

Cyngor Sir Powys County Council

Impact Assessment (IA)

The integrated approach to support effective decision making



Please read the accompanying guidance before completing the form.

This **Impact Assessment (IA)** toolkit, incorporates a range of legislative requirements that support effective decision making and ensure compliance with all relevant legislation. **Draft versions of the assessment should be watermarked as "Draft" and retained for completeness. However, only the final version will be made publicly available. Draft versions may be provided to regulators if appropriate. In line with Council policy IAs should be retained for 7 years.**

Service Area	Housing	Head of Service	Nina Davies	Director	Nigel Brinn	Portfolio Holder	Cllr James Evans
Proposal		The Renting Homes (Fees etc.) (Wales) Act 2019; implementation arrangements for Powys County Council and Rent Smart Wales					
Outline Summary / Description of Proposal							
<p>The Renting of Homes (Fees etc) (Wales) Act 2019 came into force on 5th May 2019. From 1st September 2019, it bans letting agents and landlords who manage their own properties from charging any fees before, during or after a tenancy unless specifically exempted by the Act. Such a banned payment is called a ‘prohibited payment’. Enforcement of these new requirements can be undertaken by the Council and Rent Smart Wales (as the Single Licencing Authority) if the authority adopts and delegates powers to Rent Smart Wales. This will contribute to a fairer and more transparent experience for tenants relying on the private rented sector. It is also anticipated it should contribute to more secure tenancies for private sector housing tenants. The Council is responsible for enforcing this legislation in partnership with Rent Smart Wales (RSW). The legislation places the duty for enforcement on each local authority, with a power to share responsibility with RSW. All 22 Welsh Councils have agreed to a memorandum of understanding with RSW in relation to regulation of the private rented sector. The Housing (Wales) Act 2014, made provision for the appointment of a Licensing Authority for the scheme where Cardiff City Council were appointed as the Licensing Authority and subsequently established RSW for this purpose. There are two formal enforcement options:</p> <ul style="list-style-type: none">• Issue of a fixed penalty notice (FPN) of £1,000, the payment of which would avoid prosecution proceedings. Fixed penalty payment receipts will be used to fund any additional enforcement activity by the Housing Service (in accordance with the Act). However, non-payment would lead to prosecution by the authority (and only appeal mechanism against the FPN).• Prosecution for offences under the Act which could result in a fine not subject to a minimum on the standards scale of fines (except for failure to provide information required by statutory notice, in which case a fine up to level 4 on the standard scale could be imposed by a judge) <p>Proposal:</p> <p>It is recommended that Members delegate authority for enforcing provisions of the Renting of Homes (Fees etc) (Wales) Act 2019 to the Corporate Director of Economy and Environment, with appropriate powers of sub-delegation.</p> <p>That Members authorise Cardiff City Council, as the Single Licensing Authority for Wales (Rent Smart Wales), to exercise any function of an enforcement authority, in relation to Powys County Council’s area, for the purposes of the Renting Homes (Fees etc.) (Wales) Act 2019, including (but without limitation) taking enforcement activity and bringing criminal proceedings pursuant to section 19 of that Act.</p> <p>Advantages:</p> <ul style="list-style-type: none">• To enable the new legislation to be implemented quickly and efficiently• To ensure that enforcement powers are also delegated to Rent Smart Wales, with whom the department work in partnership, for the enforcement of this legislation• To deliver consistency of enforcement activity across Wales							

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1. Version Control (services should consider the impact assessment early in the development process and continually evaluate)

Version	Author	Job Title	Date
1	Julian Preece	Private sector Housing Lead	31st October 2019

2. Profile of savings delivery (if applicable)

2018-19	2019-20	2020-21	2021-22	2022-23	TOTAL
N/A	N/A	N/A	N/A	N/A	N/A

3. Consultation requirements

Consultation Requirement	Consultation deadline/or justification for no consultation
No consultation required (please provide justification)	No consultation required as the proposal is for implementation of national legislation applicable to the whole of Wales.

4. Impact on Other Service Areas

Does the proposal have potential to impact on another service area? (Have you considered the implications on Health & Safety, Corporate Parenting and Data Protection?) PLEASE ENSURE YOU INFORM / ENGAGE ANY AFFECTED SERVICE AREAS AT THE EARLIEST OPPORTUNITY
It is anticipated that implementation will have little impact on other service areas and any additional cost burden will be funded via fees derived from Fixed Penalty Notices issued to property letting agents and landlords in breach of the above regulations. The regulations aim to remove the financial barrier of unreasonable fees, allowing easier access to the private rented sector, particularly for those on low incomes. It should contribute to a fairer and more transparent experience for tenants relying on the private rented sector and it's anticipated it should contribute to more secure tenancies for private sector housing tenants, delivering stronger, safer and more economically viable communities in Powys.

