

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TAKEN BY

Mike Hill
Cabinet Member for Communities and Regulatory Services

DECISION NO:

18/00014

For publication

Key decision*

No

Subject: Financial Penalties – Letting Agents

Decision:

As Cabinet Member for Community and Regulatory Services I agree to:

- to the use of financial penalties for letting agents who fail to comply with the requirements of the Consumer Rights Act 2015;
- to set the financial penalty level at the Statutory Maximum of £5,000 for letting agents who fail to comply with the requirements of the Consumer Rights Act 2015 (to be reviewed annually);
- to delegate authority to the Head of Trading Standards to determine any reduction in the financial penalty if they are satisfied that there are extenuating circumstances (each case to be considered on its own merits and in accordance with the Enforcement Policy); and
- to delegate authority to the Head of Trading Standards to review and decide the level of future financial penalties attributable to the Consumer Rights Act 2015 (as amended) in consultation with the Cabinet Member as required. The monetary level of financial penalties attributable to the Consumer Rights Act 2015 (as amended) will be reviewed annually.

Reason(s) for decision:

The Consumer Rights Act 2015 requires letting agents to display their fees at their premises and on their website. Letting agents engaging in letting agency or property management work are also required to display along with the list of fees whether they are a member of a client money protection scheme (if they hold clients' money) and that they are a member of a redress scheme and the name of that scheme.

The intended effect of the provisions is to increase transparency of fees which will allow both renters and landlords to have a clearer indication of costs at the beginning of the process, thereby allowing them to make a more informed decision before selecting an agent or property.

It is the responsibility of the Local Weights and Measures Authority to enforce the provisions of letting agents displaying the required information.

Cabinet Committee recommendations and other consultation:

The proposal is being discussed at the meeting of the Growth, Economic Development and Communities Cabinet Committee on 7 March.

Any alternatives considered:

N/A - Statutory requirement

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

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signed

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date

Name: