

Committee(s):	Date(s):
Port Health and Environmental Services Committee	8 March 2016
Subject: Delegation of Powers to the Director of Markets and Consumer Protection	Public
Report of: Director of Markets and Consumer Protection	For Decision
Report author: Steve Playle, Trading Standards Manager, Department of Markets and Consumer Protection	

Summary

Chief Officers and designated post holders within the City of London Corporation are required to implement various legal acts under the authority of delegated powers.

Recommendation(s)

It is recommended that this Committee delegate to the Director of Markets and Consumer Protection, and in his absence the Port Health and Public Protection Director, authority to enforce any redress schemes established in relation to lettings agency work and property management work in accordance with the provisions of Ss. 83-88 Enterprise and Regulatory Reform Act 2013 and the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (along with any subsequent orders made under S.83 of the 2013 Act), insofar as they relate to the City of London Corporation's Local Authority area, and to authorise officers of the Department of Markets & Consumer Protection to act under the aforementioned provisions.

Main Report

Background

1. Officers within the City of London Corporation are required to implement various legal acts under the authority of delegated powers. These powers are delegated by the relevant Committees and the Court of Common Council to Chief Officers and designated post holders.

Current Position

2. The Trading Standards Team is soon to begin a project focusing on Letting Agents in the City, including enforcement of some new legislation which has been introduced to help protect members of the public from unfair or exploitative practices of letting agents.

3. In accordance with the Redress Schemes for Letting Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) (England) Order 2014, all letting agents must now belong to one of three approved redress schemes and make this clear to prospective customers. This Order has been made under the Enterprise and Regulatory Reform Act 2013 (Part 6, S.83-88).
4. In addition, Section 83 of the Consumer Rights Act 2015 requires all those involved in letting agency or property management work to publish a list of their fees, the name of the redress scheme they are a member of, and to state whether the agent is a member of a client money protection scheme.
5. The maximum penalty for breaching either of these requirements is a Penalty Notice of £5,000 issued by the local authority.
6. Your Committee has previously delegated to the Director of Markets and Consumer Protection the power to appoint authorised officers under the provisions of the Consumer Rights Act 2015.
7. In order to fully enforce the new legislation, including issuing Penalty Notices as necessary, officers also need to be authorised to act under any redress schemes established in relation to lettings agency work and property management work in accordance with the provisions of Ss. 83-88 Enterprise and Regulatory Reform Act 2013 and the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.
8. There has been liaison with the Comptroller and City Solicitor on the format of the required delegation.

Proposals

9. I propose that your Committee approves delegation to the Director of Markets and Consumer Protection, and in his absence the Port Health and Public Protection Director, authority to enforce any redress schemes established in relation to lettings agency work and property management work in accordance with the provisions of Ss. 83-88 Enterprise and Regulatory Reform Act 2013 and the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (along with any subsequent orders made under S.83 of the 2013 Act), insofar as they relate to the City of London Corporation's Local Authority area, and to authorise officers of the Department of Markets & Consumer Protection to act under the aforementioned provisions.

Corporate & Strategic Implications

10. This proposal links to the 'supports our communities' and 'is safer and stronger' themes in the City Together Strategy. It also links to the Corporate Plan aim 'To provide modern, efficient and high quality local services within the Square Mile

11. The delegation of powers links to the Departmental Business Plan key theme of 'Customer and stakeholder focus'.

Implications

12. The Comptroller and City Solicitor has been consulted and his comments are incorporated in the body of the report.

Conclusion

13. To ensure the department's Officers can effectively enforce the provisions of a range of consumer protection legislation, the authority should be delegated to the Director of Markets and Consumer Protection, and in his absence the Director of Port Health and Public Protection, to authorise officers to enforce any redress schemes established in relation to lettings agency work and property management work in accordance with the provisions of Ss. 83-88 Enterprise and Regulatory Reform Act 2013 and the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 (along with any subsequent orders made under S.83 of the 2013 Act) insofar as they relate to the City of London Corporation's local authority area.

Appendices

- None

Background Papers:

Committee Report (Urgency) 13 October 2015 - Delegation of Powers to the Director of Markets and Consumer Protection (Consumer Rights Act 2015)

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