

## Responses

Name:

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### **Designation of Licensing Authority**

The intention of the Designation Order is to appoint a single licensing authority for the whole of Wales to manage the registration and licensing scheme for landlords and letting agents. It is felt that appointing a single licensing authority will be beneficial for the following reasons:

- Cost effectiveness of operating a single database and website (as opposed to operating one in each local authority area)
- The requirement for landlords and agents to only have to register once and only pay one fee (rather than multiple times if they have properties in more than one authority area)
- Consistency in the service provided and the interpretation and application of the legislation set out in the Act
- A single central database for data collection (rather than a landlord having to have numerous registrations to reflect properties in different areas.)
- Cost benefits and marketing benefits of promoting a single “national” registration and licensing scheme.

**1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes

☒

No

☐

**If not, why not?**

It is the intention for the single licensing authority to be Cardiff Council. During the development of the Housing (Wales) Bill, Cardiff Council confirmed its offer to manage the registration and licensing scheme for landlords and letting agents. Due to Cardiff Council's experience of administering the current voluntary Landlord Accreditation Scheme for all 22 local authorities in Wales it is felt they have the knowledge and experience necessary to implement the new legal regime.

**2. Do you agree that the single licensing authority appointed should be Cardiff Council?**

Yes

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No ☒

If not, why not?

**Welsh Government plan to reorganise local government and reduce the number of local authorities in Wales from 22 to possibly 10 or less. It may be advisable to defer a decision pending the outcome of the reorganisation.**

### **Training Requirements**

Before granting a licence the licensing authority must be satisfied that the relevant training requirements are met, or will be met.

It is the intention that the designated Licensing Authority will determine and publish the specific core syllabuses for training courses so that course content can be updated when necessary to reflect changes in legislation and best practice.

Training regulations will though, stipulate that the content of the specific course syllabuses must relate to one of the following:

1. The statutory obligations of a landlord and tenant
2. The contractual relationship between a landlord and a tenant
3. The role of an agent who carries out letting work or property management work
4. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
5. Roles and responsibilities in respect to letting work or property management work.

**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations ?**

Yes ☒

No ☐

If not, which of the 5 should not be included in the training and why not?

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes ☐

No ☒

If not, what also needs to be included and why?

Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes ☒

No ☐

If not, why not?

It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

This formal approval requirement will ensure that landlords and agents who wish to become licensed can readily identify suitable training courses that will be recognised by the Licensing Authority as being of the required standard.

**6. Do you agree that the licensing authority should approve/authorise training courses and training providers to deliver training?**

Yes ☒

No ☐

**If not, why not?**

**Your current best estimate of the number of private landlords in Wales is 70,000 to 130,000. Many private landlords are not aware of your proposals. Efforts should be made to communicate with your target audience so that you can receive feedback. You need to advise landlords on cost of training, and other costs associated with implementing the provisions of Housing {Wales} Act 2014, so that they can assess the impact of the additional costs on their business.**

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**7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?**

**Yes**

**X**

**No**

**If not, why not?**

It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.

**8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?**

**Yes**

**X**

**No**

**If not, why not?**



**9. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?**

Yes 

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No 

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### **Fees**

It is the intention that the licensing authority will be able to set a fees policy for approval of training courses and training providers. The intention is that before charging any fee, the licensing authority must prepare and publish a fees policy and will only be able to charge such fees in line with their fee policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes 

X

No 

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**If not, why not?**

You will need to develop a new computerised database to record costs. Directive 2006/123/EC of the European Parliament rules that any charges which the applicants may incur from their application shall be reasonable and proportionate to the cost of the authorisation procedures in question and shall not exceed the cost of the procedures. The Court of Appeal has held that - as a result of Article 13.2 of the Services Directive (2006/123) - licensing authorities could not charge licensees more than the cost of the authorisation procedures themselves. It upheld a High Court judge's ruling that while the costs of the authorisation, including monitoring compliance of operators, were fairly part of the fee, the costs of enforcement against unlicensed third party operators were not. It follows therefore that these costs will need to be separately identified in the new database.

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If not, why not?

would not like Ceredigion Council getting their hands on it!

### **Training Requirements**

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If not, which of the 5 should not be included in the training and why not?

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes



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No



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If not, what also needs to be included and why?

*conflict resolution between tenant + landlord training as most issues can be resolved by each side not getting aggressive.*

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### **Fees**

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**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes

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No

If not, why not?

Q1. YES

Q2. YES if only for consistency and hopefully a less partisan approach, than might be taken in some of the more 'local' areas of Wales.

Q3. YES. You will need a whole day on 'area 2' – the contractual relationship between landlord and tenant. This will need to explain and justify the absurdly lengthy and complex standard AST that someone at WAG has come up with. It's more involved and probably no clearer than those used on many long leasehold flats ! May be it should be simplified a little ? In its current form it's certainly no help to either landlord or tenant. Tenants will just sign, without reading it anyway. In practice most ASTs including this one are little more than 'discussion documents' if a landlord should want to actually enforce the terms of course.

Q4. YES. All existing and prospective tenants need their own training and should be required to complete a similar course either before their sign the AST or within 12 months of the implementation of the scheme for landlords and agents. Such certification of competence in being a



tenant to last for 5 years. This could include them providing proof of entitlement to take a lease and reside in the country in line with plans current being trialled in England. Only certificated tenants who have undertaken this training and proved to the licencing authority that they are entitled and sufficiently competent as well as 'fit and proper persons' to reside in private rented accommodation, should be allowed to sign a lease. Similar penalties to those imposed on unregulated landlords should apply to those who are not 'Certificated Tenants'. The training could include 'how to apply for area housing allowance', or 'how to contact the Council EHO in case of persistent disrepair', for example. This way their improved skills and knowledge from their own Certification process will also enable them be fully aware of their rights and responsibilities. The fee could be the same as that for the landlords and their agents, but with a waiver for those on state entitlements. The same training bodies could run these courses as those for the landlords and agents. Coupled with the new regime for landlords and agents to be established by WAG, by improving knowledge and standards all round, it could revolutionise the way the private rented sector runs in Wales.

I see that the paradigms of residential lettings and management the so called 'model landlords' of the public sector, aka housing associations and local government are strangely exempted from the requirement to be competent and 'fit and proper persons', under the new law. WAG should start with them, not exclude them. They should 'fly through' of course!

Q5. NO. Landlords need to know and understand what the agents are supposed to be doing. Agents need to know what they are supposed to be doing too. It would be simpler and cheaper to have one course not two. I doubt the agents would mind as they might pick up some business and they might even care to subsidise the course by paying a higher fee than landlords for access to new clients in such a combined setting. The discussion would also be better informed and livelier. The danger is that the trainers could get complacent and if they are not actually practicing agents too, could get stale and remote from reality (witness the new long AST noted above). For the avoidance of doubt the trainers should not be anything to do with housing associations or local government or that's a recipe for disaster. Agents would get agent certification, landlords, a landlords certification at such combined events. The agents certification could also cover their being a landlord in their own right if they own and run some directly.

Q6. YES. Otherwise every Tom Dick and Harriet will running said 'courses'. The current licencing model for the half day 'driver retraining', though on a quite different subject, might be a useful one to follow allowing for flexibility of dates and venues and first languages.

Q7. YES. There are already quite enough high-handed bureaucrats, wielding power without responsibility, in the country. Written submissions from course providers should be allowed for in a reasonable timescale. Reasons must be given for the licencing authority's decision with the ability to take the matter to the RPT Wales or the Ombudsman for Wales in cases of dissatisfaction.

Q8. YES if they have met the requirements at 6 above.

Q9. YES as Q7 above.

