

MANDATORY LANDLORD REGISTRATION SCHEMES – A FURTHER EXAMINATION OF THE SCOTTISH MODEL

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INTRODUCTION

1. As part of its deliberations on the Housing (Amendment) Bill the Committee for Social Development has considered the issue of mandatory registration for private landlords. To assist the Committee with its consideration of this issue it was presented with an Assembly Research [briefing paper](#) which provided a broad overview of the various landlord and tenancy registration initiatives in other jurisdictions¹. As a follow-up, this paper is intended to provide the Committee with more detailed information on the operation of the Scottish Landlord Registration Scheme.
2. The paper focuses in particular upon the origins, development and implementation of the scheme and highlights key operational problems and examples of good practice identified by the 2007/08 'Good Practice Review' of the scheme. There are many key lessons and issues which can be drawn from the Scottish experience which are relevant to the consideration of a regulatory scheme for Northern Ireland. To assist the Committee in considering these issues a series of questions are posed throughout the paper. The paper also includes a very broad synopsis of the pros and cons of voluntary accreditation and mandatory registration. Given the importance of the issue of regulatory reform for the private rented sector, and indeed the possible cost implications of a registration scheme for Northern Ireland, it is crucial to consider evidence from other jurisdictions in order to assess the merits of various schemes and to explore examples of best practice.

THE ORIGINS OF SCOTTISH MANDATORY LANDLORD REGISTRATION

3. The statutory basis for the Scottish Landlord Registration scheme is set out in [Part 8 of the Antisocial Behaviour etc. \(Scotland\) Act 2004](#)². The registration scheme was part of a much wider drive by the Scottish Executive to provide local authorities and other local agencies with the tools to tackle anti-social behaviour within their communities. Other provisions contained within the 2004 Act included, for example, a new onus on local authorities to develop and publish (along with their chief constable) an anti-social behaviour strategy; new powers for local authorities to deal with noise nuisance, graffiti and fly-tipping; new powers for the police to disperse anti-social groups or to close anti-social

¹ Northern Ireland Assembly, Research and Library Service (2009) An Overview of Landlord and Tenancy Registration Schemes in the Private Rented Sector.

www.niassembly.gov.uk/researchandlibrary/2009/7709.pdf

² Part 8, Antisocial Behaviour etc (Scotland) Act 2004.

premises (e.g. drug and drinking dens); and the introduction of Anti-Social Behaviour Orders (ASBOs) for those aged 16 and under³.

4. Widespread mandatory private sector landlord registration was not part of the original Antisocial Behaviour etc. (Scotland) Bill. Rather the Bill proposed that local authorities be given powers to, “*designate, after consultation, one or more registration areas where there are persistent problems of anti-social behaviour associated with private rented housing and use of registration powers is likely to resolve or reduce those problems*”⁴. The proposed scheme appears to be similar to provisions set out under Part 3 of the Housing Act 2004 which provides local authorities in England with discretionary powers to introduce ‘selective licensing’ schemes to cover all privately rented property in areas which suffer from, or are likely to suffer from, significant or persistent anti-social behaviour. The use of this discretionary power is subject to both local consultation and the consent of the Secretary of State⁵.
5. The shift towards mandatory registration for all private landlords (with some exemptions) was introduced by way of a series of amendments by Cathie Craigie MSP at Stage 2 of the Bill (i.e. detailed consideration of the Bill by the Scottish Parliament Communities Committee). A research paper by the Scottish Parliament Research and Information Centre provides an insight into the thinking behind those amendments,

“Cathie Craigie intended that her amendments would give effect to one of the recommendations in the Communities Committee’s Stage 1 report, namely that a mandatory license scheme should be introduced that registers each private landlord and each of their properties.

Regarding the Bill as introduced, Cathie Craigie was concerned that the discretionary nature of the scheme proposed would lead to different approaches being taken by different local authorities. She believed that there should be national regulation of private landlords.

...she argued that the amendments would give local authorities a tool with which they could challenge landlords who ignore or exploit ASB [Anti-Social Behaviour].

*...Cathie Craigie was keen to stress that it was not her intention to propose an all-encompassing scheme that included property conditions and tenancy management. She believed such measures would be best left to a future private housing bill”*⁶.

