



*TRADING
STANDARDS &
THE RENTAL
SECTOR*

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AGENDA

What do we look for ?

Legislation

Enforcement





INTRODUCTION

Homes – are they a safe places to live and are renters getting a decent deal?

London is the most expensive place to rent in the country with 35% of income spent on rent, this ratio can be as high as 46% in the poorest households, and median rents £1450 per month.

What can Trading Standards do to safeguard renters, landlords, and ensure we work with our private sector housing teams to drive up standards.

What do we look for?

*TRADING
STANDARDS
ENFORCEMENT*



WHICH LEGISLATION IS APPLICABLE TO WHO?

	Landlord	Letting agent/property management agent
Consumer Protection from Unfair Trading Regulations 2008	✓	✓
The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014	⊘	✓
Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	✓	⊘
Consumer Rights Act 2015	⊘	✓
Tenants Fees Act 2019	✓	✓
Safety in Let Accommodation	✓	✓

RENT TO RENT

- Owner complaints against R2R
- Unpaid rent / insolvency
- Partitioning
- HMO licensing
- Unlawful eviction
- Security of tenure
- Redress
- Client Money Protection
- Deposit protection
- Phoenixing
- Unscrupulous R2Rs may exploit both property owner and tenants to make more profit.
- They may partition a property to make more bedrooms (or flats – s257) and create an HMO.
- May not comply with relevant Building Regs or Housing Act 2004 leaving the R2R and property owner potentially both liable for prosecution or enforcement action.
- Landlord potentially unknowingly put at risk.
- Detriment and safety risks to tenants.
- A properly drafted lease should require the freeholder to provide consent for the R2R to undertake works.



What is the relationship between R2R business and the occupying tenant?

If, and only if there is a valid and legal lease agreement between the Freeholder and the R2R company then the only relationship the tenant can have with the R2R company is, initially, by way of an Assured Shorthold Tenancy.

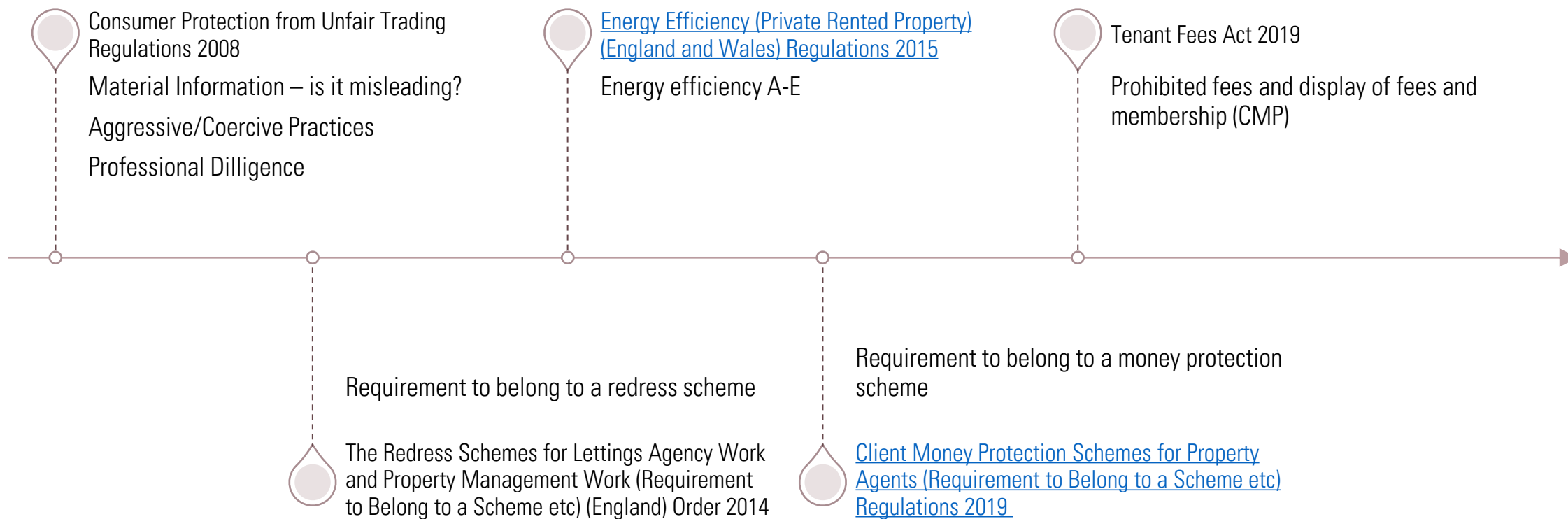
What is the relationship between the Freeholder and the occupying tenant?