Q10. YES it has to be remembered that the aim of this complicated intrusion into the residential market is to help raise standards and get rid of the rogues – be they landlords, agents or tenants (as I suggest). It is not a means of creating a nice new little income stream for the licensing authority. Nor should the licencing authority should not be able to collect a percentage from the course provider depending on their course provision turnover. All fees need to be clearly and openly justifiable at cost, and NOT cost plus a profit for the licencing authority. I dare say the sector will

settle down to a few standard providers within the first five years a little like the driver retraining example as mentioned above.

If you want to get a good response to these consultations in the future, may I suggest you either provide your forms in WORD or some other user friendly format, to save the awkward downloading that I have found necessary.

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#### **1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes

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## Standards of Safety required within the Property

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No

If not, why not?

It is the intention for the single licensing authority to be Cardiff Council. During the development of the Housing (Wales) Bill, Cardiff Council confirmed its offer to manage the registration and licensing scheme for landlords and letting agents. Due to Cardiff Council’s experience of administering the current voluntary Landlord Accreditation Scheme for all 22 local authorities in Wales it is felt they have the knowledge and experience necessary to implement the new legal regime.

2. Do you agree that the single licensing authority appointed should be Cardiff Council?

Yes

No

**N**

If not, why not?

**I don't see any reason why Cardiff Council should benefit from syphoning funding from across Wales. The work should be done by one of the smaller Unitary authorities helping them to meet overheads bills. Why should the wealthiest authority benefit from this legislation?**

### **Training Requirements**

Before granting a licence the licensing authority must be satisfied that the relevant training requirements are met, or will be met.

It is the intention that the designated Licensing Authority will determine and publish the specific core syllabuses for training courses so that course content can be updated when necessary to reflect changes in legislation and best practice.

Training regulations will though, stipulate that the content of the specific course syllabuses must relate to one of the following:

1. The statutory obligations of a landlord and tenant
2. The contractual relationship between a landlord and a tenant
3. The role of an agent who carries out letting work or property management work
4. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
5. Roles and responsibilities in respect to letting work or property management

work.

3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations ?

Yes ☐  
No ☒

If not, which of the 5 should not be included in the training and why not?

**I don't think training is required at all. I believe that obligations can be met simply by publishing the legal requirements in a document accessible to landlords and tenants, and landlords either signing to say they agree to meet those requirements, or simply making it law that they need to. The fact that a landlord is trained has no bearing on whether (s)he complies.**

**The instigation of training regimes, is just needless red-tape creating more non-jobs throughout wales at a time when the country's finances just cannot stretch to it.**

4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?

Yes ☐  
No ☒

If not, what also needs to be included and why?

Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?

Yes ☐  
No ☒

If not, why not?

**I strongly feel that this is an attempt to syphon money out of landlords' pockets and into the Government both directly – through the needless 'registration' fees, and indirectly, through the appointment of 'approved' training companies, who will in turn no doubt pay fees ultimately to the government for the priviledge.**

**My experience of such courses is that they are recited parrot-fashion by someone who knows little or nothing about the subject – and could be just as easily conveyed by sending landlords a document to read. Attendance at an 'approved' course does**

**not in itself make a landlord comply with any legislation. It can make a landlord aware of legislation and the need for compliance, but this can be done just as easily and a lot cheaper by sending the information in paper format, without the need for excessive expense.**

It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

This formal approval requirement will ensure that landlords and agents who wish to become licensed can readily identify suitable training courses that will be recognised by the Licensing Authority as being of the required standard.

6. Do you agree that the licensing authority should approve/authorise training courses and training providers to deliver training?

Yes

☐

No

☒

If not, why not?

**This is so obviously a thinly-veiled tax on landlords. The solution to the problem is not to create multiple levels of approval, each level costing the landlords and/or taxpayer considerable money. The solution is to create legal obligations and make landlords aware of it – rather than treating it as a money/work generating exercise.**

Authorisation may be refused if the applicant fails to meet the requirements set by the local authority, or if the application is not made in the appropriate form. Where a licensing authority decides to refuse an application the decision should be given in writing and the applicant will have the right to make written representations to the Licensing Authority if they wish.

7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?

Yes

☐

No

☒

If not, why not?

**N/A : I strongly disapprove of the creation of unnecessary civil service work when there are so many other areas which the Authority fails to meet its obligation due to**

**too high a workload-to-staff ratio. Please concentrate on what really needs doing and stop creating unnecessary work and cost.**

It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.

8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?

Yes ☐  
No ☐  
If not, why not?

**No Comment – see previous responses**

9. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?

Yes ☐  
No ☒  
If not, why not?

**See previous responses**

### **Fees**

It is the intention that the licensing authority will be able to set a fees policy for approval of training courses and training providers. The intention is that before charging any fee, the licensing authority must prepare and publish a fees policy and will only be able to charge such fees in line with their fee policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?

Yes ☒  
No ☐  
If not, why not?

**There should be no fees at any level. The authority is planning to generate work and income for itself by encumbering landlords with additional and unnecessary fees for an unnecessarily complex and costly solution to a problem which could be solved**

for much less money.

I strongly believe that any fees which ultimately are paid directly or indirectly by the landlords should be strongly regulated, should never be higher than the actual cost of the red tape being created, and should in fact be limited to the cost of doing this properly, and any profits generated by any of the tiers being proposed should not be passed on to landlords.

There is a perception government that landlords are wealthy individuals and therefore easy target for some extra indirect taxation. In practice, the majority of welsh landlords are working individuals owning one or two houses. Any costs levied against these landlords will be offset against taxable income, and therefore it won't generate the extra revenue that the government is expecting through this scheme – what is taken from the landlord by one hand, will ultimately be refunded by HMRC at the end of the tax year.

#### **Designation of Licensing Authority**

The intention of the Designation Order is to appoint a single licensing authority for the whole of Wales to manage the registration and licensing scheme for landlords and letting agents. It is felt that appointing a single licensing authority will be beneficial for the following reasons:

- Cost effectiveness of operating a single database and website (as opposed to operating one in each local authority area)
- The requirement for landlords and agents to only have to register once and only pay one fee (rather than multiple times if they have properties in more than one authority area)
- Consistency in the service provided and the interpretation and application of the legislation set out in the Act
- A single central database for data collection (rather than a landlord having to have numerous registrations to reflect properties in different areas.)
- Cost benefits and marketing benefits of promoting a single "national" registration and licensing scheme.

**1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes

☒

No

If not, why not?

It is the intention for the single licensing authority to be Cardiff Council. During the development of the Housing (Wales) Bill, Cardiff Council confirmed its offer to manage the registration and licensing scheme for landlords and letting agents. Due to Cardiff Council's experience of administering the current voluntary Landlord Accreditation Scheme for all 22 local authorities in Wales it is felt they have the knowledge and experience necessary to implement the new legal regime.

**2. Do you agree that the single licensing authority appointed should be Cardiff Council?**

Yes

☒

No

If not, why not?



### Training Requirements

Before granting a licence the licensing authority must be satisfied that the relevant training requirements are met, or will be met.

It is the intention that the designated Licensing Authority will determine and publish the specific core syllabuses for training courses so that course content can be updated when necessary to reflect changes in legislation and best practice.

Training regulations will though, stipulate that the content of the specific course syllabuses must relate to one of the following:

1. The statutory obligations of a landlord and tenant
2. The contractual relationship between a landlord and a tenant
3. The role of an agent who carries out letting work or property management work
4. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
5. Roles and responsibilities in respect to letting work or property management work.

**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations ?**

Yes

☒

No

If not, which of the 5 should not be included in the training and why not?

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes

☐

No

If not, what also needs to be included and why?

Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes

☒

No

If not, why not?

It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

This formal approval requirement will ensure that landlords and agents who wish to become licensed can readily identify suitable training courses that will be recognised by the Licensing Authority as being of the required standard.

**6. Do you agree that the licensing authority should approve/authorise training courses and training providers to deliver training?**

Yes

☒

No

If not, why not?

