

APPLICATION FOR LANDLORD REGISTRATION

(under the Antisocial Behaviour etc (Scotland) Act 2004)

You can use this form to apply for registration as a landlord with Aberdeenshire Council. There are notes at the end to help you. For more information or advice, please contact Aberdeenshire Council, Environmental Health, Mercat Cross, 36 Low Street, Banff.

Tel: 01261 813254, email: private.housing@aberdeenshire.gov.uk

You can also apply online, at www.landlordregistrationscotland.gov.uk. There is a 10% discount for applying online.

You must register with each local authority in whose area you let property. If you own properties in more than one area, you can use the online application system to register in all authorities in one application, and this will reduce the total fee that you will have to pay.

The aim of landlord registration is to ensure that all private landlords and agents in Scotland are 'fit and proper' to be letting residential property (Note 1). The owner of every let property must register, and must declare anyone who acts for them in relation to their letting. There are only a few exceptions from the requirement to register (Note 2). You can also register if you do not own any property, to show that you are 'fit and proper' to act as an agent, or before you invest in property for let.

Members of the public will be able to view each local authority's register of **approved** landlords online at www.landlordregistrationscotland.gov.uk. By entering the name and address of a person or company, they will be able to see whether you are registered. By entering the address of one of your properties they will be able to see your name and the contact address for you or your agent. This information can also be obtained by contacting the local authority. Local authorities can also provide the home or office address of any registered person or company, at the authority's discretion.

When you have completed this form please return it to:
Environmental Health, Aberdeenshire Council
Mercat Cross, 36 Low Street, Banff, AB45 1AY

Note: Joint Owners

Where properties are jointly owned, one of the owners should be deemed to be the 'Lead Owner' and complete Form 1.

*The remaining joint owner(s) should each complete a **separate Form 2**.*

NB The correct fee must be submitted in order for the application to be valid.

**Section 1 – About You
Individual Applicants**Title First name Other Names Surname Date of Birth

Any other names by which you are, or have been, known e.g. maiden name

Contact Telephone Number **Mobile Telephone Number** **Organisation**Organisation name Company registration number (if applicable) **Organisation Contact Person**Name Position in organisation Is this organisation a registered charity? Yes No If so, please enter the charity registration number

All Applicants

Home/Business Address, including postcode

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Telephone Number

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How long have you lived/been at this address?

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Please give any other addresses where you have lived/been within the last 5 years.

Address, including postcode and indicate how long you have lived/been at these addresses.

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(Continue on separate blank sheet if necessary)

Email address - if you enter an email address we will use this to contact you in most circumstances

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Do you have any unspent convictions, or have you ever had any court or tribunal judgements against you under discrimination legislation? (Note 3)

Yes No

If yes, please give details

Conviction or description of case	Date	Court or tribunal which heard the case

(Continue on separate blank sheet if necessary)

Do you hold any registrations or licences (Note 4) in connection with letting houses anywhere in the UK? (You need not include HMO licences for properties listed later in this application)

Yes No

Have you had any such registrations or licences applied for, refused or revoked?

Yes No

Please give details of any registrations or licences applied for, held, refused or revoked

Description	Local Authority	Held/refused/ revoked/applied	Date awarded/ refused/revoked	Reference no

Do you hold any voluntary accreditations (Note 4) in connection with letting houses anywhere in the UK?

Yes No If yes, please give details

Description	Awarded by	Date	Local authority approving the scheme	Reference no

If you wish to register property in the **Aberdeenshire Council Area**, please continue to section 2.

You must register every house you own which is subject to a lease or occupancy agreement, but you can also register if you do not own any property.

If you do not wish to register any property, please go to section 3.

Section 2 – Let Properties

Address of the property you let out in Aberdeenshire, including postcode - only enter one address in the box below

** Please use additional Section 2 inserts for each property and copy as necessary

Is this property a House in Multiple Occupation? (Note 5)

Yes No

If yes, please give the HMO licence number

Does an agent act for you in relation to this property?

Yes No

An agent is anyone who acts for you in relation to a house you let. This may be a professional such as a letting agent or solicitor, or a friend or relative who looks after the property, arranges repairs, collects rents and so on. You must declare any agent you use. Your application cannot be approved until both you and any agents you use have been approved.

If yes – has this person already registered, or applied for registration, with Aberdeenshire Council?

Yes No

If yes, please enter their registration/application number

If no – please enter their name and address here, then ask them to complete Form 2 and return it to us.

Name

Address

You can register on your agents behalf but you will need to pay their registration fee.

