

**An tÚdarás Rialála Seirbhísí Maoine**  
**The Property Services Regulatory**  
**Authority**

**Strategic Plan**  
**2014 – 2017**

## TABLE OF CONTENTS

	Page
Foreword by the Chairperson of the Authority	3
Introduction by the Chief Executive	5
The Role of the Property Services Regulation Authority	6
Achievements of Authority since its Establishment	
Mission	8
Goals	9
Critical Success Factors	9
<b><u>Goals, Strategies &amp; Performance Indicators</u></b>	
<b>GOAL 1:</b> To maintain a comprehensive licensing system for Property Services Providers,	10
<b>GOAL 2:</b> To maintain a system of investigation and adjudication of standards in the delivery of property services,	12
<b>GOAL 3:</b> To promote public awareness of the Authority,	14
<b>GOAL 4:</b> To maintain Public Registers,	16
<b>GOAL 5:</b> To be efficient in the use of human, financial, management and technical resources, and	17
<b>GOAL 6:</b> To ensure appropriate governance policies, structures and procedures are implemented.	18

---

## FOREWARD BY THE CHAIRPERSON

This is the First Strategic Plan of the Property Services Regulatory Authority. It covers the period 2014 to 2017 and maps out the key issues which the Authority must address over the period. It is an ambitious plan which aims at putting in place a robust regulatory framework for the property services industry and I am, along with the other members of the Authority, committed to its delivery.

The Authority was established on 3<sup>rd</sup> April 2012, under section 9 of the Property Services (Regulation) Act 2011. The decision to establish the Authority was taken by the Government on foot of a recommendation by the *Auctioneering/Estate Agency Review Group*, which was established by the then Minister for Justice, Equality and Law Reform in July 2004.

To address shortcomings in the property services, the Review Group recommended –

- the establishment of a Regulatory Authority to underpin new regulatory arrangements in the auctioneering sector aimed at achieving uniformity and transparency in licensing, regulation and information provision;
- tighter provisions with regard to the competence of providers of auctioneering/estate agency, property letting and property management services
- new monitoring and inspection procedures to support the licensing system
- the promotion of a code of ethics and protection for service providers
- the implementation of a complaints and redress system
- the provision of greater protection for clients' money.

The new legislation provides for the Authority to exercise control and supervision of all Property Services Providers (PSPs) - (i.e. Auctioneers/Estate Agents, Letting Agents and Management Agents) and provides for the introduction of an entirely new regulatory framework.

This strategic plan focuses on:

- further improving the organisational structures, systems, procedures, protocols, rules and regulations that have been established since the Authority

commenced its work and which are fundamental to the long term functioning of the Authority, and

- ensuring that a robust regulatory framework will continue to apply in the industry.

I am confident that the Authority and its staff have the vision and commitment to tackle these challenges and bring about greater uniformity and transparency in the licensing, regulation and control of PSPs and in the provision of information to consumers.

**Geraldine Clarke,  
Chairperson**

## **INTRODUCTION BY THE CHIEF EXECUTIVE**

I am very pleased to introduce this Strategy Statement. In accordance with Section 17 of the Property Services (Regulation) Act 2011 the Property Service Regulatory Authority is required to prepare and submit to the Minister for Justice and Equality a strategic plan every three years.

This Strategic Plan prepared by the Authority covers the period 1<sup>st</sup> September 2014 to 31<sup>st</sup> August 2017. The strategy outlines how the Property Services Regulatory Authority will deliver on its statutory function and meet the challenges that exist in the property services related environment over the three year period.

This Statement sets out what we want to achieve and how we, as an organisation, intend to deliver on our goals. Therefore, this is the core document from which the organisation's business planning, performance management and development will be derived. Our success over the three year period of the plan will be measured against the goals set out in this Statement.

A central component in the delivery of the plan will be the availability of resources both financial and staffing. The competence and commitment of all staff throughout the organisation will be vital to fulfil the challenges that face us. Also crucial to success will be a strong partnership approach with all of our stakeholders. I look forward to working with all my colleagues and our stakeholders in the period ahead.