Authorisation may be refused if the applicant fails to meet the requirements set by the local authority, or if the application is not made in the appropriate form. Where a licensing authority decides to refuse an application the decision should be given in writing and the applicant will have the right to make written representations to the Licensing Authority if they wish.

**7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?**

Yes

☒

No

If not, why not?

It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.



8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?

Yes

☒

No

If not, why not?

9. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?

Yes

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No

If not, why not?

### Fees

It is the intention that the licensing authority will be able to set a fees policy for approval of training courses and training providers. The intention is that before charging any fee, the licensing authority must prepare and publish a fees policy and will only be able to charge such fees in line with their fee policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes

☒

No

If not, why not?

### **Our views on the intention to appoint a single licensing authority for Wales, and for the authority to be Cardiff Council:**

We consider the Act to be onerous and are thinking of selling all our properties in Wales. In the meantime we would urge you to appoint one licensing authority as it would be costly and bureaucratic to have to deal with several.. costs will be passed to tenants in the form of higher rents in the long run.

### **Our views on the intention for the licensing authority to specify the core syllabus for courses for landlords and agents, and for the licensing authority to authorise providers to deliver such training courses**

We, like the vast majority of landlords, are responsible landlords and have no need for further training. Some organisations are already advertising training and this is indicative of the unpleasant atmosphere around the whole legislation. To have to comply with training is onerous and costly and will be passed to tenants in the long run.

To have limited choice of trainer is bureaucratic, reduces competition and is authoritarian. It will keep costs high and it will add further to rents charged.

Altogether the heavy handed approach suggested can only have a negative impact for the tenants.

SKB Property Ltd  
3 Temple Terrace  
Ewyas Harold  
Herefordshire  
HR2 0EU

## Response Form

Name:

M A Bird, FRICS

Email:

mike@mostynestates.co.uk

Organisation

(if applicable)

Mostyn Estates Ltd

### **Designation of Licensing Authority**

The intention of the Designation Order is to appoint a single licensing authority for the whole of Wales to manage the registration and licensing scheme for landlords and letting agents. It is felt that appointing a single licensing authority will be beneficial for the following reasons:

- Cost effectiveness of operating a single database and website (as opposed to operating one in each local authority area)
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- A single central database for data collection (rather than a landlord having to have numerous registrations to reflect properties in different areas.)
- Cost benefits and marketing benefits of promoting a single “national” registration and licensing scheme.

**1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes

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No

☐

**If not, why not?**

It is the intention for the single licensing authority to be Cardiff Council. During the development of the Housing (Wales) Bill, Cardiff Council confirmed its offer to manage the registration and licensing scheme for landlords and letting agents. Due to Cardiff Council's experience of administering the current voluntary Landlord Accreditation Scheme for all 22 local authorities in Wales it is felt they have the knowledge and experience necessary to implement the new legal regime.

**2. Do you agree that the single licensing authority appointed should be Cardiff Council?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

**If not, why not?**

--

### **Training Requirements**

Before granting a licence the licensing authority must be satisfied that the relevant training requirements are met, or will be met.

It is the intention that the designated Licensing Authority will determine and publish the specific core syllabuses for training courses so that course content can be updated when necessary to reflect changes in legislation and best practice.

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7. The contractual relationship between a landlord and a tenant
8. The role of an agent who carries out letting work or property management work
9. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
10. Roles and responsibilities in respect to letting work or property management work.

**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations ?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

**If not, which of the 5 should not be included in the training and why not?**

--

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes	<input type="checkbox"/>
-----	--------------------------

No

☒

If not, what also needs to be included and why?

--

Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes

☒

No

☐

If not, why not?

<b>But there may be overlap, particularly where landlords manage all aspects of their own lettings (as in the case of my own employer firm).</b>
--

It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

This formal approval requirement will ensure that landlords and agents who wish to become licensed can readily identify suitable training courses that will be recognised by the Licensing Authority as being of the required standard.

**6. Do you agree that the licensing authority should approve/authorise training courses and training providers to deliver training?**



Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If not, why not?

Authorisation may be refused if the applicant fails to meet the requirements set by the local authority, or if the application is not made in the appropriate form. Where a licensing authority decides to refuse an application the decision should be given in writing and the applicant will have the right to make written representations to the Licensing Authority if they wish.

**7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If not, why not?

It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.

**8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If not, why not?

**9. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?**

Yes

☒

No

☐

If not, why not?

### **Fees**

It is the intention that the licensing authority will be able to set a fees policy for approval of training courses and training providers. The intention is that before charging any fee, the licensing authority must prepare and publish a fees policy and will only be able to charge such fees in line with their fee policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes

☒

No

☐

If not, why not?

Dear Sir or Madam

1. The designation of Cardiff as the council to manage landlord licencing across Wales is detrimental to those areas of Wales that could carry out the role equally well.

There is no need for this new function to be based in Cardiff and the Welsh Government should be actively seeking to place the jobs that will result from this newly created legislation in areas of high unemployment or with few local employers, not in areas that already have good employment prospects and expensive housing.

Two authorities that spring to mind are Ceredigion and Pembroke. Pembroke especially due to direct rail links to Cardiff and London.

The people of Wales as a whole deserve more opportunities to benefit from this growth industry than they are apparently getting from the Welsh Assembly if they insist in giving control of landlord registration to their local authority in Cardiff.

2. Landlord licencing should be at nil cost to both landlords and agents.

We have a shortage of housing and need the private sector to be working willingly with the public sector on providing housing.

Currently there is a feeling that the Assembly is out to persecute private landlords and fleece them financially. Many are contemplating giving up their rental portfolio as they feel the burden the Landlord Licencing Scheme will place on them is unacceptable both financially and in terms of the bias the politicians have in favour of tenants.

If we in Wales want a decent private housing sector we need to encourage landlords to provide housing to a standard and not persecute them into it as we will, as a direct result of onerous legislation that landlords find expensive to comply with and burdensome practically, be effectively hounding them out of providing already good quality homes for people.

Is this what we in Wales want to achieve?

Yours faithfully

Glynis Lloyd  
Director  
Pencoed Property Ltd

### Response Form

Name:

Email:

Address:

Postcode:

Organisation

### Designation of Licensing Authority

The intention of the Designation Order is to appoint a single licensing authority for the whole of Wales to manage the registration and licensing scheme for landlords and letting agents. It is felt that appointing a single licensing authority will be beneficial for the following reasons:

- Cost effectiveness of operating a single database and website (as opposed to operating one in each local authority area)
- The requirement for landlords and agents to only have to register once and only pay one fee (rather than multiple times if they have properties in more than one authority area)
- Consistency in the service provided and the interpretation and application of the legislation set out in the Act
- A single central database for data collection (rather than a landlord having to have numerous registrations to reflect properties in different areas.)
- Cost benefits and marketing benefits of promoting a single “national” registration and licensing scheme.

**1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes

☐

No

☒

If not, why not?

**I do not agree that licensing alone will resolve all of problems which the act sets out to do. If, however, licensing is to be effected, I agree that one licensing authority for Wales (as opposed to multiple authorities) would be administratively less cumbersome.**

It is the intention for the single licensing authority to be Cardiff Council. During the development of the Housing (Wales) Bill, Cardiff Council confirmed its offer to manage the registration and licensing scheme for landlords and letting agents. Due to Cardiff Council’s experience of administering the current voluntary Landlord Accreditation Scheme for all 22 local authorities in Wales it is felt they have the knowledge and experience necessary to implement the new legal regime.

**2. Do you agree that the single licensing authority appointed should be Cardiff Council?**

Yes

☐

No

☒

If not, why not?

**If licensing is to be effected, I agree that this would be less administratively less cumbersome.**

**Training Requirements**

Before granting a licence the licensing authority must be satisfied that the relevant training requirements are met, or will be met.

