



Property Redress Scheme 2014 Interim Report

PRS
Property Redress Scheme

Authorised by



Department for
Communities and
Local Government

**NATIONAL
TRADING
STANDARDS**

Estate Agency Team

Protecting Consumers
Safeguarding Businesses

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The Property Redress Scheme (PRS)

Who are the PRS?

The Property Redress Scheme is a consumer redress scheme authorised by the Department for Communities and Local Government (DCLG) and by the National Trading Standards Estate Agency Team to offer redress to consumers of Lettings, Property Management and Estate Agents. It is also open to other Property Professionals to show they are committed to providing excellent customer service and improving standards within their area of interest in the property industry.

The Property Redress Scheme was granted a licence to operate in April 2014 by DCLG and officially launched in July 2014 ahead of the formal introduction of the Enterprise and Regulatory Reform Act 2013 which compelled letting agents in England to join such a scheme.

The newest of the three licenced redress schemes in England, The PRS has gained rapid momentum, attracting over 2,500 letting firms by the end of 2014, mainly down to its simple and attractive fee structure and easy to navigate website.

The PRS is a trading name of HF Resolution Limited which is a wholly owned subsidiary of HFIS PLC, a

company that has 20 years of experience in the Private Rented Sector through its industry recognised brands of my|deposits, Total Landlord Insurance and Client Money Protect.

What do we do?

The main purposes of the Property Redress Scheme are to allow Agents to comply with their legal requirement to be a member of a government authorised consumer redress scheme and to settle or resolve complaints made by consumers against our Members.

In settlement of the complaint, a PRS ombudsman may make an award to the complainant ranging from an apology, an explanation, reimbursement of financial loss or a compensation sum for inconvenience and distress up to a maximum of £25,000. This service is impartial, independent and free for the consumer.

Contact Us

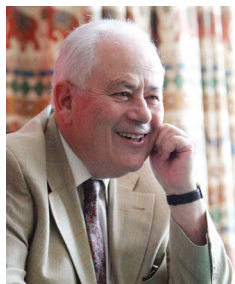
Property Redress Scheme
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✉ Email: info@theprs.co.uk

☎ Telephone: **0333 321 9418**

🐦 [@PropertyRedress](https://twitter.com/PropertyRedress)





Lord Monroe Palmer OBE FCA
Chairman of the Advisory Council

Foreword

by the Chairman of the Council

The Enterprise and Regulatory Reform Act 2013 set out the requirements for those engaged in letting agency work to be members of a redress scheme for dealing with complaints. Prior to this new piece of legislation, only Estate Agents were legally obligated to join a consumer redress scheme.

The Property Redress Scheme is the newest of three bodies authorised to operate an alternative dispute resolution service, brought in to ensure that compliance was simple and achievable for all Agents.

We have appointed a very talented and widely experienced Advisory Council, whose role it is to advise on the setting up of the scheme and to arbitrate, if needed, on the decisions of the Head of Redress. I was asked in September 2014 to be Chairman of The Council as a person not directly involved in the industry but having a keen interest in the housing industry in general. Prior to this, I was a Chair of a London Borough's Audit Committee during my political career.

The Advisory Council first formally met in September 2014. The legal requirement to belong to a scheme followed shortly afterwards on 1st October 2014. So this Annual Report is for a very short 'year' starting from the schemes early beginnings in summer 2014 to the 31st December 2014. This allows us to prepare a full annual report for the year 2015.

From a standing start, the scheme has been very quick to attract members. By the 31st December 2014, 2,506 agent offices had signed up with the PRS. Of these, 82% chose to sign up on the extremely popular 'pay as you go' model which utilises a low-cost entry annual fee and a small additional charge for each complaint handled by the scheme. By the end of 2014, the Property Redress Scheme had also signed up 112 Property Professional's such as Inventory Clerks and Corporate Landlords who had chosen to voluntarily subscribe to a redress scheme. This progress has far exceeded our expectations for growth, suggesting the Property Agent sector is far larger than any of us had imagined.

The Government's aim was to increase consumer protection and our experience of the first few months has been overwhelmingly positive. However, this is early days and we must ensure we continue to build on the progress we have made. We are concerned at the different degrees of enforcement, with some local authorities implementing the requirements of the Act, and plan to work with councils to take a more proactive stance going forward.