I wish to register my agent Yes No

Do you jointly own this property with anyone else? Yes No

All joint owners of any let house must be registered. Your application cannot be approved until both you and any joint owners have registered.

If yes – Has this person already registered, or applied for registration, with Aberdeenshire Council?

Yes No

If yes, please enter their registration/application number.

If no – please enter their name and address here. Then ask them to complete the attached form 2 and return it to us.

Name

Address

What do you want to use as the contact address for this property?

Your address

Your agent's address

Another address – please give details.

Section 3 - Declarations

I declare that I comply with all legal requirements relating to my letting of houses.

[tick]

Information on the law and good practice in letting is available from Aberdeenshire Council, Gordon House, Blackhall Road, Inverurie, AB51 3WA Tel: 01467 628153 or online at **www.betterrentingscotland.com**, and other sources. If in doubt about legal requirements you should consult a solicitor or professional letting agent.

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.

Signed _____ Date _____

Print name _____

The Council will notify you of the outcome of your application. Registration lasts for 3 years from the date an application is approved. 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.

Please List below all properties this declaration pertains to:

Payment

See Note 6 to calculate how much you have to pay for this application.

Please enclose a cheque made payable to Aberdeenshire Council. If you are unsure how much your fee will be, please contact Environmental Health, Aberdeenshire Council.

Tel: 01261 813254

Data Protection Act 1998

The information collected from you upon this form is stored securely both manually and on computer for the purpose of processing your Landlord Registration Application. Aberdeenshire Council will process your information fairly and lawfully and in accordance with the principles of the Data Protection Act 1998. For the purposes of processing your personal information the Data Controller is Aberdeenshire Council. The nominated representative of Aberdeenshire Council is the Aberdeenshire Solicitor. You have the right to obtain details of the personal information which the Data Controller holds about you. Such a request is known as a subject access request. A subject access request to request information about you should be made in writing to Data Protection Officer, Aberdeenshire Council, Woodhill House, Westburn Road, Aberdeen AB16 5GB

Guidance Notes

Note 1

To be registered, landlords and their agents must be 'fit and proper' to let residential property. Local authorities must take account of any evidence that the person has:

- committed any offence involving fraud, dishonesty, violence or drugs
- practiced unlawful discrimination in connection with any business
- contravened any provision of the law relating to housing, or landlord and tenant law

and the person's actions, or failure to act, in relation to any antisocial behaviour affecting a house they let or manage.

In addition to the information provided on the form, the local authority will also take account of any other relevant information they hold about you. They will make a balanced judgement on the basis of all the available information, there is no automatic refusal.

If you let property in more than one local authority area, the authorities will share information to ensure they have all relevant details, but each authority will make its decision independently.

Note 2

Exemptions apply to properties rather than to people. If **all** of a landlord's properties in an area are covered by one or more of the exemptions, he or she does not need to register with that local authority. If some of his or her properties are exempt, the other properties must still be registered. A property is exempt from registration if it is:

- the only or main residence of the landlord, where there are not more than two lodgers
- let under an agricultural or crofting tenancy
- occupied under a liferent
- used for holiday lets only
- regulated by the Care Commission, in certain categories
- owned by a religious organisation and occupied by a leader or preacher of that faith
- occupied only by members of a religious order
- let to members of the landlord's family only
- held by an executor
- possessed by a heritable creditor
- owned by a local authority or Registered Social Landlord.

If you are unsure whether an exemption applies to you, please contact Aberdeenshire Council for advice.

Note 3

'Discrimination legislation' means:

- the Equal Pay Act 1970
- the Sex Discrimination Act 1975
- the Race Relations Act 1976
- the Disability Discrimination Act 1995
- the Employment Equality (Sexual Orientation) Regulations 2003
- the Employment Equality (Religion or Belief) Regulations 2003

Note 4

There are various types of qualification or permission to let houses, which go by different names depending on the organisation which issues them, or the country where they apply. This form uses the following definitions:

Registrations or licences are required by law, and are issued by local or central government. In Scotland this applies to registration of all landlords under the Antisocial Behaviour etc (Scotland) Act 2004, and licensing of Houses in Multiple Occupation. You should also include any similar permissions you hold in other parts of the UK.

Voluntary accreditation is something landlords or agents can apply for to show that they meet high standards in letting. Accreditation schemes may be run by local authorities, landlord organisations or a combination of the two.

Note 5

A property may be a House in Multiple Occupation (HMO) if:

- at least three people live there, and
- the people who live there belong to three or more families, and
- they share a kitchen, bathroom or toilet.

All HMOs must be licensed by the local authority. If you think your property may be an HMO and you do not have a licence, please contact the local authority for advice.