**Tom Lynch**  
**Chief Executive**

# **THE ROLE OF THE AUTHORITY**

The Property Services Regulatory Authority (“the Authority”) was established on 3 April 2012 under the Property Services (Regulation) Act 2011. The principal statutory functions of the Authority are set out in the Act and include:

- To control, supervise and regulate Property Services Providers (i.e. Auctioneers/Estate Agents, Letting Agents and Management Agents);
- To operate a comprehensive licensing system covering all Property Services Providers;
- To specify and enforce:-
  - standards for the grant of licences to Property Services Providers (e.g. educational/training standards; levels of professional indemnity insurance), and;
  - standards to be observed in the provision of property services by Property Services Providers (e.g. technical standards; appropriate ethical standards);
- To establish and administer a system of investigation and adjudication of complaints against Property Services Providers;
- To establish and administer a system of investigation of standards in the provision of Property Services;
- To impose sanctions on Property Services Providers for improper conduct (including fines up to €250,000 and the revocation of a licence);
- To promote increased consumer protection and public awareness of property services in general;
- To establish, maintain and administer a Compensation Fund to compensate parties who lose money as a direct consequence of the dishonesty of a Property Services Provider;
- To Develop Codes of Practice for Property Services Providers;
- To establish and maintain a Public Register of Property Sales Prices;
- To establish and maintain a Commercial Leases Database;
- To establish and maintain a Public Register of Licensed Property services Providers;
- To Act as State Competent Authority for Money Laundering;

- To Assist the Minister in the development of policy relating to the regulation of the Property Services Industry;
  - To undertake or commission research projects.
-

# ACHIEVEMENTS OF AUTHORITY SINCE ESTABLISHMENT

The Authority was established on 3<sup>rd</sup> April 2012. In the two years since its establishment the Authority has:

- Introduced a new comprehensive licensing system covering all Property Services Providers with effect from 6<sup>th</sup> July 2012 and processes over 5,000 licence applications and renewals annually;
- Drafted and introduced a wide range of regulations, namely
  - Licensing Regulations 2012 (SI No. 180 of 2012) - To provide for different classes of licence and rules for the granting of licenses
  - Qualifications Regulations 2012 (SI No. 181 of 2012) - To specify the minimum qualifications and experience necessary to obtain a Property Services Provider's Licence.
  - Professional Indemnity Insurance Regulations (SI No. 182 of 2012) - To specify the terms on which indemnity against losses is to be provided to licensees under a policy of indemnity insurance.
  - Compensation Fund Regulations 2012 (SI No. 183 of 2012) - To provide for the establishment of PSRA Compensation Fund, the level of contributions to the Fund and the rules governing the payment of compensation.
  - Client Accounts Regulations 2012 (SI No. 199 of 2012) - To provide for statutory rules for the keeping and preservation of client accounts.
- Established a system for the investigation and adjudication of complaints against Property Services Providers;
- Established the Property Services Compensation Fund;
- Established and published
  - The Residential Property Prices Register.
  - The Commercial Leases Register;
  - The Public Register of Licensees;
- Published a “*Guide to becoming a Licensed Property Services Provider*”
- Published a “*Guide for Users of Property Services Providers in Ireland*”

# MISSION AND VALUES

## MISSION

The Authority's mission is to control and supervise Auctioneers, Estate Agents, Letting Agents and Management Agents and to protect the interests of the public in their interaction with them by ensuring that high standards are maintained in the delivery of property services.

## VALUES

### **Public Interest**

The Authority is committed to carrying out its functions in the public interest.

### **Good Governance and Value for Money**

The Authority is committed to compliance with high standards of governance and probity, and to conducting its business in an efficient and cost-effective manner.

### **Consultation**

The Authority is committed to engaging with its stakeholders in the ongoing development and delivery of its services.

### **Commitment to Staff**

The Authority is committed to supporting its staff in delivering on our strategic goals and in developing fulfilling careers within the organisation.

---

# GOALS

The Authority has adopted the following key objectives—

**GOAL 1:** To maintain a comprehensive licensing system for Property Services Providers,

**GOAL 2:** To maintain a system of investigation and adjudication of standards in the delivery of property services,

**GOAL 3:** To promote public awareness of the Authority,

**GOAL 4:** To maintain Public Registers,

**GOAL 5:** To be efficient in the use of human, financial, management and technical resources, and

**GOAL 6:** To ensure appropriate governance policies, structures and procedures are implemented.

## CRITICAL SUCCESS FACTORS

The strategies outlined in this Strategic Plan represent an ambitious, integrated and far-reaching programme of work to be achieved over its lifetime. There are internal and external Critical Success Factors which will have a major bearing on the Authority's ability to deliver on this Plan. These include:

- Appropriate staff and financial resources to enable the Authority to fulfil its objectives,
  - Reliable IT systems,
  - Up-to-date and appropriate legislation,
  - Ongoing co-operation of all stakeholders.
-

## **GOAL 1: TO MAINTAIN A COMPREHENSIVE LICENSING SYSTEM FOR PROPERTY SERVICES PROVIDERS**

### **Commentary**

The Act provides for the Authority to establish and administer a licensing system for property services providers. The Authority has already established a new licensing system in accordance with the provisions of the Act and has been licensing Property Services Providers since the 6<sup>th</sup> July 2012.

