

**NATIONAL
TRADING
STANDARDS**

**Estate and Letting
Agency Team**

Protecting Consumers
Safeguarding Businesses

National Trading Standards Estate and Letting Agency Team

Business Plan (2024 – 2025)



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This publication is also available from our website at: www.ntselat.uk.

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1. Executive Summary

The National Trading Standards Estate and Letting Agency Team is the lead enforcement authority for estate agency work in the UK and for relevant lettings legislation in England, and has the following broad areas of work:

- **Supporting businesses** by providing education, guidance, and opinions.
- **Working with local authorities** by supporting Trading Standards, Housing and Environmental Health officers to carry out their work locally.
- **Intelligence sharing** by encouraging sharing of intelligence and information between local authorities and other enforcement agencies.
- **Raising standards of business compliance** by taking targeted enforcement and compliance action where appropriate.
- **Monitoring the approved redress and alternative dispute resolution (ADR) schemes** in the property sector (including dealing with applications from new providers).
- **Maintaining the public register** of formal orders issued under the Estate Agents Act 1979 ("EAA").
- **Advising the Secretary of State** on emerging trends and issues, and the working and enforcement of property legislation.

The team has 3 main target audiences:

- Local authority officers.
- Industry and businesses.
- Consumers and the wider public.

The team is hosted by two local authorities (Powys County Council and Bristol City Council) and grant funded by central government. Its work is overseen by a governance group and the team collaborates with a range of stakeholders to achieve its aims.

2. Introduction

The National Trading Standards Estate and Letting Agency Team is hosted by Powys County Council and Bristol City Council. Powys County Council is designated by the Secretary of State as the lead enforcement authority ("LEA") for the Estate Agents Act 1979, and Bristol City Council is designated by the Secretary of State as the lead enforcement authority for the purposes of 'relevant lettings legislation', including:

- The Tenant Fees Act 2019 ("TFA").
- Chapter 3 of Part 3 of the Consumer Rights Act 2015 as it applies in relation to dwelling-houses in England (duty of letting agents to publicise fees, client money protection (CMP) and redress membership).
- An order under section 83(1) or 84(1) of the Enterprise and Regulatory Reform Act 2013 (redress schemes for letting agency and property management work).
- Regulations under section 133 - 135 of the Housing and Planning Act 2016 (client money protection schemes).

The team is primarily responsible for the regulation of estate agency work in the UK and for overseeing the operation of the relevant lettings legislation in England, specifically:

- Issuing prohibition and formal warning orders to those found unfit to engage in estate agency work in the UK.
- Approving and overseeing the UK's consumer redress schemes and alternative dispute resolution (ADR) entities in the estate agency sector.
- Overseeing the operation of relevant letting agency legislation.
- Issuing guidance and advice for the public, businesses, and enforcement authorities on:
 - Estate agency work in the UK.
 - Relevant letting agency work in England.

The team consists of officers appointed by both authorities and is overseen by a senior manager. Arrangements are in place for officers from each authority to act on behalf of the other authority. These arrangements are intended to maximise the resources of each LEA and to complement the arrangements for enforcement of letting agency work in the devolved nations of Northern Ireland, Scotland, and Wales.

Funding for the team is provided by a grant from the Department of Levelling Up, Housing and Communities (DLUHC) that is administered by the Chartered Trading Standards Institute (CTSI) on behalf of National Trading Standards (NTS). The funding is ring-fenced by the host LEAs for the work of the team.

Governance and oversight of the team's work is carried out by NTS and DLUHC, and the team's work is monitored internally by each LEA.

This business plan presents the work we plan to undertake in 2024-25 and will cover our commitments to NTS and our accountability to the Secretary of State. The plan will be reviewed during the year and is subject to change depending on issues arising, such as

emerging threats and other priorities agreed by the governance group. Any additional work agreed as a part of the plan will be commensurate with the level of proposed resource.

3. Mission, Vision, and Values



In working towards this, we will:

- Support and value a professional and skilled workforce by ensuring that members of the team are knowledgeable, competent, and able to develop their full potential.
- Be accountable by publishing regular reports about our work and by seeking views on our service to help shape the future work of the team.
- Be visible to consumers, businesses, professional bodies, partner agencies, third sector organisations, and policy makers by engaging with them through the team's website, reports, presentations, webinars, and social media; and by listening to suggestions and feedback.
- Provide first class practical, legal, and operational support to local authorities in the enforcement arena.
- Encourage and challenge businesses to raise their standards by providing advice and guidance and by looking for new initiatives to increase consumer confidence in the estate agency and lettings market.
- Ensure that our activities are intelligence-led and that we can deploy resources to maximise impact by working with colleagues, businesses, and other organisations, and using the information to target and prioritise our work.