I would like to take this opportunity to thank the rest of the Advisory Council for their valuable advice and contributions so far, including Sean Hooker, who we are very fortunate to have as our Head of Redress. It is truly exciting being one of the organisations tasked by Government to improve standards in the industry and we look forward to continuing our success in 2015.

Lord Monroe Palmer OBE FCA
Chairman of the Advisory Council



2014 Highlights

Government Approval

In April, the PRS were appointed by the Department for Communities and Local Government (DCLG) to offer redress to consumers of Letting and Property Management Agents under the Redress Schemes for Letting Agency Work and Property Management Work (Approval and Designation of Schemes) (England) Order 2013.

In June, the PRS were given authorisation to offer redress to consumers of Estate Agents by the National Trading Standards Estate Agent Team.

Media Launch

In July, the PRS launched our Twitter, Facebook and YouTube accounts, where we included promotional videos and ran an #AskTheOmbudsman campaign to help both educate and clarify any questions from prospective members. Our modern and streamlined website went live in early September and had seen over 7,500 individual site visits by the end of the year.

2,000th Member Milestone

By the end of October, the PRS had achieved a membership of over 2,000 individual property agents and professionals. The 2,000th member to join the PRS was 'Archingtons' that carries out Estate, Lettings and Property Management work in Camden, London. Michael Kangau, Director of Archingtons, said "I chose PRS because the joining process was very easy and straightforward".

Negotiator Awards

PRS were proud to be gold sponsor at The Negotiator Awards on 4th November. This year's Awards were the biggest ever with 360 entries from agencies across the UK, featuring a superb cross-section of property professionals. Head of Redress, Sean Hooker, presented the award for 'Large Letting Agent of the Year' and the award for 'Property Management Company of the Year' was presented by Tim Frome, Managing Director for the PRS.

London Live Interview

On the 24th November, Head of Redress Sean Hooker was invited onto London Live to discuss mandatory property redress. Sean was asked on to the Headline London show to talk about the enforcement of Agent compliance and to review how Londoners in particular have been affected by the change. Following the interview, the PRS carried out further communication with London Councils to ensure they were doing everything in their power to hold rogue Agents to account.



Head of Redress Report



Sean Hooker
Head of Redress
for the Property
Redress Scheme

Sean Hooker is the Head of Redress for the Property Redress Scheme. He is a Qualified Adjudicator (ACI Arb), CEDR Accredited Mediator, and has a Professional Award in Ombudsman and Complaints Handling Practice (Queen Margaret University and Ombudsman Association).

The formation of the scheme was brought about following the tender made by HF Resolution Limited to run a Redress Scheme for Letting Agency Work and Property Management Work in accordance with the Consumers, Enterprise and Regulatory Reform Act 2013. This successful application led to a further bid to offer redress to consumers of Estate Agents under the Consumers, Estate Agents and Redress Act 2007. Our approval by both the Department of Communities and Local Government and the National Trading Standards Estate Agency Team to run a dual scheme was recognition of our contribution to and proven excellence within the property sector through our operation of the Tenancy Deposit Protection Scheme, mydeposits, and the Client Money Protection brand, CM Protect. We believe that the wealth of knowledge will prove invaluable as the Property Redress Scheme progresses.

Legal Deadline for Agents

The immediate effect of the Consumers, Enterprise and Regulatory Reform Act 2013 was to require all Letting Agents and Property Management Agents to join an authorised redress scheme from 1st October 2014. Having only been awarded our license to run an ombudsman scheme in April 2014, we were given a very limited window of opportunity to raise awareness of the new legislation whilst simultaneously creating our brand and implementing a strategy to both launch and raise its profile.

Research

Having studied the industry and spoken to a number of interested parties, the PRS decided to offer two membership options to all Agents to ensure that the scheme was both affordable and flexible whilst covering the needs of different types of Agents. Small and new start-up businesses are able to select the 'Entry Model', which is a pay as you go structure where the Agent pays a smaller application

fee and then pays per complaint should I have to make a binding decision. Alternatively, larger and more established organisations are able to opt for an all-inclusive model that covers both their application and annual complaint requirements. Keeping joining and complaints fees as low as possible and offering two different pricing models ensured that compliance was achievable for all Agents in the run up to the legislation deadline.