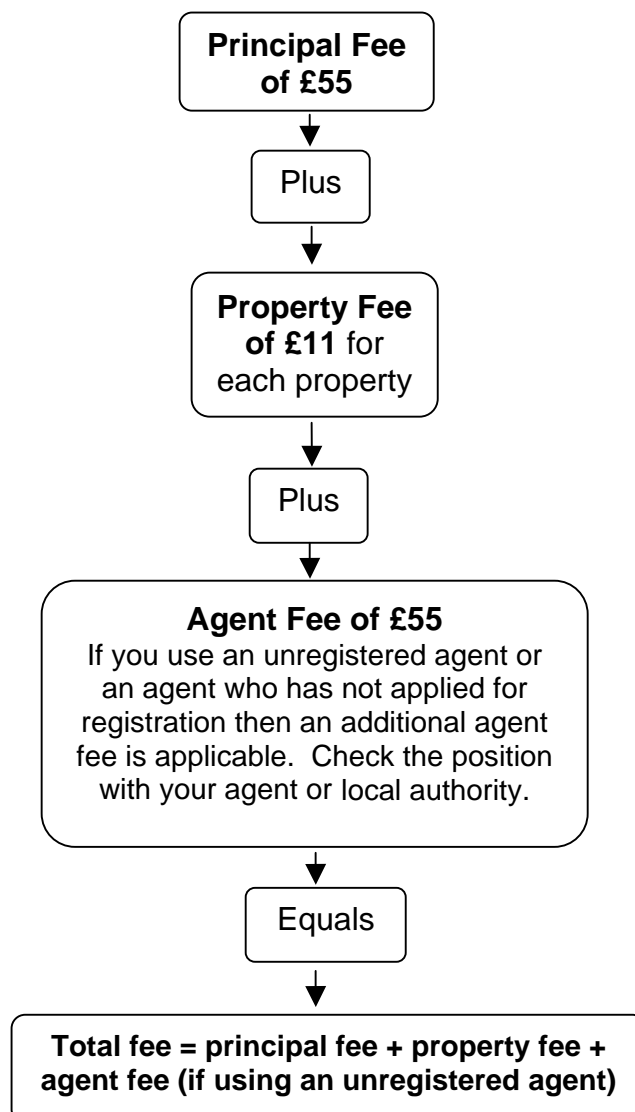
Note 6

LANDLORD REGISTRATION FEES**Landlords**

This flowchart should be used by landlords to determine the fee payable when making a paper application for registration. Applicants applying online will automatically have their fee calculated. Online applicants will receive a 10% discount and are eligible for a further discount after any other discounts and exemptions if they apply subsequently or at the same time to more than one local authority.

Landlords and agents who let property in more than one local authority should submit an application for registration to each relevant local authority. A fee will be payable in each of these local authorities. **Payment must accompany your paper application when you submit it.**

Please refer to the section '**Fee Exemptions**' before calculating your fee.

**Agents**

If you are registering as an agent then you should pay the principal fee of **£55** only.

FEE EXEMPTIONS

Charities

You will be exempt from paying a fee if you are a registered Charity.

Joint Owners

If you jointly own a property then you will be required to nominate a 'lead owner' within your application. If you are the nominated 'lead owner' then you will be required to pay a fee and should follow the fee flowchart to calculate this fee. If you are not the lead owner then you are exempt from paying the principal fee or property fee for the jointly owned properties. If you own property that is not jointly owned you will be required to pay the relevant fee for this.

Houses in Multiple Occupation (HMO) Licence Holders

If you hold a current HMO licence in the local authority where you are applying for registration then you are exempt from paying the principal fee. In addition, you are exempt from paying the property fee for any HMO properties covered by your HMO licence. You will need to pay a property fee for any non-HMO properties.

AGENT FEE

If you use an agent and that agent has not applied for registration or is not already registered, then you will be liable to pay an 'agent fee'. This fee is to enable the local authority to assess the agent you are using as fit and proper. The agent fee does not apply if the agent is a Registered Social Landlord, a Local Authority, a registered charity, or if they hold a current HMO licence in the local authority where you are applying for registration.

If the agent you use is unregistered in the local authority to which you are applying, but is registered in another local authority then you may be eligible for a discount on the agent fee. You should contact your local authority for advice.

ADDITIONAL FEE - LATE APPLICATIONS

You may be liable to pay an additional fee (a 'late application fee') if you submit an application for registration only after your local authority has issued two requests for you to do so. In order to avoid this additional fee, you should make sure that you submit a valid application as soon as you need to.

You should contact your local authority on 01261 813254 if you are unsure what fee you need to pay and whether you might be exempt.