RE-RATING:

The re-inspection/re-visit mechanism applies in cases where letting agents with ratings of ‘0’ to ‘4’ have made the necessary improvements to address non-compliances identified during the local authority’s planned intervention.

When does the re-inspections/re-visits mechanism apply?

It applies where, following an appropriate planned intervention or inspection by Newham where a business is given a rating (other than the top rating), a business has accepted the rating, taken action to rectify non-compliances identified and makes a request to the authority to be re-assessed with a view to receiving a higher rating.

A re-inspection in this context means an inspection, partial inspection or audit.

Re-Rating inspections in Newham will all be an assessment of all areas of compliance and as such any new date of inspection will reflect the new overall risk rating

When can the Lettings Agent be Re-Rated?

Although the letting agent can make the request at any time after the planned intervention or inspection, the re-inspection/re-visit should not in general take place until 6 weeks have elapsed the ‘stand still’ period, since the intervention at which the original rating was given.

The re-inspection/re-visit will, however, take place within 6 weeks of the end of the 6 weeks ‘stand still’ period, or within three months of the request where this is made after the ‘stand still’ period.

This means that 12 weeks is the maximum amount of time a business should have to wait for a re-inspection/re-visit after making a request (provided the local authority agrees to the request).

If the ‘approved’ re-rating does not take place within the correct time frame then the lettings agent is entitled to use Newham’s complaint procedure.

How many requested re-inspections/re-visits can a Lettings Agent have?

For each planned intervention or inspection where a rating has been given, a lettings agent can have only one requested re-inspection/re-visit, other than in duly justified exceptional circumstances.
RE-RATING:

The request should be made when the lettings agent is of the opinion that the actions needed to improve legal compliance and standards have been taken.

It may be appropriate for the inspecting officer to discuss progress by telephone to establish what remedial action has been taken to ensure that the re-inspection/re-visit is appropriately timed and to confirm that the actions needed to improve the level of compliance have been addressed.

Where a second re-rating inspection is requested Newham may charge for this service.

The rating can be changed without formal request after a revisit by an inspecting officer provided that a full inspection takes place. However the ‘stand still’ criteria still apply

A Re-Rating cannot be based on documentary evidence; a visit to the premises must be made.

Requesting a Re-Rating

The request should be made in writing (including by email) and should outline the case for a re-inspection/re-visit, i.e. it should indicate the actions that have been taken by the lettings agent to improve the level of compliance and standards since the planned intervention or inspection and, where appropriate, should include supporting evidence.

A standard template form that lettings agents may use to request a re-rating is attached.

The Re-Rating Visit

The re-rating visit should be unannounced unless it is necessary to ensure that certain staff are present.

At the time of the re-inspection/re-visit, the officer should not only check that the required improvements have been made, but should also assess the level of compliance overall.

This means that the rating could go up, down or remain the same if deemed appropriate by the officer.
RE-RATING:

Right to refuse re-rating requests.

If the case made by the lettings agent is not substantiated or insufficient evidence is provided, Newham can refuse to undertake a re-inspection/re-visit on that basis.

In doing so, Newham must explain why the request is being refused at this stage and should re-emphasise the priority actions that must be taken in order to improve the level of legal compliance and standards and indicate what evidence will be required for agreement to a re-inspection/re-visit to be made on further request.

If the lettings agent disagrees with the decision to refuse a request for a re-visit by the Strategic Enforcement Manager of their deputy the lettings agent then may have recourse to Newham’s Complaints procedure.