If, and only if there is a valid and legal lease agreement between the Freeholder and the R2R company then there is no relationship, at all, between these parties.

OVERVIEW

	Misleading actions/omissions/ Sch1 banned practices	Aggressive Coercive Practices	Professional Diligence	Fraud	Penalty notices
MEES/EPCs	Y		Y	Y	Y
Licence/AST/Eviction	Y	Y	Y	Y	
Safety of let accomodation	Y		Y	Y	
TFA/CRA/CMP/TDS/Redress	Y		Y	Y	Y
Marketing information	Y		Y	Y	

TIMELINE



CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008

SUMMARY

- Location
- Council Tax
- Environment
- Photographs
- Measurements
- New instructions
- Pricing

SUMMARY

- Tenures
- Extensions, loft conversions and outhouses
- Communal areas and parking places
- Re-checking
- Disclaimers
- Aggressive or coercive practices
- Professional Diligence
- False Claims of membership

LETTING AGENTS & ENERGY EFFICIENCY

THE CONSUMERS, ESTATE AGENTS AND REDRESS ACT 2007

- Letting agents engaging in letting agency or property management work relating to private accommodation must be a member of a redress scheme for dealing with complaints in connection with that work.
- Such businesses must display:
 - a statement that they are a member of a redress scheme
 - the name of the redress scheme
- For more information see Letting Agents and Property Managers: Which Government Approved Scheme do you Belong To?, which was produced by the Department for Levelling Up, Housing and Communities (DLUHC). The DLUHC was known as the Ministry of Housing, Communities and Local Government at the time of publication.

ENERGY EFFICIENCY (PRIVATE RENTED PROPERTY) (ENGLAND AND WALES) REGULATIONS 2015

- intended to improve the standard of energy efficiency in both the domestic and non-domestic private rented sector in England and Wales.
- The Regulations target properties that are currently rated F or G on their Energy Performance Certificates (EPCs), implementing measures to raise their rating to a minimum of E. This will reduce the emissions produced by heating and powering these buildings, which currently accounts for 12% of UK emissions.

CLIENT MONEY PROTECTION SCHEMES FOR PROPERTY AGENTS (REQUIREMENT TO BELONG TO A SCHEME ETC) REGULATIONS 2019

- Property agents (those who engage in letting agency or property management work in England) are required to belong to an approved client money protection scheme.
- They must display any certificate of membership
- Such property agents must display or publish, together with the required list of fees, a statement indicating that the agent is a member of a client money protection scheme and providing the name of the scheme.



THE REQUIREMENTS RELATE TO LANDLORDS AND BUSINESSES THAT RECEIVE INSTRUCTIONS FROM CLIENTS REGARDING ACCOMMODATION TO BE LET UNDER ASSURED TENANCY AGREEMENTS TO:
INTRODUCE PROSPECTIVE TENANTS TO LANDLORDS WITH AVAILABLE ACCOMMODATION FOR RENT
ARRANGE ASSURED TENANCY CONTRACTS BETWEEN LANDLORDS AND TENANTS
CARRY OUT PROPERTY MANAGEMENT SERVICES FOR LANDLORDS

Tenants Fees Act 2019 and prohibited fees

SAFETY OF GOODS IN LET ACCOMODATION

In general terms, the law requires that goods are safe when they are supplied. This includes any goods supplied as part of a tenancy agreement or in let accommodation. Special safety rules apply to certain types of goods, and some of the main ones are detailed below.

Gas installations, electrical equipment, furniture and fittings.

The supply of goods can occur in any of the following situations:

when the tenancy contract is made

when the tenant moves into the property

when goods are newly supplied or installed for an existing tenant



TEAMS



Private Sector Housing

Tenancy Relations Officer

may look at HMO licensing, management offences, and disrepair.



Private Sector Housing

Environmental Health

may look at HMO licensing, management offences, and disrepair.



Trading Standards

may look at the business operations and practices for R2R companies, redress, CMP, and tenant fees.



Legal

Legal Action



THANK YOU

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