

# Report

# Landlord registration in Scotland: three years on

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# Shelter

# Landlord registration in Scotland: three years on

## Summary of findings

1. This report is about the effectiveness of the landlord registration scheme to register all private landlords and agents, three years after the scheme went live. It is based on responses made to Shelter supporters and Shelter directly by local authorities and seeks to assess whether the scheme is achieving its aim of weeding out or improving the practice of the worst landlords.

2. We found that there were a number of examples of ways in which landlord registration has been used as impetus for improving private renting. These include:

- Setting up landlord forums for those landlords who want to engage positively.
- Providing advice, training and information for landlords.
- Tackling complaints regarding bad practice by encouraging landlords to change their practice and providing advice and support.
- Setting up review panels, review bodies and private sector housing units to address complaints and problems with landlords.
- Setting up voluntary accreditation schemes to highlight and reward good standards.

3. However, there are also many concerns:

- Some councils are not applying the 'fit and proper person test' in any meaningful way and are not using available sanctions to stop landlords who are continuing to indulge in bad practice, such as illegal evictions.
- Issues – real or perceived - with the legal powers, which could be preventing the councils from using sanctions.
- The number of landlords who are **not** registered – approximately 15 per cent of all landlords, comprising up to 25 per cent of private rented properties which are not registered.
- Landlords' lack of awareness about their responsibilities, such as providing proper leases, timely repairs to properties, repairing standards and how to bring a tenancy to an end within the law.
- Tenants' lack of awareness about their rights: for example, when a landlord must fix urgent repairs, when and how a landlord may enter their property, whether the landlord can change locks without notice; about landlord registration and other bodies such as the private rented housing panel which could potentially support them.

- Councils and the police not supporting tenants when they are facing eviction or have been illegally evicted.
- Possible lack of capacity and budget for councils to effectively carry out their duties with regard to landlord registration.
- Lack of statistics about how many landlords are dealt with as complaints have been raised, how many are given advice and how many have not engaged. This is important for monitoring and evaluating landlord registration.

We conclude that landlord registration is not yet fulfilling the expectations placed upon it; indeed, that it may not be able to do so.

**We recommend that the Scottish Government should:**

- Carry out an independent review on the effectiveness of landlord registration, looking at the barriers, such as legal issues, which are preventing the system working effectively to drive up standards and get rid of the worst landlords.
- Clarify the aims of landlord registration and ensure local authorities have the means and resources to not only administer the process of registering landlords, but also effectively address worst practice.
- Carry out a national awareness raising campaign for tenants and landlords on their rights and responsibilities.
- Increase funding for local authorities to ensure that they can implement the 'fit and proper person test' and carry out enforcement actions as appropriate.

**We recommend that the local authorities should:**

- Increase resources to apply the 'fit and proper person' test and build on the good practice already being carried out.
- Identify bad landlords and work with the relevant teams to ensure that private landlords are reported through all the different channels to the landlord registration team. These include the police, homelessness teams, the Private Rented Housing Panel and Housing Benefit sections.
- Raise awareness about tenants' rights and ensure tenants are protected and supported when they make a complaint.
- Ensure sanctions are used effectively to increase good landlords practice and get rid of the rogue landlords.

## Introduction

Registration of all private landlords and agents went 'live' on 30th April 2006. Registration was developed to respond to concerns raised by MSPs that some landlords were not fit to let property. Hence local authorities were charged with registering all landlords<sup>1</sup> based on a 'fit and proper person' test, with a view to either improving the practice of those landlords or imposing penalties on those who could not meet the standard required, including, ultimately, refusal of registration and therefore the consent to let out property.

The scheme has been beset with technical problems from the outset. However, on 30<sup>th</sup> April 2009 it will be the third anniversary of landlord registration and councils have already started to re-register landlords all over again. Now that the scheme is three years old Shelter wanted to explore the extent to which landlord registration was delivering on – or able to deliver on – the starting aim: that is, to weed out the worst practice of those landlords whose conduct tarnishes the name of private renting as a whole. We want to see this re-registration process as an opportunity to focus on not only ensuring that all landlords are registered, but on improving practice throughout the sector by applying the 'fit and proper person test' and imposing sanctions effectively if necessary. This will ensure that the registration process is a meaningful one.

To help us do this we enlisted the help of Shelter's supporters in different parts of Scotland. We asked them to write to the lead councillor in each local authority. We asked councillors to respond and let our campaigners know how they are ensuring that tenants and good landlords are not being adversely affected by bad practice in the sector. There is a question raised from this process about political buy-in and responsibility. It was a difficult process obtaining contact details of the relevant councillor in charge of registration and Shelter also had to write to councillors and registration teams in order to elicit responses. We are grateful to the councils who have responded and we have incorporated their views in this report.

We have highlighted the good practice and achievements that some councils have been able to make; but also show where areas of difficulty remain – all with the aim of trying to ensure that the policy intention of registration and the reality can come closer together for the benefit of tenants, landlords, communities and local authorities. We do not wish to point the finger or lay blame on councils and want to emphasise that this report is about trying to set out the challenges and asking why the small minority of poor landlords are still getting away with providing such an appalling service. When we contacted councils we emphasised that we were as interested in what was going well, as in what was proving challenging.

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<sup>1</sup> There are some exceptions and exemptions, but for practical purposes registration applies to all landlords.

## Background

Regulations were introduced in 2005 and 2006 to provide for the operation of landlord registration and established the necessary administrative and information processing arrangements to deliver the scheme. Landlord registration derives from part 8 of the Antisocial Behaviour etc. (Scotland) Act 2004. It was a further attempt to improve conditions in the private rented sector and these provisions were inserted by an amendment at Stage 2 (detailed Committee scrutiny) as the Bill went through Parliament<sup>2</sup>. There was concern at the time that the registration scheme was being sold as a way to resolve **all** the issues in the private rented sector, with councils not necessarily having the capacity and resources to do this.

Landlord registration is one of a number of recent ways in which greater scrutiny has been applied to or accountability sought from the private rented sector. Others include:

- introduction of a repairing standard for private landlords.
- establishment of a private rented housing panel and committee to support tenants who are in disputes over repairs with their landlord.
- setting up of Landlord Accreditation Scotland, based on National Core Standards for private landlords.
- placing the system for licensing of houses in multiple occupation (HMOs) in a new statutory housing framework.

## Landlord registration in practice

To be registered landlords must pass a 'fit and proper person' test<sup>3</sup>. It is an offence to let residential property without being registered or at least applying to register. So the scheme is designed to ensure that the worst landlords, who are unwilling to improve practice, are removed from the sector. Registration of private landlords has a number of aims:

- improve private renting in Scotland by enforcing minimum standards in letting.
- oblige those not providing this minimum service to improve, or leave the sector.

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<sup>2</sup> *'At that time there was some debate about the relative lack of consultation on the proposals and whether the provisions should be contained in housing, rather than antisocial behaviour legislation'*  
SPICe briefing 23 May 2007 07/26

<sup>3</sup> For further information on landlord registration and the fit and proper person test go to : <https://www.landlordregistrationscotland.gov.uk/Pages/Home.aspx> Broadly, however, it assesses whether a landlord or agent has acted unlawfully or in a discriminatory manner in relation to the letting of the property.

- allow tenants, neighbours and local authorities to identify and contact landlords and agents of private rented property.
- provide information on the scale and distribution of private rented sector in Scotland.

There are various sanctions which can be applied if landlords refuse to register or refuse to improve their practice which include: late application fees, rent penalty notices and ultimately being refused registration or having their registration revoked. Unregistered landlords face having their rental income withheld or being fined up to £5,000.

From March 2009 figures 125,800 landlords have successfully applied to become registered with 14,708 landlords awaiting a decision. This means that 90 per cent of all applications have now successfully gone through the system.

According to the Scottish Household Survey 233,000 households live in the private rented sector. There are, as of March 2009, 173,688 properties registered with landlord registration, with 22,268 properties waiting for a decision. If we take the number of properties which are actually registered (i.e. not awaiting approval), this gives a 75 per cent coverage in terms of registered properties.<sup>4 5</sup>

The first three years of registration have been very challenging, with significant ICT problems, administrative difficulties and the sheer volume of applications to process which was much higher than anticipated. As a result, a great deal of attention has been focused – quite understandably – on getting the administration systems to work, which, we argue, is at the cost of the core aims of the scheme.

Good landlords have engaged with the scheme with the promise that it would be a means of levelling the playing field; ensuring minimum standards are enforced; and that the minority of cowboy competitors, who undercut and undermine the reputation of landlords as a whole, are removed from the sector. From the Scottish Government's Private Rented Sector Review we also see landlords raising concerns about the way landlord registration was implemented and they would like to see more enforcement against 'bad landlords'.<sup>6</sup>

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<sup>4</sup> A landlord can legally let property as long as s/he is either registered or has submitted a valid application for registration which has not yet been decided upon.

