

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

20 OCTOBER 2020

### REPORT OF THE CHIEF OFFICER LEGAL, HR AND REGULATORY SERVICES AND MONITORING OFFICER

#### SHARED REGULATORY SERVICES – VARIATION TO JOINT WORKING AGREEMENT

#### 1. Purpose of report

- 1.1 The purpose of this report is to seek Cabinet approval to proposed changes to the Joint Working Agreement as outlined in this report and enter into the Deed of Variation.

#### 2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

**Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

- 3.1 In April 2015, Bridgend County Borough Council, the City Council of Cardiff, and the Vale of Glamorgan County Borough Council signed a Joint Working Agreement for the provision of regulatory services across the three Council areas. The document created the Shared Regulatory Service (SRS) and the Shared Regulatory Services Joint Committee.
- 3.2 The Joint Working Agreement was subsequently varied by all parties by way of a Deed of Variation in 2017 to which Cabinet gave approval on 28<sup>th</sup> March 2017.
- 3.3 The Renting Homes (Fees etc) (Wales) Act 2019 came into force on 5<sup>th</sup> May 2019. Since the 1 September 2019, letting agents and landlords who manage their own properties are prevented from charging any fees before, during or after a tenancy unless specifically exempt in the Act. Such a banned payment is called a 'prohibited payment'. Letting agents and self-managing landlords are also banned from requiring a tenant to take out a loan or enter into a contract for services. Enforcement of these requirements can be undertaken by the Council and Rent Smart Wales (as the Single Licencing Authority). They will contribute to a fairer and more transparent experience for tenants relying on the private rented sector. Offences are committed where landlords and/or agents fail to comply with the Act. The functions were delegated to the Shared Regulatory Service. Consequently, the three Councils wish to amend the Joint Working Agreement to

add this function to the schedule of functions delegated to the Shared Regulatory Service.

- 3.5 On 19<sup>th</sup> November 2019 Cabinet approved the amendment of the Scheme of Delegation of Functions to include the following function at paragraph 3.56 to ensure that the relevant statutory enforcement powers under the Act are used appropriately: *“To do anything which the Council has the power to do (including the power to serve any notice) that is necessary for the enforcement of any provisions contained within the Renting Homes (Fees etc) (Wales) Act 2019”*.

#### **4. Current situation/proposal**

- 4.1 Any changes to the Joint Working Agreement are subject to Clause 26 of the Agreement which states:

*“This Agreement cannot be varied without the approval and prior written consent of all Participants. Where the Participants agree to make changes to this Agreement, a Deed of Variation shall be entered into between the Participants and appended to this Agreement”*

- 4.2 Consequently, the Council is required to enter into a Deed of Variation with the other Councils to amend the Joint Working Agreement. Such changes require ratification by each Council.

#### **5. Effect upon policy framework and procedure rules**

- 5.1 There is no effect upon policy framework and procedure rules.

#### **6. Equality Impact Assessment**

- 6.1 There are no equality issues arising from this report.

#### **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 The wellbeing goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of this report.

#### **8. Financial implications**

- 8.1 There are no specific financial implications arising from this report.

#### **9. Recommendations**

- 9.1 It is recommended that Cabinet:

- (i) approves the proposed changes to the Joint Working Agreement between the three Councils for the provision of Regulatory Services;
- (ii) delegates authority to the Chief Officer – Head of Legal, HR and Regulatory Services in consultation with the Interim Head of Finance and Section 151 Officer to agree the terms of the Deed of Variation to the Joint Working

Agreement and to arrange execution of the Deed of Variation on behalf of the Council.

**Kelly Watson**

**Chief Officer – Head of Legal, HR and Regulatory Services and Monitoring Officer**

**7<sup>th</sup> October 2020**

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**Background documents:**

The Joint Working Agreement dated 10th April 2015

Deed of Variation dated 28<sup>th</sup> November 2017