ordinating landlord licensing authority, which would enable there to be only one registration or fit and proper test necessary. Additionally, a small number of respondents were in favour of standardising rules for checks or applying rules consistently across the country.
134. Other negative comments or alternative suggestions to the proposal were noted by small numbers of respondents as follows:
- The proposal was seen as unfair, unnecessary or just an excuse to raise extra revenue for local authorities.
 - There should only be a small fee for each local authority (e.g. to cover the costs of sharing information or checking legislation).
 - There should be no fee or the fee should be covered by the Scottish Government (as it is their scheme).
 - The discount should be retained.
 - Various negative effects on landlords associated with rising costs were specified, including driving landlords out of the market, discouraging investment, putting tenants at risk or dis-incentivising landlords to register. A tiny number of respondents noted that there was a particular disadvantage to multiple area landlords who offer low rents or affordable housing.
135. It was noted by a few respondents that letting agents (accounting for many multiple area landlords) will no longer be on the landlord registration system, with associated negative impacts on the amount of fees raised.
136. A minority of respondents made favourable comments about the proposal. The main theme, across all sub-groups, but notably by a majority of local authorities, was that of local authorities being required to do their own landlord or fit and proper person checks with the associated administration work incurred. A few respondents commented that local authorities have their own remit and processes with differing circumstances.

“While it may seem unfair to ask landlords to pay fees in many different areas for what seems to them as the same or similar checks, each authority will have different processes and may prefer to carry out their own checks to satisfy their own criteria so as not to rely on another authority who perhaps, for example, doesn’t carry out Police Scotland checks.” (Local Authority)

137. A minority of respondents noted their agreement with the full fee being payable for each local authority. Small numbers supported the removal of the multi area discount; others felt that local authorities need to cover the costs of checks, investigations or processing.

138. A small number of respondents envisaged only minimal effects on most landlords as the majority operate in only one local authority, while several commented that landlords operating in multiple local authorities can afford the full fee as they tend to be professional landlords or businesses. Similar numbers stated that it was the landlord's choice to have property in more than one area so they should expect to pay the full fee. A comment from a stakeholder event was that the biggest impact would be on Registered Social Landlords (RSLs) as they will have to register with the Scottish Government and then subsidiaries will have to register with the local authority, with a request for an exemption to apply for subsidiaries of RSLs.

Agent fee discount

139. As noted in the consultation paper, if a landlord uses an agent to act on their behalf in relation to letting houses, use of that agent must be notified to the relevant local authority. Landlords receive a 100% discount on the application fee where an agent is already registered in, or has applied to the same local authority as the landlord, or where an agent operating as a business is registered with the Scottish Government. However, there is no corresponding discount for a letting agent who has applied to the SG to be registered.

Q12: 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?

Table 13: Question 12

	Yes	No	Don't know	No reply	Total
Housing Association	5	1	2	-	8
Local Authority	18	6	5	1	30
Lettings / residential lettings / property management	15	2	5	1	23
Professional organisation	2	-	-	2	4
Representative organisation	4	1	-	-	5
Safety / risk	-	-	1	3	4
Tenants' interests / tenants / Residents group	1	-	1	1	3
Other (e.g. charities / health / professional organisations / manufacturer)	1	2	-	-	3
Individuals	54	20	21	-	95
Self-identified landlords	41	8	13	2	64
Total	141	40	48	10	239

140. Table 13 shows that 141 respondents agreed with the proposal, while 40 disagreed. Among self-identified landlords a large majority were supportive of this proposal.
141. A total of 126 respondents made comments at this question to explain their answer.
142. Respondents gave a diverse range of answers, though the majority of comments viewed the discount proposal positively. Reasons given by numbers of respondents for viewing the proposal positively included:
- The discount would be applied consistently or equitably, in that, for example, it would be unfair to charge a landlord for an agent registered with the Scottish Government rather than a local authority.
 - Landlords would be encouraged to use registered and trained agents.
 - The discount would encourage better landlord compliance in terms of, for example, property management standards, good practice, landlords registering and encouraging landlords to provide details of agents used.
 - Landlords are already paying agents anyway.
 - Landlords should not have to pay fees as well as agents; and other comments disagreeing with double charging, in particular where individuals or organisations may be classified as both agents and landlords.
143. As a representative organisation explained,
- “The requirements for agents to be admitted to the Scottish Government register include a fit and proper person test along with other stringent requirements so there should be no further assessment of the agent requiring to be done by local authorities for the landlord registration system. Landlords should be encouraged to use a professional registered letting agent if they don’t feel able to manage the property themselves. If a discount is not given this will act as a disincentive in penalising landlords who choose to use agents”.*
144. A range of reservations about the proposal were given, each by only small numbers of respondents:
- Concerns about the reduction in revenue, specifically affecting the money available for landlord system administration.
 - Concerns about landlords ‘gaming’ the system in the sense they may discontinue using an agent after registering or pretend to have an agent for registration purposes, effectively resulting in free registration.
 - Concerns about agents having to pay landlord registration fees.
 - Concerns about landlords dissenting from their responsibilities, for example in terms of still having responsibility for choosing a good agent or needing to liaise with an agent for property repairs.

