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PROTECTED

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More than 1000 delegates gathered at ExCel London to learn about the latest lettings updates at ARLA Propertymark Conference 2017



Landlords are under pressure and need solutions. Government has piled one piece of legislation on top of another while local authorities, desperate for revenue, are looking to raise it through enforcement activity.

ARLA Propertymark has long been at the heart of the private rented sector, providing letting agents with training and legal advice and supporting over 9,000 letting agents to help landlords.

Agents who display the ARLA Propertymark Protected logo are up to date on the latest legal changes and offer higher levels of protection than are legally required. But we also hold these agents accountable. We expect them to meet high standards, hold client money separately and have their accounts independently inspected regularly.

ARLA Propertymark has been providing financial protection for landlords and tenants for years and in 2017 our campaign to make Client Money Protection mandatory for letting agents led to Government agreeing to change the law.

You have a choice, protect yourself, your property and tenants or choose an agent with the tools to do it for you.

**David Cox**  
ARLA Propertymark  
Chief Executive

# WHY USE AN ARLA PROPERTYMARK PROTECTED AGENT?

Agents do not currently have to be qualified, anyone can set up a lettings agency but only an ARLA Propertymark agent offers true protection and peace of mind. All agents who belong to ARLA Propertymark are required to operate in a transparent way, providing services which are subject to independent scrutiny. Any agent who falls below Propertymark's standards will be subject to disciplinary action.

## USING A PROPERTYMARK PROTECTED AGENT PROVIDES GUARANTEES:

- Your income is backed by Propertymark Client Money Protection, a scheme which reimburses landlords and tenants for missing rent or deposits if their agent's business fails\*
- The responsible agent holds a property management and lettings qualification to at least Level 3 eg A Level standard or equivalent
- Your agent's experience is supported by regular continuing professional development and refresher training
- They must belong to one of the three government approved independent redress schemes: The Property Ombudsman, Ombudsman Services: Property or Property Redress Scheme
- Your agent is up to date with complex legislative changes and best practice
- The agent must comply with a nationally recognised Code of Practice
- All agents offering Propertymark Protection must hold appropriate Professional Indemnity Insurance
- If they hold client money their accounts are independently inspected regularly
- If your agent is also dealing with sales they need to be registered with HM Revenue and Customs for anti-money laundering

ARLA Propertymark members are required to undertake training every year, this means that agents are up to date with best practice and understand legislative changes which regularly alter the requirements involved in residential lettings.



\*Subject to scheme limits

# CONFUSED?

HOUSING  
AND  
PLANNING  
ACT 2016

RENT ACT  
(MAXIMUM FAIR RENT)  
ORDER 1999

PROTECTION FROM  
HARASSMENT  
ACT 1997

SECTION  
8

RENT ACT 1977  
PARTY WALL ETC ACT 1996

PART P BUILDING REGULATIONS  
(ELECTRICAL SAFETY IN DWELLINGS)