Government Prediction

The government anticipated that there were around 3,000-4,000 Property Agents that were not already voluntarily registered with the existing schemes that would need immediate cover. We started our promotion by contacting Agents via direct mail, phone and email. I also visited Agents up and down the country to warn them of the new redress scheme requirements; particularly focussing on areas where non-compliance appeared to be the densest.



Members start joining

The scheme began accepting Agent applications in September and by the 1st of October deadline, we had achieved a membership base of over 1,300 Agent offices. This number increased to over 2,500 Agent offices by the end of December. This influx of registrations exceeded all expectations and suggested that the number of predicted unregistered Agents may have been underestimated. Included in this report are statistics relating to the types of Agent that have joined the scheme and the payment option they have selected. As we are a new scheme we have yet to see many complaints, so at this early stage we cannot provide statistics or comment on specific trends. Next year's annual report will provide all relevant statistics and an analysis of the complaints the PRS resolves.

Alongside Property Agents, membership with the PRS is also available to other professionals working in the property industry, including cleaners, gardeners and inventory clerks. These property professionals can join the scheme to provide peace of mind to their consumers and add value to the services they provide. Statistics for Property Professionals have been provided separately in this report in order to make the distinction between voluntary and obligatory membership clear.

Pressure on councils

Despite the encouraging membership numbers, some doubts have been raised as to whether local authorities are doing enough to enforce compliance in their area. On 24th November, I appeared on television, having been invited to address this issue by London Live TV. Whilst this concentrated on Letting and Property Management Agent compliance in the Capital, the programme highlighted that a number of councils and most tenants were not up to speed on the legislation.

"I would like to take this opportunity to thank all my team for the hard work and commitment they have shown to getting the scheme up and running. With your knowledge and enthusiasm, we have achieved a great deal in a short space of time and I look forward to building upon our success as we head into 2015."

Following this report, I decided to write a letter to each London Council to remind them of their responsibilities under the act and to assure them I was keen to aid their investigation of rogue Agents. The response to this letter was very positive, with many local authorities making direct requests for active member lists. Councils such as Newham and Islington have

since issued fixed penalty notices to those Agents in their area that have refused to meet their legal obligations. The PRS will continue to engage with local authorities to spread the word and ensure the scheme is a success. I believe it is up to the industry to work together to ensure we are doing everything in our power to weed out bad Agents and improve industry standards.

Guides and Resources

With this in mind, the scheme has begun to build up the resources pages on our website to help educate and support our members. From my experience talking to Agents, very few intentionally break the rules but are simply inexperienced and lacking in guidance. I have found that many complaints can be resolved prior to Ombudsman involvement if we are able to help Agents identify how they can avoid disputes arising and teach them how to change their approach when things do go wrong. The resources range from best practice guides to example case studies and cover a number of topics such as Unfair Letting Fees, Holding Deposits, Eviction and in-house complaints procedures. I hope to continue to increase this knowledge database going forward until our resources are as conclusive as possible.



Staff Overview

The PRS is in the process of building its team. Here are profiles of some of the people who currently work for the PRS.

Sharifa Hussain

is a Membership Officer for the PRS. The membership team are the first point of contact for existing and prospective members. Her role includes processing applications and renewals, assisting with membership compliance and responding to all Member, Consumer and other interested/relevant party scheme enquiries via telephone, post and email.

Hayley Gough

is a Second Stage Case Assessor for the PRS. Following the collating of evidence from the First Stage Case Assessor, she will investigate the complaint and make her recommendations to both parties in an attempt to resolve the dispute. If no resolution can be reached, she will escalate the case, along with her recommendations, to the Ombudsman to make a binding decision.

Marlon Cameron

is a First Stage Case Assessor for the PRS. His role involves reviewing the initial complaint, collating evidence from both the Complainant and the Member and deciding whether the complaint has grounds to continue with the scheme. He will then put his findings forward to a Second Stage Case Assessor to mediate.