- Full fees should still be payable because landlords using agents should still require fit and proper person tests.
 - Concerns over letting agents being favoured over small landlords.
 - Concerns about differing types of agents, for instance between those offering full property management and those obtaining tenants only.
 - Concerns about whether the discount should depend on whether an agent has been granted registration with the Scottish Government (discount should come into force) or merely applied for registration (fee should remain).
145. A minority of those who commented noted that letting agents will soon have their own register and will not be required to register on the landlord registration system. A few respondents stated the effects of this would be that they would not be liable for a fee so a discount would be inappropriate, and that agents would not require fit and proper checks carried out by local authorities.
146. A very few respondents advocated full linkage of the registration systems.

Change of circumstance

147. The consultation paper noted that a person who is registered with a local authority has a duty to notify any change to information provided in their application. Some of these changes can be made via the online system at no cost. However, there are some changes in circumstance which may require a local authority to carry out scrutiny to ensure that the requirements of registration are still met.

Q13: What are your views on charging a fee for specific changes in circumstance to an existing registration?

148. A total of 209 respondents took the opportunity to give their views, with a large majority expressing negative opinions about the proposal.
149. A minority of respondents noted general comments that there should be no (additional) charges for specific changes in circumstance. The dominant theme, noted by a small proportion (although notably a majority of the local authorities sub-group) was that charging would deter landlords from updating changes for example, many landlords currently do not volunteer changes until the 3 year renewal, landlords need encouragement to make notification of changes or that there would be knock on effects in the form of increased enforcement costs to local authorities.

“Fees should not be applied for a change of details. If a fee were to be applied, it may result in a reluctance on behalf of the landlord to submit changes. If the changes relate to addresses or other contact details, it makes contact with the landlord problematic and the renewal process much more difficult as there is not the correct address to send the reminders.” (Local Authority)

150. A small proportion mentioned that as changes are made online there should not be any costs and therefore no need to charge. A few of these respondents added the proviso that this would be the case assuming the online system worked efficiently.
151. Other negative factors, each expressed by a very small number of respondents included:
- It would make the fee structure or charging system more complicated.
 - Perceptions that the proposal is simply a money making scheme for councils.
 - The current level of registration fee should cover all the costs of changes.
 - Notification of changes is a legal requirement and there should be no associated charges.
152. A small proportion of respondents expressed generally positive views about the proposal, for example, that it is justified or reasonable. A small minority agreed that local authorities need to cover their costs or that charging a fee is acceptable as long as the charges relate only to covering costs.
153. A sizeable number of respondents cited provisos about the proposal, in particular regarding which types of changes should incur charges and which should not.
154. A small proportion of respondents thought that the charge was justified if the change in circumstance was non-routine (for example if fit and proper checks or extra verification of details were needed). Other suggested non-routine changes which would justify charges were: issue of a House in Multiple Occupation (HMO) licence, convictions, Anti-Social Behaviour Orders (ASBOs), decisions relating to repairing standard enforcement orders, legal action against a landlord, refused or revoked licences, failure to comply notices and immigration status.
155. Smaller numbers of respondents recommended changes for which they saw no need for charges as follows: change of landlord's or agent's address, email, telephone number and name changes due to marriage / divorce.
156. A few respondents simply stated that their support for the proposal would depend on the amount of the extra charges, or what the change of circumstance was.
157. Small numbers of respondents each made the following other points:
- It would be easier to have one fee covering all or any changes of circumstances.
 - It was unclear why the date of birth is included in the list of possible changes as this is unlikely to change.
 - Suggestions for alternative charging structures as follows: an initial set up charge plus a small annual administration fee; a maximum of 2 changes

between renewals to be allowed without charging a fee; use of a graded charge depending on the number of changes; and a charge to only apply if a local authority has to update changes themselves.

- Consideration should be given to the fees charged for similar services elsewhere in the UK.

Incentivising landlords

158. The consultation asked for stakeholder views on other ways in which landlords might be incentivised to comply with registration requirements and improve standards.

Q14: What are your views on offering incentives to landlords and agents to apply for registration and / or improve their practice?

159. A total of 210 respondents opted to provide commentary to this question. Roughly equal proportions of those who responded gave positive and negative views.

