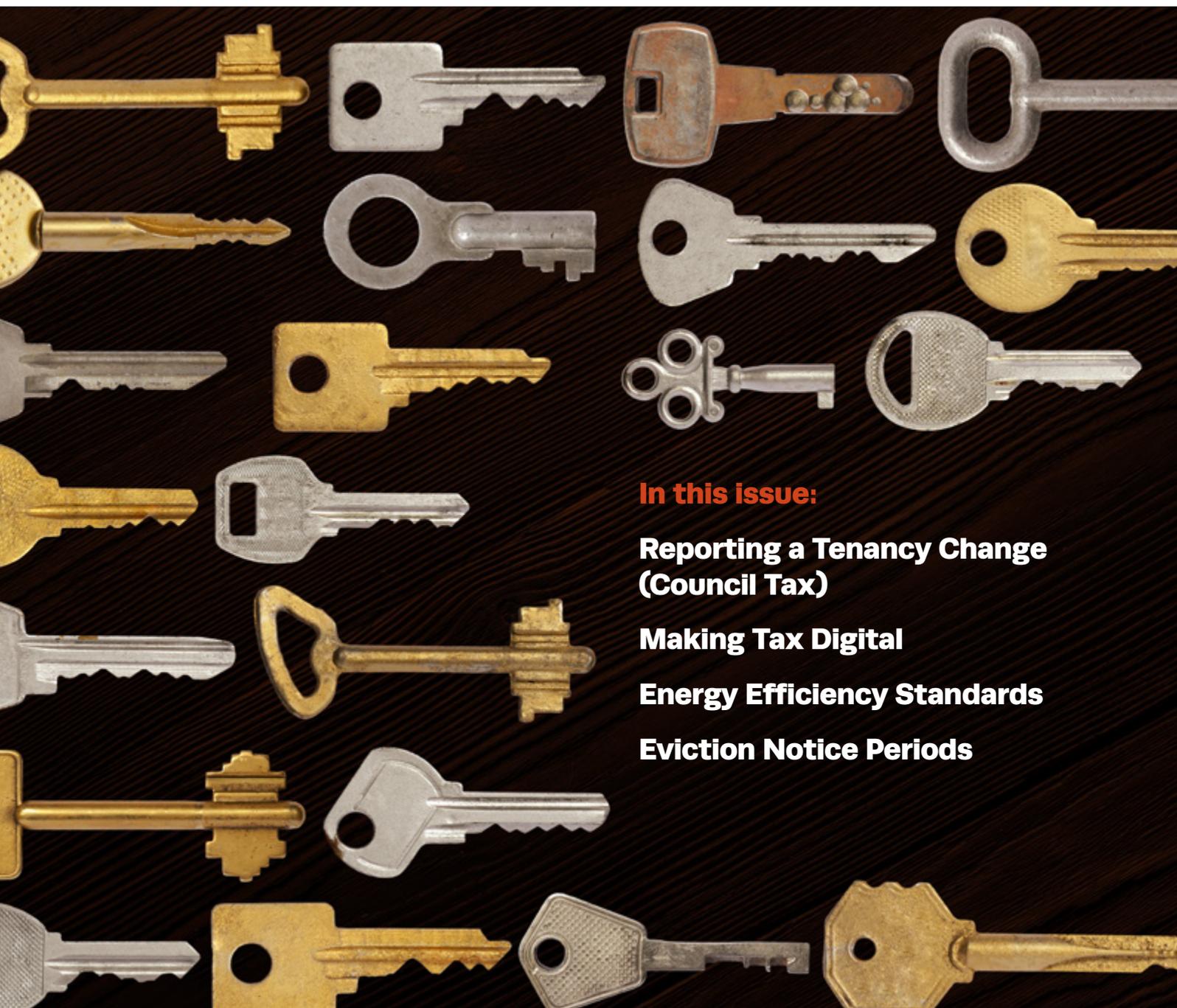


Key Notes

East Lothian Council's Newsletter
for Private Sector Landlords

Issue 8
March
2022



In this issue:

**Reporting a Tenancy Change
(Council Tax)**

Making Tax Digital

Energy Efficiency Standards

Eviction Notice Periods

Private Landlord Webinars

Are you a landlord or letting agent of tenement flats in Scotland?

Are you looking for information or support on issues including organising common repairs, or making repairs or improvements to the flat or building?

Under One Roof, with generous support from **SafeDeposits Scotland Charitable Trust** [↗](#), is again hosting a series of webinars to give you interactive, free, and independent information you can use to address the issues faced by landlords and letting agents of tenements in Scotland.

Register for the one-hour sessions, where you'll be able to ask experts about general issues related to tenement buildings, and specific issues related to your flat.