6. Whilst there appeared to be general sympathy for what the amendments were attempting to achieve, debate within the Committee centred on the issue of whether or not it was appropriate to pass such a substantive measure at Stage 2 without consultation or whether the ASB Bill was the most appropriate vehicle for the registration scheme. Nevertheless, the amendments were passed by a

³ Scottish Executive (2004) Guide to the Antisocial Behaviour etc. (Scotland) Act 2004. www.scotland.gov.uk/Publications/2004/10/20146/45685

⁴ Antisocial Behaviour etc. (Scotland) Bill. Policy Memorandum, p21.

<http://www.scottish.parliament.uk/business/bills/12-antisocialbehaviour/b12s2-introd-pm.pdf>

⁵ Information on selective licensing in England extracted from the Department of Communities and Local Government website,

www.communities.gov.uk/housing/rentingandletting/privaterenting/selectivelicensing/

⁶ SPICe (2004) Antisocial Behaviour etc. (Scotland) Bill. Stage 2 amendments – Registration of Private Landlords, pp7-8. www.scottish.parliament.uk/business/research/briefings-04/sb04-44.pdf

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majority of the Committee⁷ and the Anti-Social Behaviour Bill received Royal Assent on 26 July 2004.

THE DEVELOPMENT OF THE LANDLORD REGISTRATION SCHEME

7. Following the passing of the Bill the Scottish Executive set up a Working Group to consider the detail of the scheme. A consultation paper outlining proposals for regulation and guidance was issued in July 2005. This was followed by consideration of the regulations by the Communities Committee in December 2005 and the issuing of guidance for local authorities in early 2006⁸.
8. The landlord registration scheme came into effect on the 30 April 2006 and the main elements of the scheme are as follows⁹:
 - Landlords, their agents and any properties he or she lets must be listed on a public register;
 - The landlord must be judged a 'fit and proper' person to let houses. In making this judgement, the local authority will consider any previous convictions, the landlord's track record on tackling antisocial behaviour and any other material believed to be relevant;
 - If a person fails the 'fit and proper test', their application for registration will be refused. Information which comes to light after a person has been registered can lead to them being removed from the register. However, there is a right to appeal against these decisions;
 - Once registered, the landlord has a duty to make sure that the information they have provided is kept up to date; and
 - A landlord who lets a property without being registered will be committing a criminal offence, the penalty for which will be a fine of up to £5,000. The local authority can also serve a Rent Penalty Notice that the tenant must not pay any rent until certain issues are resolved. Any housing benefit would stop as no rent would be paid. The landlord can appeal against the notice.
9. There are further details of the landlord registration scheme in the overview paper previously presented to the Committee and as such this paper will not revisit these issues. However, it is important to reiterate that the aims of the registration scheme were to, improve private renting in Scotland by enforcing minimum standards in letting; oblige those not providing a minimum service to improve or leave the sector; allow tenants, neighbours and local authorities to identify and contact landlords and agents of private rented sector property; and to provide information on the scale and distribution of the private rented sector in Scotland¹⁰.

⁷ Ibid, pp10-14.

⁸ SPICe (2006) Private Landlord Registration, p3.

www.scottish.parliament.uk/business/research/briefings-06/SB06-39.pdf

⁹ Scottish Executive (2004) Guide to the Antisocial Behaviour etc. (Scotland) Act 2004.

www.scotland.gov.uk/Publications/2004/10/20146/45685

¹⁰ Scottish Executive News Release. 'Landlord Registration Scheme', 30 April 2006.

www.scotland.gov.uk/News/Releases/2006/04/28144943

10. It is also important to note that the landlord registration scheme is only *one part* of a package of initiatives aimed at regulating and improving standards in the private rented sector in Scotland. Other key initiatives include¹¹:
- **Voluntary Landlord Accreditation**¹²: a scheme by which private rented sector landlords and letting agents can assure tenants that their tenancy arrangements adhere to the high standards set out in the '[Scottish Core Standards for Accredited Landlords](#)'¹³;
 - **Mandatory Licensing of Houses in Multiple Occupation**: applied to houses or flats occupied by three or more unrelated people who share bathroom or kitchen facilities;
 - **The Repairing Standard**: came into effect in 2007 and brought together and extended slightly the existing statutory and contractual repairing obligations of private landlords¹⁴; and
 - The development of **schemes to safeguard tenancy deposits** and the establishment of the [Private Rented Sector Housing Panel](#)¹⁵ which works to ensure fair rents for tenants and landlords.

Is there merit in introducing a 'selective licensing scheme' in Northern Ireland rather than wholesale mandatory registration? Would such a scheme be suitable in a Northern Ireland context? To what extent would it raise private rented sector housing standards and deal with issues around anti-social behaviour?

