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LANDLORDS & AGENTS

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Welcome to the Summer 2019 newsletter

The newsletter contains information that you need to be aware of as a landlord or agent. If you have any news or views that you would like included in future editions please let us know!

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Landlords and Agents of Licensed HMOs in Glasgow



Houses in Multiple Occupation
(HMO)

Changes to HMO License conditions through the HMO Code of Conduct

The HMO Code of Conduct was developed following a consultation undertaken during 2018. This consultation considered whether an overprovision policy should be brought in in respect of HMO Properties and it also examined the link between the Licensing system and Planning system.

Additional requirements for the holders of HMO licences in Glasgow were approved by the Licensing and Regulatory Committee at its meeting on Wednesday 6 March 2019.

You can read the full committee report [here](#)

These includes changes to the current HMO licence conditions through a [Code of Conduct](#).

Failure to comply with these requirements will be relevant to the Committee's consideration of whether a landlord or agent is, or continues to be, a fit and proper person to be authorised to permit persons to occupy any living accommodation as an HMO in terms of section 130 and/or section 139 of the Housing (Scotland) Act 2006.



**WE WOULD SUGGEST,
AS GOOD PRACTICE, THAT
ALL PRIVATE LANDLORDS
FOLLOW THIS CODE OF
CONDUCT**

**YOUR HMO LICENCE
MAY BE AT RISK
IF YOU DO NOT COMPLY**



Landlord Registration Fees are increasing



The fees for Landlord Registration are bound by the European Service Directive which dictates that they should reflect the administrative cost of managing applications for registration.

The Scottish Government has, to date, met the cost of developing and supporting the IT platform, used by landlords to apply for registration and by local authorities to process these applications. The consultation introduced the notion that the ongoing costs of supporting and developing the system might be recovered via a contribution added to application fees. Following the consultation it has been decided that this will be introduced by adding a small charge where-ever a principal fee is charged.

Any increase in fees received by the local authority will be used in relation to additional 'prescribed information' which will be requested as a matter of course from September 2019. The Scottish Government expect Local Authorities to carry out a sample check of applications which means that landlords will require to evidence that they have the necessary certification to show that they comply with legal requirements in relation to the letting of their properties.

The additional IT contribution to support and develop the online system, which forms part of the above fees is £8 per Principal Fee/£4 per discounted Principal Fee. The legislation changing the fee structure is expected to come into effect from 9am on Tuesday 11 June 2019 and applications submitted after this will be charged at the new rate.

Landlords who wish to apply or renew an existing registration at the current fee level can do so by submitting their application before Tuesday 11 June 2019. Those Landlords who's applications expire on or before 07 September 2019 can also pay the lower level of fee if they renew their registration before Tuesday 11 June 2019.



THE NEW FEES FOR REGISTRATION

| | |
|--------------------------|--------|
| Principal Fee | £65 |
| Discounted Principal Fee | £32.50 |
| Property Fee | £15 |
| Late Application Fee | £130 |

**THE LEGISLATION
CHANGING THE FEE
STRUCTURE IS EXPECTED
TO COME INTO EFFECT
FROM 9 AM ON TUESDAY
11 JUNE 2019**

Letting out your property



As a landlord how can you be sure that you are meeting your responsibilities?

There is a lot to think about when letting out a property so to assist you a **checklist** is available on the Glasgow City Council website.

**Contact the Private Landlord
Support Officer for advice on
the Private Rented Sector**

Julie Williams **0141 418 1366**

Email plsupportofficer@glasgow.gov.uk





Avoid Late Application Fees



Existing landlords, including joint owners, must submit a renewal application before the current registration expires if they are still letting property.

Failure to do so is a criminal offence and the supporting legislation dictates that, where a registration has been allowed to expire, a Late Application Fee shall be payable.

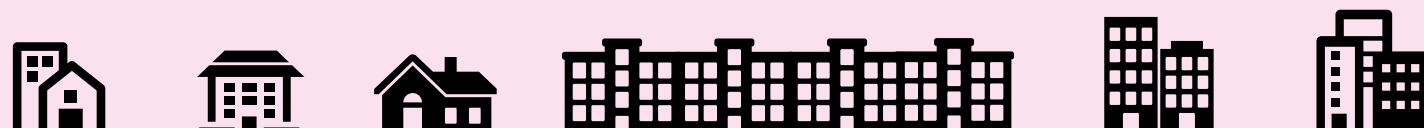
THIS FEE IS CURRENTLY SET AT £110 AND WILL RISE FURTHER, TO £130, IN EARLY JUNE.

Although the majority of landlords renew their registrations in good time, the number of landlords incurring a Late Application Fee is higher than we would hope for.

We are keen to help landlords maintain compliance and avoid the Late Application Fee. We hope the following advice will assist you:

- The Online System issues reminders by email 90 days and 30 days before a registration expires. Please ensure the email address held on your registration is current and correct. It is a legal requirement to keep your registration details up-to-date. Hard copy reminders are issued to landlords who have not provided an email address.
- The emails sent by the online system can end up in your junk or spam folders and you should check these folders at regular intervals. As there is a three month window between the first reminder and a registration expiring, this provides ample time for periodic checking of these folders. We would encourage you to allow '@ros.gov.uk' emails to be delivered to your inbox rather than diverted to spam or junk folders.
- The Landlord Registration System was enhanced further this year by introducing a summary page at the start of the "Your Registration" journey, this lists all of a landlord's registrations, expiry dates and the let properties. If you are unsure when your registration expires please take a moment to check or contact our team on **0300 343 0414**.
- Joint owners must register/renew in their own right, and an owner cannot register or renew on behalf of second or subsequent owners. Although second joint owner fees are typically nil, Late Application Fees are applied to joint owners whose registrations have lapsed
- The Late Application Fee is the first enforcement step for landlords letting property without a valid registration. The next step is typically a Rent Penalty Notice, where a tenant's rent liability is suspended and cannot be recovered for any period the Rent Penalty Notice is in effect. The ultimate sanction is to have a report passed to the Procurator Fiscal and for prosecution action to be considered.

