



Primary Authority Partnership

Warwickshire County Council Trading Standards

Old Budbrooke Road, Warwick, CV35 7DP

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Propertymark

Arbon House, 6 Tournament Court, Edgehill Drive, Warwick, CV34 6LG

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The Property Ombudsman

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Primary Authority Advice Reference WTS/PM/TPO/22

This Primary Authority Advice has been produced by Warwickshire County Council Trading Standards Service, in partnership with The Property Ombudsman and Propertymark, for use by member businesses as an aid to complying with the law. If you follow this advice correctly, your local Trading Standards Service should respect this and not ask you to comply with the law in a different way. If you are contacted by a local authority enforcement body, please inform them that you are a member of the scheme.

Advice requested:

Should Agents inform a prospective tenant that there has been a burglary, or multiple burglaries in the property they are applying to let?

Legislation considered:

Consumer Protection from Unfair Trading Regulations 2008 (as amended) ("CPRs")

Other Material considered:

National Trading Standards Estate and Letting Agency Team Guidance on Property Sales and Lettings, September 2015, Reviewed August 2020 ("*NTS Guidance*")

Improving the Private Rented Sector and Tackling Bad Practice, March 2015: DCLG ("*DCLG Guidance*")

Guidance for lettings professionals on consumer protection law, June 2014: CMA ("*CMA Guidance*")

Assured Advice Issued:

Burglary

Each property should be considered on a case by case basis as the circumstances will be different each time. If a burglary resulted from a defect in the property's security, which has not been rectified, then it will be necessary to disclose this, as material information.

When the defect has been professionally rectified and is no longer present, the property is now secure; therefore, it would no longer be considered material information the consumer needs to know.

Multiple Burglaries

The NTS Guidance suggests that material information would include 'any significant...occurrences at the property' (page 19). We would suggest that two or more burglaries occurring at the same property within a period of 12 months, is significant and the facts should be disclosed.

Where a significant number of burglaries at a property occur (as described above), even if they were the result of defects in security, which have now been rectified, the facts should still be disclosed. The agent can always provide additional information to potential buyers on the rectification works that have been carried out.

Date Advice is Effective from (issue date): 28 11 2016

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Next Review Date: 30 12 21

Primary Authority: Warwickshire County Council Trading Standards Service

Co-ordinators: The Property Ombudsman and Propertymark

Supporting Regulator: Not applicable

For Publication on the Primary Authority Register: Yes

Geographic Applicability: This advice applies throughout the United Kingdom.

Scope: This advice is applicable to all member businesses.

How to obtain up to date copies of this advice: Current copies of this advice may be obtained via the member organisations' websites:

www.tpos.co.uk/members/assured-advice/assured-advice-information

and



www.propertymark.co.uk/working-in-the-industry/primary-authority-advice/.