

NATIONAL TRADING STANDARDS

Estate Agency Team

Protecting Consumers
Safeguarding Businesses

CONTENTS

3. Introduction

14. Alternative Dispute Resolution directive

4. Purpose of the toolkit

15-20 FAQs

5-8 Membership to
Redress Schemes

21. Contact

9-12 Energy Performance
Certificate Requirements

13. HMRC: Anti-Money Laundering

INTRODUCTION

The Estate Agents Act 1979 regulates estate agency work. Its purpose is to make sure that estate agents act in the best interests of their clients, and that both buyers and sellers are treated honestly, fairly and promptly.

The National Trading Standards Estate Agency Team (NTSEAT) is hosted by Powys County Council (PCC) with support from the Isle of Anglesey Council (IoAC). Powys County Council is designated as the 'lead enforcement authority' for the purposes of the Estate Agents Act 1979.

The team is primarily responsible for the regulation of estate agency work in the UK and for overseeing the UK's consumer redress schemes and Alternative Dispute Resolution entities. NTSEAT does this through:

- issuing individual banning or warning orders under the Act
- maintaining a public register of such banning or warning orders
- approving and monitoring consumer redress schemes & ADR entities
- providing specific advice and guidance to businesses and consumers about their rights and obligations under the Act

THE PURPOSE OF THIS TOOLKIT

With the backdrop of an ever changing consumer regulatory landscape, this toolkit is designed to give local authority Trading Standards enforcement officers clear and simple guidance on ways in which to assess the compliance of their local estate agencies to some key industry requirements.

This toolkit is not designed to be an exhaustive list of compliance checks that can be considered when investigating companies or individuals. However, it does cover some of the main areas of compliance verification which may be carried out as ‘desktop checks’, utilising the minimum of officer’s time resources. Some of the activities could give rise to the issuing of a Penalty Charge Notice (where required) giving the possibility of recovering some time costs, too. It is important to note that where breaches are identified and confirmed, there is the possibility that it would also count as an offence under the Consumer Protection from Unfair Trading Regulations 2008.

Working Together

NTSEAT is charged with assessing the suitability of individuals and businesses to work as estate agents and prohibits or warns those found to be unfit.

For NTSEAT to begin investigating the possibility of a warning or a prohibition order, either there must be a confirmed breach of the Estate Agents Act, or an undertaking, or an offence must have occurred which would then provide the necessary trigger point.

For this reason, the work of local Trading Standards Services and other enforcement agencies such as the Police or HMRC is essential in helping to ensure the effective regulation of the estate agency industry. Once NTSEAT receives notice that an investigation has taken place, it can then consider any appropriate further action.

Membership to Redress Schemes

Legislation Background – UK Wide

With effect from 1 October 2008, all persons doing “estate agency work” as defined by Section 1(1) of the Estate Agency Act 1979 (the Act) must have joined an appropriate (i.e. approved by NTSEAT) redress scheme. Section 23A(1) of the Act (as inserted by the Consumers, Estate Agents and Redress Act 2007) provides that the Secretary of State may make an Order requiring every person that undertakes relevant estate agency work to be a member of an approved redress scheme.

The Estate Agents (Redress Scheme) Order 2008 requires estate agents in the United Kingdom to belong to an approved redress scheme.

The Estate Agents (Redress Scheme) (Penalty Charge) Regulations 2008 prescribe the amount of the penalty charge that may be imposed by a local trading standards officer on an estate agent who breaches the duty to belong to an approved redress scheme. The amount has been set at £1,000.

Take the following steps to confirm compliance:

Step 1: Check the agent’s membership status via the redress schemes’ websites. Contact the scheme operator to double check if no membership is shown.

Step 2: Notify NTSEAT of any instance of non-compliance.

Step 3: Send a letter of warning to the agent, advising them to gain membership (an example letter is on the next page)

Step 4: Issue a Penalty Charge Notice, or request NTSEAT to issue one for you.

Approved Redress Schemes

There are three approved redress schemes in the UK. These are:

The Property Redress Scheme	-	theprs.co.uk
Ombudsman Services: Property	-	ombudsman-services.org/property
The Property Ombudsman	-	tpos.co.uk

Letter of Warning for Non-Membership



[Address]
[]
[]

Your ref
Our ref
Date

Telephone 01597 826031
Email estate.agency@powys.gov.uk

Dear Sir/Madam

ESTATE AGENTS ACT 1979 AS AMENDED BY THE CONSUMERS, ESTATE AGENTS AND REDRESS ACT 2007 ('THE ACT')

[name of agent and address]

Under Section 23A of the Act, all persons who engage in estate agency work in relation to residential property must be members of an approved redress scheme for the purpose of dealing with complaints.

