

**O&S REPORT – 26 JANUARY 2016**

**Legislation Changes Affecting Private Rented Sector**

**Background**

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc.) Order 2014 places a duty on the Council to take enforcement action to ensure that lettings agents and property management agents have joined one of three Government approved schemes, except where their work is wholly covered by the exclusions in the Order. This now means that tenants and landlords with agents in the private rented sector, and leaseholders and freeholders dealing with residential property managers, will be able to complain to an independent person about the service they have received. The Council may also impose a monetary penalty for non-compliance, which must not exceed £5,000. The Order came into force on 1 October 2014.

The Smoke and Carbon Monoxide Alarm Regulations 2015 place a duty on the Council to take enforcement action to ensure that in all rented properties:

1. a smoke alarm is provided on each storey on which there is a room used as living accommodation;
2. a carbon monoxide alarm is provided in any room used as living accommodation and contains a solid fuel burning combustion appliance;
3. checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

Note: The Regulations do not apply to registered providers of social housing, licensed houses in multiple occupation, live-in landlords, leases of seven or more years, student halls of residence, hostels and refuges or NHS accommodation.

The Council may also impose a penalty charge for non-compliance, which must not exceed £5,000. The Regulations came into force on 1 October 2015.

**Amendment to Scheme of Delegation**

The new legislation will require a change to the Council's Scheme of Delegation to enable Council Officers to take the necessary enforcement action and to impose the charges for non-compliance.

It is proposed that the following additional provisions are added to the Council's Scheme of Delegation:

**Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme) Order 2014**

1. Private Sector Housing Manager to exercise powers and duties to take enforcement action under the Order.
2. Head of Strategic Housing and Delivery and Private Sector Housing Manager to determine the level of monetary penalty to impose on agents who do not comply with the provisions of the Order.

## **Smoke and Carbon Monoxide Alarm Regulations 2015**

1. Private Sector Housing Manager to exercise powers and duties to take enforcement action under the Regulations, including the duty to carry out the remedial action with the occupier's consent.
2. Head of Strategic Housing and Delivery and Private Sector Housing Manager to apply the penalty charge for non-compliance in accordance with the Council's Statement of Principles.