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|  | **APPLICATION FOR**  **LANDLORD REGISTRATION**  **Under the Antisocial Behaviour etc (Scotland) Act 2004** |

You can use this form to apply for a new Registration or renew an expired Registration as a landlord or a non-commercial agent with Moray Council.

You can also apply online at [www.landlordregistrationscotland.gov.uk](http://www.landlordregistrationscotland.gov.uk). You can use the online application system to Register in several Local Authorities in one application and this will reduce the total fee that you will have to pay.

The principal fee for registration is £65 plus £15 for each property that you let. The application will not be accepted unless accompanied by the correct fee.

All joint owners must complete their own individual application for Registration using a separate application form if they are not currently registered.

Please see Note 1 for detailed fee information.

You can Register if you do not own any property to show that you are ‘fit and proper’ to act as a landlord, or before you invest in property for let.

The completed form, including your cheque or postal order made payable to Moray Council should be returned to the address below. Please write your name, address and Landlord Registration number if you have one on the back of any cheque/PO payments.

Moray Council

Development Services

Environmental Health

Council Office

High Street

ELGIN

Moray

IV30 1BX

Telephone : 0300 1234 561

Email: [Landlord.registration@moray.gov.uk](mailto:Landlord.registration@moray.gov.uk)

**IMPORTANT INFORMATION**

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| Anyone who gives false information on this form, or fails to give information required by this form, is committing an offence which could lead to prosecution.  Moray Council will notify you of the outcome of your application. You must inform the Council of any changes to the details entered on this form at any time while your application is being processed and during the period of Registration. Registration lasts for 3 years from the date an application is approved.  Please note that it is a legal requirement to keep your Registration details up to date. You can do this online at [www.landlordregistrationscotland.gov.uk,](http://www.landlordregistrationscotland.gov.uk/) or by emailing [Landlord.registration@moray.gov.uk](mailto:Landlord.registration@moray.gov.uk) or by calling Moray Council on 0300 1234 561  If your application is refused, your application Fee will not be reimbursed.  Failure to Register within 14 days of this letter is a criminal offence and may result in an additional late application charge of £130.00 and a Rent Penalty Notice being served. The effect of this Notice is that you, and your agents working on your behalf, will not be entitled to claim rent from the tenants of your let property.  A report can also be sent to the Procurator Fiscal which can lead to prosecution. |

**Guidance Notes**

**Note 1 – Charges for Landlord Registration**

The Registration fee is broken down into principal fee and property fee. Some exemptions and discounts are applied, depending on your circumstances.

**Principal fee**

If you are a landlord or agent, you will be charged a principal fee of £65 for each Local Authority. In the following cases a discount is applied to the principal fee.

| **Type of Application** | **Discount** |
| --- | --- |
| An online application which includes more than 1 Local Authority | A 50% discount is applied to the principal fee for all online applications, by each Local Authority |
| If any of the properties in an application in the same Local Authority has a HMO licence | A 100% discount of the principal fee is applied |
| Where a valid registration or application already exists, and you then apply online to another Local Authority | A 50% discount is applied to the principal fee on any online applications to other Local Authorities and also on all future renewals |
| Where there are joint owners for a property only the first owner (lead owner) pays the principal fee | A 100% discount on the principal fee is applied to any additional joint owner applications for that property |
| On an application submitted by a registered Scottish charity | A 100% discount is applied to the principal fee |

**Property fee**

You will be charged a property fee of £15 for each property you register unless the following discount are applicable.

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| --- | --- |
| **Type of application** | **Discount** |
| If a property has a current valid HMO licence | A 100% discount is applied to the property fee |
| If there is more than one owner, and another joint owner has already been charged or paid the Property fee | A 100% discount is applied to the property fee for all subsequent joint owner applications |

**Unregistered agent fee**

If someone manages your property for you without payment, their details must be noted on your Registration. You will be charged £65, unless they have their own separate Registration.

(see note 4 for further information regarding the registration of agents)

**Late application fee**

Every 3 years you must renew your Landlord Registration. Using the email address that you provided in the application process, we will email you a reminder 3 months and 1 month before it is due to expire. If you have not provided an email address, reminders will be issued using other contact details you have provided. It is important that you keep your contact details up to date at all times.

If you are an Unregistered Landlord and you fail to register or renew after receiving two requests from the Local Authority to apply you will be charged a late application fee of £130.

**Note 2 - Joint owners**

All joint owners must complete their own individual application for Registration using a separate application form if they are not currently Registered.

**Note 3 – Houses in multiple occupation**

A property is a house in multiple occupation (HMO) if:

* at least 3 or more unrelated people live in the same property, and
* they share a kitchen, bathroom or toilet

If you think your property is an HMO and you don’t have a Licence, contact Moray Council.

**Note 4 - Agents**

All owners of let properties must Register and declare anyone who acts for them in relation to their letting.

An agent may be:

* a commercial agency
* a letting agency
* a property management agency
* an estate agency
* a charity
* someone who manages the property on your behalf
* a representative of an organisation, for example a factor, a trust or a company

From the 1 October 2018 a paid letting agent must be registered on the **Scottish Letting Agent Register** and adhere to the Letting Agent Code of Practice.

For further information can be found at the following website:

renting.org/landlords/using-letting-agent

**Prescribed Information – Landlord obligations**

The following questions will ask you to confirm that you understand, and currently meet where applicable, the obligations involved in letting residential property in Scotland. This information is required for any application received after 16 September 2019.

These obligations are not new, they already exist, but the Prescribed Information change introduced in September 2019 asks landlords to confirm their compliance on each individual element. Please disregard the numbering, this is used in conjunction with your main application form.

**Question 4 – the Tolerable and Repairing standards**

As a landlord, please confirm you understood and meet your obligations with regard to the Tolerable and Repairing standard for any properties you let:

Yes No

**Question 5 – Gas Safe certification**

Do you have a current gas safety certificates for all your rental properties that use gas?

Yes No Not Applicable

**Question 6 – Electrical safety**

Do you have a current Electrical Installation Condition Report (EICR) or a current Electrical Installation Certificate (EIC) for all your rental properties that use electricity?

Yes No Not Applicable

**Question 7 – Electrical appliance testing**

Where you have supplied electrical appliances have current portable appliance tests (PAT) been conducted in all of your properties?

Yes No Not Applicable

**Question 8 - Fire, smoke and heat detection**

Does every property you rent out meet current statutory guidance for provision of fire, smoke and heat detection?

Yes No Not Applicable

**Question 9 – Carbon monoxide detection**

Does every property you rent out meet statutory guidance for carbon monoxide alarms?

Yes No Not Applicable

**Question 10 – Private water supply**

Yes No Not Applicable

**Question 10a – Private Water Supply (continued)**

Does the private water supply (i.e. not provided by Scottish Water) in all your rental properties meet the required regulations?

Yes No Not Applicable

**Question 11 – Energy performance**

Do your let properties have a valid Energy Performance Certificate (EPC)?

Yes No Not Applicable

**Question 12 – Legionella risk assessment**

Has a Legionella risk assessment been carried out on every rental property and have safety concerns addressed?

Yes No Not Applicable

**Question 13 – Rental property insurance**

If you rent out a property that is a flat or in tenement, do you have the appropriate buildings insurance?

Yes No Not Applicable

**Question 14 – Common repair obligations**

Are you aware of your responsibilities and obligations around your let properties in relation to Common Repairs?

Yes No Not Applicable

**Question 15 – Tenancy deposits**

If you plan to take or have taken a deposit are you aware of and have you met your tenancy deposit obligations?

Yes No Not Applicable

**Question 1 - about your application**

**Are you renewing an existing Registration?**

**Yes No**

If yes, please provide your Registration number

**Which of the following describes you?**

I am applying as an individual. (go to question 2a)

I am applying on behalf of an organisation. (go to question 2b)

**Question 2a - only complete if an individual**

**Personal details**

First name (s)

Last name

Other names by which you may be known

Date of Birth for example 03 09 1980

Day Month Year

**Email address**

**Mobile Number** (or landline)

**Question 2b - only complete if an organisation**

**Organisation details**

Organisation name

Your full name and position in organisation

Company registration number (if applicable)

Charity number (if applicable)

**Question 3 - your address history**

Please provide your home address history for the **last 5 years** with no gaps or overlaps, starting with the most recent. Please confirm that dates you resided at these properties. If the applicant is an organisation, please provide the business address for the organization.

|  |  |  |  |
| --- | --- | --- | --- |
| **Address (history for last 5 years)** | **Postcode** | **Date from** | **Date to** |
| Please begin with the current address: |  |  |  |

**Question 4 – convictions and judgements**

This information will be used by the Local Authority to assess your application.

Do you have any relevant unspent criminal convictions and convictions considered spent under the Rehabilitation of Offenders Act 1974 unless they are “protected” convictions relating to:

* Fraud/dishonesty
* Violence
* Drugs
* Discrimination
* Firearms
* Sexual offences within the meaning of section 210a of the Criminal Procedure (Sc) Act 1995
* Housing law

Do you have any court judgements or tribunal decisions against you relating to:

* housing law
* landlord and tenant law
* discrimination legislation, for example: Equality Act 2010
* Employment Equality (Sexual Orientation) Regulations 2003
* Employment Equality (Religion or Belief) Regulations 2003
* Antisocial behaviour

Yes (provide details below)

No (go to question 5)

If you are not sure whether the conviction or judgement is relevant, add it and we will ignore any which aren’t relevant to your application. If you are unsure whether you need to declare a conviction or court or tribunal judgement found against you, please contact Moray Council for advice.