It appears that from our enquiries that [estate agents name] is engaging in estate agency work without being a member of an approved redress scheme. Accordingly, please provide evidence that you have joined an approved redress scheme **within 14 days of the date of this letter**. Failure to provide this evidence may lead to the issuing of a penalty charge notice of £1000. You can email details to us at [insert email address] or send it to the address on this letter.

Redress schemes approved by the National Trading Standards Estate Agency Team are run by the Property Ombudsman (www.tpos.co.uk), Ombudsman Services: Property (www.ombudsman-services.org) and the Property Redress Scheme (www.theprs.co.uk) further details can be obtained from their relevant websites.

Failure to belong to an approved redress scheme is also a trigger for the National Trading Standards Estate Agency Team to consider an agent's fitness to continue to engage in estate agency work. A continued refusal by an agent to join a redress scheme could lead to the National Trading Standards Estate Agency Team issuing a prohibition order against an individual or business banning it from engaging in further estate agency work.

Yours faithfully
<insert name and title>

Penalty Charge Notice Page 1



Your ref
Our ref: WK/
Date:

Tel: 01597 826031
Email estate.agency@powys.gov.uk

PENALTY CHARGE NOTICE

BREACH OF DUTY: ESTATE AGENTS (REDRESS SCHEME) ORDER made under s23A ESTATE AGENTS ACT 1979 (membership of approved redress schemes)

To:

Address:

DECLARATION AND CIRCUMSTANCES

I, <INSERT NAME>, an authorised officer of Powys County Council believe that you have committed a breach of the duty under the Estate Agents (Redress Scheme) Order 2008, made under Section 23A of the Estate Agents Act 1979, namely a failure to comply with the duty to belong to an approved redress scheme.

DETAILS OF BREACH

Between <INSERT DATE> and <INSERT DATE> the business was not a member of an approved redress scheme.

WHAT THIS NOTICE REQUIRES YOU TO DO

This notice requires you to carry out one of the following actions within the period of 28 days starting the day after the date of this notice; i.e. by <INSERT DATE>

A – pay the penalty charge of £1000, or

B – give notice to this authority that you wish the notice to be reviewed (see reverse for details)

SIGNED:

DATE:

<INSERT NAME>

<INSERT JOB TITLE>

Penalty Charge Notice Page 2

1. HOW THE PENALTY CHARGE MAY BE PAID

The penalty charge should be paid to Powys County Council

Payment may be made:

- by cheque (payable to 'Powys County Council') sent to The National Trading Standards Estate Agency Team, Powys County Council, The Gwalia, Llandrindod Wells, LD1 6AA
- by phone – ring 01597 826031 with your debit or credit card details

2. WHAT TO DO IF YOU WOULD LIKE THE COUNCIL TO REVIEW THIS NOTICE

Please give notice in writing before the 28 day period has expired

- by email to estate.agency@powys.gov.uk, or
- by post to the National Trading Standards Estate Agency Team, Powys County Council, The Gwalia, Llandrindod Wells, LD1 6AA

Please include an explanation of why the review is being requested. A penalty charge notice can be withdrawn if we are satisfied that:

- a) you did not commit the breach specified in the notice, or
- b) that the notice was not issued within the period of six months following the date on which the breach occurred (or in the case of a continuing breach, the last date on which the breach occurred)
- c) that the notice does not comply with the conditions set out in Schedule 4 of the Estate Agents Act 1979
- d) that in the circumstances of the case it was not appropriate for a penalty charge notice to be given

3. WHAT YOU SHOULD EXPECT AFTER A REVIEW

We will consider any representations you make and the circumstances of the alleged breach, and decide whether to confirm or withdraw this notice. We will notify you of our decision in writing. If we confirm the penalty charge you may then appeal to the County Court within 28 days from the day after the date of our confirmation. The Court may extend the period for appealing against the notice. An appeal to the County Court must be one or more of the grounds listed in section 2 (a), (b), (c) or (d) above.

