

CYNGOR SIR POWYS COUNTY COUNCIL

**County Council
30th April 2014**

**REPORT AUTHOR: County Councillor John Powell, Portfolio Holder for
Highways and Environmental Health**

SUBJECT: Question from County Councillor Avril York

Will the portfolio holder kindly inform us of the number of prosecutions and the resultant legal costs, by annum, incurred by the Office of Fair Trading for prosecuting estate agents for failure of operating to the NTSEAT over the last three years?

I remind members that it is the role of all Trading Standards Services throughout the UK to investigate and, where appropriate, prosecute estate agents when they breach the Estate Agents Act 1979. This legislation also enables Trading Standards services to refer certain cases to our new National Estate Agents Team (NEAT) located within Powys County Council (the Office of Fair Trading has now ceased to exist from 1st April 2014) when it is deemed that an estate agent is unfit to trade and to request NEAT gives consideration as to whether to warn or ban such traders from being involved in the profession of Estate Agency. We therefore receive files, seek comments from the parties involved and administer a decision. These decisions are subject to appeals but the OFT in over 20 years had none that went to be heard in the Court of Appeal. Out of the 2014 banning decisions (listed below) 3 are confirmed as being banned, 3 have appealed and 5 are still within the appeal time frame.

In terms of previous actions, the Estate Agents Act 1979 requires that all activity is kept in a Public Register (web link in Appendix A below) and this shows for the last 3 years respectively, that 11, 10 and 10 estate agents have been banned by the OFT. We cannot state legal costs as these are not `prosecutions`. Clearly within the OFT internal legal support would have been allocated to these investigations and any data on this would have been held by the OFT and so exact figures are not now available. The National Trading Standards Board, in determining the £178K allocation to the local authority taking over this function, would have carefully evaluated the costs of running the service (including legal costs) and this was the basis for that allocation. We have also had confirmation that our grant allocation will not be subject to cuts over the next 3 years.

NEAT will be providing reports every 3 months to the portfolio holder for Regulatory Services, the NTSB Governance Board and has offered this to Scrutiny Committee. This offer remains in place.

APPENDIX A-PUBLIC REGISTER

<http://oft.gov.uk/OFTwork/estate-agents/register/eardate/#named1>

Extract

2014

- **Eastbourne Property Shop Limited**
25 February 2014
- **Adam Davidson**
25 February 2014
- **Adam Upton**
25 February 2014
- **Avtar Singh Gohlan (appeal period ends 3 April 2014)**
6 March 2014
- **Jagdeep Singh Gohlan (appeal period ends 3 April 2014)**
6 March 2014
- **Leila Amjadi (appeal period ends 15 April 2014)**
18 March 2014
- **Saeema Anwar Butt (appeal period ends 15 April 2014)**
18 March 2014
- **Britannia Property Services (UK) Ltd (appeal period ends 15 April 2014)**
18 March 2014
- **Andrew Stephen Butts (appeal period ends 24 April 2014)**
27 March 2014
- **Samantha Jayne Kelly (appeal period ends 24 April 2014)**
27 March 2014
- **Thomas Francis Kelly (appeal period ends 24 April 2014)**
27 March 2014

2013

- **Amerjit Singh Dhuga**
18 March 2013
- **Sam Weston**
18 July 2013
- **Benjamin Curtis**
18 September 2013

- **Matthew Sheldon**
18 September 2013
- **Simon Cole**
18 September 2013
- **Edward Bloom**
18 September 2013
- **Daniel Ginsburg**
18 September 2013
- **Sarah Leyens (nee Webber)**
18 September 2013
- **James Starr**
24 September 2013
- **Nathan Priestley**
8 November 2013

2012

- **Jatinder Kalar**
21 March 2012
- **Kevin Johnston**
29 March 2012
- **Gerard Speed trading as Speed Property**
2 April 2012
- **Keith Fryer**
31 May 2012
- **John Shepherd trading as Grove Estates**
1 June 2012
- **Nadeem Sultan**
12 June 2012
- **Alaba Adewale Adebajo**
6 July 2012
- **Selvavinayakam Vigneswaran**
20 August 2012
- **Move Direct Limited**
11 September 2012
- **Sharon Price**
21 December 2012