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| --- | --- | --- | --- |
| **Date of sentence or tribunal judgement** | **The court or tribunal where your case was heard** | **Description** | **Sentence or decision** |
|  |  |  |  |
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**Question 5 – Antisocial Behaviour Orders (ASBOs)**

**Have you or your tenants ever been served with an ASBO**

Yes (provide details below)

No (go to question 6)

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| --- | --- | --- | --- |
| **Date** | **Court** | **Local Authority** | **Was it you, your tenant or their visitor who was served with the Order?** |
|  |  |  |  |
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**Question 6 – Antisocial Behaviour Notices (ASBNs)**

**Have you or your tenants ever been served with an ASBN**

Yes (provide details below)

No (go to question 7)

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| --- | --- |
| **Date** | **Local Authority and property address** |
|  |  |
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**Question 7 – licences, registration and accreditations**

**Part a – do you hold any licences, registrations or accreditations**

Yes (provide details below)

No (go to part b)

Do not include HMO licenses, we will ask about them separately

|  |  |
| --- | --- |
| **Awarding body** | **Description or number** |
|  |  |
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**Part b – Have you ever had a registration, licence or accreditation related to letting a house in the UK refused or revoked?**

Yes (provide details below)

No (go to question 8)

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| --- | --- |
| **Date refused or revoked** | **Refused or revoked by**  **(organisation name)** |
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**Question 8 – about your rental properties**

**Please use this section to enter details of each of your properties**

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| --- |
| **Address and postcode of rental property 1** |
| **Is this property jointly owned?**  (see note 2 for important information)  **Yes – please provide details below No**  **Name and address of joint owner :**  **Joint owner registration number :** |
| **Is this property a house in multiple occupation (HMO)?**  (see note 3 for important information)  **Yes – please provide details below No**  **HMO Licence number :**  **HMO Licence expiry date :** |
| **Does this property have a Repairing Standards Enforcement Order (RSEO)?**  **Yes – please provide details below No**  **RSEO reference number :** |
| **Does an agent manage this property on your behalf?**  (see note 4 for important information)  **Yes – please provide details below No**  **Scottish Letting Agent Registration Number :**  **Name and Address of agent :** |

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| --- |
| **Address and postcode of rental property 2** (if applicable) |
| **Is this property jointly owned?**  (see note 2 for important information)  **Yes – please provide details below No**  **Name and address of joint owner :**  **Joint owner registration number :** |
| **Is this property a house in multiple occupation (HMO)?**  (see note 3 for important information)  **Yes – please provide details below No**  **HMO Licence number :**  **HMO Licence expiry date :** |
| **Does this property have a Repairing Standards Enforcement Order (RSEO)?**  **Yes – please provide details below No**  **RSEO reference number :** |
| **Does an agent manage this property on your behalf?**  (see note 4 for important information)  **Yes – please provide details below No**  **Scottish Letting Agent Registration Number :**  **Name and Address of agent :** |

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| --- |
| **Address and postcode of rental property 3** (if applicable) |
| **Is this property jointly owned?**  (see note 2 for important information)  **Yes – please provide details below No**  **Name and address of joint owner :**  **Joint owner registration number :** |
| **Is this property a house in multiple occupation (HMO)?**  (see note 3 for important information)  **Yes – please provide details below No**  **HMO Licence number :**  **HMO Licence expiry date :** |
| **Does this property have a Repairing Standards Enforcement Order (RSEO)?**  **Yes – please provide details below No**  **RSEO reference number :** |
| **Does an agent manage this property on your behalf?**  (see note 4 for important information)  **Yes – please provide details below No**  **Scottish Letting Agent Registration Number :**  **Name and Address of agent :** |

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| --- |
| **Address and postcode of rental property 4** (if applicable) |
| **Is this property jointly owned?**  (see note 2 for important information)  **Yes – please provide details below No**  **Name and address of joint owner :**  **Joint owner registration number :** |
| **Is this property a house in multiple occupation (HMO)?**  (see note 3 for important information)  **Yes – please provide details below No**  **HMO Licence number :**  **HMO Licence expiry date :** |
| **Does this property have a Repairing Standards Enforcement Order (RSEO)?**  **Yes – please provide details below No**  **RSEO reference number :** |
| **Does an agent manage this property on your behalf?**  (see note 4 for important information)  **Yes – please provide details below No**  **Scottish Letting Agent Registration Number :**  **Name and Address of agent :** |