Adam Wallace

is a Business Development Advisor for the PRS. His role involves visiting Agents on site to make sure they understand the requirements of the scheme and are up to date with all other recent legislative changes. He also attends trade shows on behalf of the company to help promote the scheme and engage with other industry professionals.

The Complaints Process

STAGE 1

Receipt of Complaint

Upon receipt of Complaint Form and supporting documentation, a Case Assessor will determine whether the complaint meets the scheme's acceptance criteria. This includes establishing whether the Complainant has exhausted the Member's in-house complaints procedure (if applicable) and has waited 8 weeks before raising a complaint with the scheme. When a complaint falls outside of the scheme's remit, the Case Assessor will explain to the Complainant the reason(s) why the case cannot be accepted and advise the Complainant if there is another appropriate organisation authorised to handle the complaint such as the Courts, Police or Local Council.

STAGE 2

10 Day Resolution Period

If the complaint is accepted, the Case Assessor will inform the Member and allow them 10 working days to either amicably resolve the complaint directly with the Complainant or, alternatively, provide the scheme with their rebuttal to the complaint. Once the rebuttal is received, the Case Assessor will decide whether the complaint has grounds to continue with the scheme and if the complaint has a reasonable prospect of success. If the parties can come to a mutual agreement within the 10 working days, the scheme will request confirmation that the Complainant is satisfied with the resolution and close the case.

STAGE 3

Case Assessor Resolution

If the matter is not resolved within the 10 working days, the Case Assessor will conduct a full and impartial investigation of the complaint and evidence submitted by both parties. If an offer by the Member has already been made, the Case Assessor will deem whether this is a suitable resolution that would not be bettered by a scheme Ombudsman. If a suitable offer has not been made, the Case Assessor will prepare and provide a suggested resolution plan for both parties' perusal and acceptance or non-acceptance. If both parties accept the Case Assessor's resolution, they do so in full and final settlement of the complaint and this becomes the scheme's final decision.

STAGE 4

Ombudsman Decision and Award

If one or both parties decline the Case Assessor's resolution, then the complaint will be escalated to either formal mediation or an Ombudsman to make a final binding decision by evidence based adjudication. On delivery of the decision, the Complainant will have 15 working days to tell the scheme whether they accept the decision.

STAGE 5

Complainant Accepts or Declines Decision

If the Complainant agrees with the decision, the Member must comply with the conditions set out by the Ombudsman within 10 working days. A Case Assessor will contact the Complainant to ensure that the Member has complied with the decision. If the Complainant does not accept the Ombudsman decision, they are free to pursue the matter elsewhere.

Complaint Data and Statistics will be provided in the 2015 Annual Report

We can consider complaints:

- Made against Members registered with the PRS.
- Where the Complainant has tried to resolve the matter with the Member (including completion of any internal complaints procedure) and waited 8 weeks for a response to the written complaint.
- Where the complaint is made within 6 months of the last correspondence received from the Member and within 12 months of the original formal complaint being raised with our Member.

We cannot consider complaints:

- Made against a company/individual that is not a Member with the scheme
- Which have not previously been raised with the Member as a formal written complaint.
- Which are being dealt with or have been considered by Court or under another independent complaints, conciliation or arbitration procedure.
- Which are more appropriately dealt with by another regulatory body such as the Courts, Police or Local Council.
- That are considered to be frivolous or vexatious



Membership Options

The PRS has two membership models to accommodate the different requirements of our members.

OPTION 1

Entry Model

Low annual subscription fee for head office and each of the branches plus reasonable complaints fees.

Cost:

- £95.00 (plus VAT) per application (head office) +
- £95.00 (plus VAT) per branch

For example, if you have a head office and 2 branches that will require 3 subscriptions (£285.00 plus VAT)

If the complaint is escalated to STAGE 4 of the complaints process, we will then charge the following complaint fees to the Member in order to formally resolve the complaint:

- £60.00 (plus VAT) for a Member who is a member of a body with client money protection insurance.
- £90.00 (plus VAT) for all others

OPTION 2

Enhanced Model

One annual fee for head office and each of the branches, with no individual complaints fees (subject to the Property Redress Scheme's fair usage policy*)

Cost:

- £199.00 (plus VAT) per application (head office) +
- £199.00 (plus VAT) per branch

For example, if you have a head office and 2 branches that will require 3 subscriptions (£597.00 plus VAT)

Whichever membership subscription the Member chooses will cover all the work the Member undertakes e.g. an Agent who undertakes Estate and Lettings Agency will not pay a separate subscription for the different types of work. The Member must however inform the PRS of the type of work undertaken at each branch. A Head Office and all associated branches must be on the same membership model.