160. A minority of respondents made comments which supported the use of incentives or discounts to improve practice. Benefits identified by respondents included reducing the cost of enforcing legislation and helping to reduce bureaucracy. Examples of improving practice suggested by respondents included taking part in the Landlord Accreditation Scheme, obtaining membership of Scottish Association of Landlords (SAL), and taking part in forums, conferences or local authority meetings.

161. A minority of respondents were supportive of training course attendance or accredited training to qualify for discounts.

162. A minority of respondents were in favour of having a discount available for early renewal, or within a specified time prior to registration expiry. Benefits suggested by a minority of respondents included savings on the issue of reminder notices and on having to chase late applications.

163. Smaller numbers of respondents perceived that incentives may increase compliance in the forms of adherence to legislation, standards being met, quality improvements being gained and a reduction in enforcement actions.

164. Significant numbers of respondents offered general support for incentives or made mention of discounts being generally helpful. Very small numbers of respondents made other comments about the advantages of introducing incentives or discounts as follows:

- Incentives may increase registration.
- Incentives would encourage landlords to use agents (with the additional benefits of reduced fees for some landlords, agents being accredited on a landlord's behalf, and circumventing the need for landlord training). As noted by a local authority,

"If landlords have undertaken a training course or a joint scheme to improve their practice, then granting a discount to the application fee seems reasonable. Our experience and feedback from landlords suggests that many feel that they do not receive anything in return for their fees. This would help to recognise and support those who are making efforts to be a good landlord." Local Authority

165. Some respondents also gave reasons not to have incentives for registering or improving practice; a minority noted that as registering is a legal obligation or requirement there should be no incentives. A similar proportion perceived that incentives would do nothing to rein in bad or rogue landlords as they would be non-compliant anyway. Smaller numbers called for non-compliant landlords to be prosecuted; some felt that penalties for non-compliance would be more effective than incentives, with suggestions for penalties to include a ban from operating in the private rented sector, a ban from charging rent and the introduction of a fining system.

166. A comment from a housing association was;

"This would result in money being paid to those landlords who meet their requirements register. Those who fail to do this, for instance, because their properties do not meet the tolerable standard, are unlikely to be persuaded to become registered because of such incentives. I do not, therefore, believe this to be a cost effective way to address this issue."

167. A number of respondents were against extra training or accreditation being eligible to qualify for discounts. A large variety of reasons were given for this viewpoint which included: incentives trivialise accreditation, the system being open to abuse, training only exists to make money for training companies, training being too expensive, landlords being able to keep up-to-date without training courses, and the costs of training reducing the money landlords can invest in property.

168. A few respondents thought that better guidance and communication with landlords should be the main priority rather than the provision of incentives. A variety of examples were given including that many landlords do not know what accreditation is, provision of a support service for landlords, publication of a lead time for being compliant, provision of automatic reminders, awareness raising of how to reduce fees, provision of local authority newsletters or forums, provision of an online tool to record certificates or renewal dates, and promotion of deterrent activities.

169. Very small numbers of respondents raised other standpoints, concerns and suggestions:

- The application of a late fee as a deterrent, or the existing late renewal fee, should already be sufficient as an incentive.
- Incentives penalise small or accidental landlords (training courses being especially onerous in terms of travel time and expense).

- Concerns about the costs of discounts to local authorities (e.g. loss of income, increased validation checks needed to qualify for discounts, complications to processes, increased administration).
- There should be no charge for registration at all (e.g. it shouldn't cost to do it online; it will increase registration uptake if there is no charge).
- Incentives would not help tenants (e.g. landlords would be no more likely to do fire safety, incentives won't improve the quality of life for tenants).

Impact Assessments

Equality Impact Assessment

170. Respondents were invited to give their views on the impact of the proposals on particular groups of people in respect of their age, disability, gender reassignment, race, religion, sex or sexual orientation, being pregnant or on maternity leave and children’s rights and wellbeing.

Q15: Are there any proposals in this consultation which impact or have implications on ‘equality groups’?

Table 14: Question 15

	Yes	No	Don't know	No reply	Total
Housing Association	-	6	2	-	8
Local Authority	4	21	3	2	30
Lettings / residential lettings / property management	1	16	5	1	23
Professional organisation	1	1	-	2	4
Representative organisation	-	2	2	1	5
Safety / risk	-	1	-	3	4
Tenants' interests / tenants / Residents group	-	2	-	1	3
Other (e.g. charities / health / professional organisations / manufacturer)	-	-	3	-	3
Individuals	5	50	38	2	95
Self-identified landlords	3	37	20	4	64
Total	14	136	73	16	239

171. As Table 14 shows, the majority of respondents (136), across all sub-groups, felt that there were no proposals in this consultation which impact or have implications on ‘equality groups’; compared to 14 who felt there could be implications. Indeed, the key theme mentioned by the 67 respondents who opted to provide further commentary on this question, was that there were no implications or that they could not think of any implications which would impact on equality groups. Additionally, a minority of respondents felt that all equality groups would be affected equally or that there would be no unfair impacts.