4. IF YOU DO NOT PAY THE PENALTY CHARGE (INCLUDING NON-PAYMENT AFTER AN UNSUCCESSFUL REVIEW OR APPEAL)

Unless we withdraw this notice, or a Court quashes it, we can start debt recover proceedings against you through the County Court. These proceedings cannot be started any earlier than:

- a) the end of the period allowed for the payment of the charge; or
- b) 28 days from the day after we confirm the penalty charge after a review (where requested); or
- c) Where you appeal to the County Court following a review, before the end of the period of 28 days from the day on which the appeal is either withdrawn or determined.

IMPORTANT: A BREACH OF THE DUTY TO BELONG TO AN APPROVED REDRESS SCHEME IS A TRIGGER EVENT FOR CONSIDERATION OF PROHIBITION ACTION AND MAY RESULT IN A PROHIBITION ORDER AGAINST AN INDIVIDUAL AND/OR BUSINESS.

Energy Performance Certificate Requirements

Legislation Background – England & Wales only

The Energy Performance of Buildings (England and Wales) Regulations 2012

These regulations place a duty on the relevant person (the seller or landlord) to ensure that an EPC has been commissioned prior to the building being placed on the market. The person acting on behalf of the relevant person (for instance, the estate agent) has a duty to ensure that they are satisfied that an energy performance certificate has been commissioned for the building. Before the end of 7 days starting the day the building is first put on the market every reasonable step must be taken to obtain the EPC.

If, after 7 days and having used all reasonable efforts, the EPC was unobtainable – the time limit is extended for a further 21 days starting the end of the previous 7 day period. If after 28 days has passed and the building is still being marketed without an EPC, an officer of the local weights and measures authority may issue a penalty charge notice payable by the relevant person or the agent, not exceeding £200 for a non-commercial building.

Take the following steps to confirm compliance:

Step 1: Search estate agent particulars online for any buildings that are marketed without an EPC.

Step 2: Send an initial letter to the agent (an example is on the next page)

Step 3: Depending on the outcome of the investigation i.e. if there is no evidence of reasonable steps being taken or 28 days have passed – issue a Penalty Charge Notice (an example is provided in this document) and notify NTSEAT.

Note: Under s.35 of the Energy Performance of Building Regulations, officers have the power to require a person to show evidence of any reasonable steps taken to obtain an EPC.

Initial Letter for No EPC Displayed



[Address]
[]
[]

Your ref
Our ref
Date

Telephone 01597 826031
Email estate.agency@powys.gov.uk

Dear Sir/Madam

ENERGY PERFORMANCE OF BUILDINGS (ENGLAND AND WALES) REGULATIONS 2012

[name of agent and address]

Following the implementation of the above Regulations it is a requirement that before a building is put on the market that the seller or landlord must commission an EPC for that building (if no valid EPC exists already for it). A person acting on behalf of the seller or landlord (for example, the estate or letting agent) must be satisfied that an EPC has been commissioned for the building before it is put on the market.

The following property(s) are currently being marketed without an EPC on the following website/publication
[list the properties and specify the publication]

The above Regulations allow an initial 7 days from the day the building is first marketed to obtain an EPC for that building. A further 21 days extension is allowed should you be able to show evidence that all reasonable steps have been taken to obtain an EPC for that building but have remained unable to do so. Under s. 35 of the above Regulations we may require you to produce evidence of any of the aforementioned reasonable steps taken.

Should you be unable to obtain an EPC within 28 days or fail to provide any evidence requested may lead to the issuing of a penalty charge notice of £200. You can email details to us at [insert email address] or send it to the address on this letter.

Failure to provide an EPC when required to do so is also a trigger for the National Trading Standards Estate Agency Team to consider an agent's fitness to continue to engage in estate agency work. A continued refusal to comply could lead to the National Trading Standards Estate Agency Team issuing a prohibition or warning order against an individual or business engaging in estate agency work.

Yours faithfully
<insert name and title>

Penalty Charge Notice for No EPC Page 1



Your ref
Our ref: WK/
Date:

Tel: 01597 826031
Email estate.agency@powys.gov.uk

PENALTY CHARGE NOTICE

BREACH OF DUTY: THE ENERGY PERFORMANCE OF BUILDINGS (ENGLAND AND WALES) REGULATIONS 2012 (making available an energy performance certificate)

To:

Address:

DECLARATION AND CIRCUMSTANCES

I, <INSERT NAME>, an authorised officer of Powys County Council believe that you have committed a breach of the duty under the Energy Performance of Buildings (England and Wales) Regulations 2012, namely to not taking reasonable steps to ensure when required that an energy performance certificate had been commissioned for a building prior to going on the market.