It is the intention that the designated Licensing Authority will determine and publish the specific core syllabuses for training courses so that course content can be updated when necessary to reflect changes in legislation and best practice.

Training regulations will though, stipulate that the content of the specific course syllabuses must relate to one of the following:

11. The statutory obligations of a landlord and tenant
12. The contractual relationship between a landlord and a tenant
13. The role of an agent who carries out letting work or property management work
14. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
15. Roles and responsibilities in respect to letting work or property management work.

**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations ?**

Yes

☐

No

☒

**If not, which of the 5 should not be included in the training and why not?**

I agree that a responsible landlord or agent should be trained in the above 5 areas however some will already be able to demonstrate this and should not be forced to complete an additional course where this can be proven. As a responsible property manager which manages over 20,000 properties throughout England, Scotland, Wales and Northern Ireland for some of the UK's highest profile landlords and institutions, I do not believe that Touchstone's c.350 employees need to carry out further training in order that we are able to continue to manage residential property in Wales. All our property management staff complete training in respect of all of the above areas and sit an exam to demonstrate their knowledge. In addition, our training program also includes areas such as DPA, all aspect of Health and Safety and Lone Working. Touchstone is regulated by RICS and is a member of ARLA, NALS and Ombudman Services (Property). Many of our staff have completed NFOPP, ARLA, AAT, CIMA, ACCA and RICS qualifications. I believe that our training standards, and knowledge, exceed those that the suggested training would provide and therefore don't feel that we should be burdened with additional cost to prove this. We constantly keep abreast of changing legislation and case law – someone who completes your suggested training is not guaranteed to do so and therefore you may want assurance of this.

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes

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No

☒

**If not, what also needs to be included and why?**

--

Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

**If not, why not?**

<b>Yes, I agree although I do believe that some landlords and agents should be able to demonstrate that they are already suitably qualified.</b>
--

It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

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**6. Do you agree that the licensing authority should approve/authorise training courses and training providers to deliver training?**

Yes	<input type="checkbox"/>
-----	--------------------------

No

☒

If not, why not?

**Training can be useful where individuals are not already suitably qualified - there will be some agents and landlords who have already carried out suitable training or have necessary knowledge/skills. It is likely that the better landlords and agents will comply and the rogue landlords/agents may still fail to comply.**

Authorisation may be refused if the applicant fails to meet the requirements set by the local authority, or if the application is not made in the appropriate form. Where a licensing authority decides to refuse an application the decision should be given in writing and the applicant will have the right to make written representations to the Licensing Authority if they wish.

**7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?**

Yes

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No

☐

If not, why not?

It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.

**8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?**

Yes

☒

No

☐

If not, why not?

**. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>
If not, why not?	
<div></div>	

**Fees**

It is the intention that the licensing authority will be able to set a fees policy for approval of training courses and training providers. The intention is that before charging any fee, the licensing authority must prepare and publish a fees policy and will only be able to charge such fees in line with their fee policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>
If not, why not?	
<div></div>	

**Response Form**

Name:	<div>Carla Joyner</div>
Email:	<div>Carla.Joyner@offa ltd.co.uk</div>
Telephone:	<div>01745 536916</div>
Address:	<div>72 Ffordd William Morgan St Asaph Business Park St Asaph</div>
Postcode:	<div>LL17 0JD</div>
Organisation (if applicable)	<div>offa ltd (lettings partner)</div>



### **Designation of Licensing Authority**

The intention of the Designation Order is to appoint a single licensing authority for the whole of Wales to manage the registration and licensing scheme for landlords and letting agents. It is felt that appointing a single licensing authority will be beneficial for the following reasons:

- Cost effectiveness of operating a single database and website (as opposed to operating one in each local authority area)
- The requirement for landlords and agents to only have to register once and only pay one fee (rather than multiple times if they have properties in more than one authority area)
- Consistency in the service provided and the interpretation and application of the legislation set out in the Act
- A single central database for data collection (rather than a landlord having to have numerous registrations to reflect properties in different areas.)
- Cost benefits and marketing benefits of promoting a single "national" registration and licensing scheme.

**1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes

☒

No

☐

If not, why not?

It is the intention for the single licensing authority to be Cardiff Council. During the development of the Housing (Wales) Bill, Cardiff Council confirmed its offer to manage the registration and licensing scheme for landlords and letting agents. Due to Cardiff Council's experience of administering the current voluntary Landlord Accreditation Scheme for all 22 local authorities in Wales it is felt they have the knowledge and experience necessary to implement the new legal regime.

**2. Do you agree that the single licensing authority appointed should be Cardiff Council?**

Yes

☒

No

☐

If not, why not?

### **Training Requirements**

Before granting a licence the licensing authority must be satisfied that the relevant training requirements are met, or will be met.

It is the intention that the designated Licensing Authority will determine and publish the specific core syllabuses for training courses so that course content can be updated when necessary to reflect changes in legislation and best practice.

Training regulations will though, stipulate that the content of the specific course syllabuses must relate to one of the following:

1. The statutory obligations of a landlord and tenant
2. The contractual relationship between a landlord and a tenant
3. The role of an agent who carries out letting work or property management work
4. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
5. Roles and responsibilities in respect to letting work or property management work.

**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations ?**

Yes

No

☒

**If not, which of the 5 should not be included in the training and why not?**

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes

No

☒

**If not, what also needs to be included and why?**

Houses in multiple occupancy -  
A qualification should be held  
for this as a specialist area  
more detailed management is  
required than a general self  
contained property.

Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes



No



If not, why not?

In some cases an individual agent is also a landlord- need to consider if you would make this individual attend both courses or if the agent one would be sufficient?

It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

This formal approval requirement will ensure that landlords and agents who wish to become licensed can readily identify suitable training courses that will be recognised by the Licensing Authority as being of the required standard.

6. Do you agree that the licensing authority should approve/authorise training courses and training providers to deliver training?

Yes

☒

No

If not, why not?

I also think agents should be able to put suggestions forward for courses/training.

Authorisation may be refused if the applicant fails to meet the requirements set by the local authority, or if the application is not made in the appropriate form. Where a licensing authority decides to refuse an application the decision should be given in writing and the applicant will have the right to make written representations to the Licensing Authority if they wish.

7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?

Yes

☒

No

If not, why not?

It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.

**8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?**

Yes

No

☒

If not, why not?

**9. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?**

Yes

No

☒

If not, why not?

**Fees**

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**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes

☒

No

If not, why not?

CR14

PONTYPOOL PARK ESTATE OFFICE  
PONTYPOOL NP4 5JL

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WAG Private Housing Team  
Rhydycar Industrial Estate  
Merthyr Tydfil CF48 1UZ

21 January 2015

*Adam*

Licencing authority consultation: Housing Act 2014

Thank you for the opportunity to comment on this proposal. I am sceptical that the Housing Act will achieve its benign aspirations but, since it is now law, we should now seek to effect it as sensibly as possible. I therefore welcome the generality of this proposal: there should be one licencing authority for all of Wales, a licence should be effective across all of Wales (and England, if similar burdens are imposed there), and the immediate appointment as licencing authority might be Cardiff now (since it is willing and I infer competent to act as such) but ultimately perhaps should be part of WAG.

In terms of the remaining questions, my reply is: 3) yes, but 4. best practice should refer to both tenants and landlords; a good contract needs reciprocity; 4) there will be different requirements for social housing, so long as that operates under different rules; but otherwise no; 5-10) yes. However, I suspect that most current landlords will apply for registration and licence now, in order to protect their position. But I doubt that thereafter there will be much requirement for further licencing, except for new agencies or new staff of established landlords. I doubt many new landlords will enter the market: why bother with Wales, when the economy is weak and the rules burdensome? My concern is that WAG should efficiently process the initial rush; I am less concerned (question 6) about training schemes for training providers thereafter, because there may not be many further applicants.

