

**RECORD OF DELEGATED OFFICER DECISION**

Key Decision



Operational Decision

**SUBJECT:**

Rent Smart Wales – Memorandum of Understanding


**PURPOSE OF REPORT:**

The report proposes that the Council enter into a Memorandum of Understanding in respect of “Rent Smart Wales”; the central licensing authority designated by Welsh Ministers under the Housing (Wales) Act 2014.

In accordance with the Council’s Scheme of Delegation, this report has been prepared to accompany the intended officer decision of the Service Director for Public Health & Protection as described below

**DELEGATED DECISION (25<sup>th</sup> October 2016):**

The Council enters into a Memorandum of Understanding with Rent Smart Wales to assist in the delivery and implementation of Part I of the Housing (Wales) Act 2014 across Wales.

 <b>Chief Officer Signature</b>	PAUL MEE <b>Print Name</b>	27.10.16 <b>Date</b>
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The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council’s Constitution



**CONSULTATION**

J. J. J. J.

27.10.16.

**CONSULTEE CABINET MEMBER SIGNATURE**

**DATE**

**CONSULTEE OFFICER SIGNATURE**

**DATE**

**CALL IN PROCEDURE RULES.**

IS THE DECISION DEEMED URGENT AND NOT SUBJECT TO CALL-IN BY THE OVERVIEW AND SCRUTINY COMMITTEE:

YES      NO

Reason for urgency:.....

*If deemed urgent* - signature of Mayor or Deputy Mayor or Head of Paid Service confirming agreement that the proposed decision is reasonable in all the circumstances for it being treated as a matter of urgency, in accordance with the overview and scrutiny procedure rule 17.2:

.....  
(Mayor)

.....  
(Dated)

**NB - If this is a reconsidered decision then the decision Cannot be Called In and the decision will take effect from the date the decision is signed.**

**FOR CABINET OFFICE USE ONLY**



## PUBLICATION & IMPLEMENTATION DATES

### PUBLICATION

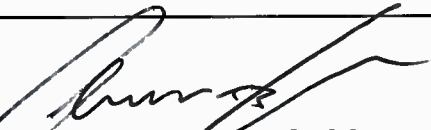
Publication on the Councils Website:- 27.10.16

DATE

### IMPLEMENTATION OF THE DECISION

**Note:** This decision will not come into force and may not be implemented until the expiry of 5 clear working days after its publication to enable it to be the subject to the Call-In Procedure in Rule 17.1 of the Overview and Scrutiny Procedure Rules.

Subject to Call In the implementation date will be 4/11/16.  
DATE

  
**Secretary to the Cabinet  
Signature**

CHRISTIAN SS HANAGAN  
**Print Name**

27.10.16  
**Date**



### Further Information

<b>Directorate:</b>	<b>Public Health &amp; Protection</b>
<b>Contact Name:</b>	<b>Paul Mee</b>
<b>Designation:</b>	<b>Service Director, Public Health &amp; Protection</b>
<b>Tel.No.</b>	<b>01443 425513</b>

## **DELEGATED DECISION**

### **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

#### **REPORT TO ACCOMPANY A DECISION OF THE SERVICE DIRECTOR, PUBLIC HEALTH & PROTECTION**

**25<sup>th</sup> OCTOBER 2016**

#### **RENT SMART WALES – MEMORANDUM OF UNDERSTANDING**

**AUTHOR: Paul Mee, Service Director, Public Health & Protection (Tel: 01443 425513)**

#### **1. PURPOSE OF THE REPORT**

- 1.1 The report proposes that the Council enter into a memorandum of understanding with “Rent Smart Wales”; the central licensing authority designated by Welsh Ministers under the Housing Wales (Act) 2014.

#### **2. RECOMMENDATIONS**

- 2.1 The Council enters into a Memorandum of Understanding with Rent Smart Wales to assist in the delivery and implementation of Part I of the Housing (Wales) Act 2014 across Wales.

#### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 To enable the Council to assist in the delivery and implementation of Part I of the Housing (Wales) Act 2014 in respect of the licensing of landlords in the private rented sector.

#### **4. BACKGROUND**

- 3.1 Rent Smart Wales is a newly created service within Cardiff Council. The Welsh Ministers designated Cardiff Council as the Licensing Authority for the whole of Wales in 2015. Since 23<sup>rd</sup> November 2015, all landlords operating in Wales must become registered with Rent Smart Wales and they have a year to comply with this requirement.
- 3.2 In its role as Licensing Authority under the Housing (Wales) Act 2014, the Rent Smart Wales service must process landlord registrations and grant licences to landlords and agents who are required to comply with the Housing (Wales) Act 2014.
- 3.3 The reason the Welsh Government chose one Council to act as administrator for the whole of Wales is to make the service easier for landlords, agents and tenants to access. The central register means

that landlords only have to complete one registration and if they self-manage only apply for one licence to cover them for the whole country. The same applies to agents, who need only apply for one licence.

- 3.4 The Licensing Authority will work with Local Authorities to carry out their functions under the Act and each Local Authority will lead enforcement action against those landlords and agents not complying with their legal obligations on behalf of the Licensing Authority.
- 3.5 By agreeing to the Memorandum of Understanding, the Council will be able to assist Rent Smart Wales and other local authorities across Wales in the delivery and implementation of Part I of the Housing (Wales) Act 2014.

## **5. EQUALITY AND DIVERSITY IMPLICATIONS**

- 5.1 There are no equality and diversity implications arising from this report.

## **6. CONSULTATION**

- 6.1 These proposals concern the discharge of statutory functions under the Housing (Wales) Act 2014. The legislative provisions were subject to a statutory consultation prior to their enactment. Consequently, it is neither necessary nor appropriate to undertake any local consultation exercise.

## **7. FINANCIAL IMPLICATION(S)**

- 7.1 Each Local Authority will recover their enforcement costs in arrears through a fee redistribution arrangement with Rent Smart Wales based on auditable evidence of activity.

## **8. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 8.1 The proposals set out in this report fall within Part I of the Housing (Wales) Act 2014.
- 8.2 Pursuant to Section 28(2) and (3) of the Housing (Wales) Act 2014 Cardiff Council, as Single Licensing Authority, provides its general consent to this Council to bring criminal proceedings in respect of any offence under Sections 4(2), 6(4), 7(5), 9(2), 11(3) or 13(3) of the Act, if the alleged offence arises in respect of a dwelling in the Council's area.





**9. LINKS TO THE COUNCILS CORPORATE PLAN / OTHER CORPORATE PRIORITIES/ SIP**

9.1 These proposals support the Single Integrated Plan priority of prosperity; that people live in safe, appropriate housing in sustainable and vibrant communities.

**10. CONCLUSION**

10.1 The creation of Rent Smart Wales and the introduction of a licensing regime for private sector landlords will raise management standards and accountability in the private rented sector. The Council's commitment to the Memorandum of Understanding will enable the Council to assist Rent Smart Wales and other Local Authorities across Wales with the implementation of these important new powers

***Relevant Scrutiny Committee***

Health & Wellbeing Scrutiny Committee

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**REPORT TO ACCOMPANY A DECISION OF THE SERVICE DIRECTOR,  
PUBLIC HEALTH & PROTECTION**

**25<sup>th</sup> October 2016**

**RENT SMART WALES – MEMORANDUM OF UNDERSTANDING**

**Background Papers**

None

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