APPEAL PROCEDURE

Any lettings agent has a right to appeal against the rating given following an officer decision. Officers must inform any lettings agent, or their representative, making an appeal through them that such an appeal must be in writing. An email is considered appropriate.

When is an appeal appropriate?

The appeal procedure is relevant where the letting agent wishes to dispute the rating given as it does not reflect the levels of compliance and standards with the rating criteria found at the business at the time of the intervention.

When is an appeal not appropriate?

An appeal is not appropriate in circumstances where a lettings agent has accepted the rating but has requested a re-inspection/re-visit for re-rating on the basis that non-compliance(s) identified at the time of the initial intervention have been rectified.

How long does a lettings agent have to appeal the rating before it is published?

The appeal has to be made in writing within the period of 21 days beginning with the date of notification.

The numbers of ‘days’ includes weekends and bank holidays. In exceptional circumstances Newham Council may allow an appeal to be made after 21 days.

A standard template form that lettings agents may use to appeal the business’ rating is attached.

Appeals must be made within 21 days of the notification of the rating. After this time, the rating should be published on Newham’s website.

Informal discussion.

It may be possible for the ‘inspecting officer’ to resolve any dispute about the rating in an informal manner by further clarifying and explaining how it was derived. Although not a pre-requisite, lettings agents should be encouraged to do this and every effort should be made to resolve the matter at this stage before resorting to the appeal procedure.
APPEAL PROCEDURE

Any such discussions do not form part of the formal appeal process and do not change the deadline within which an appeal must be lodged. This should be made clear to the letting agent so that they are clear the appeal period does not commence only when informal discussions are completed.

No publication of Score during Appeal.

Until the outcome of the appeal is determined, the website should show that, for the business in question, that the assessment of compliance and standards is 'awaiting publication'.

Determination of Appeals.

Appeals should be considered by a panel that includes the Strategic Enforcement Manager (Specialist Operations) or a designated deputy.

*Note*: The ‘inspecting officer’ will not consider the appeal.

Deciding and Communicating the Appeal.

The paperwork associated with the intervention and the rating given should be considered.

In some circumstances, a further visit to the business may be required. This will depend on the nature of the dispute and whether a decision can or cannot be made on the basis of the paperwork associated with the intervention and the rating given.

The Strategic Enforcement Manager (Specialist Operations) or deputy will determine whether a further visit is required. If so, then the visiting officer will *not* be the officer who made the assessment which is under appeal.

The rating will be published when the appeal has been determined and the outcome of the appeal has been communicated to the letting agent.
APPEAL PROCEDURE

Complaints.

The London Borough of Newham’s Complaint procedure does not form a part of the appeal process.

There is no legal requirement for the local authority complaints procedure to form part of the appeals procedure.

This does not, however, prevent a letting agent from using the local authority’s complaints procedure where he/she wishes to complain about the process followed in delivery of a service or officer conduct.