The figures should be taken as an estimate only. We do not know how many of the 233,000 households in the private rented sector would require registration, particularly because some of them are likely to be exempt. It has also been pointed out that there are no figures for how many registrations failed due to incomplete forms and this will also be the case for some of the applications still awaiting a decision.

<sup>5</sup> Figures from Scottish Government.

<sup>6</sup> Views and Experiences of Landlords in the Private Rented Sector in Scotland. Research findings N0 32/2009 Scottish Government.

## Unregistered landlords

While we recognise that the numbers of registered landlords being approved has improved dramatically over the last year or so, the concern is that those who are not registered are often the very landlords who most need to be checked. Unregistered landlords are often the hard to reach landlords, who are either unaware of registration or unwilling to register.

Councils are using a variety of methods to get landlords to register including using local media contacts and local shops where landlords advertise their properties. At least one council has also set up a Private Sector Housing Unit, which has so far made contact with 400 unregistered landlords in its area and in most cases they have agreed to register. However, many councils have raised various concerns including not having resources and capacity to trace landlords effectively and the difficulty of trying to trace absentee landlords. One council said:

*'It's a time-consuming process tracing and contacting landlord who have not provided correct or enough information on the application. Identifying let properties can also be difficult.'*

The pro-active approaches made by the councils are commendable. But equally important are signals that councils will, and are able to take serious action if landlords fail to register. And, of course, it is important that councils are working to remove barriers in the way of registration.

As the following story shows, landlords who are clearly not 'fit and proper' are continuing to rent out properties. Leanne was in a private tenancy and when her flatmate moved out, the private landlord without any notice took Leanne's keys and locked her out of the flat, keeping all of her belongings.

She contacted Shelter and, after trying to persuade the landlord not to evict her, we advised Leanne to contact the police. The landlord was charged with unlawful eviction and is currently awaiting a court trial.

*'I was in a state of shock as I was left homeless and on the street.  
He (the landlord) was threatening and abusive and I was really scared'.*

Leanne, with our advice, took a civil action for damages and her lost belongings. The case was heard in the Sheriff Court 15 months after Leanne's unlawful eviction and the judgement was in her favour. Damages were awarded against the landlord and she was granted compensation for items he withheld.

*'This landlord took away a year of my life as I tried to fight for justice.'*

For over 18 months, Leanne's ex-landlord has been in the process of registering with the local council under the Landlord Registration Scheme. In order to fulfil this legal requirement, he must pass the 'fit and proper person' test, proving he is a responsible landlord who upholds tenants' rights. Leanne has reported her ex-landlord to the council for carrying out an unlawful eviction and for keeping her belongings and she has provided copies of the civil court's legal award for damages against him.

However, despite this evidence, the council have apparently not refused his registration and still permit him to rent out properties.

## Refusals

To date only 5 landlords have been refused registration with a further 1 struck off having initially been registered<sup>7</sup>. This, of course, is the ultimate sanction and it could be argued that refusals must be used sparingly lest we reduce the supply of homes for rent which are, after all, needed. To some extent the negligible level of refusals can be explained if councils are taking other types of action to address poor practice. For example we know from the councils' responses that many landlords, once threatened with sanctions, will then toe the line. Nevertheless, there are some landlords or agents who should just not be in that business at all and it is not credible that there are only 6 rogue landlords in Scotland.

Councils have said that it would be useful to have access to the central register of criminal convictions, which other licensing systems do have access to. This would ensure that the registration system is more robust and accurate with landlords who are unsuitable being refused registration and therefore not allowed to rent out properties. Council officers have said:

*'We need proper investigative powers. It is only after an incident takes place that landlord likely to be investigated'.*

*"We need to be allowed to ask questions and require answers from landlords we have suspicions about. Faced with a landlord who doesn't need to answer questions and a tenant scared of being evicted and harassed we are unlikely to ever be able to gather evidence".*

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<sup>7</sup> Scottish Government figures (December 2008)

Two tenants contacted Shelter because they needed urgent repairs to be carried out in their flat, including sorting out the front door which was not secure, and their landlord had refused to carry out the repairs. The landlord is also charging the tenants for utilities bills and is supposed to pay the bills himself. However, the tenants have since found out this has not been happening and the utilities companies are threatening to discontinue services due to arrears. The landlord had also entered the property on numerous occasions without prior warning. With Shelter's help they contacted the landlord registration department of the local council, who had, it seems, received previous reports of this landlord carrying out bad practice. However, the council had been unable to take any action.

