

TSSE is the regional coordinating group for Trading Standards

Aims to :

- Gain efficiencies by working regionally
- Share expertise
- Identify best practice
- Manage regional funding (Consumer Direct, Loan Sharks, Scambusters)



TSSE is a partnership of 19 local authority Trading Standards services in the South East of England operated by TSSE Ltd, a limited liability company.

Trading Standards
South East Ltd

Trading Standards is delivered in this region by county councils and unitary authorities

- Each authority delivers services, ranging from Animal Health to Weights and Measures, in its own area.
- This is supported by LACORS, Home Authority principle, TSSE Focus Groups, Government Departments and agencies.
- In some areas both Local Authorities and Government Departments have regulatory duties

How we see our role

- Supporting business to achieve compliance
- Business advice
- Proportionate regulatory intervention
 - Enforcement policies
 - Prosecution policies
- Risk based inspection programmes

Trading Standards roles specifically relevant to Estate Agents

- HIPs
- EPCs
- Consumer Protection from Unfair Trading Regs 2008
- Unfair Terms in Consumer Contracts
- Cancellation of Contracts made in a Consumer's Home or Place of Work Regs 2008

Trading Standards roles relevant to Estate Agents (contd) ... and don't forget the basics

- Business Names/Companies Acts disclosure requirements

- Pricing

...and also

- Property Misdemeanors Act
- Estate Agents Act & CEARS amendments

HIPs

- Long and varied implementation period
- Final date of 6 April 2009
- Will include Property Information Questionnaire (PIQ)
- Will introduce no marketing until HIP in place
 - But seems to leave the exceptions where documents are unavailable after 14 days

HIPs continued

- Compliance level is seen as high
- To date (Locally) no penalty notices have been issued

EPCs

4 areas where EPCs are needed

- As part of HIP
- As part of commercial property sales & all property letting documentation
- Advertising
- Display

Some exemptions around definition of 'building' and redevelopment sites

EPCs

- Commercial property sales and all property rents
 - EPC on creation of new agreement with new tenant
 - Provide at earliest opportunity but at least before whichever is first of:
 - Provision of written information
 - Viewing

EPCs

- Advertising for sale or rent of any property
- Required if the advert, including websites, includes at least two of the following:
 - A photograph of the building or any room in it
 - A floor plan
 - A description of the sizes of the rooms

EPCs

- Display
 - Currently only applies to local authority/public body buildings
 - May be extended to commercial buildings to which public have access

Consumer Protection from Unfair Trading Regs 2008

- Implemented in May 2008
- Sets out 31 prohibited practices
- Prohibits 'unfair commercial practices'
- Will apply to:
 - Descriptions made about estate agency services
 - Descriptions applied to non-UK property
 - Incorrectly posted For Sale, Sold, Let etc boards
 - Types of property outside PMA
 - Failure to comply with Codes of Practice/Professional standards

Unfair Terms in Consumer Contracts

- TS experience is that a significant % of lettings contracts contain unfair terms
- Regionally seen as posing risk to consumers
- What can you do?
 - Check that you understand what you want your contracts to do
 - Are the terms in logical order?
 - Review the whole range of documents, not just one part
 - OFT guidance

Cancellation of Contracts made in a Consumer's Home or Place of Work Regs 2008

- Commencement date 1 October 2008
- Applies to contracts made in the consumer's home
- Unless exempt creates a 7 day cancellation period
- Applies to contracts for estate agency and letting services (and EPC/HIP/survey/ valuation contracts)

Cancellation of Contracts made in a Consumer's Home or Place of Work Regs 2008 (contd)

- You should:
 - Include the standard form in your vendor's agreement
 - Include the agreement to start providing services in the same document, the Regulations require that the consumer must request this in writing
 - Get both vendors agreement and the agreement to start work signed

The basics

- Business Names
- Companies Acts disclosures
- Pricing

Due diligence – what you should do

- Legislation has a ‘due diligence’ defence
- This requires that:
 - There is a system in place to achieve compliance
 - The system is tested and audited

Due diligence...cont

- Understand what it is that you have to achieve
- Include legal compliance in this
- Address the key elements essential to delivering the desired outcome
- Can be a combination of training, systems, paper, electronic files
- Processes proportionate to risk

Due diligence.....cont

What we expect to see

- Consistency
- Audit trail
- Dates or date codes on documents
- Review of processes

How to contact us

- Via Consumer Direct on 08454 04 05 06
- Kent County Council
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