Fair usage policy

The PRS may move the Member from the Enhanced model to the Entry model if in the reasonable opinion of the scheme the number or types of complaints made against the Member, in relation to the size and work they carry out, is excessive.

This will mean the Member is required to pay for any future complaints at the Entry Model rate for the rest of that subscription period.

The PRS will only enforce the fair usage policy after:

- a. attempting to discuss the matter with the Member; and
- b. sending a formal written notification to the Member, outlining the reasons why the scheme believe that the number of complaints made against the Member is excessive and unsatisfactory action has been taken by the Member to rectify the issues.



Membership Statistics

Property Agents

MEMBERS BY REGION

🏠 Northern Ireland – 4

🏠 Scotland – 13

🏠 North East – 97

🏠 North West – 277

🏠 Yorkshire – 156

🏠 Wales – 40

🏠 West Midlands – 178

🏠 East Midlands – 254

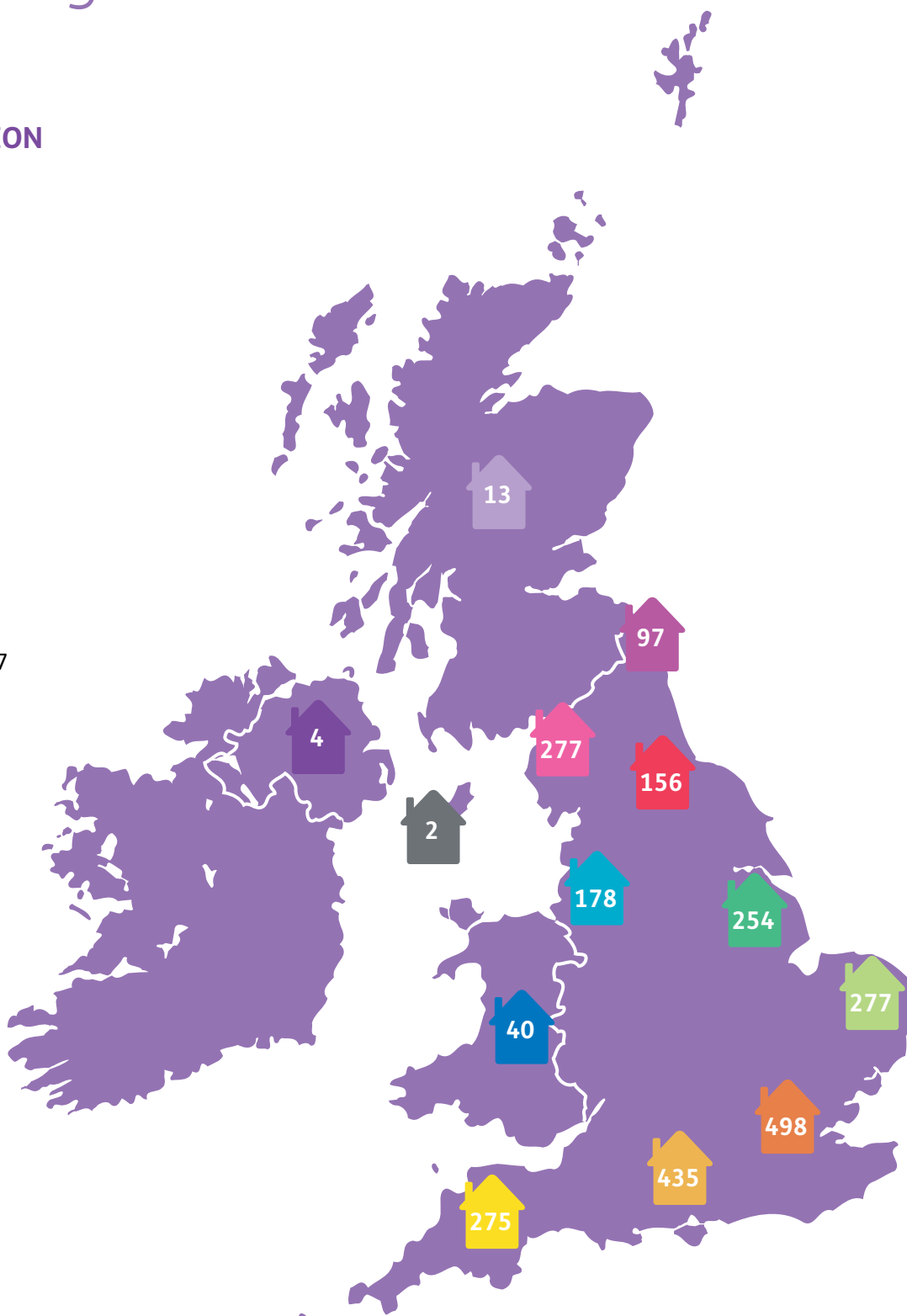
🏠 East of England – 277

🏠 London – 498

🏠 South East – 435

🏠 South West – 275

🏠 Islands – 2



2014 QUICK FACTS

2,506

Agent offices signed up

31%

Registered for sales

79%

Registered for lettings

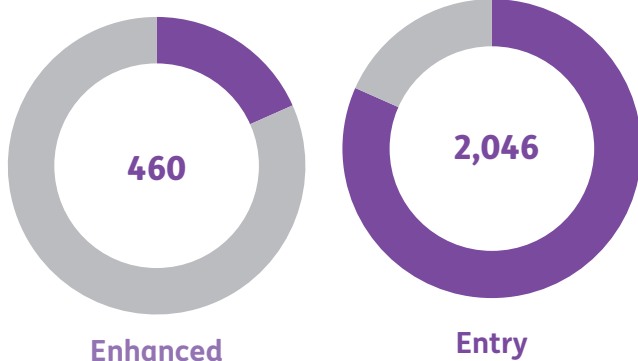
72%

Registered for property management

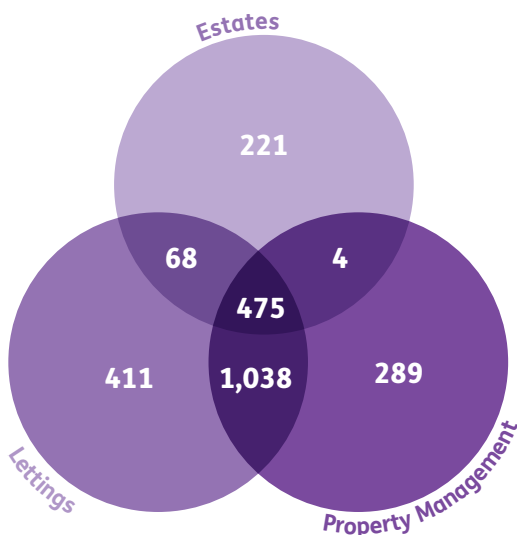
82%

Agents signed up for Entry Model

MEMBERSHIP MODEL



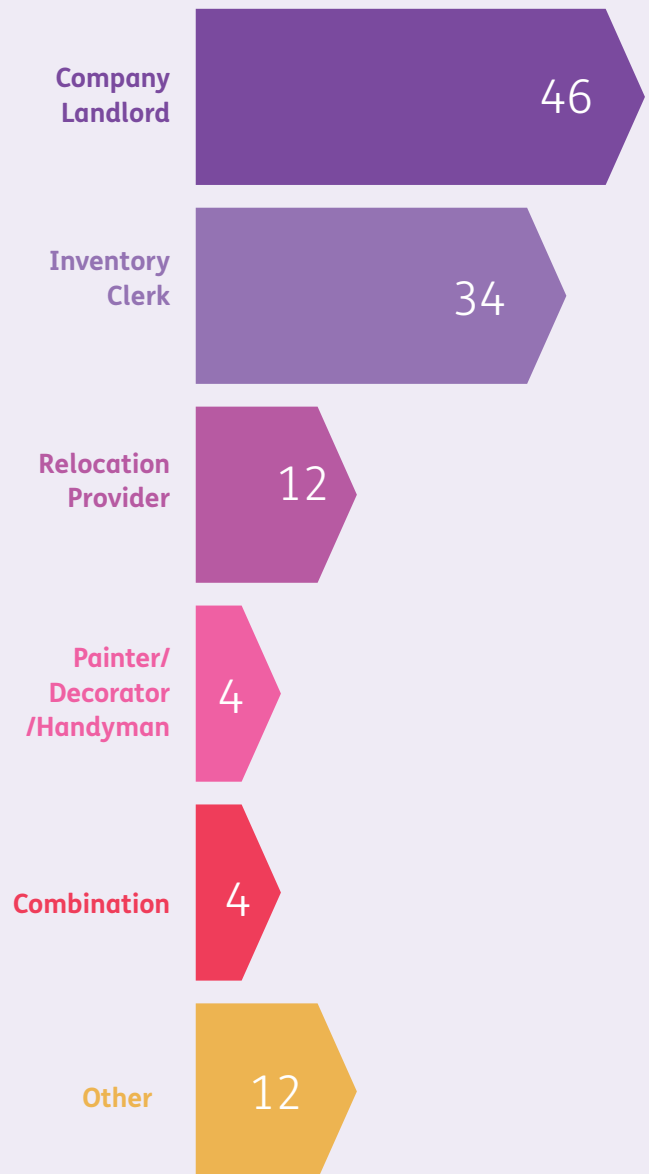
TYPES OF WORK UNDERTAKEN



Property Professionals