Shelter had advised the tenants to withhold rent until the utilities bills were sorted out and the urgent repairs made. This led to the landlord verbally abusing and threatening the tenants, ultimately kicking down the front door and one of the tenant's bedroom doors while he was sleeping. The tenant contacted the police, who refused to get involved saying it was a civil matter<sup>8</sup>.

The landlord later physically assaulted one of the tenants and locked the tenants inside the property making them use the emergency exit stair. The tenants were advised to have the locks changed, so they could have the two required exits from their flat in case of a fire. The landlord got wind of this and threw half of one of the tenant's belongings out of the flat and he changed the locks again, which this time meant the two tenants could not get back into the flat - which constitutes unlawful eviction.

One of the tenants said:

*'I was terrified when the landlord assaulted me and then threw all my belongings out of the flat. I was worried he would plant something illegal in my belongings which the police would find. I was threatened by the landlord several times'*

The landlord has been harassing the tenants since the illegal eviction by calling and sending threatening texts. This has been a harrowing experience for the tenants who are now homeless and in a state of shock.

The second tenant has said:

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<sup>8</sup> Unlawful eviction and harassment are, of course, criminal matters, but this mistake remains to common.

*'Even though I am homeless now, I won't look for a flat in this city as I am too scared I will get another landlord who will treat me badly.'*

This landlord is well known to the council and has for several years subjected tenants to bad management practice. Since this case was brought to Shelter's attention other previous tenants of this landlord have come forward to say they have received similar treatment in the last few years and had reported this landlord to the council.

If landlord registration had been working effectively this landlord should never have been registered or allowed to have an HMO licence.

## Sanctions

As well as refusing to register landlords councils have other sanctions they can use to encourage landlords to improve practice. These include late application fees, which can be applied if landlords are late or refuse to register. Councils can also apply rent penalty notices which stop rent payments to the landlord until they have agreed to improve their practice or resolve the issue which has been brought to the council's attention. Evidence suggests that councils are not applying large numbers of rent penalty notices yet. This is perhaps due to there being more focus on ensuring landlords are registering. The most recent figures from the Scottish Government (December 2008) showed that 418 rent penalty notices had been applied with 642 late application fees applied.

We understand from councils that using the more serious sanctions such as revoking registrations when extremely bad landlord practice is brought to their attention is problematic. There are difficulties with ensuring the cases are watertight and there is a worry that they can easily be appealed by the landlords. One council said:

*'Obtaining corroborative evidence is difficult and has to be obtained from various and reliable sources regarding poor landlords'.*

There are additional challenges which one council highlighted:

*'Overcoming the problem of tenants unwilling to provide statement and give evidence against their landlord for fear of recrimination'.*

One example which was printed in the Evening Times on 23rd January 2009 involved a landlord who was banned by Glasgow City council from operating in the private sector. His application was rejected by the council as officials were forced to shut a home he rented to a family due to health and safety fears. Apparently inspectors found 'dangerous wiring, unsanitary conditions and even a cooker in the toilet of a cockroach infested slum.'

Tenants continued to be charged to live in homes that are controlled by this landlord after this rejection of application had been agreed, as he had been able to use a legal loophole to continue trading. As he had launched an appeal he could continue to trade and rent out properties until a court ruling is made.

## **Working with landlords to improve practice**

Another explanation for the low level of refusals is that councils may be seeking to work positively with landlords to improve practice before deciding whether to apply sanctions. Again, this is quite reasonable, but it is not to say that carrots and sticks should not go hand in hand. In our view, councils are in the strongest position if they can say most clearly, 'yes, we will help you improve if you are willing to do so, but if you evade your responsibilities we will not hesitate to take action'.

Such was the volume of applications to process that the approach was to assume that a landlord was fit and proper unless there was evidence to the contrary. This, of course, depends on how good the council's intelligence is on those landlords who are poor and also on tenants' willingness to complain.

However, there are also other ways in which councils could pick up potentially poor landlords, through homelessness sections, police, Private Rented Housing Panel and Housing Benefit sections.

The responses from councils have also highlighted that there has been an emphasis on a 'light touch' approach to applying sanctions, which reflects the Government's preferred approach to use a variety of other methods to improve practice before refusing or revoking registrations. This includes interviews with landlords, providing advice and information, using the threat of rent penalty notices, and then imposing penalty notices and as a very last resort revoking registration.

