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| COMMITTEE: | Licensing Sub-Committee |
| MEETING DATE: | 14 May 2026 |
| BY: | Depute Chief Executive – Resources and Economy |
| REPORT TITLE: | Delegated Powers – Private Landlord Registration |
| REPORT STATUS: | Public |

1 PURPOSE OF REPORT

- 1.1 To seek approval from the Licensing Sub-Committee of the proposed scheme of delegated authority granted to officers to deal with approving, refusing and revoking Private Landlord Registration applications and registrations.

2 RECOMMENDATIONS

- 2.1 That the Licensing Sub-Committee approve the proposed delegated powers.

3 BACKGROUND

- 3.1 Landlord registration was introduced in 2006 by the Antisocial Behaviour etc. (Scotland) Act 2004. Local Authorities have a duty to prepare and maintain a register of landlords. Only those landlords that have been assessed as being fit and proper should be entered on the register. The regime has been strengthened further in subsequent legislation – including increased requirements for the fit and proper person test.

- 3.2 In 2013, the Scottish Government set out its vision for the private rented sector as:

“A private rented sector that provides good quality homes and high management standards, inspires consumer confidence and encourages growth through attracting increased investment.”

In order to achieve this vision, three strategic aims were identified:

- To improve the quality of property management, condition and service;
 - To deliver for tenants and landlords, meeting the needs of the people living in the sector; consumers seeking accommodation; and landlords committed to continuous improvement; and
 - To enable growth, investment and help increase overall housing supply.
- 3.3 The powers available to local authorities have also been strengthened, including powers to request a Level 2 Disclosure in specified circumstances and to obtain information. Supported by other legislation, landlord registration provides a means for local authorities to register persons who are fit and proper to act as landlords and agents but also to take steps to deal with those who operate outside the law.
- 3.4 Delegated authority is being sought to deal with applications and to ensure landlords provide the prescribed information required in a timely manner. Enhanced scrutiny of applications has increased since the addition of a dedicated landlord registration officer and in turn, allowing us to deal with applications within a reasonable time frame.

4 POLICY IMPLICATIONS

- 4.1 None – Standing Orders empower the Licensing Sub-Committee to delegate such duties as they deem appropriate to relevant officers.

5 RESOURCE AND OTHER IMPLICATIONS

- 5.1 Finance: None
- 5.2 Human Resources: None
- 5.3 Other (e.g. Legal/IT): Housing – potential risk that tenant(s) is/are made homeless and present to East Lothian Council should a landlord's application be refused or their registration revoked.
- 5.4 Risk: None

6 INTEGRATED IMPACT ASSESSMENT

- 6.1 ***Select the statement that is appropriate to your report by placing an 'X' in the relevant box.***

An Integrated Impact Assessment screening process has been undertaken and the subject of this report does not affect the wellbeing of the community or have a significant impact on: equality and human rights; tackling socio-



economic disadvantages and poverty; climate change, the environment and sustainability; the Council's role as a corporate parent; or the storage/collection of personal data.

or

The subject of this report has been through the Integrated Impact Assessment process and impacts have been identified as follows:

| Subject | Impacts identified (Yes, No or N/A) |
|---|-------------------------------------|
| Equality and human rights | |
| Socio-economic disadvantage/poverty | |
| Climate change, the environment and sustainability | |
| Corporate parenting and care-experienced young people | |
| Storage/collection of personal data | |
| Other | |

7 APPENDICES

Appendix 1 – Delegated Powers document

8 BACKGROUND PAPERS

- 8.1 The Private Landlord Registration (Information) (Scotland) Regulations 2019, Schedule, Part 1 – Prescribed Information for application for registration. <https://www.legislation.gov.uk/ssi/2019/195/contents/made>
- 8.2 Antisocial Behaviour etc. (Scotland) Act 2004, Part 8 – Registration of certain landlords. <https://www.legislation.gov.uk/asp/2004/8/part/8>
- 8.3 Housing (Scotland) Act 2006, Part 1, Chapter 4 – The Repairing Standard. <https://www.legislation.gov.uk/asp/2006/1/part/1/chapter/4>
- 8.4 Landlord Registration: Statutory Guidance for Local Authorities 2017. <https://www.gov.scot/publications/landlord-registration-statutory-guidance-local-authorities-2017-statutory-guidance-local/pages/1/>

9 AUTHOR AND APPROVAL DETAILS

Report Author(s)

| | |
|--------------------|---|
| Name | Sheila Fitzpatrick |
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| Date | 4 March 2026 |

Head of Service Approval

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|---|---------------------------|
| Name | Hayley Barnett |
| Designation | Head of Corporate Support |
| Confirmation that IIA and other relevant checks (e.g. finance/legal) have been completed | Yes |
| Approval Date | 4 March 2026 |

LICENSING SUB-COMMITTEE
DELEGATED POWERS - PRIVATE LANDLORD REGISTRATION
MAY 2026

The Delegated Officer is authorised to determine the following registration matters:

1. To approve an application where the applicant has declared they comply with all associated prescribed information
2. To require an applicant to provide prescribed information documentation
3. To require an applicant to provide a Level 2 Disclosure
4. To serve an enforcement notice where no rent (or other consideration) shall be payable under any lease or occupancy agreement in respect of the property/properties or landlord, to which the notice relates
5. To determine if an applicant is not a fit and proper person based on their failure to comply with the requirement to provide the local authority with such information as regulations prescribe
6. To refuse an application where the applicant is considered to be not fit and proper to let houses
7. To revoke a registration where the applicant is considered to be not fit and proper to let houses
8. To provide that if, for any reason, the delegated officer considers it inappropriate to determine an application under delegated powers, the application will be referred for determination to the Licensing Sub-committee