***Please copy this page as required if you have more than 4 properties.***

**Question 9 – the public Register**

**Please choose the address you wish to show on the public Register?**

This will be the address made available on [www.landlordregistrationscotland.gov.uk](http://www.landlordregistrationscotland.gov.uk)

Your contact address

Your agent's address

a different address (please provide details below)

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Please note, the Council will primarily use your email address to contact you

**I declare that I comply with all legal requirements relating to my letting of houses.** Full information on requirements for landlords can be found at [https://www.mygov.scot/renting-your-property-out/](%20https://www.mygov.scot/renting-your-property-out/).

If in doubt about legal requirements you should consult a solicitor or professional letting agent.

I declare that the information given in this form is correct to the best of my knowledge.

I agree that Moray Council may share the information provided in this form, and other relevant information it holds about me, with other Local Authorities in Scotland to which I have applied for Registration, to help those other Authorities determine whether I am a fit and proper person to act as a landlord, or to act for a landlord, in terms of the Antisocial Behaviour etc (Scotland) Act 2004.

**A Local Authority may use information it holds about you to determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. In addition, Local Authorities to which you apply may share relevant information they hold about you with one another to help those Authorities determine whether you are a fit and proper person to act as a landlord, or to act for a landlord. They may also share and seek relevant information with the Police Scotland and, if appropriate, other relevant authorities. Information is shared in terms of the Antisocial Behaviour etc. (Scotland) Act 2004 in terms of s 139.**

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| **Signed** |
| **Date** |
| **Print name** |

**PRIVACY NOTICE – Landlord Registration**

**How we use your information**

The Council is required to maintain a register of landlords under the Antisocial Behaviour etc. (Scotland) Act 2004. We may use the personal data you provide as part of this in a number of ways, including:

* to contact you regarding making a new application or renewing an existing registration;
* to contact you if they require further information regarding your application;
* to enable the Council to make a decision about a new application or existing registration;
* to inform you of the decision to approve or refuse an application;
* to inform you of the decision to revoke a registration;
* to be displayed, as required, on the public register

**Our legal basis**

Whenever the Council processes personal data we need to make sure we have a legal basis for doing so. We understand the Council’s basis in data protection law to be Article 6(1)(e) of the General Data Protection Regulation (GDPR) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller (i.e. under the Antisocial Behaviour etc. (Scotland) Act 2004). If you do not provide your personal details we will be unable to add you to the register of landlords, and it is a criminal offence to rent out a property without registering with the Council.

**Who we share your information with**

Your personal data may be shared internally with authorised officers of the Council if having access to personal data is a necessary part of their roles to ensure records are accurate and up to date which improves the standard of the services we deliver. It may also be shared with other relevant Council departments where applicable.

As part of the processing your personal data may be shared with third parties. These third parties include, but are not limited to, Police Scotland.

The Council may also share your personal data with other relevant Council departments and third parties, where we are under a legal obligation to do so. For example this may be with Police, UK Border Agency or other Registered Professional Bodies.

The Council is required by law to protect public funds against fraud. It may share personal data with other relevant Council departments and third parties responsible for auditing and administering public funds, or who otherwise have responsibility for preventing and detecting fraud.

**How long the information is held for**

Your personal data will be held by Moray Council for a pre-determined length of time. You can find all the information about how long we retain personal data for on our website:

<http://www.moray.gov.uk/moray_standard/page_92820.html> (found on the Moray Council website under Section 5 of the Records Management Plan)

**Your rights**

Moray Council is the Data Controller for this personal data. You have legal rights about the way the Council handles and uses your personal data. These include the right to ask for a copy of it, to ask us to correct it and to ask us to stop doing something with your personal data. For more information about these rights please contact the Council’s [Data Protection](http://intranet.moray.gov.uk/Information_management/information_security.htm) Officer at [info@moray.gov.uk](mailto:info@moray.gov.uk) or 01343 562633.

As so far as the legislation permits, you also have the right to request the deletion of your data and to object to the processing.

You also have the right to make a complaint to the Information Commissioner’s Office. They are the body responsible for making sure organisations like the Council handle your personal data lawfully.

Information Commissioner’s Office

Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Telephone: 0303 123 1113

Email: casework@ico.gov.uk

Website: www.[ico.org.uk](file:///C:\Users\scott.a.reid\AppData\Local\Microsoft\Windows\Temporary%20Internet%20Files\Content.Outlook\AQD6WHD3\ico.org.uk)