As one council argues, in its response to Shelter:

*'There will always be a small minority of landlords who persistently give cause for concern. When these circumstances arise the available measures (including legislation) will be taken to address bad or illegal practice. To date, the threat of taking action locally has succeeded in getting the co-operation of landlords and prevented any poor practice from continuing'.*

While this may be valid to a certain extent, as many landlords have responded well to the 'light touch' approach, we are concerned that this approach is not addressing some of the worst practice as highlighted in the case studies in this report.

There seems to be a reluctance to use the more serious sanctions, with legal teams within councils wary of how this will work in practice. Building a case for a tenant with the current powers that the councils have is difficult. Councils have mentioned problems with being able to gathering enough evidence, being unable to question landlords who have the right to refuse to answer, getting access to documents and the reluctance of tenants to come forward as they are either afraid of being evicted or harassed.

## The impact on tenants

Fundamentally landlord registration is about improving the service to tenants. However, despite having landlord registration in Scotland for three years there are still too many cases where tenants have to cope with landlords who are either not aware of, or interested in, their responsibilities as landlords. Issues such as deposits not being returned, hidden fees, tenancy agreements being improperly drawn up, repairs not carried out, abuse and harassment, and illegal evictions are still with us.<sup>9 10</sup>

A tenant who was in a Short Assured Tenancy had to leave the flat for three weeks. When the tenant returned home the locks had been changed and the landlord was not willing to let the tenant return to the property. The landlord would not make any arrangements to return the tenants belongings which left the tenant in a very difficult position.

<sup>9</sup> 'It's a civil matter... A summary report of the unlawful eviction of private sector tenants'. Govan Law Centre's Prevention of Homelessness Project. June 2008.

<sup>10</sup> [www.cas.org.uk/privaterentedhousingbriefingsheet.aspx](http://www.cas.org.uk/privaterentedhousingbriefingsheet.aspx)

The tenant had to present as homeless to the council. He was provided with temporary accommodation, but the council did not take any action on the illegal eviction.

The tenant then contacted Shelter to ask for advice and also contacted the local MP.

The council advised the tenant that they couldn't do anything about the illegal eviction and that their policy is to refer clients to Citizens Advice Bureau.

The tenant said:

*'I don't think (the Local Authority) have provided me with adequate protection, and now I'm in unsuitable accommodation having lost all my belongings as a result of their failure to act'.*

Shelter drafted a letter to the council, attaching the Scottish Government briefing on illegal evictions, suggesting it should have taken action on illegal eviction. The council have now referred the matter to the Private Landlord Registration Department, but they have said **no** action will be taken until the police charge; and Procurator Fiscal takes prosecution.

However, Scottish Government guidance does **not** require a criminal conviction before taking action against landlord.

The tenant is now homeless and in temporary accommodation due to an illegal eviction<sup>11</sup>.

Getting help on the issues which are creating problems for tenants is difficult, particularly as many tenants are unaware of their rights. In most of the cases in this report the tenants are unaware of landlord registration and how it might be beneficial to them as tenants. There are low levels of awareness on the landlord registration scheme with 3 in 10 tenants saying that they had heard about it, however when asked if they knew if their landlord was registered, many of them did not know. This suggests there is a lot of work to do on awareness raising<sup>12</sup>. This is also mentioned several times by councils who would like to see a national awareness raising campaign on the rights and responsibilities of tenants and landlords.

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<sup>11</sup> At several points this report has raised the problems of interaction between tenancy law and criminal law (such as harassment and unlawful eviction). We have not focussed on it in detail here except to say that relying on the police and Procurator Fiscal to take action before taking registration action is extremely limiting.

<sup>12</sup> Private Rented Sector Review, Scottish Government, 2009

## Why is landlord registration faltering?

So far we have argued that landlord registration is falling far short of the starting aims. We have however, found that there were a number of examples of ways in which landlord registration has been used as impetus for improving private renting. These include:

- Setting up landlord forums for those landlords who want to engage positively.
- Providing advice, training and information for landlords.
- Tackling complaints regarding bad practice by encouraging landlords to change their practice and providing advice and support.
- Setting up review panels, review bodies and private sector housing units to address complaints and problems with landlords.
- Setting up voluntary accreditation schemes to highlight and reward good standards.

