

London Borough of Barnet
2 Bristol Avenue,
Colindale,
London, NW9 4EW
7 July 2022
Our ref: 8328833

Thank you for your request received on 30 June 2022, for the following information:

I am writing to you on 30th June 2022 under the Freedom of Information Act 2000 to request the following information from your Trading Standards Team, or equivalent, about breaches of the Tenant Fees Act 2019. A copy of this request is attached to this email.

1)

- a) How many open/ongoing investigations do you have into letting or estate agents/landlords breaching the Tenant Fees Act 2019 (i.e. prohibited fees / excessive deposits)?**
- b) Please detail what the alleged breaches are and include the amounts involved (i.e. check in or check out fees, inventory fees, credit check fees etc)**

2) Between June 2019 and June 2022

- a) How many complaints did you receive about prohibited tenant fees or related issues? Please provide a yearly breakdown for year 1, year 2 and year 3 and details of the complaints, including amounts requested.**
- b) How many complaints did you receive about excessive deposits? Please provide a yearly breakdown for year 1, year 2 and year 3 and details of the complaints, including amounts requested.**
- c) Over the same timeframe - how many breaches were there of the Tenant Fees act? Please provide a yearly breakdown for year 1, year 2 and year 3 and details of the breaches, including amounts requested.**

3)

- a) Over the same timeframe - how many notices have been issued? Please provide a yearly breakdown for year 1, year 2 and year 3.**
- b) What was the outcome (paid/withdrawn/ appealed)**
- c) Did the complainant get their money back?**

We have processed this request under the Freedom of Information Act 2000.

Response

1a. How many open/ongoing investigations do you have into letting or estate agents/landlords breaching the Tenant Fees Act 2019 (i.e. prohibited fees / excessive deposits)?

8 open/ ongoing investigations

1b Please detail what the alleged breaches are and include the amounts involved (i.e. check in or check out fees, inventory fees, credit check fees etc)

- prohibited payments : breaching Ban under Tenant Fees Act 2019 x 4 (Amounts: 1x £500 the amount has yet to be determined)
- excessive deposits x 2 (Amounts: 1x £800 the amount has yet to be determined)

2. Between June 2019 and June 2022

a How many complaints did you receive about prohibited tenant fees or related issues? Please provide a yearly breakdown for year 1, year 2 and year 3 and details of the complaints, including amounts requested.

b) How many complaints did you receive about excessive deposits? Please provide a yearly breakdown for year 1, year 2 and year 3 and details of the complaints, including amounts requested.

c) Over the same timeframe - how many breaches were there of the Tenant Fees act? Please provide a yearly breakdown for year 1, year 2 and year 3 and details of the breaches, including amounts requested.

88 recorded cases on our system since 2019. In order to retrieve the requested information we would need to go through every single case (each case would take approximately 15 minutes which comes to 22 hours in total). - see Refusal Notice - S12 Exceeds appropriate limit.

3)

a) Over the same timeframe - how many notices have been issued? Please provide a yearly breakdown for year 1, year 2 and year 3.

b) What was the outcome (paid/withdrawn/ appealed)

c) Did the complainant get their money back?

88 recorded cases on our system since 2019. In order to retrieve the requested information we would need to go through every single case (each case would take approximately 15 minutes which comes to 22 hours in total). - see Refusal Notice - S12 Exceeds appropriate limit.

Refusal Notice

S12 - Cost limit (Exceeds Appropriate Limit)

We are refusing your request under section 12 because we estimate that compliance with your request will exceed the "appropriate limit" under section 12. The appropriate limit is £450 which is equivalent to 18 hours at £25 per hour. The per hour figure is set by Regulation rather than actual salary paid to any officers handling

requests. The appropriate limit includes the time it will take the council to discover if it holds the information requested, to locate it, extract it and collate it as well as putting it into any particular format requested by the requester.

We have calculated that it will take approximately 22 hours to comply with your request. Our calculation is as follows:

(15 minutes times 88 cases divided by 60 minutes = 22 hours)

We are unable to offer any further advice and assistance on how to narrow your request further.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Records & Information Management Service, Assurance Group, London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.