May I also suggest that there should only be a single licence for both active landlords and agents (non-active landlords, who appoint an agent, would only need to be registered). First, it may not be uncommon for private landlords to be managing both property ~~they~~ own themselves, and property owned by for example a child's trust. Under the current rules, the adult would require a licence as landlord for her own property, and a licence as agent for her child's. Secondly, active landlords and agents both have effectively the same relation to their tenants (and the requirements on page 7 seems similar for both). Active landlords are effectively their own agents. Agents have a distinct relation with their non-active landlord clients, but that is a separate matter already regulated elsewhere. If WAG does not like a single licence for both agents and active landlords, perhaps it might allow the concept of "landlord" to include related companies, persons, trusts etc, to bring all under one licence.

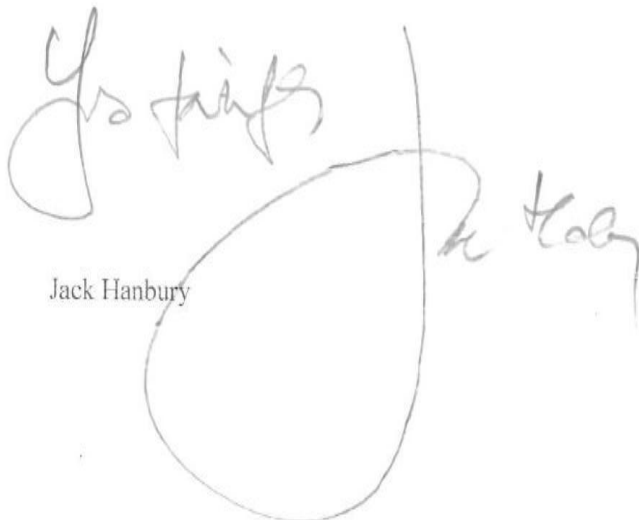
Landlords like this estate, with a commitment to an area over centuries, are hardly typical. Most private landlords are either 1) commercial investors (I suspect the majority) or 2) adhoc landlords, letting their home while they are abroad, letting the granny flat, keeping a house for a child etc. I suggest that, once the new rules begin to bite, this adhoc second class will decline. It may not be worthwhile for such people to become licenced, and they will let the property through an agent. Rents may then increase, since there would be less personal incentive to agree concessionary terms.

While I question the Housing Act, it does at least have a logic. I can see little logic in the additional burdens proposed in the Homes Bill: sixty-two page standard paperwork (replacing our current three page assured shorthold), effective security of tenure and, behind this all (since I doubt any of this legislation will work) a return to rent controls, reduced supply and the bad days of the seventies. This is not intended as an idle threat. Most commercial investors in private rental property assess those risks and returns in relation to the risks and returns on other investments. If the costs of holding residential property in Wales increase, investors will have to charge more rent in order to retain the same return on capital. If the private rental market becomes unattractive, investors will sell their rented property portfolio, and invest in property in England, or chose another asset class. If WAG seeks to intervene, to social engineer through further legislative burdens, it may make matters worse.

It would be helpful if WAG would recognise that there may be an element of the private rental market which may continue to operate outside the legislation, and that the clients of such properties may be among the more vulnerable members of society. Further, there may be specific issues with student and transient accommodation, particularly in the larger towns. WAG might consider increasing the quality and quantity of short-term accommodation, perhaps by promotion of Foyers and dedicated housing associations. It might also look at the security of tenure provisions for housing associations, to allow them better to evict anti-social tenants. It seems inappropriate that housing association tenants, who arguably have fewer financial options, should be forced to suffer from bad neighbours, while those with more choice can move elsewhere. Or would WAG prefer to bring back security of tenure for all residential leases, so that all householders will have the opportunity to suffer equally?

For a long-term contract to flourish, there must be a reciprocity of interest between the parties. If the market tilts too much in favour of one party, supply or demand will dry. The private rental housing market is competitive. A landlord not providing a good service at a market price is likely to fail, unless perhaps in exceptional circumstances in big towns. But where rents are unpaid, nor properties maintained by tenants, the additional cost effectively falls on the other, paying and maintaining, tenants. It is therefore in the interest of all, landlords and tenants, to have an effective mechanism to manage occupancy, and to ensure that the cross-subsidy across tenants is kept to a minimum.

Finally, it may be helpful for WAG to recognise that a powerful tool for the protection of tenants is the increase of choice for tenants. This may imply the construction of more houses. But it also implies the economic empowerment of businesses and people in Wales. At present, Welsh economic progress seems questionable, and I am not sure this can always and entirely be attributed to global forces, or to the Westminster government, or to the legacy of history. WAG's measures in the Housing Act, the Homes Bill, and the Water Regulations seem more likely to reduce choice, and to make Wales a less attractive environment for new businesses and employers to move to the area.



Jack Hanbury



### Response Form

Name:

Richard Evans

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Organisation  
(if applicable)

N/A.

### Designation of Licensing Authority

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- Cost benefits and marketing benefits of promoting a single "national" registration and licensing scheme.

**1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes

☒

No

If not, why not?

It is the intention for the single licensing authority to be Cardiff Council. During the development of the Housing (Wales) Bill, Cardiff Council confirmed its offer to manage the registration and licensing scheme for landlords and letting agents. Due to Cardiff Council's experience of administering the current voluntary Landlord Accreditation Scheme for all 22 local authorities in Wales it is felt they have the knowledge and experience necessary to implement the new legal regime.

**2. Do you agree that the single licensing authority appointed should be Cardiff Council?**

Yes

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No

If not, why not?

### **Training Requirements**

Before granting a licence the licensing authority must be satisfied that the relevant training requirements are met, or will be met.

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4. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
5. Roles and responsibilities in respect to letting work or property management work.

**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations ?**

Yes

☒

No

If not, which of the 5 should not be included in the training and why not?

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes

☐

No

☒

**If not, what also needs to be included and why?**

3

Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes

☒

No

☐

**If not, why not?**

It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

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**6. Do you agree that the licensing authority should approve/authorise training courses and training providers to deliver training?**

Yes

☒  
☐

No

If not, why not?

Authorisation may be refused if the applicant fails to meet the requirements set by the local authority, or if the application is not made in the appropriate form. Where a licensing authority decides to refuse an application the decision should be given in writing and the applicant will have the right to make written representations to the Licensing Authority if they wish.

**7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?**

Yes

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No

If not, why not?

It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.

**8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?**

Yes

☒

No

If not, why not?

**9. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?**

Yes

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No

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**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes

☒

No

If not, why not?

**Response Form**

Name:

I.E.S. Davies Property Rentals

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0155 9 36 3876

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Postcode:

SA44 4JU

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**1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes

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No

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**If not, why not?**

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**2. Do you agree that the single licensing authority appointed should be Cardiff Council?**

Yes

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No

If not, why not?

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**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations ?**

Yes

☒

No

If not, which of the 5 should not be included in the training and why not?

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes

☐

No

If not, what also needs to be included and why?

Best practise for ending tenancy or if one person leaves a tenancy i.e. in a relationship breakdown, and what happens if someone is in long term hospital/prison



Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes ☐

No ☒

If not, why not?

I believe both landlord/agent need to know the facts, if they are going to work together to provide a standard service. They therefore both need to be told the same and attend the same training

It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

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Yes

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No

If not, why not?

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Yes

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No

If not, why not?

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**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes

☒

No

If not, why not?

Training should be affordable to all, as some landlords may only have one property and others have many. But the training should be open to all

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Yes	<input checked="" type="checkbox"/>
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--

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**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations ?**

Yes

☒

No

☐

**If not, which of the 5 should not be included in the training and why not?**

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes

☐

No

☒

**If not, what also needs to be included and why?**

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**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

**If not, why not?**

--

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--

Authorisation may be refused if the applicant fails to meet the requirements set by the local authority, or if the application is not made in the appropriate form. Where a licensing authority decides to refuse an application the decision should be given in writing and the applicant will have the right to make written representations to the Licensing Authority if they wish.