What is a realistic and acceptable timescale for the development of a registration scheme? Legislation for the Scottish Registration scheme was enacted in July 2004 and the registration scheme became operational in April 2006.

The objectives of a registration scheme for Northern Ireland would need to be clearly defined as the objectives will influence which regulatory approach should be taken. A 'light touch' registration scheme, for example, may provide valuable data on the private rented sector and will enable the verification of landlords who fail to register. However, to be effective would further investment will be needed, i.e. in terms of enforcement measures; information, training and accreditation for landlords; information and advice for tenants?

IMPLEMENTING THE SCHEME – FINDINGS FROM THE GOOD PRACTICE REVIEW

11. In 2007 the Scottish Ministers appointed consultants, Arneil Johnston to conduct a '[Good Practice Review](#)' of the implementation of landlord registration based on consultation with local authorities¹⁶. The subsequent report was published in January 2008 and made a number of recommendations aimed at improving the

¹¹ Information extracted from the Scottish Government website, www.scotland.gov.uk/Topics/Built-Environment/Housing/PrivateRenting

¹² Landlord Accreditation Scotland website - www.landlordaccreditationscotland.com/

¹³ Landlord Accreditation Scotland (2008) Scottish Core Standards for Accredited Landlords'. www.landlordaccreditationscotland.com/Files/File/Core%20Standards%2026%20Sept.pdf

¹⁴ For further information on the Repairing Standards see www.scotland.gov.uk/Topics/Built-Environment/Housing/PrivateRenting/RepairingStandard

¹⁵ For further information on the Private Rented Sector Housing panel see www.prhpscotland.gov.uk/prhp/121.html

¹⁶ Arneil Johnston (2008) op. cit.

management and enforcement of the various aspects of landlord registration. It is worth considering some of these issues given that the success of a good landlord regulatory regime, even if it is a 'light touch' scheme, would involve quite extensive preparation (e.g. in terms of guidance for landlords, tenants and staff; media advertising; cost-analysis; identify the appropriate IT systems etc).

12. Before considering some of the various issues and recommendations arising from the Good Practice Review, it is important to note that responsibility for the management and enforcement of landlord registration in Scotland rests with **local authorities**. Many of the issues identified by the review tended to be operational or administrative problems, or issues arising from a lack of consistency or uniformity across local authority areas in Scotland.
13. When considering these issues it is also perhaps fair to state that the landlord registration in Scotland is an ongoing and evolving process. The scheme will be four years in operation in April 2010 and was innovative in that it was the first such scheme in the UK. It could therefore be reasonably expected that the scheme would experience some operational difficulties and that revisions to the scheme would be needed. In terms of the scheme being an evolving process, the Scottish Government has taken steps to both identify problems and offer potential solutions through the Good Practice Review¹⁷ and through consultation with stakeholders. The Scottish Government has also introduced a number of recent changes to legislation to simplify the application, fee and discount process (in February 2009)¹⁸. The Scottish Government has also made a commitment to evaluate the scheme in 2010¹⁹.

ISSUES IDENTIFIED BY THE GOOD PRACTICE REVIEW:

MANAGEMENT OF THE REGISTRATION PROCESS

14. The good practice review maintained that, in general terms, landlord registration function had been slotted into existing management structures in local authorities, i.e. either in council housing departments or in licensing/legal/environmental health departments. As a result each local authority had taken a very different approach to the management, implementation and enforcement of the scheme. The consultants felt that two philosophies emerged depending on where registration was placed within an authority, i.e. if it was placed in Licensing/Legal/Environmental departments the philosophy appeared to be to use enforcement to drive improvement in the private rented sector. Where registration was placed within housing departments there tended to be focus upon supporting landlords to improve conditions.
15. The review recommended that there should be a dedicated private housing sector manager responsible for all private sector housing issues, supported by a team large enough to manage workload peaks and establishing sound expertise in both the registration process and other related private sector housing issues.

¹⁷ See Arneil Johnston (2008) Good Practice Review of the Implementation of Landlord Registration. www.scotland.gov.uk/Publications/2008/07/17153219/0

¹⁸ See www.scotland.gov.uk/Topics/Built-Environment/Housing/PrivateRenting/registrations/Introduction

¹⁹ Scottish Government (2009) Review of the Private Rented Sector: Volume 1: Key Findings and Policy Implications, p67. www.scotland.gov.uk/Resource/Doc/264996/0079349.pdf

A core issue for a potential landlord registration scheme for Northern Ireland is the decision as to where responsibility for managing a scheme should rest - who would be best placed to manage the scheme, e.g. local councils? the Northern Ireland Housing Executive? An independent company (as proposed for the English landlord registration scheme)?