WE WOULD URGE YOU TO ENSURE YOUR REGISTRATIONS ARE KEPT UP-TO-DATE AND RENEWED TIMEOUSLY TO AVOID BEING CHARGED THE LATE APPLICATION FEE.



Electrical Installations Condition Report (EICR) – have your say



What are your thoughts on the EICR requirements in the private rented sector?

The charity Electrical Safety First are interested to hear about the experiences and attitudes of private landlords on the requirement to carry out regular electrical safety inspections, which came into force in December 2015.

Please complete the short survey if you wish to have your say.

The screenshot shows the homepage of the Electrical Safety First website. At the top, there is a navigation bar with links: Guidance, Product Recalls, What We Do, and Find An Electrician. The main header features the text 'The UK's Electrical Safety Expert' and 'Helping everybody to use electricity safely'. Below this is a large image of a hand holding a hair dryer. To the right of the image is a box labeled 'WHAT WE DO' with the text 'Dedicated to reducing the number of injuries and deaths caused by electricity in the UK'. At the bottom, there are three columns: 'Find an electrician' (We recommend that you use an electrician registered with one of the government-approved schemes), 'Product recalls' (See all UK product recalls, check your home for potentially dangerous appliances), and 'Register your business' (Making it possible for you to contact you if you need help).

Housing and Property Chamber First-tier Tribunal for Scotland



When should you contact the Housing and Property Chamber.

On Friday 1 December 2017, the jurisdiction of the First-tier Tribunal for Scotland (Housing and Property Chamber) expanded further, with new legislation introducing applications in respect of Private Sector Rented Cases and Private Residential Tenancies.

Civil cases relating to the private rented sector will no longer be dealt with as a Summary Cause Action raised within the Sheriff Court.

This link provides information on the services provided by the Housing and Property Chamber.

The screenshot shows the 'Apply to the Tribunal' page of the Housing and Property Chamber First-tier Tribunal for Scotland website. The page has a dark blue header with the organization's name and logo. Below the header is a navigation bar with links: Home, Who we are, News, Apply to the Tribunal, Decisions, and Forthcoming Hearings. The main content area is titled 'Apply to the Tribunal' and contains the following text: 'From 1 December 2017, most types of legal applications about private sector tenancies are dealt with by the Housing and Property Chamber, rather than the Sheriff Court. [The First-tier Tribunal for Scotland \(Housing and Property Chamber\) \(Procedure\) Regulations 2017](#) and [The First-tier Tribunal for Scotland \(Housing and Property Chamber\) \(Procedure\) Amendment Regulations 2018](#) set out the details of the new types of application that parties can make.' It also mentions that from 31 January 2018, applications can be received relating to the registration of letting agents, where a tenant, landlord or the Scottish ministers consider a letting agent has failed to comply with the Letting Agent Code of Practice. It provides instructions on how to use the menu on the right to navigate to the area of the site you require. It also mentions that if you are unsure where to find information on the type of application you wish to make, please see the guide below. This lists all the possible application types and the links take you directly to the relevant area of the website, where you will find dedicated links to the forms, guidance and FAQ's for that application type in the right-hand menu. It also mentions that if the type of application you wish to make is not listed below, you may need to seek legal advice on whether your application should be made to the Tribunal or to the Sheriff Court. If the application relates to a private sector residential tenancy under any of these Acts:

- [Rent \(Scotland\) Act 1984](#)
- [Housing \(Scotland\) Act 1988](#)





Compulsory Purchase Order



On Thursday 21 March 2019 Glasgow City Council approved the promotion of a Compulsory Purchase Order for 7 out of 8 flats within 97 Westmoreland Street.

The Compulsory Purchase Order (CPO) was a last resort necessary due to the owner's continuous failure to maintain the common areas of the building after the council took statutory action through a repairs programme and then imposing a maintenance plan. The CPO allows the council to take control of the property and then transfer it over to Govanhill Housing Association, who will then make repairs and let the flats as social housing.

Glasgow City Council officers and partners will now be supporting the families who are affected by this order to source alternative housing.



97 WESTMORELAND STREET

Management Service for Landlords



Southside Lettings provide a service to manage private rented properties in the Southside of Glasgow.

As part of the Govanhill Strategy, Southside Lettings will provide a service to manage private rented properties within the Govanhill area. The service will:

- Assist landlord's to register with Landlord Registration Scotland.
- Ensure your property meets all legal requirements and changes in legislation.
- Advertise your property and conduct viewings.
- Prepare a detailed inventory of contents.
- Carry out inspections on a six-monthly basis.
- Collect security deposits and monthly rents on your behalf.
- Deal with extensions and addendum to leases, as well as notices to quit.
- Reference check and draw up tenancy agreements.
- Organise repairs and routine maintenance work.



You can get more information and contact details [here](#).