5. How does your proposal impact on the council's strategic vision?

Council Priority	How does the proposal impact on this priority?	<u>IMPACT</u> Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	<u>IMPACT AFTER MITIGATION</u> Please select from drop down box below
The Economy We will develop a vibrant economy	Tenants will be better able to access private sector tenancies & benefit from increased levels of disposable income, providing a boost to the local economy.	Neutral	Adopting and enforcing legislation in Powys will contribute to a more positive impact delivering stronger, safer and economically viable communities in Powys.	Neutral

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Council Priority	How does the proposal impact on this priority?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
Health and Care We will lead the way in effective, integrated rural health and care	Tenants may more readily access sustainable tenancies, reducing homelessness and improving mental health & wellbeing. Greater levels of disposable income will improve health & wellbeing for young, elderly & disabled residents alike, mitigating the effects of cold homes.	Good	Adopting and enforcing legislation in Powys will contribute to a more positive impact.	Good
Learning and skills We will strengthen learning and skills	Students will suffer less ill health & be better placed to complete homework, given more sustainable tenancies, more disposable income to create 'warm' home environments from which to work.	Neutral	Adopting and enforcing legislation in Powys will contribute to a more positive impact.	Neutral
Residents and Communities We will support our residents and communities	Facilitating access to more sustainable tenancies & delivering more disposable income through removal of the financial barrier associated with unreasonable fees should see improvements in community cohesion, reduction in property blight, crime and anti-social behaviour associated with the private rented sector.	Neutral	Adopting and enforcing legislation in Powys will contribute to a more positive impact.	Neutral

Source of Outline Evidence to support judgements

Renting Homes (Fees etc.) (Wales) Bill Summary may be found here:

[http://www.assembly.wales/research%20documents/18-059%20-%20renting%20homes%20\(fees%20etc.\)%20\(wales\)%20bill/18-59-web-english.pdf](http://www.assembly.wales/research%20documents/18-059%20-%20renting%20homes%20(fees%20etc.)%20(wales)%20bill/18-59-web-english.pdf)

Renting Homes (Fees etc.) (Wales) Bill Welsh Government Impact Assessment may be found here:

<https://gov.wales/sites/default/files/publications/2019-04/renting-homes-bill-gateway-impact-assessment.pdf>

6. How does your proposal impact on the Welsh Government's well-being goals?

Well-being Goal	How does proposal contribute to this goal?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
A prosperous Wales: An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work.	Facilitating access to more sustainable tenancies provides greater levels of disposable income to be recycled within the local Powys economy and will deliver more sustainable and cohesive communities.	Neutral	Adopting and enforcing legislation in Powys will contribute to a more positive impact delivering stronger, safer and economically viable communities in Powys.	Neutral
A resilient Wales: A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change (for example climate change).	No recognisable impact	Unknown	N/A	Unknown
A healthier Wales: A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood. Public Health (Wales) Act, 2017: Part 6 of the Act requires for public bodies to undertake a health impact assessment to assess the likely effect of a proposed action or decision on the physical or mental health of the people of Wales.	Tenants may more readily access sustainable tenancies, reducing homelessness and improving mental health & wellbeing. Greater levels of disposable income will improve health & wellbeing for young, elderly & disabled residents alike.	Good	Targeted support to those in the private rented sector will contribute to a more positive impact.	Good

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Well-being Goal	How does proposal contribute to this goal?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
A Wales of cohesive communities: Attractive, viable, safe and well-connected Communities.	Improvements will be seen in community cohesion through greater access to sustainable tenancies, reducing numbers of vacant lets and providing greater levels of disposable income available for reinvestment within the local Powys economy.	Good	Targeted support to the private rented sector will contribute to a more positive impact delivering stronger, safer & more economically viable communities in Powys.	Good
A globally responsible Wales: A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being. Human Rights - is about being proactive (see guidance) UN Convention on the Rights of the Child: The Convention gives rights to everyone under the age of 18, which include the right to be treated fairly and to be protected from discrimination; that organisations act for the best interest of the child; the right to life, survival and development; and the right to be heard.	No recognisable impact	Unknown	N/A	Unknown
A Wales of vibrant culture and thriving Welsh language: A society that promotes and protects culture, heritage and the Welsh language, and which encourages people to participate in the arts, and sports and recreation.				
<i>Opportunities for persons to use the Welsh language, and treating the Welsh language no less favourable than the English language</i>	Provision is made available to clients who wish to communicate via the medium of Welsh.	Neutral	Provision is made available to clients who wish to communicate via the medium of Welsh.	Neutral
<i>Opportunities to promote the Welsh language</i>	Promotional literature will be offered in the medium of Welsh.	Neutral	N/A	Neutral
<i>Welsh Language impact on staff</i>	No impact expected.	Neutral	N/A	Neutral
<i>People are encouraged to do sport, art and recreation.</i>	No impact expected.	Neutral	N/A	Neutral
A more equal Wales: A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio economic background and circumstances).				
<i>Age</i>	All private rented sector groups will have better access to sustainable tenancies & more disposable income.	Neutral	Targeted support to the private rented sector will contribute to a more positive impact.	Neutral