DETAILS OF BREACH

Between <INSERT DATE> and <INSERT DATE> the following property(s) were marketed through [\[enter publication details\]](#) without being able to show that all reasonable steps were taken to ensure the commission of an energy performance certificate prior to placing the building(s) on the market.

WHAT THIS NOTICE REQUIRES YOU TO DO

This notice requires you to carry out one of the following actions by 28 days starting the day after the date of this notice; i.e. by <INSERT DATE>

A – pay the penalty charge of £200 [\[per building\]](#), or

B – give notice to this authority that you wish the notice to be reviewed (see reverse for details)

SIGNED:

DATE:

<INSERT NAME>

<INSERT JOB TITLE>

Penalty Charge Notice for No EPC Page 2

1. HOW THE PENALTY CHARGE MAY BE PAID

The penalty charge should be paid to Powys County Council

Payment may be made:

- by cheque (payable to 'Powys County Council') sent to The National Trading Standards Estate Agency Team, Powys County Council, The Gwalia, Llandrindod Wells, LD1 6AA
- by phone – ring 01597 826031 with your debit or credit card details

2. WHAT TO DO IF YOU WOULD LIKE THE COUNCIL TO REVIEW THIS NOTICE

Please give notice in writing before the 28 day period has expired

- by email to estate.agency@powys.gov.uk, or
- by post to the National Trading Standards Estate Agency Team, Powys County Council, The Gwalia, Llandrindod Wells, LD1 6AA

Please include an explanation of why the review is being requested. A penalty charge notice can be withdrawn if we are satisfied that:

- a) you did not commit the breach specified in the notice, or
- b) that the notice was not issued within the period of six months following the date on which the breach occurred (or in the case of a continuing breach, the last date on which the breach occurred)
- c) that the notice does not comply with the conditions set out in Schedule 4 of the Estate Agents Act 1979
- d) that in the circumstances of the case it was not appropriate for a penalty charge notice to be given

3. WHAT YOU SHOULD EXPECT AFTER A REVIEW

We will consider any representations you make and the circumstances of the alleged breach, and decide whether to confirm or withdraw this notice. We will notify you of our decision in writing. If we confirm the penalty charge you may then appeal to the County Court within 28 days from the day after the date of our confirmation. The Court may extend the period for appealing against the notice. An appeal to the County Court must be one or more of the grounds listed in section 2 (a), (b), (c) or (d) above.

4. IF YOU DO NOT PAY THE PENALTY CHARGE (INCLUDING NON-PAYMENT AFTER AN UNSUCCESSFUL REVIEW OR APPEAL)

Unless we withdraw this notice, or a Court quashes it, we can start debt recover proceedings against you through the County Court. These proceedings cannot be started any earlier than:

- a) the end of the period allowed for the payment of the charge; or
- b) 28 days from the day after we confirm the penalty charge after a review (where requested); or
- c) Where you appeal to the County Court following a review, before the end of the period of 28 days from the day on which the appeal is either withdrawn or determined.

IMPORTANT: A BREACH OF THE DUTY TO ENSURE THE COMMISSIONING OF AN ENERGY PERFORMANCE CERTIFICATE IS A TRIGGER EVENT FOR CONSIDERATION OF WARNING OR PROHIBITION ACTION AND MAY RESULT IN A PROHIBITION OR WARNING ORDER AGAINST AN INDIVIDUAL AND/OR BUSINESS.

HMRC & Supervision of Anti Money Laundering Register

Legislation Background – UK Wide

On 1 April 2014 HM Revenue and Customs (HMRC) became the supervisor of Estate Agency Businesses under the Money Laundering Regulations 2007. The Money Laundering Regulations were introduced to ensure businesses at risk of being used for money laundering by criminals and terrorists have controls in place to minimise the risk of this happening. It's an offence to trade as an estate agent unless you're registered with HM Revenue and Customs (HMRC) for anti-money laundering supervision.

Whilst carrying out searches on your local estate agencies, it is possible to search the list of current Supervised Businesses on the HMRC Register by visiting:

www.gov.uk/money-laundering-regulations-supervised-business-register

Take the following steps to confirm compliance:

Step 1: Search the money laundering supervised businesses register to see if an agent is signed up.

Step 2: Should the agency not be listed, you may notify NTSEAT by emailing estate.agency@powys.gov.uk and it will be reported to HMRC through the organisations' new data sharing arrangement.

HMRC Guidance on Anti-Money Laundering Registration

The HMRC has published guidance for estate agents on how best to protect against money laundering. This is available through:

www.gov.uk/government/publications/money-laundering-regulations-2007-supervision-of-estate-agency-businesses

Alternative Dispute Resolution

Legislation Background – UK Wide

From 9 July 2015 alternative ways of resolving contractual disputes between consumers and businesses will be available much more widely across the UK and the EU. With the implementation Alternative Dispute Resolution directive, there will be the creation of ADR providers within the remit of the estate agency sector.

As such, there will be requirements placed on relevant businesses which will be effected by the creation of an ADR provider applicable to their trade sector. For example, any business that is obliged by law or through membership of a particular trade association to use a particular ADR provider, or which has voluntarily committed to use a certified ADR provider to resolve disputes, must provide information about that certified ADR provider on their website and, if applicable, in the terms and conditions of sales or service contracts.

For estate agents, who are required by law to be member of a residential redress scheme, they will have to conform with these changes.

Take the following steps to confirm compliance:

Step 1: Whilst carrying out searches on an estate agent's website after the implementation of the ADR regulations, check that all the specified information is displayed correctly on the site or terms & conditions.

Step 2: Consider advisory or enforcement action in line with your service's policies and notify NTSEAT by emailing estate.agency@powys.gov.uk of any confirmed infringements

Information

For information on the ADR regulations, visit :
<https://www.gov.uk/government/publications/alternative-dispute-resolution-for-consumers>

Facts & Questions

The following are some of the questions which are posed to NTSEAT. However, if your query is not answered here, please do not hesitate to contact the team using the details at the end of this document. NTSEAT is committed to providing support by way of advice and guidance to partner organizations.

Q: A commercial estate agent (i.e. an agent who only markets business premises) claims that he does not have to join a redress scheme – is this true?

A: If the agent is just marketing business premises then he does not need to join a redress scheme as this legal requirement only covers those marketing residential properties. However, many commercial agents market business properties that have residential accommodation attached e.g. a newsagents with a flat above. The agent would therefore have to join a redress scheme as far as the residential element only is concerned.

Q: A local solicitor is marketing properties – does he need to join a redress scheme?

A: S.1(2)(a) EAA states that the Act does not apply to things done “in the course of his profession by a practicing solicitor or a person employed by him”. It is accordingly the OFT’s view that, if a solicitor is marketing properties as part of his normal legal practice, then he is not doing estate agency work and is covered instead by the relevant solicitors’ conduct rules. Hence, he does not need to join a redress scheme.

Facts & Questions

Q: A local estate agent has been “flyboarding” – what action can we take?

A: “Flyboarding” is the practice of erecting “For Sale” or “To Let” boards outside a property when the agent concerned does not have any instructions to sell or let the property. It also applies when a “Sold” or “Let” board is left outside a property long after the transaction has been completed.

Estate Agents’ boards are controlled by the Town & Country Planning (Control of Advertisements) Regulations 1989. Under these regulations, deemed planning consent is given to certain types of advertisement. An advertisement by an estate agent relating to the sale of land on which the advert is displayed has deemed planning consent provided that it satisfies certain conditions. Among these conditions are:

- there should be no indication that the property has been sold unless by a statement either that the sale has been agreed or that the property has been sold, subject to contract.**
- the advertisement should be removed within 14 days of the sale being completed.**

If the conditions for placing the advertisement are not met then there is no deemed consent and the estate agent's board would need express permission from the local planning authority. If express consent is not obtained, the local planning authority could prosecute the estate agent for contravention of the Regulations.

Facts & Questions

Q: A local property development company are marketing their own properties – are they doing estate agency work?

A: No, they are not. There is no difference between you selling your property and a company selling properties that they own – neither of you are doing estate agency work if you market a property that you own. You may well negotiate and do it in the course of a business but you are not acting on instructions from a client.

Q: A local estate agency firm is marketing a property which belongs to an employee of that firm – the agent negotiating the sale is not the same employee that owns the property. Is there a personal interest issue here that must be disclosed to the client?

A: Yes, as the owner of the property being an employee of the same estate agency business is considered an “connected person”.

The legal requirement for an agent to declare a personal interest either of himself or any “connected” person promptly and in writing to his client is because a massive conflict of interest situation may have arisen. An agent’s fiduciary duty is to put his client’s interests above his own at all times and this is normally manifested by the agent trying to get the best possible price for his client’s property. However, if he or a “connected” person (e.g. his brother) wants to buy a property that he is marketing, will he try to ensure that he gets the highest possible price for the property?