If a scheme was centrally managed in Northern Ireland, what role would local councils have? It is important to bear in mind that local councils in Northern Ireland would be key stakeholders in respect of a registration process given that, for example, under RPA proposals they will have responsibility for HMO registration and already have responsibility in respect of HMO standards.

In addition to landlords should letting agents also be required to register?

STAFF STRUCTURES AND SUFFICIENT RESOURCES

16. The review maintained that the scale of the administration function of registration was significantly underestimated by most local authorities in Scotland. The use of resources tended to fall into two categories, i.e. resources for 'fire-fighting' (i.e. dealing with backlogs) or resources necessary to provide a service to the sector (i.e. taking enquiries from landlords, publicising registration, dealing with enforcement measures etc). It was recommended that there should be a review of the sector within each council which assessed and put into place the resources and skills necessary to ensure that all landlords are registered.

The resource and staffing implications for a Northern Ireland scheme must be considered and lessons drawn from the Scottish experience in terms of putting in place not only adequate staffing numbers but also ensuring that there are staff with a mix of skills and experience who can provide advice and information. Should options for 'buying in' advice services from housing and other advice providers be explored?

Good preparation before a scheme is implemented may be cost effective, for example, by providing staff with guidance on gathering information for enforcement procedures; guidance on providing information, advice and monitoring.

STRATEGIC OVERVIEW

17. The review maintained that whilst all local authorities understood the benefits of linking landlord registration to wider policies (e.g. regional housing strategies, private sector housing strategies, homelessness and temporary accommodation strategies) each local authority tended to have a different approach. The review recommended that in order to implement and enforce landlord registration it is essential that there is close collaborative working between the following council functions – housing; homelessness; environmental health; building control; licensing; housing benefit; finance; legal; anti-social behaviour teams; tenants and residents associations etc.

With respect to a landlord registration scheme for Northern Ireland, this is again relevant to the issue of which body should be responsible for the management of the scheme. In Scotland, local councils are responsible for functions which are split into a number of different areas in Northern Ireland – e.g. NIHE have a responsibility for housing; homelessness; social housing and anti-social behaviour; local councils are responsible for building control and environmental health; the Social Security Agency is responsible for housing benefit. For a registration scheme to be effective in

Northern Ireland there would need to be consultation and buy-in from all relevant stakeholders.

STREAMLINING THE ONLINE APPLICATION PROCESS

18. The review highlighted that the online application process was not as easy and straightforward as first envisaged and that some landlords (e.g. those with limited IT skills) needed considerable assistance from staff to complete the registration process and to access discounted fees. The review recommended improvements to the user friendliness of online and paper application forms; easy-to-understand advice notes for different types of landlords and agents; a dedicated one point of contact web-address, phone number and email address which landlords can contact.

Some thought must be given in respect of the logistics of the registration process – i.e. should it be web-based, if so, adequate preparation will be needed to put in place a cost-effective IT system; piloting a web-site; designing user-guides and application process training and advice for landlords; putting in place an advertising campaign.

Other issues which will need to be considered are – what registration fees should be applicable? Should discounts apply (e.g. for registering more than one property, for landlords who have already registered their HMOs)? How will the HMO registration scheme fit into the wider registration scheme?

MANDATORY REGISTRATION DATA

19. The review maintained that landlords submitting forms without **key contact data** (such as a telephone number or email address) was a common problem. This made it very difficult for local authorities to contact landlords if problems arose or enforcement measures needed to be taken.

Should personal contact information (e.g. as opposed to business contact information) be a mandatory requirement of the application form? What other mandatory information should be required.

What type of information on landlords should be available to the public (e.g. in Scottish scheme members of the public can search, via the landlord registration website, to ascertain if certain properties have been registered)?

APPLYING THE 'FIT AND PROPER' PERSON TEST

20. The review maintained that there was no clear and consistent approach to processing applications across Scotland. Each local authority interpreted guidance differently based on local circumstances and resources. An important example of this is variations in applying the 'fit and proper test'. Landlords and agents with a number of properties across difficult local authority areas reported being subjected to different sets of checks and criteria for the 'fit and proper' assessment depending upon the local authority area.

