



# Tackling Poor Practice through Trading Standards



North Ayrshire Council  
Comhairle Siorrachd Àir a Tuath

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# Introduction

- Aim of session
- Where it all began
- Story so far
- What next?



# Legislation

- Housing (Scotland) Act 2006
- Tenancy Deposit Schemes (Scotland) Regulations 2011
- Consumer Protection law
  - The Consumer Protection from Unfair Trading Regulations 2008 (CPRs)
  - The Business Protection from Misleading Marketing Regulations 2008 (BPRs)
  - The Unfair Terms in Consumer Contract Regulations 1999 (UTCCRs)
  - Consumer Rights Act 2015
  - Enterprise Act 2002



## Safety Legislation Enforced by Trading Standards

- The Furniture & Furnishings (Fire) (Safety) Regulations 1988 (as amended)
- General Product Safety Regulations 2005
- Electrical Equipment (Safety) Regulations 1994 & Plugs & Sockets (Safety) Regulations 1994
- Trading Standards Advice



## Case Study

- Letting agent failing to use deposit scheme
- Small business around £25k unsecured
- Convicted under TS Legislation
- Licensing Hearing (landlord registration removed)
- All landlords written to regarding matter
- Made Scottish legal history



# Common Misbelief

- Area is unregulated

## Reality

- 140 separate pieces of legislation
- Advice before Enforcement



# Partnership Working

- Building Standards
- Consumer Advice Scotland (CAS)
- Council Tax
- Environmental Health
- Energy and Sustainability
- Landlord Registration
- Planning Enforcement
- Private landlord and Agents
- Police Scotland
- Scottish Fire and Rescue Service
- Streetscene
- Waste Awareness

# Ideal Model







# Forthcoming Legislation

- Regulation of Letting Agent
  - Modelled on landlord registration
  - Register of Letting Agents ( implementation delayed)
  - Fit and proper person test
  - Statutory code of practice
  - Redress for tenants and landlords to the new First Tier Tribunal.
  - Minimum training requirement in order to operate
- New First Tier Tribunal

# Latest Headlines

Letting agency struck off in latest stage of landmark ruling

**BREAKING NEWS**

05 September 2016

By Graham Norwood



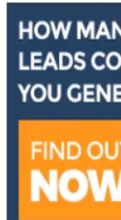
A letting agency has been removed from a Scottish council's approved list after failing to conform with rules protecting the deposits of tenants.

A report to North Ayrshire council's licensing committee,

written by its trading standards division, claimed that Colvin Houston Ltd breached rules on tenancy deposits 51 times.

The total value of the deposits affected was over £23,000 and the agency was said not to have complied with council requests for information.

SEARCH ARTICLE



## 'Rogue landlords' exploit vulnerable families in Govanhill

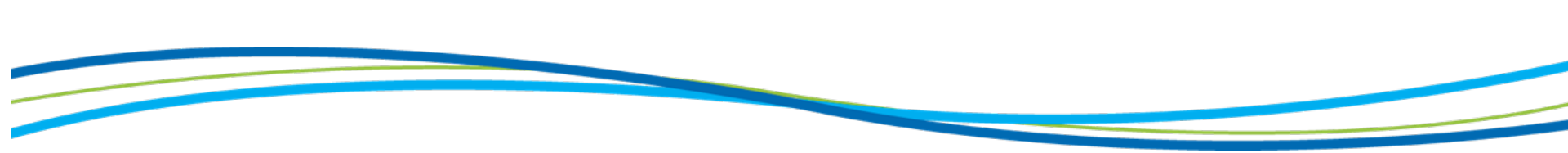
## Police clampdown on 'gangster' lettings sector money laundering

## Landlords pocket £32m in student rental deposits



# The Way Forward

- Desk based exercise
- Identify next steps
- Continue joint working
- Keep abreast of legislation
- Continue to work with local landlords

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- A general raising of standards in the private rented sector
  - A better working relationship between the council and landlords.
  - Reduce the number of landlord/tenant disputes needing intervention by the Council
  - improve communication between the landlord and the Council



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