### **Strategies:**

The Authority will:

- Review and maintain up to date the Statutory Regulations specifying:
  - the different classes of licence which the Authority may grant by reference to the property services specified in the Act.
  - the minimum qualifications and experience necessary to obtain a licence.
  - the minimum terms on which indemnity against losses is to be available to licensees under a policy of professional indemnity insurance.
  - the level of contribution to be paid to the Property Services Compensation Fund.
  - the rules for the keeping and preservation of client accounts.
- Maintain the licensing database fully up to date.
- Liaise with Property Services Providers to ensure that they are fully conversant with the licensing requirements.
- Evaluate and decide on licence applications by reference to statutory requirements.
- Maintain up to date the Public Register of persons Licensed by the Authority.
- Issue new licences and annual renewals.
- Develop a scheme for continuous professional development.

### **Performance Indicators:**

- Level of new licence applications processed annually,
- Level of licence renewals processed annually,
- Length of time taken to process licence applications,
- Level of investigations into unlicensed persons engaging in the provision of property services.

## **GOAL 2: TO MAINTAIN A SYSTEM OF INVESTIGATION AND ADJUDICATION OF STANDARDS IN THE PROVISION OF PROPERTY SERVICES**

### **Commentary:**

The Act provides for the Authority to investigate

- complaints made against licensed property services providers
- complaints about unauthorised property services provision, and
- compliance by licensees with the statutory provisions.

Irrespective of the nature of the investigation the statutory Authority is required to appoint an inspector to carry out the investigation. The powers of investigators and the statutory rules governing the carrying out of investigations are the same irrespective of the nature of the investigation.

### **Strategies:**

The Authority will:

- Maintain a computer database for recording
  - The nature of the complaint
  - The complainant details,
  - The details of Licensees against whom complaint is made,
  - all communications between the Authority and the parties to the complaint,
  - details of all investigations initiated by the Authority of its own volition, including details of person being investigated and all correspondence between the Authority and such persons.
- Maintain an Inspectorate to carry out investigations and compliance audits,
- Maintain detailed and up to date investigation procedures for use by Inspectors and for public information,
- Develop guidelines on the sanctions which may be imposed on licensees engaging in improper conduct,
- Develop procedures for making applications to the High Court to confirm major sanctions imposed by the Authority,

- Prosecute unlicensed persons,
- Publish a Code of Practice for service providers.

**Performance Indicators:**

- Number and nature of complaints received and processed,
- Number and nature of Investigations carried out by the Authority of its own volition,
- Level of compliance audits undertaken annually,
- Length of time taken to give an initial response to complaints,
- Length of time taken to carry out investigations,
- Level and nature of appeals made to the Appeal Board against decisions of the Authority and their outcome,
- Level and nature of appeals made to the High Court against decisions of the Authority and their outcome.
- Implementation of Code of Practice for service providers.

### **GOAL 3: TO PROMOTE PUBLIC AWARENESS OF THE AUTHORITY**

#### **Commentary:**

A core element of the Authority's responsibility is to ensure that, in both the interests of consumers and the property services industry, information on the Authority's functions and responsibilities is widely disseminated.

#### **Strategies:**

The Authority will:

- Engage with stakeholders in formal consultation processes and through briefing and education sessions.
- Provide guidance documents for both the public and the property services industry,
- Continue to raise awareness within the industry of the value of maintaining high standards in service delivery,
- Contribute to all relevant reports, surveys and benchmarks,
- Engage in an advertising campaign,
- Develop good relations with the print, radio and television media.

#### **Performance Indicators:**

- Extent to which stakeholders and the Authority engage with each other in the consultation process,
- Introduction of revised guidance documents for the public and the property services industry,
- Increased standards in the provision of property services,
- Extent of media coverage,
- Reduction in the level of queries received relating to consumer rights.

## **GOAL 4: TO MAINTAIN PUBLIC REGISTERS**

### **Commentary:**

The Act provides for the Authority to establish three public registers namely:

- The Register of Licensed Property Services providers. This register provides full details of all those licensed by the Authority including the licensees name and business address and the category of licences granted,
- The Residential Property Price Register. This register provides details of the prices and date of sale of all residential properties sold in Ireland since 1<sup>st</sup> January 2010 and
- The Commercial Leases Register. This register contains details of all commercial leases entered into in Ireland since 1<sup>st</sup> January 2010. It also provides very specific details of leases entered into after 3 April 2012.