Facts & Questions

The EAA does not prevent an agent or a “connected” person from buying his client’s property but, if he or the “connected” person wants to do so, then he is required to advise his client promptly (prior to the commencement of negotiations) and in writing of this fact. This should serve to alert his client that the agent may not now be acting in his best interests and he should therefore take whatever steps he considers necessary to protect his interests.

Q: What constitutes a “connected” person?

A: The Estate Agents Act states that an agent's "connected persons" are as follows:

- a. His employer or principal
- b. His employee or agent
- c. Any "associate" either of the agent or of any of the persons mentioned above.

Associates include:

- a. A person's spouse and relatives and the spouse and relatives of a person's business associate.
 - spouse includes a former spouse and someone living as if they were a spouse
 - relative includes a brother, sister, uncle, aunt, nephew, niece, lineal ancestor and linear descendant, whether or not any particular child is illegitimate or a stepchild.

Facts & Questions

b. Companies are associates of each other if:

- the same person is a controller of both; or
- a person is a controller of one and his associates are controllers of the other one or
- a person is a controller of one and he and his associates are controllers of the other or
- the same group of two or more persons is a controller of each company.

The controller of a company means the person or company that normally tells the directors of the company how to act or owns or controls one third of the shares in the company. As regards the shareholdings, this may be alone or with any associate.

c. Partnerships are associates of each other if:

- any person is a member of both or
- a partner in one is an associate of a partner in the other or
- a partner has an associate who is also an associate of a partner in the other.

d. Unincorporated associations are associates of each other if any person:

- is an officer of both or
- has the management or control of the activities of both or
- is an officer of one and has the management or control of the activities of the other.

Facts & Questions

e. Business associates

- a company is a business associate of each of its directors and controllers.
- In a partnership, each of the partners is a business associate of each other and of the partnership itself. If one of the partners is a company, every business associate of the company is also a business associate of each of the partners.
- An unincorporated association is a business associate of each of its officers and of each person who has management or control of its activities.

Basically, it can be seen from the above that someone who may be a "friend" of the agent is not deemed to be a "connected person" under the Act. A friend cannot really be legally defined whereas a brother, sister etc can be. Similarly, someone may have a business relationship with the agent e.g. he may have bought several properties through the agent over a period of years but this is not enough to deem them a "business associate" under the Act.

Whilst it is easy enough to determine that a brother, mother, sister etc are "connected persons" it is a lot more difficult to decide whether there is any personal interest that should have been disclosed when there are several connected companies involved.

Facts & Questions

Q. A local lettings agent is giving out false and misleading information out to potential tenants. Can NTSEAT issue a warning or a prohibition order against them?

A: Letting agents and property management companies are subject to the range of consumer protection legislation for issues such as giving out false or misleading information, not confirming to the standard of care & skill required, or for falsely claiming to be a member of a professional body. Consumer rights legislation is enforced by Trading Standards, therefore; should an officer secure a conviction against a letting agent, it is possible that although letting agents do not fall within the definition of an estate agent under the EAA 1979, an offence by a lettings agent or property management company could be a trigger point for NTSEAT to consider an order.

Q. We are a Trading Standards section based in England and have been informed of a local lettings agent which is not a member of an approved redress scheme. Are lettings agents required to be members of such a scheme if they do not fall under the definition of an estate agent under the EAA 1979?

A: Since the 1 October 2014, it has become a legal requirement for lettings agents and property managers in England to become members of an approved redress scheme. This only applies to England as per the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.

Facts & Questions

Q. If a lettings agent in England refuses to join a redress scheme, who enforces this?

A: Under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014, an 'enforcement authority' is defined as "a district council, a London borough council, the Common Council of the City of London in its capacity as a local authority, or the Council of Isles of Scilly." It is not specified in the order which particular section within the individual authority is to enforce these requirements. It is recommended that you check with within your own authority before proceeding. However, if you are aware of a notice having being issued against a lettings agent or a property manager by your local authority, this may be considered a trigger event for NTSEAT to issue a warning or prohibition order under the EAA 1979.

Contact

The National Trading Standards Estate Agency Team, Powys County Council, The Gwalia, Llandrindod Wells, Powys, LD1 6AA.

Website: www.powys.gov.uk/estateagency

Email: estate.agency@powys.gov.uk

Tel: 01597 826031

 [@tsestateagency](https://twitter.com/tsestateagency)