**7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If not, why not?

It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.

**8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If not, why not?

**9. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If not, why not?

### **Fees**

It is the intention that the licensing authority will be able to set a fees policy for approval of training courses and training providers. The intention is that before charging any fee, the licensing authority must prepare and publish a fees policy and will only be able to charge such fees in line with their fee policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.



**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes

☒

No

☐

If not, why not?

Response Form

Name: Dr Rachel Bowen

Email: Rachel.Bowen@fsb.org.uk

Telephone: 029 2074 7406

Address: 1 Cleeve House, Lambourne Crescent, Llanishen, Cardiff, CF14 5GP

Organisation: Federation of Small Businesses Wales

**FSB Wales welcomes the opportunity to present its views on the Designation of Licensing authority under Part 1 of the Housing (Wales) Act 2014. FSB Wales is the authoritative voice of businesses in Wales. With 10,000 members, a Welsh Policy Unit, two regional committees and twelve branch committees; FSB Wales is in constant contact with business at a grassroots level. We undertakes regular online surveys of its members as well as a biennial membership survey on a wide range of issues and concerns facing small business.**

Designation of Licensing Authority

The intention of the Designation Order is to appoint a single licensing authority for the whole of Wales to manage the registration and licensing scheme for landlords and letting agents. It is felt that appointing a single licensing authority will be beneficial for the following reasons:

Cost effectiveness of operating a single database and website (as opposed to operating one in each local authority area)

The requirement for landlords and agents to only have to register once and only pay one fee (rather than multiple times if they have properties in more than one authority area)

Consistency in the service provided and the interpretation and application of the legislation set out in the Act

A single central database for data collection (rather than a landlord having to have numerous registrations to reflect properties in different areas.)

Cost benefits and marketing benefits of promoting a single "national" registration and licensing scheme.

**1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes

**Whereas FSB Wales fully supports the need to secure better quality housing in Wales, we also believe in the need to reduce the weight of regulation on small businesses. Many of our Welsh members let properties either as part of their core business or supplementary to it. We therefore support the principle of a single licencing authority for Wales, with landlords only having to register once. However, we do not believe the cost of this regulation should be met by landlords through any charge for registering with such a licensing authority.**

It is the intention for the single licensing authority to be Cardiff Council. During the development of the Housing (Wales) Bill, Cardiff Council confirmed its offer to manage the registration and licensing scheme for landlords and letting agents. Due to Cardiff Council's experience of administering the current voluntary Landlord Accreditation Scheme for all 22 local authorities in Wales it is felt they have the knowledge and experience necessary to implement the new legal regime.

**2. Do you agree that the single licensing authority appointed should be Cardiff Council?**

Yes X

**Cardiff Council would seem to have the experience to operate the function. However, landlords should not be expected to travel to Cardiff for any aspect of the scheme's introduction if they do not live or work locally.**

**Training Requirements**

Before granting a licence the licensing authority must be satisfied that the relevant training requirements are met, or will be met.

It is the intention that the designated Licensing Authority will determine and publish the specific core syllabuses for training courses so that course content can be updated when necessary to reflect changes in legislation and best practice.

Training regulations will though, stipulate that the content of the specific course syllabuses must relate to one of the following:

1. The statutory obligations of a landlord and tenant
2. The contractual relationship between a landlord and a tenant
3. The role of an agent who carries out letting work or property management work
4. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
5. Roles and responsibilities in respect to letting work or property management work.

**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations?**

No X

If not, which of the 5 should not be included in the training and why not?

**We believe that training should be offered as a voluntary activity, and made available to landlords should they feel it necessary to attend any training workshops. Many experienced landlords already have knowledge of each of the areas covered in the syllabus, and it would not be necessary or helpful for them to attend.**

**As a voluntary opportunity, we believe that the time commitment for such courses should be kept to a minimum, and certainly not extend beyond one half-day course. We also believe the course should be offered free of charge, and should not be an additional cost on landlords.**

**The proposed syllabus areas also highlight the responsibilities of tenants. The Government should make training opportunities available, perhaps administered by local Citizens Advice Bureau, to tenants on their obligations when renting private housing.**

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

No X

If so, what also needs to be included and why?

Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes X

**We strongly believe that should a landlord chose to let their property through an agent, then they should not themselves be required to undertake any training. If appointing an agent, it should be the responsibility of the agent to ensure that the landlord is aware of any legal obligations. Therefore, training for agents should at least contain advice on communicating with landlords in this respect.**

It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

This formal approval requirement will ensure that landlords and agents who wish to become licensed can readily identify suitable training courses that will be recognised by the Licensing Authority as being of the required standard.

**6. Do you agree that the licensing authority should approve/authorise training courses and training providers to deliver training?**

Yes X

**If training courses are a requirement, they must be uniform across Wales, meaning that all courses contain the same core elements. We wish to restate, that the costs of attending any course should not be born by landlords and should be offered free of charge.**

Authorisation may be refused if the applicant fails to meet the requirements set by the local authority, or if the application is not made in the appropriate form. Where a licensing authority decides to refuse an application the decision should be given in writing and the applicant will have the right to make written representations to the Licensing Authority if they wish.

**7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?**

Yes X

It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.

**8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?**

Yes X

**9. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?**

Yes X

Fees

It is the intention that the licensing authority will be able to set a fees policy for approval of training courses and training providers. The intention is that before charging any fee, the licensing authority must prepare and publish a fees policy and will only be able to charge such fees in line with their fee policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

No X

If not, why not?

**As stated above, we do not believe that landlords should meet the cost of implementing this legislation. Courses should be offered free of charge to landlords, with the cost met by the Welsh Government. In this respect, a fees policy becomes a matter for the Welsh Government, local authorities and training providers.**

### Response Form

Name:	Fflur Lawton
Email:	Fflur.lawton@smartenergyGB.org
Address:	Smart Energy GB, Regus House, Cardiff Bay
Postcode:	CF10 4RU
Organisation (if applicable)	Smart Energy GB

### **Designation of Licensing Authority**

The intention of the Designation Order is to appoint a single licensing authority for the whole of Wales to manage the registration and licensing scheme for landlords and letting agents. It is felt that appointing a single licensing authority will be beneficial for the following reasons:

- Cost effectiveness of operating a single database and website (as opposed to operating one in each local authority area)
- The requirement for landlords and agents to only have to register once and only pay one fee (rather than multiple times if they have properties in more than one authority area)
- Consistency in the service provided and the interpretation and application of the legislation set out in the Act
- A single central database for data collection (rather than a landlord having to have numerous registrations to reflect properties in different areas.)

- Cost benefits and marketing benefits of promoting a single “national” registration and licensing scheme.

**1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes

☐

No

☐

If not, why not?

N/A

It is the intention for the single licensing authority to be Cardiff Council. During the development of the Housing (Wales) Bill, Cardiff Council confirmed its offer to manage the registration and licensing scheme for landlords and letting agents. Due to Cardiff Council’s experience of administering the current voluntary Landlord Accreditation Scheme for all 22 local authorities in Wales it is felt they have the knowledge and experience necessary to implement the new legal regime.

**2. Do you agree that the single licensing authority appointed should be Cardiff Council?**

Yes

☐

No

☐

If not, why not?

N/A

**Training Requirements**

Before granting a licence the licensing authority must be satisfied that the relevant training requirements are met, or will be met.

It is the intention that the designated Licensing Authority will determine and publish the specific core syllabuses for training courses so that course content can be updated when necessary to reflect changes in legislation and best practice.