21. The current guidance for local authorities states that the 'fit and proper' assessment should be 'light touch'. However, the review maintained that local authorities have interpreted this concept in different ways. For example, one local authority in Scotland completes a police check on every applicant, another

requires sight of a gas safety certificate, and another simply registers all landlords unless they have cause for concern. The review recommended that the 'fit and proper' test should be applied as follows *"...that unless someone or their properties are on a review list they should be approved. In light of any new information as part of an enforcement procedure or review list consultation, a landlord or agent's status can at any time revert to pending review and can be re-assessed as fit and proper at that time"*.

22. In relation to the 'fit and proper' person test, each local authority in Scotland must keep a **review list** to assist in determining eligibility for registration. The purpose of the review list is to identify:

- individuals who are known to have acted illegally and improperly;
- properties which are known to be below acceptable standards; and
- individuals or properties that have been the subject of a justifiable complaint.

If a landlord registration scheme was applied in Northern Ireland, should there be a 'fit and proper' person test similar to that in Scotland? If so, should a scheme be managed by one body to avoid a scenario whereby different sets of checks and criteria were applied across different council areas?

Should a potential registration scheme for Northern Ireland have a 'review list'? If so, consideration must be given as to how this is compiled and co-operation with a number of bodies would need to be established, e.g. NIHE and local district housing offices; local councils (environmental health and building control, anti-social behaviour teams); police; universities etc.

How 'light touch' should a light touch scheme be, i.e. should landlords simply be registered unless cause for concern arises? Should landlords be required to have certain certificates before being registered or meet certain other requirements?

ENFORCEMENT AND INVESTIGATIVE ACTION

23. The review maintained that relatively few local authorities had robust processes and procedures in place to enforce landlord registration. Generally local authorities felt that pursuing court action and sanctions such as Rent Penalty Notices or de-registration would be used as a last resort. Many local authorities tended to concentrate upon providing support to landlords and agents to avoid sanctions being put in place. The review noted, however, that some local authorities were using sanctions to address non-compliance issues. For example, East Lothian Council issued rent penalty notices to landlords who failed to pay for registration and East Renfrewshire Council cross matched the landlord register with Council Tax records and identified 600 potential landlords that had failed to register.

24. Local authorities have a range of enforcement powers which can be used to ensure compliance with registration requirements. These include refusing to register a landlord, rent penalty notices and late application fees. Since April 2006, one landlord has had their registration removed, 10 landlords have been refused registration, over 800 late application fees have been applied and over 600 rent penalty notices have been issued across Scotland²⁰. I have contacted

²⁰ Scottish Parliament Question (S3W- 23450). Mary Mulligan (Linlithgow), answered by Alex Neil, 11 May 2009.

the Scottish Government for more recent statistics on the application of sanctions.

What non-compliance sanctions could be applied to a Northern Ireland registration scheme? Should rent penalty notices and late application fees be applied?

What is the best means of identifying non-registered landlords (e.g. some good practice local authorities in Scotland use housing benefit; mortgage lenders; confidential helpline for tenants and neighbours; police service; residents associations)?

How much emphasis should be placed upon enforcement and will there be sufficient financial resources for this? What will the financial implications be in terms of legal costs and training staff to gather information sufficient for supporting legal action?

THE ADVANTAGES AND DISADVANTAGES OF DIFFERENT REGULATORY FRAMEWORKS FOR THE PRIVATE RENTED SECTOR

WHAT ARE THE VARIOUS REGULATORY APPROACHES?

25. The Scottish Housing Improvement Taskforce identified three different models for regulating the private rented sector, i.e. **voluntary accreditation**, **compulsory regulation** and **discretionary regulation**. A brief overview of each approach is outlined in this section. Whilst the three approaches may sound similar they are fundamentally very different. Setting clear objectives for a potential regulatory scheme for Northern Ireland is crucial as it will determine which of the regulatory approaches is most suitable to meet those objectives. The remainder of the section *briefly explores* some of the *perceived* pros and cons of two of the regulatory approaches, i.e. voluntary accreditation and compulsory registration.

Different Regulatory Approaches for the Private Rented Sector²¹**Voluntary Accreditation**

Accreditation implies a voluntary system of regulation. The scheme requires specific property and management standards to be met in order for the property or landlord to be accredited and if the application is successful, a certificate of confirmation of the standards having been attained is awarded. A voluntary accreditation scheme can target the whole private rented sector or a specific part, by geography or sub-sector.

