

Redress schemes procedure

Introduction

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014, requires all lettings agents and property managers in England to join one of two Government established and approved redress schemes, for dealing with complaints.

The two Government approved redress schemes are:

- Property Redress Scheme - [link to the Property Redress Scheme website](#)
- The Property Ombudsman - [link to the Property Ombudsman website](#)

This document sets out the procedure that we will apply for determining a financial penalty to be applied for a contravention relating to this legislation.

Membership

The requirement to join a redress scheme means that tenants and landlords dealing with agents and leaseholders, and freeholders dealing with property managers, will be able to complain to an independent body about the service they have received, and prevent disputes from escalating.

The decision made by a redress scheme is binding on all parties.

Membership of the schemes is subject to annual renewal, and each scheme publishes a list of members on their respective websites.

Enforcement

The Council is responsible for ensuring that all applicable agents and property managers have joined an approved scheme. Where a business has not joined a scheme, the process is as follows:

1. we must give written notice of our intention to impose a penalty setting out the reasons and the amount of the penalty;
2. the lettings agent or property manager has 28 days to make written representations or objections, which starts from the day after the notice of intent was sent;
3. at the end of the 28 day period we must decide, taking into account any representations received, whether to impose the fine;
4. if we decide to impose a fine we will issue a final notice (a notice of intent) giving at least 28 days for payment to be made. The notice of intent must be served within six months of the date that the failure to join a scheme occurred;
5. a person on whom a notice of intent is served may within 28 days make written representations and objections to the proposal to impose a monetary penalty, by contacting the Private Sector Housing Manager (the contact details are on page 3 of this document);
6. at the end of the period for making representations and objections, we must decide whether to impose the monetary penalty, which can be up to £5,000;
7. if the decision is to go ahead, a final notice must be served.

Determining the amount of the financial penalty

We can impose a fine of up to £5,000 where a letting agent or property manager who should have joined a scheme has not done so. In determining the amount of the fine we will consider the evidence concerning the breach of the final notice.

We have discretion to offer an early payment reduction if the business pays the fine within 14 days, beginning with the day that the final notice is served, as follows:

- £2,500 for the first breach;
- £1,250 for early payment, representing 50 per cent reduction, for the first breach;
- £5,000 for each subsequent breach;
- £2,500 for early payment, representing 50 per cent reduction.

This approach is in line with our statement of principles which applies to the Carbon Monoxide and Smoke Alarm (England) Regulations 2015.

Appeal

There is a right of appeal against the penalty to the First-tier Tribunal. The appeal must be made within 28 days of the day on which the final notice was sent. The contact details for the First-tier Tribunal are on page 3 of this document.

Further guidance

Further guidance on redress schemes titled “Lettings Agents and Property Managers” August 2018 is available from the Ministry of Housing, Communities and Local Government by the following link:

[link to Lettings Agents and Property Managers redress scheme document](#)

Who to contact

Representations

Representations should be sent to:

Private Sector Housing Manager

Private Sector Housing Team

Tunbridge Wells Borough Council

Town Hall

Royal Tunbridge Wells

Kent

TN1 1RS

Tel no 01892 554241

E-mail privatesectorhousing@tunbridgewells.gov.uk

Appeals

The contact details for the First-tier Tribunal are:

First-tier Tribunal (Property Chamber) Residential Property

Havant Justice Centre

The Court House

Elmleigh Road

Havant

Hampshire

PO9 2AL

E-mail rpsouthern@justice.gov.uk

Telephone 01243 779 394

Fax 0870 7395 900

Review

This policy will be reviewed annually and updated if necessary to take into account legislative and policy changes.