172. Only very small numbers of respondents cited any specific groups of individual who might be impacted upon by any of the proposals in this consultation, although most outlined negative impacts. These included:
- Landlords without internet access or who are not PC literate, with some reference to the 10% discount offered to those applying online.
 - Landlords with sickness / disabilities.
 - Landlords with language barriers / non-English speaking landlords.
 - Elderly landlords – again, some reference was made to those who are not technically aware.
 - Young people – tenants in affordable rented housing who may be subject to disproportionate rent increases if the additional costs of landlord registration may be passed on to tenants.
 - Very small numbers of references to tenants who are on benefits, have a disability or are young mothers.
173. A small number of respondents focused on other types of individual on whom these proposals would impact; these included;
- Less wealthy landlords.
 - Smaller landlords – with a disproportionate increase in expenses and bureaucracy.
 - Financial impacts on both landlords and tenants because of increased costs.
 - Those living in rural areas.
174. Other more general issues raised by very small numbers of respondents included:
- There should be one set fee for online and paper or phone applications, with no discounts.
 - Landlords should have the right to determine their tenants.

Business and Regulatory Impact Assessment

175. Respondents were invited to give their views on whether the proposals would have any impact on businesses.

Q16: Do any of the proposals in this consultation have any financial, regulatory or resource implications for you and / or your business (if applicable)?

Table 15: Question 16

	Yes	No	Don't know	No reply	Total
Housing Association	4	3	1	-	8
Local Authority	21	3	4	2	30
Lettings / residential lettings / property management	13	7	2	1	23
Professional organisation	2	-	-	2	4
Representative organisation	4	-	-	1	5
Safety / risk	-	1	-	3	4
Tenants' interests / tenants / Residents group	-	2	-	1	3
Other (e.g. charities / health / professional organisations / manufacturer)	-	1	1	1	3
Individuals	57	18	17	3	95
Self-identified landlords	52	5	4	3	64
Total	153	40	29	17	239

176. As Table 15 highlights, a majority of respondents (153), across most sub-groups, felt that the proposals in the consultation would have financial, regulatory or resource implications for them or their business, compared to 40 who felt there would not be any implications. This figure was particularly high among respondents who self-identified as landlords.

177. A total of 151 respondents opted to provide commentary to this question. Not surprisingly, a number of these respondents referred to additional costs in some shape or form, with reference to increases in registration fees (cited by around a third of respondents), additional unspecified costs (cited by just under a third of respondents), a negative financial impact or increased compliance costs (each cited by a smaller proportion of respondents, primarily local authorities), and the loss of discounts.

178. There were also references by a minority of respondents to additional paperwork or an increased administrative burden as more information will be required, for example, having to provide copies of certificates as evidence of compliance. A small proportion also referred to additional time burdens.
179. Some respondents, primarily landlords, noted potential impacts on their sector and these included concerns over the continuing viability of the rental sector (cited by around a quarter of respondents) or rent increases for tenants (cited by around a fifth of respondents).
180. Many of the local authority respondents also noted that these proposals would mean the need for additional resources. Many of these respondents commented that these proposals would result in a need for additional resources because of increased workloads for staff, for example, to check certification and manage compliance.
181. A minority of respondents – primarily landlords – noted that they have already had to deal with other recent changes within the rental sector such as loss of mortgage relief or other tax changes.
182. Finally, in response to this question, a very small proportion of respondents noted the need for value for money and improvements to be offered by the online service, along with better dissemination of information and offering of best practice advice and training opportunities.

APPENDIX 1: Respondent Organisations

Aberdeen City Council

Aberdeenshire Council

Angus Council

ARLA Propertymark

Bridgewater Housing Association

Broughton Property Management

Chartered Institute of Housing Scotland

Convention of Scottish Local Authorities

Dumfries and Galloway Council

Dundee City Council

East Ayrshire Council

East Renfrewshire Council

Electrical Safety First

Falkirk Council

Fife Council

Fife Housing Group

Glasgow City Council

Law Society of Scotland

LetScotland

Moray Council

Reivale Housing Association

Riccarton Community Council, Kilmarnock

Scottish Association of Landlords & Council of Letting Agents

Scottish Federation of Housing Associations
Scottish Land & Estates
Scottish Property Federation
SELECT
Shelter Scotland
South Ayrshire Council, Corporate and Housing Policy
South Lanarkshire Council
Stirling Council
The Highland Council
Torwoodlee & Buckholm Estates Co Ltd
Weslo Property Management
Weslo Property Management's Tenant Participation Group
West Dunbartonshire Council
West Lothian Council
43 organisations - name withheld
95 individuals
64 self-identified landlords



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