Ask the tenement experts

29 March, 26 April and 31 May 2022

This is an opportunity for landlords and letting agents to ask any questions they have about tenement maintenance, common repairs or working with other owners. The floor is open for any all all questions you have for under One Roof's experts

Improving tenement-owner communication

10 May 2022

There are growing amounts of online apps and tools that help owners communicate better and manage their tenement uilding together. These can take the form of a shared repairs app, engaging social media or information websites. This webinar will discuss how these tools can help you and your co-owners.

Private Landlord Webinar Programme 2021-22 [↗](#) (underoneroof.scot)



in partnership with East Lothian Council

Courses for landlords and letting agents

All training by LAS continues to be carried out at online webinars.

You can find details of (and book) all upcoming courses here -

Landlord Accreditation Scotland [↗](#)



Reporting Tenancy Changes to our Council Tax Team

If you are a Landlord or Agent (e.g. Letting Agent, Estate Agent, Housing Association etc.) and you have a tenant moving in or out of a rental property, you must let the Council Tax team know within 21 days. This:

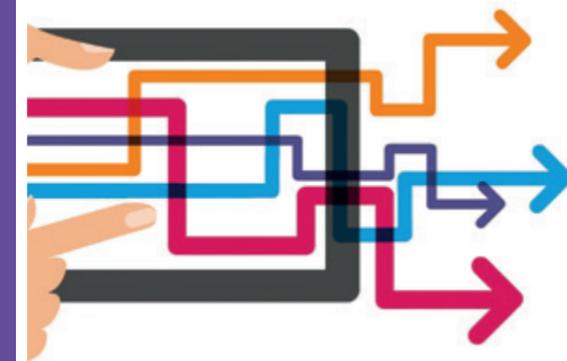
- ✓ enables us to issue a Council Tax bill whilst the tenant is still resident in the property
- ✓ prevents any liability disputes in the future

You can report changes online at [HERE](#) [↗](#) as this ensures we receive all of the information we need to update our records and avoids the need to come back to you for more information.

- ! Failure to report tenancy changes can result in the wrong liability being recorded and debt recovery action being taken against the wrong person, with legal costs being incurred.
- ! If there is any gap in Council Tax liability, the owner of the property is liable.
- ! The owner of the property should be a registered landlord and will be required to supply their landlord registration number to the Council Tax team when requested.
- ! The Council Tax team will not register a tenant for Council Tax purposes until the owner has completed the landlord registration process.
- ! The owner will be held liable for any Council Tax due up to the date of registration.
- ! Any discount or exemption for an unoccupied or unfurnished property must be applied for within 21 days of any change in tenancy, as these reductions will not be awarded retrospectively. Failure to apply within 21 days, will mean a reduction being awarded from the date of application only.

We appreciate your help in keeping our records up-to-date. Please don't hesitate to get in touch if you require information or assistance.

Phone **01875 824314** or visit our website and complete an online form www.eastlothian.gov.uk/counciltax [↗](#)



Making Tax Digital

Under new HMRC rules, landlords with a turnover above £10,000 will have to keep financial records digitally using specialist software and send HMRC quarterly updates on their tax affairs. This is under reforms to tax return requirements termed "Making Tax Digital" (MTD).

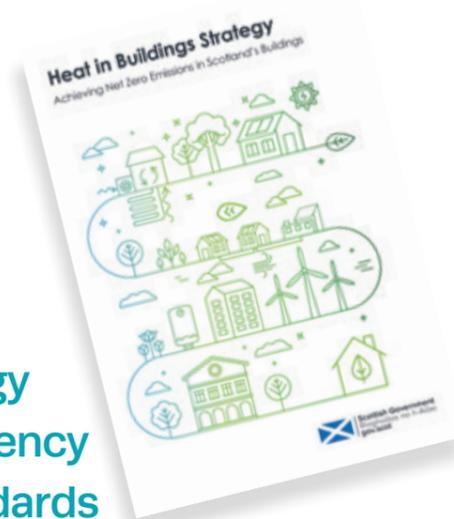
HMRC has recently announced that the introduction of this requirement will be postponed for a year. MTD for Income Tax will now be mandated for businesses and landlords with a business income over £10,000 per annum in the tax year beginning on 6 April 2024.

You can learn more about MTD, who needs to comply and see a list of compatible software packages on the government website [HERE](#) [↗](#).

Tenant Referencing Check

As well as asking a potential tenant for proof of income and landlord references, landlords can check the First-tier Tribunal (Housing and Property Chamber) decisions page. This has details of all tenant evictions and civil actions between landlords and tenants. You can search for a prospective tenant by name - its a quick and easy way of doing some background research.

Energy Efficiency Standards



Draft regulations to set minimum energy efficiency standards of EPC E, rising to EPC D in the Private Rented Sector were abandoned as a direct result of Covid-19 has had on the sector.