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Well-being Goal	How does proposal contribute to this goal?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
<i>Disability</i>	All private rented sector groups will have better access to sustainable tenancies & more disposable income.	Neutral	Targeted support to the private rented sector will contribute to a more positive impact.	Neutral
<i>Gender reassignment</i>	All private rented sector groups will have better access to sustainable tenancies & more disposable income.	Neutral	Targeted support to the private rented sector will contribute to a more positive impact.	Neutral
<i>Marriage or civil partnership</i>	All private rented sector groups will have better access to sustainable tenancies & more disposable income.	Neutral	Targeted support to the private rented sector will contribute to a more positive impact.	Neutral
<i>Race</i>	All private rented sector groups will have better access to sustainable tenancies & more disposable income.	Neutral	Targeted support to the private rented sector will contribute to a more positive impact.	Neutral
<i>Religion or belief</i>	All private rented sector groups will have better access to sustainable tenancies & more disposable income.	Neutral	Targeted support to the private rented sector will contribute to a more positive impact.	Neutral
<i>Sex</i>	All private rented sector groups will have better access to sustainable tenancies & more disposable income.	Neutral	Targeted support to the private rented sector will contribute to a more positive impact.	Neutral
<i>Sexual Orientation</i>	All private rented sector groups will have better access to sustainable tenancies & more disposable income.	Neutral	Targeted support to the private rented sector will contribute to a more positive impact.	Neutral
<i>Pregnancy and Maternity</i>	All private rented sector groups will have better access to sustainable tenancies & more disposable income.	Neutral	Targeted support to the private rented sector will contribute to a more positive impact.	Neutral

Source of Outline Evidence to support judgements

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[http://www.assembly.wales/research%20documents/18-059%20-%20renting%20homes%20\(fees%20etc.\)%20\(wales\)%20bill/18-59-web-english.pdf](http://www.assembly.wales/research%20documents/18-059%20-%20renting%20homes%20(fees%20etc.)%20(wales)%20bill/18-59-web-english.pdf)

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7. How does your proposal impact on the council's other key guiding principles?

Principle	How does the proposal impact on this principle?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
Sustainable Development Principle (5 ways of working)				
Long Term: Looking to the long term so that we do not compromise the ability of future generations to meet their own needs.	Easier access to sustainable tendencies will reduce homelessness, create greater levels of disposable income which may be recycled within the local Powys economy creating more cohesive communities.	Neutral	Adopting and enforcing legislation in Powys will contribute to a more positive impact delivering stronger, safer and economically viable communities in Powys.	Neutral
Collaboration: Working with others in a collaborative way to find shared sustainable solutions.	Enforcement will involve a collaborative partnership between the council and Rent Smart Wales to eradicate unnecessary and disproportionate fees associated when accessing tenancies within the private rented sector	Good	Adopting and enforcing legislation in Powys will contribute to a more positive impact delivering stronger, safer and economically viable communities in Powys.	Good
Involvement (including Communication and Engagement): Involving a diversity of the population in the decisions that affect them.	The council has not need to consult with effected communities, this is national legislation applicable to the whole private rented sector throughout Wales.	Neutral	Implementation will be disseminated via Council web site.	Neutral
Prevention: Understanding the root causes of issues to prevent them from occurring.	It will be an offence for agents to charge fees unless specifically exempted by legislation.	Good	Adopting and enforcing legislation in Powys will contribute to a more positive impact.	Good
Integration: Taking an integrated approach so that public bodies look at all the well-being goals in deciding on their well-being objectives.	The legislation takes an integrated approach to tackling the issue of disproportionate fees preventing access to private sector tenancies, particularly for those on low incomes	Good	Targeted support to the private rented sector will contribute to a more positive impact.	Good
Preventing Poverty: Prevention, including helping people into work and mitigating the impact of poverty.	Private sector housing tenants will have better access to more sustainable tenancies & additional disposable income to mitigate the impact of poverty.	Good	Targeted support to the private rented sector will contribute to a more positive impact.	Good
Unpaid Carers: Ensuring that unpaid carers views are sought and taken into account	No impact expected.	Unknown	N/A	Unknown

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Principle	How does the proposal impact on this principle?	IMPACT Please select from drop down box below	What will be done to better contribute to positive or mitigate any negative impacts?	IMPACT AFTER MITIGATION Please select from drop down box below
Safeguarding: Preventing and responding to abuse and neglect of children, young people and adults with health and social care needs who can't protect themselves.	No impact expected.	Unknown	N/A	Unknown
Impact on Powys County Council Workforce	There will be minimal impact on Powys staff with any additional expense offset by fees generated from service of Fixed Penalty Notices.	Neutral	N/A	Neutral
Source of Outline Evidence to support judgements				
<p>Renting Homes (Fees etc.) (Wales) Bill Summary may be found here: http://www.assembly.wales/research%20documents/18-059%20-%20renting%20homes%20(fees%20etc.)%20(wales)%20bill/18-59-web-english.pdf</p> <p>Renting Homes (Fees etc.) (Wales) Bill Welsh Government Impact Assessment may be found here: https://gov.wales/sites/default/files/publications/2019-04/renting-homes-bill-gateway-impact-assessment.pdf</p>				

8. What is the impact of this proposal on our communities?

Severity of Impact on Communities	Scale of impact	Overall Impact
Low	Low	Low
Mitigation		
Impact on communities will be positive regarding increased access to more long-term financially sustainable tenancies, reducing the incidence of homelessness & providing additional disposable income for private sector housing tenants. It will reduce likelihood of empty lets, contributing to stronger and more sustainable communities. It should also positively impact the local economy through provision of more disposable income available locally, delivering stronger, safer and more economically viable communities.		

9. How likely are you to successfully implement the proposed change?

Impact on Service / Council	Risk to delivery of the proposal	Inherent Risk
Low	Low	Low

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Mitigation			
Any financial risks associated with implementation of the act in Powys should be mitigated through use of fees associated with Fixed Penalty Notices for non-compliance. Implementation should save the authority money previously used to provide bonds to facilitate access to tenancies within the private rented sector.			
Risk Identified	Inherent Risk Rating	Mitigation	Residual Risk Rating
Financial risk associated with implementation absorbed through use of Fixed Penalty Notices. Possible saving by removing need for bonds to facilitate access to private rented sector.	Low	N/A	Low
Overall judgement (to be included in project risk register)			
Very High Risk	High Risk	Medium Risk	Low Risk
			Low Risk

10. Overall Summary and Judgement of this Impact Assessment?

Outline Assessment (to be inserted in cabinet report)	Cabinet Report Reference:
Introduction of The Renting Homes (Fees etc.) (Wales) Act 2019 and implementation arrangements for Powys County Council and Rent Smart Wales aim to remove the financial barrier of unreasonable fees, allowing easier access to the private rented sector, particularly for those on low incomes. It should contribute to a fairer and more transparent experience for tenants relying on the private rented sector. There should be a positive impact on communities from increased access to more long-term financially sustainable tenancies, reducing the incidence of homelessness & providing additional disposable income for private sector housing tenants. It should reduce likelihood of empty lets, contributing to stronger and more sustainable communities and positively impact the local economy through provision of more disposable income, delivering stronger, safer and more economically viable communities.	

11. Is there additional evidence to support the Impact Assessment (IA)?

What additional evidence and data has informed the development of your proposal?
<ul style="list-style-type: none"> Renting Homes (Fees etc.) (Wales) Bill Summary may be found here: http://www.assembly.wales/research%20documents/18-059%20-%20renting%20homes%20(fees%20etc.)%20(wales)%20bill/18-59-web-english.pdf Renting Homes (Fees etc.) (Wales) Bill Welsh Government Impact Assessment may be found here: https://gov.wales/sites/default/files/publications/2019-04/renting-homes-bill-gateway-impact-assessment.pdf

12. On-going monitoring arrangements?

What arrangements will be put in place to monitor the impact over time?
Feedback from frontline staff involved in private sector housing enforcement, councillor feedback and reviewing of complaints over time.
Please state when this Impact Assessment will be reviewed.
No requirement to be reviewed.

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13. Sign Off

Position	Name	Signature	Date
Impact Assessment Lead:	Julian Preece		November 2019
Head of Service:	Nina Davies		
Director:	Nigel Brinn		
Portfolio Holder:	Cllr. James Evans		

14. Governance

Decision to be made by	Cabinet	Date required	
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FORM ENDS