Training regulations will though, stipulate that the content of the specific course syllabuses must relate to one of the following:

21. The statutory obligations of a landlord and tenant
22. The contractual relationship between a landlord and a tenant
23. The role of an agent who carries out letting work or property management work
24. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
25. Roles and responsibilities in respect to letting work or property management work.

**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations ?**

Yes

☐

No

☐

**If not, which of the 5 should not be included in the training and why not?**

N/A

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes

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No

☐

**If not, what also needs to be included and why?**

Smart Energy GB is the not for profit organisation tasked with consumer engagement during the roll out of smart meters to every household in Great Britain. We believe that the training regulations for landlords and agents in Wales should include information and advice on the introduction of smart meters: specifically, on the benefits of smart meters, how to have one installed, and the rights of tenants and landlords to choose to upgrade to a smart meter.

More than 50 million smart meters will be installed by energy suppliers in 26 million homes between now and 2020. These new meters will be installed at no additional cost to consumers, and will transform the public's experience of buying and using gas and electricity, especially people on low incomes or using prepayment meters. Smart meters will help people control the way they use energy in their homes, will bring an end to estimated bills and meter readings, and in the future will make it easier to shop around for the best deal and change supplier. Our independent research shows that people renting their home show lower levels of awareness of smart meters – despite being amongst the people who will benefit the most from this national programme.

Smart meters make sense for tenants, agents and landlords. They provide regular (up to hourly) usage updates to gas and electricity suppliers, meaning it's clear exactly how much energy bills will be. You always know what you owe and there's no room for confusion when bills are being settled, for example between tenancies.

They will be especially transformative for people using pre-payment meters, frequently renters, who currently face the inconvenience of charging the key, and pay more than other customers. Smart meters will be able to operate in either credit or pay-as-you-go mode without the need for a separate meter or a 'key' which needs to be charged at a shop.

Whoever pays the gas and electricity bills can ask for a smart meter to be fitted. If the tenant pays the bills, and they're addressed to them, they do not need the

landlord's or agent's permission to get a smart meter fitted. However, tenants may be unaware of this right and therefore reluctant to change the meter without permission. It's therefore important that the landlord and agent are aware that smart meters are coming and what it means for them and their tenants.

If the landlord receives the bills and includes gas and electricity costs in the rent, a smart meter will be hugely helpful. Tenants can use the smart meter display to see what gas and electricity they're using, and what it's costing, helping them to save energy and money. The landlord will get accurate bills from the energy supplier and know exactly who owes what, because meter readings are always accurate.

Energy suppliers are responsible for fitting smart meters at no additional cost to the consumer. Over a million have already been fitted across Great Britain, and the pace is set to increase, with every household due to be fitted by 2020. Small blocks of flats will start to be fitted during 2016 with big high rise flats following in 2018.

Smart Energy GB would be happy to provide the licensing authority (if approved) with guidance and advice on content for training materials, and would welcome further discussions on how to promote this opportunity to landlords across Wales.

Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes

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No

☐

If not, why not?

N/A

It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For



approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

This formal approval requirement will ensure that landlords and agents who wish to become licensed can readily identify suitable training courses that will be recognised by the Licensing Authority as being of the required standard.

**6. Do you agree that the licensing authority should approve/authorise training courses and training providers to deliver training?**

Yes

☐

No

☐

If not, why not?

N/A

Authorisation may be refused if the applicant fails to meet the requirements set by the local authority, or if the application is not made in the appropriate form. Where a licensing authority decides to refuse an application the decision should be given in writing and the applicant will have the right to make written representations to the Licensing Authority if they wish.

**7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?**

Yes

☐

No

☐

If not, why not?

N/A

It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.

**8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?**

Yes

☐

No

☐

If not, why not?

N/A

**9. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?**

Yes

☐

No

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If not, why not?

N/A

### **Fees**

It is the intention that the licensing authority will be able to set a fees policy for approval of training courses and training providers. The intention is that before charging any fee, the licensing authority must prepare and publish a fees policy and will only be able to charge such fees in line with their fee policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes

☐

No

☐

If not, why not?

N/A

## Response Form

Name:

Robert Jervis-Gibbons

Email:

Robert.Jervis-Gibbons@electricalsafetyfirst.org.uk

Address:

Unit 331, Metal Box Factory

30 Great Guildford Street

London

Postcode:

SE1 0HS

Organisation

Electrical Safety First

(if applicable)

### **Designation of Licensing Authority**

The intention of the Designation Order is to appoint a single licensing authority for the whole of Wales to manage the registration and licensing scheme for landlords and letting agents. It is felt that appointing a single licensing authority will be beneficial for the following reasons:

- Cost effectiveness of operating a single database and website (as opposed to operating one in each local authority area)
- The requirement for landlords and agents to only have to register once and only pay one fee (rather than multiple times if they have properties in more than one authority area)
- Consistency in the service provided and the interpretation and application of the legislation set out in the Act
- A single central database for data collection (rather than a landlord having to have numerous registrations to reflect properties in different areas.)
- Cost benefits and marketing benefits of promoting a single “national” registration and licensing scheme.

**1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes

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No

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If not, why not?

It is the intention for the single licensing authority to be Cardiff Council. During the development of the Housing (Wales) Bill, Cardiff Council confirmed its offer to manage the registration and licensing scheme for landlords and letting agents. Due to Cardiff Council's experience of administering the current voluntary Landlord Accreditation Scheme for all 22 local authorities in Wales it is felt they have the knowledge and experience necessary to implement the new legal regime.

**2. Do you agree that the single licensing authority appointed should be Cardiff Council?**

Yes

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No

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**If not, why not?**

*Electrical Safety First is content with the proposal that a single authority manages this process.*

*That said, we are conscious that some licensing schemes in England have been held up or repealed due to legal challenges citing inadequate consultation (for example, in the London Borough of Enfield). We therefore advise that all local authorities are involved in the initial consultation process, so that the views of all landlords are taken into consideration and fed back to the licensing authority. We fear assigning responsibility for consultation solely to Cardiff City Council risks overburdening that central authority, and could result in time-consuming accusations of inadequate or insincere consultation down the line.*

*In order to consult effectively, local authorities need to understand their local private rented sector and the factors which determine demand and supply. Central to this are the safety standards which properties should meet. Electrical Safety First believes it is essential all local authorities understand which safety standards should apply to private rented homes, and would be happy to work with them to develop this understanding.*

**Training Requirements**

Before granting a licence the licensing authority must be satisfied that the relevant training requirements are met, or will be met.

It is the intention that the designated Licensing Authority will determine and publish the specific core syllabuses for training courses so that course content can be updated when necessary to reflect changes in legislation and best practice.

Training regulations will though, stipulate that the content of the specific course syllabuses must relate to one of the following:

- 26. The statutory obligations of a landlord and tenant
- 27. The contractual relationship between a landlord and a tenant
- 28. The role of an agent who carries out letting work or property

management work

29. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy

30. Roles and responsibilities in respect to letting work or property management work.

**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations?**

Yes

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No

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**If not, which of the 5 should not be included in the training and why not?**

**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes

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No

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**If not, what also needs to be included and why?**

*Landlord Accreditation Wales has advised Electrical Safety First that the proposed content of the training courses will be derived from The Landlord Handbook (2012 revised edition), published by ANUK.*

*We welcome the Handbook's clear guidance that landlords are responsible for ensuring electrical installation and all electrical appliances are "safe", and its quotation of Electrical Safety Council (Electrical Safety First's predecessor) guidance. We imagine such obligations to ensure the safety of a property would come under subject area number 5.*

*We are, however, concerned that the Handbook recommends formal periodic inspection and testing being carried out "at least once every 10 years or on a change of tenancy". We believe landlords should be obliged to carry out electrical safety checks on private rented properties at least once every five years. Electricity poses a statistically greater threat of death or injury than gas – as such we feel the training needs to convey to landlords that a five-yearly electrical safety check is a minimum safety requirement to which they should conform. Serious injury or death can result from a failure to do so.*

Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses

for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

**If not, why not?**

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It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

This formal approval requirement will ensure that landlords and agents who wish to become licensed can readily identify suitable training courses that will be recognised by the Licensing Authority as being of the required standard.

