

THE VALE OF GLAMORGAN COUNCIL

COUNCIL: 26TH FEBRUARY, 2020

REFERENCE FROM CABINET: 16TH DECEMBER, 2019

**“C180 THE RENTING HOMES (FEES ETC.) (WALES) ACT 2019;
IMPLEMENTATION ARRANGEMENTS FOR THE VALE OF GLAMORGAN
COUNCIL AND RENT SMART WALES (LRPS) (SCRUTINY – CORPORATE
PERFORMANCE AND RESOURCES) –**

The Cabinet Member for Legal, Regulatory and Planning Services presented the report concerning the Renting Homes (Fees etc.) (Wales) Act 2019 (the Act); implementation arrangements for the Vale of Glamorgan Council and Rent Smart Wales.

The Act would make it an offence to require a tenant, or contract-holder to make any payment that was not specified as a ‘permitted payment’ in the legislation. This included the administration involved in creating or renewing an occupation-contract, check out fees, conducting property viewings and reference checks.

An enforcement authority would have the power to issue Fixed Penalty Notices. Local Authorities would have the ability to enforce the requirements of the Act, along with Rent Smart Wales. This legislation was currently outside the scope of the existing delegation from the Vale of Glamorgan Council to the Shared Regulatory Service Joint Committee. Cabinet was asked to note the implementation of the new legislation, namely the Renting Homes (Fees etc.) (Wales) Act 2019 and to amend the Scheme of Delegation and allocate these functions to the Shared Regulatory Service and also to authorise Rent Smart Wales to enforce the provisions of the Act.

It was further noted that an additional ‘Reason for Decision’ was required to detail Recommendation 5, and this would be added to the ‘Reasons for Decisions’.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

(1) T H A T the Head of the Shared Regulatory Service be given delegated authority so as to authorise relevant officers to exercise as and when required, the carrying out of those statutory enforcement powers under the Renting Homes (Fees etc.) (Wales) Act 2019.

(2) T H A T an amendment to the Shared Regulatory Scheme of Delegation of Functions as set out in the Joint Working Agreement be approved.

(3) T H A T Rent Smart Wales be given permission to take appropriate action on behalf of the Vale of Glamorgan Council for enforcing the provisions of the Renting Homes (Fees etc.) (Wales) Act 2019 on its behalf.

(4) T H A T the Monitoring Officer / Head of Legal and Democratic Services be given delegated authority to approve, finalise and execute the terms of the Deed of Variation to the Joint Working Agreement referred to in Recommendation (2) above.

(5) T H A T the report be referred to Council to make any necessary amendments to the scheme of delegation within the Council's Constitution in respect of the Joint Working Agreement dated between the Vale of Glamorgan (24 April, 2017), Bridgend (29 March, 2017) and Cardiff (20 July, 2017).

Reasons for decisions

(1&2) To ensure that the relevant statutory enforcement powers under the Act are used appropriately.

(3) To ensure that the necessary permissions exist to permit Rent Smart Wales to take any appropriate enforcement action on behalf of the Local Authority.

(4) To approve, finalise and execute the terms of the Deed of Variation in accordance with the requirements of the Joint Working Agreement.

(5) To refer the report to Council to make any necessary amendments to the scheme of delegation within the Council's Constitution in respect of the Joint Working Agreement dated between the Vale of Glamorgan (24 April, 2017), Bridgend (29 March, 2017) and Cardiff (20 July, 2017)."