

Ref:

Called in

Yes/No

THE THANET DISTRICT COUNCIL

RECORD OF DECISION OF CABINET

Name of Cabinet Member:

Councillor Richard Nicholson,

Relevant Portfolio:

Deputy Leader and Cabinet Member for Housing & Planning Services

Date of Decision:

Thursday, 19 February 2015

Subject:

Redress Schemes for Lettings Agency Work and Property Management Work

Key Decision

No

In Forward Plan

Yes

Brief summary of matter:

Since 01 October 2014, all lettings agents and property managers in England have been under a legal obligation to become a member of a Government approved redress scheme. The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 ("the Order") requires the Council to enforce the Order. Any lettings agent or property manager who fails to sign up to an approved scheme may be subject to a monetary penalty issued by the Council.

Decision made:

Cabinet agreed the following:

1. To delegate the implementation and enforcement arrangements for The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (SI 2014/2359) to the Director of Community Services;
2. That the penalty for non-compliance with the Order be £5,000, unless extenuating circumstances apply;
3. To authorise the Director of Community Services, or an officer authorised by the Director of Community Services, to determine what are extenuating circumstances and to determine what alternative penalty is appropriate in each case.

Reasons for decision:

As a district council, Thanet District Council is the "enforcement authority" under the Order. It is therefore under a legal obligation to make arrangements for the implementation and enforcement of the Order. The monetary penalty for non-compliance with the Order was set at £5,000, unless extenuating circumstances apply, as this is what has been suggested by Government guidance issued in December 2014.

Alternatives considered and why rejected:

Cabinet considered, but rejected, the option of setting a lower monetary penalty, as this would have disregarded Government guidance issued to all enforcement authorities.

Details of any conflict of interest declared by any executive Member who has been consulted and of any dispensation granted by the Standards Committee:

None

Author of Officer report:

Richard Hopkins, Housing Regeneration Team Leader

Background papers:

Redress Schemes Cabinet Report (19 02 2015) fv

Statement if decision is an urgent one and therefore not subject to call-in:

None

Last date for call in: 2 March 2015