Compulsory Regulation

There are three main types of compulsory regulation: compulsory licensing, compulsory registration and compulsory certification. While they differ from each other in terms of how onerous their regulatory requirements are, they all share one common feature – they are universal schemes – all privately rented property (or all private landlords or letting agents) must be regulated in order to lawfully operate and trade (excluding those already covered by the mandatory HMO licensing scheme).

Discretionary Regulation

This approach offers a flexible alternative to compulsory regulation. Each local authority would have a power (subject to Executive approval in the case of a Scottish model) to introduce some form of local regulation (registration, certification or licensing) but only if it was proven necessary. Once established the scheme would be compulsory for landlords or properties for which the scheme was designed.

Different Forms of Compulsory Regulation²²**Compulsory Licensing**

Compulsory licensing refers to a process whereby a landlord cannot let out a property unless they hold a license to operate. There are various criteria that could be used for obtaining a licence including property standards and a 'fit and proper' person test for the landlord. This scheme is similar to the HMO Registration scheme.

A 'light touch' licensing scheme would refer to a scheme where the criteria only covers part of that contained in a comprehensive scheme, for example it might only relate to the landlord being a 'fit and proper' person.

Compulsory Registration

A compulsory registration scheme, whether of properties or landlords, represents a 'light touch' to regulation compared to compulsory licensing. It is not a substitute for licensing as it is designed to achieve a different objective, i.e. its basic objective is to provide location and contact information.

Compulsory Certification

Compulsory registration becomes compulsory certification when a minimum standard has to be met for approval to trade. It involves collecting further data than registration requires, such as confirmation of a valid safety certificate or gas appliances, electrical safety certificate, fire certificates, confirmation of the use of written tenancy agreements. Documentary proof would not be submitted, as any requirement to submit certificates and leases would make compulsory certification over-complicated and bureaucratic.

²¹ Housing Improvement Taskforce (2003) extracted from SPICe (2004) Antisocial Behaviour etc. (Scotland) Bill. Stage 2 amendments – Registration of Private Landlords, Appendix 1.
www.scottish.parliament.uk/business/research/briefings-04/sb04-44.pdf

WHAT ARE THE PROS AND CONS OF VOLUNTARY ACCREDITATION?**Pros**

- Enables tenants to identify good landlords.
- Has the potential to improve management practice amongst landlords already seeking to operate professionally²³.
- Provides tenants with the assurance that the property meets certain standards and that proper tenancy agreements will be in place.
- Some schemes provide landlords with business advantages, for example, providing forums to advertise their properties; discounts for group purchase on goods and services (e.g. property insurance, legal advice, accountancy services); advice and information services and a dedicated website; priority access to private sector grants for renovation and energy conservation.
- Accredited schemes can receive preferential treatment from universities and colleges.

Cons:

- The worst quality landlords simply chose not to be members of voluntary accreditation schemes²⁴.
- The Rugg Review of the private rented sector in England maintained that it is generally agreed that accreditation does not carry the capacity to isolate and regulate the very worst quality properties²⁵.
- Potentially accreditation schemes may be of limited value to some lower income households. Accredited landlords are more likely to offer higher quality properties which are out of the affordability range of lower income households.

WHAT ARE THE PROS AND CONS OF COMPULSORY REGISTRATION?**Pros:**

- If implemented effectively mandatory landlord registration can be used as a tool in identifying non-compliant landlords. If robust systems are in place action can be taken to either support the landlord in improving standards or impose sanctions.
- A register of landlords can help tenants, neighbours and other agencies (e.g. noise-control officers in local councils) identify landlords if problems arise.
- A regulatory regime supported by dedicated information, guidance and advice services could improve landlord management and services to tenants.

Cons:

- Mandatory registration can be perceived as placing an unfair and unnecessary focus upon those landlords who comply with legislation and who act responsibly.

²² Housing Improvement Taskforce (2004) extracted from SPICe (2004) Antisocial Behaviour etc. (Scotland) Bill. Stage 2 amendments – Registration of Private Landlords, Appendix 2.

²³ Rugg, J. & Rhodes, D. (2008) The Private Rented Sector: its contribution and potential, pxxii. www.york.ac.uk/inst/chp/publications/PDF/prsreviewweb.pdf

²⁴ Ibid, p61.

²⁵ Ibid, p74.

- When not backed up with adequate enforcement measures and resources, a mandatory scheme can fail to identify and 'weed out' inadequate landlords.
- To be effective, mandatory registration requires extensive buy-in from other relevant agencies and bodies (e.g. local councils, police, landlord associations, neighbourhood associations, tenants).

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