

Time started: 2.30pm

Time ended: 2.36pm

Housing, Property and Regulatory Services Cabinet Member Meeting 12 February 2024

Present: Councillor S Khan

In Attendance: Doug Walkman - Head of Regulatory Services

07/23 Apologies

There were no apologies.

08/23 Late Items

There were no late items.

09/23 Declarations of Interest

There were no declarations of interest.

10/23 Minutes of the meeting held on 15 August 2023

The minutes of the meeting held on 15 August 2023 were agreed as an accurate record.

11/23 Trading Standards Enforcement Penalty Policies

The Cabinet Member considered a report which sought approval for two Trading Standards Enforcement Policies which set out the processes for determining the amount of financial penalties imposed in relation to relevant letting agency legislation.

It was noted that the first policy related to the “relevant letting agent legislation” - Tenant Fees Act 2019 (Prohibited Payments), Consumer Rights Act 2015 (Publication of Fees), Enterprise and Regulatory Reform Act 2013 (Redress Scheme Membership for Letting Agents), Housing and Planning Act 2016 (Client Money Protection Schemes), Estate Agents (Redress Scheme) Order 2008 (Redress Scheme Membership for Estate Agents), Energy Performance of Buildings (England and Wales) Regulations 2012 and Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.

The Head of Regulatory Services reported that the second policy related to financial penalties and/or recovery orders under the Leasehold Reform (Ground Rent) Act 2022.

It was reported that enforcement authorities could impose financial penalties not exceeding the maximum amounts specified in each piece of legislation in

line with their own enforcement policies. It was noted that a penalty to be imposed upon a letting agent, landlord or other relevant person must be fair and proportionate and considered on a case-by-case basis. The Cabinet Member noted that consideration must be given to aggravating and mitigating factors and the overall fairness and proportionality of the penalty.

Resolved:

- 1. to approve the Landlords, Letting and Estate Agencies Enforcement Policy attached at Appendix 1 of the report.**
- 2. to approve the Leasehold Reform – Ground Rent Enforcement Policy attached at Appendix 2 of the report.**
- 3. to authorise that each of the policies approved by virtue of recommendations 2.1 and 2.2 shall take effect within the Council's administrative with effect from 16th February 2024.**
- 4. to delegate authority to the Director of Communities to exercise the sanctions, or any of them as appropriate, set out within both policies.**

MINUTES END