IMMIGRATION ACT 2014

GENERAL DATA  
PROTECTION REGULATIONS  
(GDPR)  
REGULATION (EU) 2016/679

COUNCIL TAX  
(CHARGEABLE  
DWELLINGS ORDER) 1992

THE TERRORISM ACT 2000

NOISE  
AND STATUTORY  
NUISANCE  
ACT 1993

OCCUPIERS'  
LIABILITY  
ACT 1984

HMO LICENSING

ANTI-SOCIAL  
BEHAVIOUR  
ACT 2003

FINANCE ACT 1995

TENANCY

DEPOSIT

PROTECTION

TOWN AND COUNTRY  
PLANNING ACT 1990

LAW OF  
PROPERTY  
ACT 1925

MORTGAGE

TAX  
RELIEF

IMMIGRATION  
HOUSING ACT 2016

ENERGY  
EFFICIENCY  
(PRIVATE RENTED PROPERTY)  
(ENGLAND AND WALES)  
REGULATIONS 2015

CONSUMER PROTECTION  
FROM UNFAIR  
TRADING REGULATIONS 2008

RENT  
SMART  
WALES

OCCUPIERS'  
LIABILITY  
ACT 1957

COUNCIL TAX  
(ADDITIONAL PROVISIONS  
FOR DISCOUNTS DISREGARDS)  
ORDER 1992

SECTION  
21

MHCLG HOW TO  
RENT GUIDE

THE ASSURED  
TENANCIES AND  
AGRICULTURAL  
OCCUPANCIES  
(FORMS) (AMENDMENT)  
(ENGLAND) REGULATIONS 2003

ENVIRONMENTAL  
PROTECTION ACT 1990

NOISE ACT 1996  
TORTS  
(INTERFERENCE WITH GOODS)  
ACT 1977

DATA PROTECTION ACT 1998

CONSUMER  
RIGHTS  
ACT 2015 PART 2

DEREGULATION  
ACT 2015

THE PROCEEDS  
OF CRIME  
ACT 2002

HEALTH & SAFETY  
AT WORK ETC ACT 1974

ELECTRICAL  
EQUIPMENT  
(SAFETY)  
REGULATIONS 1994

EQUALITY ACT 2010

SMOKE AND  
CARBON  
MONOXIDE  
ALARM  
(ENGLAND) REGULATIONS 2015

MONEY  
LAUNDERING,  
TERRORIST FINANCING AND TRANSFER OF FUNDS  
(INFORMATION ON THE PAYER)  
REGULATIONS 2017

PROTECTION FROM  
EVICTION  
ACT 1977

LIMITATION ACT 1980

ACCOMMODATION  
AGENCIES ACT 1953

HOUSING ACT 1988

LANDLORD  
AND TENANT  
ACT 1985

TOWN AND  
COUNTRY PLANNING  
(CONTROL OF ADVERTISEMENTS)  
(ENGLAND) REGULATIONS 2007



## ENFORCEMENT

Ignorance of the law is no defence. Enforcement is starting to catch up with legislation. Potential penalties for failing to carry out Right to Rent checks are £3,000 per adult occupier while failure to carry out checks on gas appliances can carry both a fine and a prison sentence.

- Fixed penalty notices of £30,000 for a range of housing offences.
- Rent repayment orders allow tenants and local authorities to reclaim rent from landlords.
- Local authorities have access to tenancy deposit schemes to identify rented housing and target enforcement.
- Local authorities will soon be able to ban landlords from letting property for a range of offences.

If you decide to use an agent, make sure you ask the following questions:

- Which independent redress scheme do you belong to?
- Is a full list of your fees and charges freely available as required by law?
- Are you offering ARLA Propertymark Protection?



## PROTECTING YOUR MONEY

There is currently no requirement for agents to put landlords' money into a separate bank account or to protect client money.

ARLA Propertymark has campaigned for many years for all letting agents to be required to belong to a scheme which provides essential protection for landlords and tenants.

In response to our campaign the government has finally agreed and is taking steps to make Client Money Protection mandatory for all letting agents. If your agent offers Propertymark Protection independent checks will be made regularly on your agents' finances and you will be covered by our reimbursement scheme in the event that anything goes wrong.\* Other agents are only now being pulled into line with ARLA Propertymark agents.

Rogue letting agent Manish Manek was found guilty of 17 counts of theft involving tenants' deposits and rent owed to landlords. He stole £47,000 before fleeing the UK in October 2012. A police investigation found that Manek had been putting tenant deposits and rent into his personal account.

He was finally arrested and sentenced to jail leaving landlords and tenants out of pocket. His victims never saw their money returned. If a letting agent is not covered by Client Money Protection, both landlords and tenants can lose their money.

You wouldn't book a holiday which was not protected, don't trust your property to an agent who does not offer Client Money Protection.

\*Subject to scheme limits

# HOW MUCH DOES YOUR AGENT KNOW?

Ask your agent these questions and satisfy yourself that they are equipped to manage your property.

What have you based your valuation on and how do the comparables relate to my property?

Agents must be transparent with their fee structure. Where can I find your fees on your website?

Are you giving tenants all of the documentation required by law at the start of a tenancy?

What do you do about inventories and property schedules?

What are your arrangements for checking smoke and carbon monoxide alarms?

What is your approach to electrical testing on portable appliances? and legionella testing?

How often do you visit the property and what reporting procedures do you have in place?

How can you protect me and my property in this increasingly litigious world?

What if the tenant defaults on rent payments and what is your timeline of expectations?

If I need to regain possession of my property, how will you go about it?

PRINCIPLED, PROFESSIONAL, PROPERTYMARK PROTECTED.

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[www.arla.co.uk/find-agent](http://www.arla.co.uk/find-agent)