By the end of 2014, the PRS had signed up 112 Property Professional offices. The most common voluntary membership was from Corporate Landlords, closely followed by Inventory Clerks.

TYPES OF PROFESSIONALS

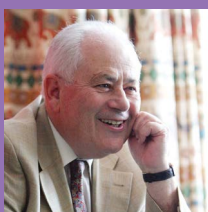


The Advisory Council

The role of the Advisory Council is to act as an advisory body to the Head of Redress and the PRS Board in all matters relating to the running of the scheme. They refer matters of consideration to the Head of Redress and PRS Board, including, where appropriate, changes in the law resultant from new, modified or changed legislation, subject to legal challenge or current case law precedent. They must scrutinise and maintain the Head of Redress' impartiality and if necessary, make recommendations relating to the resourcing of the Head of Redress' department.

It is also the responsibility of the council to make a decision on the consequences of a Member that, in the opinion of the Head of Redress, has breached the Terms of Reference of the PRS. Such consequences include having their membership cancelled and being reported to a relevant body (trade association or trading standards) for any further action. The decision of the Advisory Council will be final.

Each Advisory Council Member can publicise their role within the PRS and will be expected to provide a report on their specific area of expertise for the PRS annual report.



Lord Monroe Palmer of Childs Hill, OBE

Lord Palmer is the Independent Chairman of the PRS. He was Liberal Party Treasurer from 1971-83 and is now a Liberal Democrats spokesperson and chair of the London Borough of Barnet Audit Committee. He is a Chartered Accountant and former senior partner in a General Practice.

In The Lords he speaks on Defence and International Affairs (Procurement, housing, veterans); Local Government, Taxation; Fire and Safety; and all matters relating to Trade and Business.



Richard Price

Richard Price is a member of the Advisory Council, being a director of the property consultancy PPMC Ltd. He is also an Executive Director of UKALA and a Director of NLA and my|deposits. He has around 20 years experience as a landlord and 16 years experience working on behalf of landlords at a local, national and international level.

Richard is an Executive Member of the UIPI (International Union of Property Owners based in Brussels). He represents NLA and UKALA member interests to: the National HMO Network (Houses in Multiple Occupation), various British Standards Committees, and with organisations such as the Health & Safety Executive and the Chief Fire Officers Association. He is also a member of the Institute of Directors.



Paul Shamplina

Paul Shamplina has been involved in the legal system since 1987 - specialising in landlord/tenant disputes. As a certified bailiff, he acted for landlords across the country. He founded Landlord Action in 1999 to help landlords and agents deal with problem tenants for fixed fees. He is a recognised expert when it comes to problem tenants and is often featured on TV, radio and in the press. He has just written a book called 'The Landlords Friend'.