**6. Do you agree that the licensing authority should approve/authorise training courses and training providers to deliver training?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

**If not, why not?**

--

Authorisation may be refused if the applicant fails to meet the requirements set by the local authority, or if the application is not made in the appropriate form. Where a licensing authority decides to refuse an application the decision should be given in writing and the applicant will have the right to make written representations to the Licensing Authority if they wish.

**7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?**

Yes

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No

☐

If not, why not?

It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.

**8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?**

Yes

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No

☐

If not, why not?

**9. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?**

Yes

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No

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If not, why not?

## **Fees**

It is the intention that the licensing authority will be able to set a fees policy for approval of training courses and training providers. The intention is that before charging any fee, the licensing authority must prepare and publish a fees policy and will only be able to charge such fees in line with their fee policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes

☒

No

☐

If not, why not?

## **Response Form**

Name:

Christopher J Hamer

Address:

The Property Ombudsman, Milford House, 43-55 Milford Street,  
Salisbury, Wiltshire

Postcode:

SP1 2BP

Organisation (if  
applicable)

The Property Ombudsman

## **Designation of Licensing Authority**

The intention of the Designation Order is to appoint a single licensing authority for the whole of Wales to manage the registration and licensing scheme for landlords and letting agents. It is felt that appointing a single licensing authority will be beneficial for the following reasons:

- Cost effectiveness of operating a single database and website (as opposed to operating one in each local authority area)
- The requirement for landlords and agents to only have to register once



and only pay one fee (rather than multiple times if they have properties in more than one authority area)

- Consistency in the service provided and the interpretation and application of the legislation set out in the Act
- A single central database for data collection (rather than a landlord having to have numerous registrations to reflect properties in different areas.)
- Cost benefits and marketing benefits of promoting a single “national” registration and licensing scheme.

**1. Do you agree that the Welsh Government should appoint a single licensing authority for the whole of Wales?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

**If not, why not?**

--

It is the intention for the single licensing authority to be Cardiff Council. During the development of the Housing (Wales) Bill, Cardiff Council confirmed its offer to manage the registration and licensing scheme for landlords and letting agents. Due to Cardiff Council’s experience of administering the current voluntary Landlord Accreditation Scheme for all 22 local authorities in Wales it is felt they have the knowledge and experience necessary to implement the new legal regime.

**2. Do you agree that the single licensing authority appointed should be Cardiff Council?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

**If not, why not?**

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**Training Requirements**

Before granting a licence the licensing authority must be satisfied that the relevant training requirements are met, or will be met.

It is the intention that the designated Licensing Authority will determine and publish the specific core syllabuses for training courses so that course content can be updated when necessary to reflect changes in legislation and best practice.

Training regulations will though, stipulate that the content of the specific course syllabuses must relate to one of the following:

31. The statutory obligations of a landlord and tenant

- 32. The contractual relationship between a landlord and a tenant
- 33. The role of an agent who carries out letting work or property management work
- 34. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
- 35. Roles and responsibilities in respect to letting work or property management work.

**3. Do you agree that all 5 broad subject areas noted above should be specified in the training regulations ?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

**If not, which of the 5 should not be included in the training and why not?**

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**4. Do you consider any other broad subject areas should be included in the training regulations as statutory requirements in a training course?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

**If not, what also needs to be included and why?**

**Best Practice training must be provided with reference to a common set of standards to ensure consistency. TPO would, therefore, strongly recommend that the Welsh Government finalise the proposed Code(s) of Practice prior to the training commencing. If the timescale for producing the required codes is not linked to the delivery of the training, TPO are happy for the Welsh Government to use its lettings Code (approved by Trading Standards Institute under its Consumer Codes of Approval Scheme and followed by over 12,000 letting and management agents in the UK) for the agent training elements of the licencing process. In such a scenario TPO would also recommend sourcing a landlord specific code for the landlord specific training elements.**

**Best practice training, specifically in regard to agents, should also include the requirements of the Consumer Protection from Unfair Trading Regulations 2008, and the requirement to disclose material information from the point a property is marketed.**

**Training for agents should be consistent with the CMA Guidance for Letting Professionals.**

**Emphasis should also be placed on deposit legislation and specifically the correct steps each party should take to ensure any claims on a deposit are correctly dealt with.**

**Finally landlord training should include an awareness to enable them to better understand the limitations of the agent's role, whilst agents should receive training on the contractual roles and statutory obligations of landlords and tenants, to ensure correct and consistent advice can be provided to those parties.**

Approved training courses will primarily cover the roles and responsibilities of a landlord or agent in relation to the tenant and their legal obligations. The policy intention is for these regulations to require different courses for different persons to reflect the differing requirements of their roles. The intention is that it will be for the designated Licensing Authority to determine and publish the required core syllabuses for each of the required courses and make clear who the course is appropriate for. As there are differences in these between landlords and agents it is intended that the regulations will require the licensing authority to develop different core requirements for the courses to reflect the differing requirements of the role of landlord and agent.

**5. Do you agree that the licensing authority should stipulate the core training content of courses for landlord and agent should be different?**

Yes

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No

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**If not, why not?**

It is also the intention that in order to receive approval/authorisation, training providers must apply, submitting the required details of their training courses, to the licensing authority for approval. An application to the licensing authority for authorisation to deliver training courses must be made in line with licensing authority guidelines.

For example, a training provider creates a one day landlord course and a one day agent course. For approval to deliver the landlord course they would approach the Licensing Authority and submit an application for approval (and pay one fee). For approval to deliver the agent course they would be required to submit a separate application for approval (and fee). It would not be appropriate to approve only a training course or only a person to run a course in isolation; it will be necessary to consider and approve them both as a whole.

This formal approval requirement will ensure that landlords and agents who wish to become licensed can readily identify suitable training courses that will be recognised by the Licensing Authority as being of the required standard.

**6. Do you agree that the licensing authority should approve/authorise training courses and training providers to deliver training?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If not, why not?

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Authorisation may be refused if the applicant fails to meet the requirements set by the local authority, or if the application is not made in the appropriate form. Where a licensing authority decides to refuse an application the decision should be given in writing and the applicant will have the right to make written representations to the Licensing Authority if they wish.

**7. Do you agree that the Licensing Authority should provide reasons for their decision and that applicants should have the right to make written representations if they so wish?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If not, why not?

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It is the intention that the licensing authority will have the power to withdraw authorisation of a training provider for the following reasons:

- If the provider has failed to observe a condition imposed on their authorisation by the licensing authority
- Ceased to be an appropriate provider

The licensing authority will have to provide, in writing, the reason for the withdrawal of authorisation and the training provider will have the right to make written representations to the Licensing Authority against such a decision.

**8. Do you agree that the licensing authority should have the power to withdraw the authorisation of a provider to deliver a training course in these circumstances?**

Yes	<input checked="" type="checkbox"/>
No	<input type="checkbox"/>

If not, why not?

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**9. Do you agree that the Licensing Authority should provide reasons for such a decision and that the training provider should be able to make written representations against such a decision?**

Yes

X

No

If not, why not?

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### **Fees**

It is the intention that the licensing authority will be able to set a fees policy for approval of training courses and training providers. The intention is that before charging any fee, the licensing authority must prepare and publish a fees policy and will only be able to charge such fees in line with their fee policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

**10. Should the licensing authority be required to prepare and publish a fees policy before being able to charge a fee to approve a training course and a course provider?**

Yes

X

No

If not, why not?

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