However, there are also many concerns:

- Some councils are not applying the 'fit and proper person test' in any meaningful way and are not using available sanctions to stop landlords who are continuing to indulge in bad practice, such as illegal evictions.
- Issues – real or perceived - with the legal powers, which could be preventing the councils from using sanctions
- The number of landlords who are **not** registered – approximately 15 per cent of all landlords, comprising up to 25 per cent of private rented properties which are not registered.
- Landlords' lack of awareness about their responsibilities, such as providing proper leases, timely repairs to properties, repairing standards and how to bring a tenancy to an end within the law.
- Tenants' lack of awareness about their rights: for example, when a landlord must fix urgent repairs, when and how a landlord may enter their property, whether the landlord can change locks without notice; about landlord registration and other bodies such as the private rented housing panel which could potentially support them.
- Councils and the police not supporting tenants when they are facing eviction or have been illegally evicted.
- Possible lack of capacity and budget for councils to effectively carry out their duties with regard to landlord registration.
- Lack of statistics about how many landlords are dealt with as complaints have been raised, how many are given advice and how many have not engaged. This is important for monitoring and evaluating landlord registration.

We have been impressed by the degree of commitment shown by some hard-working council staff and a willingness to make the system work, despite some misgivings as to its effectiveness. So why is registration not delivering?

An earlier review of good practice in 2007<sup>13</sup> showed that while there are pockets of good practice, there was concern that the main objective of driving up standards and driving out the worst landlords is not happening fast enough. In 2007, this could reasonably be put down to bedding-in problems. But two years later that rationale, while still relevant, is wearing a little thin.

Some of the challenges include:

- lack of awareness-raising about rights and responsibilities.
- problems with legal issues and applying more serious sanctions, which have been illustrated in the examples we have used in this report and raised as serious concerns by some councils.
- lack of capacity within teams to effectively apply the fit and proper person test.
- organisational issues such as where the landlord registration teams are located e.g. either in legal or housing teams.
- lack of political/senior management buy-in and putting landlord registration high on the agenda.

More fundamentally, we wonder if landlord registration has been 'oversold': that, at times, it has been cited as a way of sorting out all types of problems when, in reality, it is a fairly broad-brush tool which will work best when seen in tandem with more tailored action to deal with problems like evictions and withheld deposits.

As we have shown there are still worrying examples of tenants who are struggling to have their rights as tenants upheld and who have, on occasions, been subjected to extremely bad management practice, including aggressive and violent behaviour from the landlord. For those tenants landlord registration is not working.

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<sup>13</sup> Good Practice Review of the implementation of Landlord Registration, Arneil Johnston, July 2008

## Conclusion

The Scottish Government's landlord registration site says:

*'The system will make sure that **all** landlords (our emphasis) meet minimum standards and will remove the worst landlords from the sector.'*

This report has argued that this aim is not being met. As we enter the fourth year of registration, we cannot attribute the lack of progress to teething problems. We recognise that the first three years have been dominated by getting the system to function efficiently. We cannot change that. But now is the time to refocus on core aims and ensure that any barriers are removed. Otherwise this scheme will lose credibility with landlords who have registered, and with tenants who have been led to believe that they can expect a certain basic standard of management.

### **We recommend that the Scottish Government should:**

- Carry out an independent review on the effectiveness of landlord registration, looking at the barriers, such as legal issues, which are preventing the system working effectively to drive up standards and get rid of the worst landlords
- Clarify the aims of landlord registration and ensure local authorities have the means and resources to not only administer the process of registering landlords, but also effectively address worst practice.
- Carry out a national awareness raising campaign for tenants and landlords on their rights and responsibilities.
- Increase funding for local authorities to ensure that they can implement the 'fit and proper person test' and carry out enforcement actions as appropriate.

### **We recommend that the local authorities should:**

- Increase resources to apply the 'fit and proper person' test and build on the good practice already being carried out.
- Identify bad landlords and work with the relevant teams to ensure that private landlords are reported through all the different channels to the landlord registration team. These include the police, homelessness teams, the Private Rented Housing Panel and Housing Benefit sections.
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- Raise awareness about tenants' rights and ensure tenants are protected and supported when they make a complaint.
- Ensure sanctions are used effectively to increase good landlords practice and get rid of the rogue landlords.

Further information on homelessness at: [www.shelter.org.uk](http://www.shelter.org.uk)

Email: [policyscotland@shelter.org.uk](mailto:policyscotland@shelter.org.uk)

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