4. Strategic Objectives

The team will seek to achieve its vision through the following strategic objectives:

a. Support businesses to comply with their legal obligations.

Activity	Outcomes	Timescales
Provide sector-specific advice about legislative requirements relating to property sales in the UK and lettings work in England, including the provision of training events and online resources, as well as utilising industry media to publish articles for updates in legislation and guidance.	Businesses are aware of their obligations and are supported to comply with legal requirements.	Annual review of guidance (August 2024).
Provide supplementary advice to business in response to specific emerging issues.	Businesses (and their employees) have a better understanding of the legislative requirements.	As required, around 3-4 times in the year.
Liaise with Primary Authorities in respect of advice provided to businesses.	Guidance and advice to businesses is co-ordinated and consistent.	Routinely, as and when required.
Work with redress schemes and professional bodies to provide advice and guidance to their members, including delivery of online and in-person training.	Extend the reach and coverage of advice and guidance and improve consistency.	Throughout the year 2024-25.

b. Work with local Trading Standards, Environmental Health, and Housing Services, other key stakeholders, and partner agencies to facilitate and improve the effective enforcement of estate agency and relevant lettings legislation, including other related legislation.

Activity	Outcomes	Timescales
Continue to promote, support, and update the e-learning training package on relevant lettings legislation for local authority enforcement officers, and continue to promote use of our Knowledge Hub (KHub) group.	Local authorities have officers with knowledge of enforcing lettings legislation, providing advice and securing compliance locally, and can collaborate with the team and colleagues and have access to guidance and toolkits.	Throughout the year 2024/25.

Provide information for partners and stakeholders (via website, social media, sponsorship, attendance at conferences, meetings, e-learning, and briefing documents etc.).	Partners and stakeholders are aware of the work of the team and the support available for local authorities.	Throughout the year 2024/25.
Maintain links and partnerships with appropriate organisations (other NTS teams, local Trading Standards, Environmental Health and housing teams, HM Revenue and Customs, the Competition and Markets Authority, Land Registry, redress scheme operators, Client Money Protection and tenancy deposit scheme providers, the Advertising Standards Authority, industry bodies, trade associations and Rent Smart Wales etc.).	The team is better placed to co-ordinate and carry out enforcement and advisory activities.	Ongoing.
Review and update the estate and letting agency enforcement toolkits for local authorities to assist with their enforcement of relevant legislation.	More effective and consistent enforcement across country.	Review on a routine basis or as required, but no later than August 2024.
Conduct market studies or national projects into specific areas of lettings and estate agency work, in reaction to ongoing intelligence analysis.	A fairer marketplace for consumers and reputable businesses.	As required, dependant on funding.
Provide guidance and encourage and highlight benefits of different local authority enforcement teams working collaboratively in respect of estate agency and letting agency regulation.	Ensuring the success of the regulatory aims of various legislation and facilitate closer working partnerships within authorities.	Throughout the year 2024/25.
Provide support to local authorities and regions carrying out projects funded by the 'improving lettings enforcement' grant in England.	Local authority lettings enforcement in England is improved.	Throughout the year 2024/25.

c. Encourage, develop, and support information and intelligence sharing with our partners.

Activity	Outcomes	Timescales
Work with the NTS Intelligence Team to develop the team's work, in conjunction with the broader NTS control strategy and strategic assessment.	Enforcement and support activity is better targeted and co-ordinated.	Ongoing.
Review established information and intelligence sharing protocols amongst partner agencies and organisations.	Partners are aware of communication channels and the means for providing intelligence and information.	Ongoing.
Exchange information and intelligence with partner agencies and LA teams as required.	Enforcement and support activity is better targeted and co-ordinated.	Ongoing.
Collate information and intelligence held by the team and other partner agencies in order to highlight issues in the sector to enforcement partners and stakeholders.	Gain a wider perspective and raise awareness on the issues faced within the industry to feed into the enforcement plan of the team and local authorities.	Ongoing.
Input intelligence onto IDB and encourage use of the IDB system by local authorities as a means of notification and intelligence dissemination, looking to improve collaborative working amongst teams.	Local authorities are able to satisfy the notification requirements of the TFA and use available intelligence to inform local strategic priorities and identify cross-cutting issues to justify enforcement action.	Ongoing.
Work with Citizen's Advice, Consumerline (NI) and Advice Scotland to ensure effective advice is provided to consumers on relevant housing and property matters.	Consumers are better informed of their rights and grounds for redress.	Annual review of advice and agency staff awareness (August 2024).

d. Secure business compliance with legislative requirements and good practice.

