

**CYNGOR SIR POWYS COUNTY COUNCIL.**

**CABINET EXECUTIVE  
September 2019**

**REPORT AUTHOR:** County Councillor James Evans  
Portfolio Holder for Corporate Governance, Housing and  
Public Protection

**SUBJECT:** Changes in structure to National Trading Standards  
Estate Agency Team

---

**REPORT FOR:** Information

---

**1. Summary**

1.1 Powys County Council has hosted the National Trading Standards Estate Agency team since April 2014 when the council was designated the lead enforcement authority for estate agency work in the UK. Since that time the team has grown to its present size with a threefold increase in budget and numerous additional responsibilities. Funded by a ring-fenced grant from central government, the team has built on its core statutory responsibilities and worked on special projects to assist the Ministry of Housing, Communities & Local Government (MHCLG) in its aim to improve the home buying and selling process.

1.2 In 2018 the Westminster government announced its intention to appoint a lead enforcement authority for lettings work in England. The new function would co-ordinate work by local authorities in enforcing the ban on tenant fees in England (effective from 1st June 2019) and ensure that letting agents have effective measures in place to protect client money, as well as issuing advice and guidance and generally overseeing enforcement of relevant lettings legislation.

1.3 In late 2018 MHCLG commissioned National Trading Standards (NTS) to secure the services of a local authority in England to be designated as the lead enforcement authority for lettings work. The new responsibilities had to be designated to a local authority in England due to the nature of the devolved legislation for lettings work. The Estate Agency team in Powys had discussions with several interested local authorities because it was felt that the functions would work well in partnership.

1.4 After an extensive procurement process, NTS chose Bristol City Council as its preferred local authority. The decision was made in part because of Bristol's innovative approach in its proposal for delivering the service in partnership with the existing Estate Agency team in Powys. NTS agreed that the delivery of both functions should rest under one team from April 2019 – the National Trading Standards Estate & Letting Agency Team -

with the current Estate Agency Team manager in Powys leading the joint team. MHCLG have sanctioned this approach and made a formal acknowledgement on the 15th April.

1.5 This new approach comes as the property industry is undergoing its biggest change for several generations, with compulsory registration, licensing, qualification and competency requirements all being proposed by the Regulation of Property Agents group. This group, chaired by Lord Best, will be making recommendations to government in the summer of 2019 about proposed changes to the regulation of estate agency work in the UK and lettings work in England. National Trading Standards has a seat on the group and will be contributing to the report going to government.

1.6 The new team will receive a further grant to carry out the lettings function (in addition to its existing funding for estate agency work), plus additional funding in 2019 to provide a programme of training for local authorities and businesses on the new legislative requirements. The team also has access to a legal contingency fund. Work is underway to cross-authorise staff in Bristol and Powys to enable them to work across the various functions and provide greater capacity for the new team to manage the delivery of its objectives.

## **2. Proposal**

2.1 That cabinet note the contents of this report, and request that the team's manager attend to give an overview of the functions to members if required.

## **3. Options Considered / Available**

none

## **4. Preferred Choice and Reasons**

4.1 The establishment of the team, being managed by staff from Powys County Council, demonstrates the confidence that MHCLG and Bristol City Council have in our knowledge and expertise to deliver this national function.

## **5. Impact Assessment**

5.1 Is an impact assessment required? No

5.2 If yes is it attached? n/a

## **6. Corporate Improvement Plan**

6.1 The function does not relate specifically to the Council's objectives, but provides employment for some members of the team locally, and is good for the Council's profile in the local, regional and national government arena. The

team is grant funded by central government and there is no financial burden on PCC. Risks are limited to:

- Potential redundancy costs for staff employed by PCC if the function is terminated, but these costs are within budget and will be covered.
- Legal challenge – covered by legal contingency budget and further support from National Trading Standards / MHCLG if requested.

## 7. **Local Member(s)**

7.1 No impact on local members.

## 8. **Other Front Line Services**

Does the recommendation impact on other services run by the Council or on behalf of the Council? No

If so please provide their comments n/a

## 9. **Communications**

Have Communications seen a copy of this report? No

Have they made a comment? If Yes insert here.

## 10. **Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

10.1 Legal : The recommendations can be supported from a legal point of view.

10.2 Finance - The Finance Manager notes the contents of the report, the National Trading Standards Estate Agency team is funded by a ring fenced grant from central government which covers all costs of the team.

10.3 Corporate Property (if appropriate)

10.4 HR (if appropriate)

10.5 ICT (if appropriate)

## 11. **Scrutiny**

Has this report been scrutinised? No

If Yes what version or date of report has been scrutinised?

Please insert the comments.

What changes have been made since the date of Scrutiny and explain why Scrutiny recommendations have been accepted or rejected?

**12. Data Protection**

Powys County Council Data Protection Officer advises that each party is the data controller for the personal data being processed for the purpose for which they have been assigned as lead authority. It will be responsibility of each, as public authorities to ensure, that data is processed in line with data protection legislation, that individuals may exercise their rights, that data protection fees to the ICO are paid and that Data Protection Officers have been designated.

Privacy notices – should indicate the relationship between the different bodies for the purposes of transparency.

Information Sharing Protocols, should be developed, where any personal data has to be shared between the controllers for the purpose of delivering these functions, to ensure clarity over the sharing for both staff and public.

Freedom of Information Requests. Such requests will dealt with by the receiving organisations unless the request needs to be transferred to the other, in line with the Section 45 Code of Practice.

(Helen Dolman, Professional Lead – Data Protection)

**13. Statutory Officers**

13.1 The Solicitor to the Council (Monitoring Officer ) commented as follows :  
“ I note the legal comments and have nothing to add to the report.”

13.2 The Head of Finance (Section 151 Officer) notes the comments of the Finance Manager, and also notes the comments in section 6 that potential redundancy costs and any legal costs can be supported from the National Trading Standards Estate Agency team funding

**14. Members’ Interests**

The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If Members have an interest they should declare it at the start of the meeting and complete the relevant notification form.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>That the report be noted</b>	<b>Function is externally grant funded</b>

<b>Relevant Policy (ies):</b>	none		
<b>Within Policy:</b>	<b>n/a</b>	<b>Within Budget:</b>	<b>Yes</b>

<b>Relevant Local Member(s):</b>	<b>n/a</b>
----------------------------------	------------

<b>Person(s) To Implement Decision:</b>	<b>James Munro</b>
<b>Date By When Decision To Be Implemented:</b>	<b>All Members</b>

<b>Is a review of the impact of the decision required?</b>	<b>N</b>
--	----------

Contact Officer:	James Munro, Senior Manager
Tel:	07760 135152
Email:	james.munro@powys.gov.uk

**Background Papers used to prepare Report:**