### **Strategies:**

The Authority will:

- Extract from the Authority's licensing database details of all persons licensed by it and publish the information on the Authority's website.
- Maintain up to date the agreement with the Revenue Commissioners for the extraction of core residential sales and commercial leases information from their E-Stamping database.
- Maintain up to date details of all Residential Property Sales and Commercial Leases entered into in Ireland since 1<sup>st</sup> January 2010,
- Extract details of Residential Property Sales and Commercial Leases from the database and publish the information on the Authority's website,
- Update the three Public Registers on a weekly basis.

### **Performance Indicators:**

- Number of transactions on the Registers,
- Number of visits to/inspections of the Registers by members of the public,
- Level of complaints regarding inaccuracy of information on Registers,
- Capacity to maintain Public Registers fully up to date.

## **GOAL 5: TO BE EFFICIENT IN THE USE OF HUMAN, FINANCIAL, MANAGEMENT AND TECHNICAL RESOURCES.**

### **Commentary:**

The environment in which the Authority operates is changing continuously. It is therefore essential to ensure that the organisation has the resources to meet these changing demands. When considering the resources available to the Authority and their adequacy, regard must be had, *inter alia*, to the implications arising from Public Sector staffing policy developments and budgetary allocations. This changing environment will require a focus on alternative organisation structures to enable the Authority to adequately respond to its statutory obligations.

### **Strategies:**

The Authority will:

- Undertake periodic reviews of its organisational structure, to ensure it is appropriate to meet its goals,
- Develop appropriate procedures for outsourcing certain work of the Authority,
- Continue to review overall staffing levels having regard to the Employment Control Framework (ECF) targets as set out by the Department of Public Expenditure and Reform,
- Implement a Human Resource Strategy in conjunction with the Department of Justice and Equality,
- Actively operate the Performance Management and Development System (PMDS) in the management and development of staff,
- Develop, maintain and expand synergies with other Government Bodies with a view to streamlining processes,
- Continue to review financial requirements of the Authority and the level of licence and other fees,
- Undertake periodic reviews of its IT requirements,
- Extend the delivery of online services to consumers where appropriate,
- Seek to constantly improve its efficiency in dealing with licensees.

### **Performance Indicators:**

- Flexibility of staff in the delivery of services,
- Ongoing implementation of the PMDS and management,

- Delivery of appropriate learning and development programmes,
- Satisfactory reports from Comptroller and Auditor General
- Satisfactory reports from the Internal Audit Unit,
- Implementation of periodic reviews of its IT strategy,
- Effectiveness of shared services in the areas of Finance, IT and Human resources,
- The processing time of licence applications,
- The time frames for complaints handling,
- The time taken by licensees to make a first application and to renew their licences,
- The cost of licences.

## **GOAL 6: TO ENSURE APPROPRIATE GOVERNANCE POLICIES, STRUCTURES AND PROCEDURES ARE IMPLEMENTED**

### **Commentary:**

The Authority's corporate governance framework is governed by the following:

- The Property Services (Regulation) Act 2011
- Public Financial Procedures issued by the Department of Finance, and
- the Code of Practice for the Governance of State Bodies (May 2009).

Authority members are collectively responsible for providing strategic direction to the Authority in the control and supervision of persons licensed by the Authority to provide property services, whether or not licensed by the Authority, and in the maintenance of standards in the provision of such services. They bring independent judgement to bear on issues of strategy, performance, resources and standards. The Authority is responsible for compliance with all applicable statutory obligations.

The Chief Executive is responsible for:

- implementing the policies and decisions of the Authority,
- managing and controlling generally the Authority's staff, administration and business,
- preparing reports and information for consideration by the Authority at its meetings, and
- performing such other functions as may be delegated by the Authority.

### **Strategies:**

The Authority will:

- Ensure that appropriate governance arrangements are in place to support the achievement of the Authority's goals,
- Oversee the process of drawing up and implementing the Strategic Plan,
- Oversee the preparation of an annual report for submission to the Minister for Justice and Equality,
- Ensure that appropriate financial controls and reporting arrangements are in place,
- Delegate to the Chief Executive such functions which the Authority considers appropriate from time to time,

- Review relevant policies and procedures where necessary and implement any appropriate changes.

**Performance Indicators:**

- Annual review of governance arrangements,
- Satisfactory reports from the Internal Audit Unit and the Comptroller and Auditor General,
- Current and capital expenditure outcomes are aligned to annual targets and profiles,
- Timely and relevant management reports are provided to the Authority which enable informed decision-making,
- Adherence to the relevant provisions of applicable codes of conduct/practice.