The Scottish Government's *Heat in Buildings Strategy* confirms their intention to introduce, subject to consultation, regulations requiring Scotland's homes (including all owner-occupied and private rented properties) to meet EPC Band C or equivalent, where that is technically feasible and cost effective from 2025 onwards. Private rented homes will be required to meet this standard by 2028, or at an earlier change of tenancy.

The Scottish Government plan to consult in the coming year on the proposals for such regulations, and this will include details of any exemptions, definitions of properties in scope, and matters relating to compliance.

An energy performance certificate is valid for 10 years from the date of issue. However, landlords may wish to obtain an updated EPC as this is more likely to reflect the current performance of their property.

[Heat in Buildings Strategy – achieving net zero emissions in Scotland's buildings](https://www.gov.scot) (www.gov.scot)

Amending the Repairing Standard

Changes to the repairing standard come into force on 1 March 2024. A summary is online [HERE](#).

The Scottish Government is drafting guidance for landlords to support the new elements in the standard which will be circulated to stakeholders later this year.



Consultation

The Scottish Government published a consultation on 20 December on a draft rented sector strategy **[A New Deal for Tenants](#)**, which aims to improve accessibility, standards and affordable choices across the whole of the rented sector in Scotland.

The draft Strategy sets out an ambitious set of proposals for a phased approach to introducing change and they are keen to gather a broad a range of views, experiences and evidence as they develop the final strategy for publication by the end of 2022. It is important also that the strategy is informed by the views of both landlords and tenants and they would encourage private landlords to submit your views to the [consultation](#) before it closes on 15 April 2022.

Eviction Notice Periods

In April 2020, through the emergency Coronavirus (Scotland) Act 2020, eviction notice periods were temporarily extended for all evictions from the private rented sector (PRS) for up to 6 months. From 30 March 2022 extended notice periods will change to what they originally were before the pandemic.

The Coronavirus (Scotland) Acts (Early Expiry of Provisions) Regulations 2022 were laid before the Scottish Parliament on 23rd February 2022 and will come into force on 29th March 2022. The regulations laid are a negative Scottish Statutory Instrument so potentially there is always a possibility that the Scottish Parliament could ask for them to be amended within a 28 day period. The regulations mean that extended notice periods, introduced on 7 April 2020, will be ended from 30 March 2022 onwards and will revert back to what they were before the pandemic on that date. The extended notice periods will continue for eviction notices issued up to and including 29 March 2022.



Private Rented Sector Tenant campaign

A Private Tenants' Rights campaign was launched on 17 January 2022 to ensure that all private tenants are aware of their rights and are better placed to challenge poor – or illegal – practice, where it occurs. The campaign aims to reflect the findings from the **[Rent Better research](#)** and respond to a key recommendation in the report to address a general lack of awareness around PRS rights and protections which in turn will help to increase access to justice.

Full information can be found [HERE](#)

Regulation of Short Term Lets

The Licensing Order was approved by the Scottish Parliament on 19 January 2022. Local authorities will have until 1 October 2022 to establish a licensing scheme and existing hosts will have until 1 April 2023 to apply for a licence. The final deadline for all hosts and operators to have a licence is 1 July 2024.

The proposals give local authorities the powers to manage high numbers of short-term lets. Powers given to local authorities to designate control areas, combined with the licensing scheme, are sufficient to manage high concentrations of short-term lets where this is an issue. In a control area, change of use of a dwellinghouse to provide short-term lets will always require planning permission. In a control area, it is a mandatory condition of licence that planning permission has been obtained or an application is in progress. The Control Area Regulations were approved by the Scottish Parliament in February 2021 and came into force on 1 April 2021.

Contact Information

Landlord registration / Housing in Multiple Occupation licensing

Sheila Fitzpatrick T 01620 820623
landlordregistration@eastlothian.gov.uk
hmo@eastlothian.gov.uk

Housing Benefit and Council Tax

01620 827730/7729 (Benefits)
01875 824314 (Council Tax)
www.eastlothian.gov.uk/info/210559/council-tax-and-benefits

Useful websites (click text to link to website)

Private Residential Tenancy	Landlord Accreditation Scotland
Tenancy Deposit Scheme	The Repairing Standard
My Deposits Scotland	Scottish Association of Landlords
Letting Protection Service	Health & Safety Executive
Safe Deposits Scotland	Electrical Safety Council
Landlord Registration	Gas Safe
Housing and Property Chamber, First Tier Tribunal	Energy Saving Trust
	East Lothian Council

To make a comment, suggestion or complaint about a council service,
visit our website at www.eastlothian.gov.uk



Versions of this leaflet can be supplied in Braille, large print, audiotape or in your own language. Please phone customer services if you require assistance on 01620 827 199