Nick Lyons

Nick Lyons is the CEO of the UK's largest franchised property inventory management company - No Letting Go.

He previously developed the largest and most successful RE/MAX estate and letting agency in Kent and co-founded Search24; a specialist conveyancing search reports business.



Tessa Shepperson

Tessa Shepperson is a lawyer specialising in landlord and tenant law. She is the owner and director of Landlord Law online - a service which provides specialist help to Landlords. She is also the Managing Director of Easy Law Training Ltd, which provides online and face to face training for Landlords and Agents. She is the author of three published books and regularly writes for property newsletters and the press.



David Westgate

David Westgate is Managing Direct of Andrews Letting & Management. He graduated with an Honours degree in Housing and Property Development before joining Andrews in 1997, having worked for both private property companies and corporately owned organisations, principally in the residential field.

David is a fellow of the RICS and became a chartered surveyor in 1992. He was promoted to the board in 1999 and has overseen the rapid expansion of Andrews' lettings business.



Resources and Media

Take a look at the PRS Resources Page, where you can find useful Guides, News, Blogs and Case Studies about the scheme and legislation in general. Many of these resources are reserved for Members only and can be accessed via their online account.

Agents and consumers can also receive regular news, helpful tips and updates by liking us on Facebook, connecting with us on LinkedIn, subscribing to our YouTube channel or following us on Twitter @PropertyRedress.

Please send all media and PR enquiries to info@theprs.co.uk.





David Jacobs
Chairman

Report from the PRS Board

The Property Redress Scheme came into operation in the summer of 2014 after gaining authorisation from the Department for Communities and Local Government to offer redress to consumers of Lettings and Property Management Agents and by National Trading Standards Estate Agency Team for consumers of Estate Agents.

The PRS received its first member in mid-August and by the end of 2014, it had 2,056 member offices registered.

Prior to launch, the PRS undertook research into the industry to find out what property agents required from a consumer redress scheme. We decided to introduce both an entry level and an enhanced model, so that agents could sign up to either a pay as you go or an all inclusive model.

We set up an Advisory Council and are delighted that those who were invited agreed to give up their time to advise and assist the PRS.

We went from two full time staff to a team of five by the end of the 2014, and have a plan to develop our team further as we continue to grow.

I would like to thank the Board, Advisory Council and staff of the PRS for their hard work in developing and publicising the PRS in its infancy and also to our other staff and for their dedication and desire to help the PRS become a scheme which is already improving standards in the property industry.

Contained in this report is a financial review for HF Resolution Limited (trading as the Property Redress Scheme) for the year to 30th November 2014. Our aim is to keep membership fees low to enable all property agents to fulfil their legal requirement to join a consumer redress scheme.

New for 2015 will be our fully online complaint logging system, which will enable consumers to register their issues with us quickly and efficiently and for us to verify and resolve them through our complaints process.

David Jacobs
Chairman

The other members of the HF Resolution Ltd Board of Directors are Tim Frome, Managing Director and Nick Bates, Finance Director.

Profit & Loss Account for the year ended 30th November 2014

Turnover	£268,680
Administrative expenses	£212,599
Surplus on ordinary activities before tax	£56,081

Balance Sheet at 30th November 2014

Fixed assets	-
Current assets	
Debtors	£563
Cash at bank	£291,661
	£292,224
Creditors falling due within one year	£236,143
Net current assets	£56,081
Capital and reserves	
Surplus & loss account	£56,081



Total Agent Bundle

One application and one fee
starting at £499.00 plus vat.*



Government authorised and
legally required consumer
redress scheme

£95 plus vat (entry model)

www.theprs.co.uk



Client Money Protection scheme
protecting your clients' money
without the need to join a trade
body

Usually £299 plus vat

www.cmprotect.co.uk



Specifically designed
professional indemnity policy
for letting and estate agents
provided by Hiscox insurers

Usually £175 plus 6% IPT

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with CMP

Usually £100 to join and £42 per
protection

www.mydeposits.co.uk

* Terms and conditions apply for each of the products. PRS is an authorised introducer for Hamilton Fraser. The Bundle is available by contacting any of the organisations and quoting 'Total Agent Bundle'.

Contact Us

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