Activity	Outcomes	Timescales
Investigate cases and take action in line with our enforcement policy where appropriate, and on a case-by-case basis where a relevant local authority is unable to take action.	Consumers and reputable businesses are protected.	No target set; depends on need.
Work with redress schemes and professional bodies to review and update codes of practice.	Maintain and improve standards in the industry.	As required.

Continue to use and develop the case handling system (Crimson).	Improved reporting and better analysis on cases/referrals.	Ongoing.
Carry out investigations and issue prohibition or warning orders under the EAA to unfit individuals or companies.	Consumers and reputable businesses are protected by preventing unfit individuals and businesses from carrying out estate agency work.	Ongoing, as required (forecast of around 28 cases in year).

e. Consider and approve new consumer redress scheme operators and alternative dispute resolution (ADR) entity applicants in the property sales sector.

Activity	Outcomes	Timescales
Provide advice for prospective scheme operators.	Potential scheme operators are aware of the requirements for ADR and redress schemes.	Annual review (August 2024).
Receive applications for new consumer redress scheme operators and ADR entities, and grant approval where appropriate.	Applications for new schemes are processed effectively to ensure that they comply with the necessary requirements to protect consumers.	As and when applications received (2 schemes currently approved).

f. Monitor the operation of approved consumer redress schemes and ADR entities in the property sales sector.

Activity	Outcomes	Timescales
Review the effectiveness of redress scheme approval criteria and monitoring arrangements.	Schemes are fit for purpose and provide adequate levels of protection for consumers.	Ongoing, in conjunction with interested parties.
Monitor approved redress scheme operators, including decisions made by ombudsmen.	Scheme operators are acting in the best interests of consumers and the estate agency industry.	Ongoing, in conjunction with DLUHC.
Ensure approved ADR entities are complying with reporting requirements.	ADR entities are providing a fit-for-purpose service in accordance with ADR regulations.	Ongoing, in conjunction with CTSI.
Attend regular governance meetings with redress schemes and DLUHC.	Better sharing of information and improvements in practice.	At agreed times during year.
Review the accuracy and the standardisation of membership data held by the redress schemes.	Membership data is accurate and comparable across the two schemes.	Ongoing.

g. Maintain a public register of warning and prohibition orders made under the Estate Agents Act 1979.

Activity	Outcomes	Timescales
Publish details of banned and warned individuals and businesses under the EAA.	Public record of orders issued plus deterrent effect to others.	Ongoing, after orders issued.
Review the content of the public register of EAA orders, including where and how the information is published.	The information held is clear and the content easy to search. Cases of individuals and businesses working in defiance of an order are identified and dealt with accordingly.	Ongoing.

h. Keep under review and from time to time advise the Secretary of State about—

- (a) social and commercial developments in the United Kingdom and elsewhere relating to the carrying on of estate and lettings agency work and related activities; and**
- (b) the working and enforcement of the Estate Agents Act 1979 and relevant lettings legislation**

Activity	Outcomes	Timescales
Consult with partners to seek their opinions about the working and enforcement of legislation and relevant guidance.	Sanctions and controls under the legislation are working effectively and are fit for purpose.	Ongoing.
Monitor related developments in the estate and lettings agency market (UK and elsewhere), including emerging trends. Report findings and recommendations (where appropriate) to NTS and DLUHC.	Secretary of State (via DLUHC) is aware of issues (and potential issues) with estate and lettings agency industry and enforcement of relevant legislation.	Via NTS/DLUHC governance group.

The team is also supported by HR, finance, and other officers employed by Powys County Council and Bristol City Council and funded by direct contribution or by way of a levy on individual staff costs.

5. Monitoring and Governance

NTS has oversight of the team, and the team's work is covered in the NTS Control Strategy and NTS Annual Business Plan for 2024 - 2025. The senior manager reports on a regular basis via the NTS/DLUHC governance mechanism to demonstrate that the LEAs are acting effectively. The team's accounts are audited at the end of each financial year and submitted to CTSI in accordance with the terms of the grant funding.

6. Enforcement Action

We will work as far as practicable in accordance with the principles set out in the Regulator's Code¹, the Code for Crown Prosecutors² and the Primary Authority scheme³. We will have regard to relevant enforcement and penalty policies produced by Powys County Council and Bristol City Council.

7. Contact Us

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¹ GOV.UK (2024). *Regulators' Code*.

² CPS (2024). *The Code for Crown Prosecutors*.

³ GOV.UK (2024). *Local Regulation: Primary Authority*.