



Information Governance Team

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Dear Sir/Madam

**Freedom of Information Act 2000 (FOIA)
Request ID: FOI661524118**

Thank you for your request for information relating to Client Money Protection Schemes For Property Agents Regulation 2019.

You have requested the following information:

Client Money Protection Schemes For Property Agents (Requirement To belong To A Scheme etc.) Regulation 2019. Regulation 3 of the Client Money Protection Scheme (CMP) requires property agents in England's private rented sector to be a member of an approved CMP scheme if they hold client money. This regulation came into effect on April 1, 2019.

1. In relation to the above legislation, please confirm how many and name the Property / Letting Agents the Council have prosecuted and / or fined from 01 April 2019 to date, for failing to be a member of an approved CMP scheme?

We confirm that a total of six Letting Agents has been fined for non-compliance relating to the CMP Scheme.

With regards to the names of the Letting Agents, please note that part of the requested information is exempt under section 40 (2) of the FOIA. This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the Data Protection Act.

This has been done as the Council considers that this information meets the definition for personal data set out in Section 3(2) and 3(3) of the Data Protection Act 2018 (DPA) as:

(2) personal data means any information relating to an identified or identifiable living

individual (subject to subsection (14)(c))”

(3) “Identifiable living individual” means a living individual who can be identified, directly or indirectly, in particular by reference to –

*(a) an identifier such as a name, an identification number, location data or an online identifier, or
(b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.”*

Section 40(2) of the FOIA states that personal data relating to third parties (i.e. a party other than the person requesting the information) is exempt information if it is the personal data of a third party (i.e. not yourself) and one of the conditions in section 40(3A-B) or 40(4A) is satisfied.

The information you have requested includes personal information of Letting Agents whose personal information is not in the Public Domain. The disclosure of this information would breach one or more of the Data Protection Principles in the UK General Data Protection Regulation (UK GDPR). The condition at section 40 3A(a) is therefore satisfied because disclosure in this instance would breach the first data protection principle. This is because it would be unfair to disclose such personal data where the Letting Agents concerned have no expectation that their names would be released in the context of the information held.

Section 40(2) is an absolute exemption not subject to the Public Interest Test.

The only information that we are in a position to disclose is that there was one Lettings Agency where the fine was appealed and where court proceedings were followed. The Lettings Agency concerned was M and M Lettings.

2. In each of the above case(s) if any, please confirm the amount of the monetary penalty imposed by the local authority?

Of each of the six Letting Agents where fines were imposed, we confirm the total amount of the monetary penalties were as follows:

1 imposed at £5,000
1 imposed at £15,000 (M and M Lettings)
3 imposed at £20,000
1 imposed at £28,000

3. In each of the above case(s) if any, please confirm if the initial monetary penalty imposed by the local authority was upheld or reduced by the First Tier Tribunal?

As mentioned in our response to Question 1, the case of M and M Lettings where a fine of £15,000 was imposed, was the only fine which was appealed. As a result, the appeal was rejected and the full amount was imposed by the court.

The supply of information in response to a FOI request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for

information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email icocasework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance