

## Consultation Responses

### Response Form

Name:

Carys Fon Williams

Address:

Housing Services,Cyngor Gwynedd  
Meirionydd Area Offices  
Cae Penarlag  
Dolgellau  
Gwynedd

Postcode:

LL40 2YB

Organisation

(if applicable)

Gwynedd Council

### **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

**If not, why not?**

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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?**

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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:

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**

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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?**

**Training must be made available in Welsh and English as required.**

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

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No

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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

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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

√

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?

### **Response Form**

Name:

Steve Peters

Address:

Civic Centre Castle Street, Merthyr Tydfil

Postcode:

CF47 8AN

Organisation

(if applicable)

Merthyr Tydfil County Borough Council

### **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

x

No

If not, why not?

**We do have concerns that the investigatory powers within the Housing (Wales) Act are invested in the Licensing Authority without exactly the same powers being available to Housing Authorities. We also have concerns that the powers may not be sufficient.**

**There is a risk that unless the Housing Authorities can have the same powers for properties in their area as the Licensing Authorities the objectives of the Act will be frustrated.**

**If that proves to be the case amending the Act rather than all Local Housing Authorities acting as Licensing Authorities may be the most effective resolution**

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

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?**

<b>Yes</b>	<b>x</b>	
<b>No</b>		
<b>If not, which of the 5 should not be included in the training and why not?</b>		

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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?**

<b>Yes</b>		
<b>No</b>	<b>x</b>	
<b>If not, what also needs to be included and why?</b>		

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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	<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	x	
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	x	
No		
If not, why not?		

It will provide transparency to trainers on the likely costs of seeking approval
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### Response Form

Name: 

Nick Jones
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Address: 

Conwy CBC Regulatory & Housing Services Civic Office Colwyn Bay
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Postcode:

LL29 8AR

Organisation

Conwy County Borough Council

(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)
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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

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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?

### **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:

6. The statutory obligations of a landlord and tenant
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

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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?

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

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No

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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

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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

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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

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No

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If not, why not?

### Response Form

Name:

Jonathan Keen, Environmental Health Manager

Address:

Public Protection

Newport City Council

Civic Centre

Newport

Postcode:

NP20 4UR

Organisation

(if applicable)

Newport City Council

### 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?**

***The agreement of Newport City Council is conditional upon resources being made available to meet the cost of the additional enforcement undertaken by individual authorities at a local level.***

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?**

**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

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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?**

**Information regarding how to legally evict a tenant from a property, including best practice, to avoid allegations of illegal evictions and harassment and also how to avoid failed attempts to legally evict a tenant. Advice and training to discourage retaliatory evictions.**

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?**

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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

✓
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No

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**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

✓
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No

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**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:

Bethan Jones

Address:

Regulatory Commercial Services, Cardiff Council, Room 118,  
County Hall, Atlantic Wharf, Cardiff.

Postcode:

CF10 4UW

Organisation

(if applicable)

Cardiff Council

### **Designation of Licensing Authority**

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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



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

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**If not, why not?**

***However, as previously advised, Cardiff Council, is only able to take on this responsibility if the financial risk is removed by way of grant funding from Welsh Government and a written commitment to indicate that, in the event of the withdrawal of the designation, any employee related expenses would be funded. A principles paper is under discussion with WG officials, the issues highlighted should be addressed to the satisfaction of the Council's Legal Service.***

### **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:

16. The statutory obligations of a landlord and tenant
17. The contractual relationship between a landlord and a tenant
18. The role of an agent who carries out letting work or property management work
19. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
20. 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 checked="" type="checkbox"/>
No	<input type="checkbox"/>

If not why not?

<b>Whilst probably covered under statutory obligations, this should explicitly include property standards.</b>
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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

☒

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

If not, why not?

<p><b>It is important that the fee setting process is able to reflect the ongoing commitment for the Licensing Authority to monitor the quality of training provided. For this reason, approval should only be given for a specified time period; to allow fees be set accurately to reflect the time commitment necessary to ensure that standards of training are preformed consistently and to the appropriate standards. A one off fee for an indefinite time period is not workable.</b></p>
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### **Response Form**

Name:

Kenyon Williams
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Address:	Ty Pontllanfraith, Blackwood Rd, Pontllanfraith, Blackwood
Postcode:	NP12 2YW
Organisation (if applicable)	Caerphilly CBC

### **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

☒

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:

- 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?**

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

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**

**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**

**X**

**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?

### Response Form

Name:

Anglesey County Council

(completed by Lucy Reynolds following consultation)

Address:

Anglesey County Council

Llangefni

Postcode:

LL77 7TW

Organisation

Isle of Anglesey County Council

(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

☒

No

☐

If not, why not?

***Please see provisos to answer above below.***

This answer was informed by a discussion with landlords / letting agents attending a regular meeting of Anglesey Landlord Forum subgroup.

The value of landlord licensing and the need to establish it quickly is supported. We broadly accept the reasons for a single licensing authority supplied for a single licensing authority and in particular in order to establish this body speedily to take forward the important work involved.

However we note that individual Local Authorities have the enforcement role of which more information and guidance is awaited. The communication and availability of information to Local Authorities will be critical to the effective functioning of licensing. The licensing authority will need to give a high priority to working with all Local Authorities.

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?

***Please see provisos to answer above below.***

This answer was informed by a discussion with landlords / letting agents attending a regular meeting of Anglesey Landlord Forum subgroup.

The value of landlord licensing and the need to establish it quickly is supported. For this reason it is accepted that in order to put licensing in place as soon as possible it is appropriate for Cardiff Council to undertake the licensing function in the first instance.

However the licensing of all landlords in Wales is a substantial business opportunity. We therefore believe that any decision to make Cardiff the Licensing

Authority in the first instance is not an irrefutable decision and it should not continue without review on an indefinite basis. There is a strong argument that the licensing function should be tendered in the future to ensure that it provides best value for all concerned.

### **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	X
No	

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

This answer was informed by a discussion with landlords / letting agents attending a regular meeting of Anglesey Landlord Forum subgroup.

We agree that these seem to cover the major areas. We agree that in addition to statutory and contractual responsibilities, best practice in lettings / management is included. Landlords need to have an awareness of the wider context in which they undertake lettings.

**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	X

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

The areas listed as the 5 broad subject areas are broad and ideally further detail would be provided in order to comment on whether these are fully adequate.

As noted above we believe that it is important that landlords are made aware of the social / economic background to the increase in private lettings. As more housing benefit is paid to landlords and a wider social mix of people live in this sector, landlords need an understanding of the environment in which they work and potential sources of support in dealing with the problems that their tenants may encounter.

We note the importance of ensuring courses are easily available to landlords in all parts of Wales. We suggest that it would be valuable to provide local contacts and resources to landlords (especially appropriate Local Authority contacts). This would ideally be provided at the point of landlords undertaking training but it would also be very valuable to supply this on a central licensing website (which we assume will be established)

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?**

From discussion with landlords and letting agent we consider the differences between necessary core training requirements is small and most areas need to be core to both landlords and letting agents. Possibly Letting Agents could be subject to an "appendix" to the standard core training.

This should be considered carefully before introducing unnecessary requirements.

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?

**It should be easy for feedback to be made by trainees and local authorities on the quality of courses and training and any concerns should be investigated by the Licensing Authority.**

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

If not, why not?

### **Response Form**

Name:

Address:

Public Health and Protection Department  
Ty Elai, Williamstown,

Postcode: CF40 1NY

Organisation  
(if applicable) Rhondda Cynon Taf County Borough Council,

### **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:

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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 ☒  
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:

- 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 ☒  
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?**

**No additional topic areas required**

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

x

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

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 ☒  
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?

### **Response Form**

Name:

Address:

Postcode:

Organisation  
(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:

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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 ☒  
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:

36. The statutory obligations of a landlord and tenant
37. The contractual relationship between a landlord and a tenant
38. The role of an agent who carries out letting work or property management work
39. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
40. 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 ☐ x  
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?**

**No additional topic areas required**

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 ☒

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?

### **Response Form**

Name:

Address:

Postcode:

Organisation  
(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 ☒

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:

41. The statutory obligations of a landlord and tenant
42. The contractual relationship between a landlord and a tenant
43. The role of an agent who carries out letting work or property management work
44. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
45. 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?

### Role of local authorities in relation to lettings in private rented sector

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 ☒  
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?

Chartered Institute of  
Environmental  
Health  
Sefydliad Siartredig  
Iechyd yr  
Amgylchedd



## Sefydliad Siartredig Iechyd yr Amgylchedd

Fel **corff proffesiynol**, rydym yn gosod safonau ac yn achredu cyrsiau a chymwysterau ar gyfer addysg ein haelodau proffesiynol ac ymarferwyr iechyd yr amgylchedd eraill.

Fel **canolfan wybodaeth**, rydym yn darparu gwybodaeth, tystiolaeth a chynghor ar bolisiau i lywodraethau lleol a chenedlaethol, ymarferwyr iechyd yr amgylchedd ac iechyd y cyhoedd, diwydiant a rhanddeiliaid eraill. Rydym yn cyhoeddi llyfrau a chylchgronau, yn cynnal digwyddiadau addysgol ac yn comisiynu ymchwil.

Fel **corff dyfarnu**, rydym yn darparu cymwysterau, digwyddiadau a deunyddiau cefnogol i hyfforddwyr ac ymgeiswyr am bynciau sy'n berthnasol i iechyd, lles a diogelwch er mwyn datblygu arfer gorau a sgiliau yn y gweithle ar gyfer gwirfoddolwyr, gweithwyr, rheolwyr busnesau a pherchnogion busnesau.

Fel **mudiad ymgyrchu**, rydym yn gweithio i wthio iechyd yr amgylchedd yn uwch ar yr agenda cyhoeddus a hyrwyddo gwelliannau mewn polisi iechyd yr amgylchedd ac iechyd y cyhoedd.

Rydym yn **elusen gofrestredig** gyda dros 10,500 o aelodau ledled Cymru, Lloegr a Gogledd Iwerddon.

## The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines, run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,500 members across England, Wales and Northern Ireland.

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

Yes. We consider that this would promote consistency and would also promote economies of scale.

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

Yes. Cardiff Council currently runs the All Wales Accredited Landlord Scheme and therefore has the expertise and the hardware and software in place associated with that role. Appointing Cardiff Council as single licensing authority would appear to be the most cost effective and pragmatic way forward and would ensure that the skills, expertise and information gathered through the running of the All Wales Accredited Landlord Scheme transfers across to the new scheme.

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

Yes. The list is sufficiently comprehensive to cover all those areas that are important and in which it is necessary that there should be a sufficient degree of understanding and awareness.

We do however consider that it is important that there is sufficient flexibility to ensure that the core syllabus can be adapted to meet changes to legislation without delay.

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

No. We consider that the proposals are sufficiently broad to capture all of the necessary elements.

The Private Rented Sector (PRS) in Wales plays an important role in providing accommodation of a wide range and choice. There is a fine line to be trod between professionalising the PRS in Wales and making it so professional that small scale landlords move out of the market. It is important that Welsh Government does not seek to do so much that landlords, particularly small landlords, elect to move away from the sector. Whilst adding further requirement at a later date may be an option should the need to do so become evident we believe that the 5 broad areas outlined in Q3 are sufficient for present purposes.

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

Yes. The roles of landlord and agent are different, therefore the core training content of their respective training courses should be. It is a waste of resources to provide training to either group that those individuals do not need and /or is not relevant to their role, and is likely to lead to the process being criticised and discredited.

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

Whilst it is important to ensure the quality of the trainers and the training courses offered it is also important that the licensing authority should not be seen as controlling the scheme. We agree that it is important to ensure that the training provided is appropriate and satisfies the requirements of the training regulations. It is also important to ensure that those parties proposing to offer the training are capable of doing, having the necessary knowledge and skills to do so.

We therefore suggest that there should be a prescribed entry level for training providers wishing to offer training in this field such that trainers who are capable of training at this level should automatically be able to do so. ( example- trainers who are capable/qualified to deliver prescribed courses at specified level as specified in a list).

We note that insofar as approval of training courses that licensing authority should only be required to approve the syllabus, it would be excessive for the licensing authority to engage in prescribing the way in which the materials should be taught or the knowledge taught should be tested.

**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. This is in the interests of justice, transparency and credibility.

**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.

**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. The Licensing Authority should be required to give reasons in writing for the withdrawal of the authorisation at the time of the withdrawal.

There must be a sanction against those providers who either provide training when not approved, offer training courses that do not satisfy the Licensing Authority core syllabus or continue to do so in the event of authorisation being removed. For the requirement to be authorised and to remain so to be meaningful and credible this must be the case.

**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, subject to the fees set being reasonable and reflecting only those costs incurred in approval of the training course or provider.



We would be happy to expand upon or clarify any of our foregoing responses.  
Please contact us at the address below should this be required.

**Julie Barratt**

Cyfarwyddwr yng Nghymru

Sefydliad Siartredig Iechyd yr Amgylchedd

**Ffôn symudol** 07919 212664

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**Julie Barratt**

Director of CIEH Wales

Chartered Institute of Environmental Health

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Cwmbran NP44 3GA

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**Response Form**

Name:	<input type="text" value="Adrian Thompson"/>
Address:	<input type="text" value="Suite 3, 13 Station Parade, Harrogate"/>
Postcode:	<input type="text" value="HG1 1UF"/>
Organisation (if applicable)	<input type="text" value="Private Rented Sector Accreditation Scheme"/>

### **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:

46. The statutory obligations of a landlord and tenant
47. The contractual relationship between a landlord and a tenant
48. The role of an agent who carries out letting work or property management work
49. Best practice in letting and management dwellings, subject to,

marketed, or offered for let, under a domestic tenancy  
50. 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 ☒  
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?

### **Response Form**

Name:	JEREMY MOODY
Address:	CAAV, Market Chambers, 35 Market Place, Coleford, Gloucestershire
Postcode:	GL16 8AA
Organisation (if applicable)	Central Association of Agricultural Valuers

### **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:

51. The statutory obligations of a landlord and tenant
52. The contractual relationship between a landlord and a tenant
53. The role of an agent who carries out letting work or property management work
54. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
55. 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

X

No

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

**We consider that the subject areas are sufficiently broad to cover all of the essential issues.**

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

No

**If not, why not?**

**Because licensing will only apply to those landlords who are actively involved in some way with the letting or management of their property, it is likely that the core syllabus areas will be the same for landlords and agents, although agents may require additional material which will not be needed by landlords.**

**Key issues such as the law of landlord and tenant, health and safety issues, tenancy deposit schemes and best practice in property management will be applicable to both landlords and agents.**

**In addition, training for agents may consider such issues as terms of business, rules on advertising, the agent-principal relationship, managing systems, professional insurance and other issues relating to property management as part of a business.**

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?

Firstly, this seems to be an unnecessarily bureaucratic approach. It would be far more straightforward – and considerably cheaper – for the Licensing Authority to require applicants to submit details of training that they have undertaken, with outcomes recorded, rather than pre-approving courses.

Simply pre-approving a course based on a submission about content and delivery is no guarantee of the standard of training which will actually be delivered, unless the Licensing Authority is also going to send monitors to observe every course, which is clearly impractical. Asking applicants to submit details of courses attended and learning outcomes achieved is likely to be more cost-effective.

The CAAV is the professional body for agricultural valuers in Great Britain. We require that all of our members undertake Continuing Professional Development, but we do not approve or certify individual CPD events. The choice of the subject and level of CPD is left to the individual and we simply monitor compliance. The same approach is taken by most of the major professional bodies, including the Royal Institution of Chartered Surveyors, with which we have an overlapping membership.

Secondly, there is a further issue here about those agents who are already professionally qualified. We suggest that those who are fully qualified members of a recognised professional body should be accepted as meeting the requirements of the Licensing Authority, because the standards that they have already met are likely to exceed those laid down by the Authority itself.

Agents who are Fellows of the CAAV will have completed at least two years of training in employment and will have passed our rigorous two day examination, which includes a half-day practical examination, six hours of written examinations and an oral interview.

The CAAV examinations syllabus includes:

- Marketing, selling and letting rural property
- Landlord and tenant matters, including the drafting and interpretation of agreements for tenancies, licences and other contracts; and law relevant to the commencement, operation and termination of tenancies under agricultural, commercial and residential statutes and the common law, including rent, tenant's fixtures and improvements, other rights, claims and obligations of landlords and tenants
- Taxation
- The financing of rural property transactions and businesses, considerations for investment and other relevant matters
- Rural planning and development control
- Dispute resolution, under statute and under contract



**- Professional practice:**

- \* Inspection and appraisal with written and oral reporting**
- \* The law and operation of professional practice and business, including agency and auctioneering**
- \* Office systems, procedures and efficiency**
- \* Professional conduct, standards, ethics, regulation and Professional Indemnity Insurance.**

**We therefore propose that Fellows of the Central Association of Agricultural Valuers be recognised as “fit and proper persons” by virtue of their professional qualifications.**

**Thirdly, we have reservations about the consultation proposal as outlined because it implies that the Licensing Authority will have the power to decide what is suitable. If such control is required, that should be a matter for the Welsh Government to decide and then to instruct the Licensing Authority to act as it decides. It would not be appropriate if Cardiff City Council was effectively designing policy for the whole of Wales. We also question whether Cardiff City Council has the necessary skills to understand some of the particular issues in the letting and management of rural property.**

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?

**We do not agree with the overall approach, which we consider to be unnecessarily complex and bureaucratic requiring considerable time and money to be spent by the Licensing Authority in dealing with applications by course providers. The work of the Licensing Authority should be focussed on assessing the outcomes achieved by agents and landlords who seek to be licensed.**

**However, if it is decided that this approach is to be followed, then we agree that a public body should have to provide reasons to support its decisions.**

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?**

**We do not agree with the overall approach, which we consider to be unnecessarily complex and bureaucratic requiring considerable time and money to be spent by the Licensing Authority in dealing with applications by course providers. The work of the Licensing Authority should be focussed on assessing the outcomes achieved by agents and landlords who seek to be licensed.**

**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?**

**We do not agree with the overall approach, which we consider to be unnecessarily complex and bureaucratic requiring considerable time and money to be spent by the Licensing Authority in dealing with applications by course providers. The work of the Licensing Authority should be focussed on assessing the outcomes achieved by agents and landlords who seek to be licensed.**

**However, if it is decided that this approach is to be followed, then we agree that a public body should have to provide reasons to support its decisions.**

### **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?**

**The same comments apply as in the answer to question 7.  
Overall, we take the view that it is for the market to decide on the appropriate level of fees to be charged for training courses. It is also worth noting that any increase in costs for agents or landlords will inevitably be passed on to tenants in due course, either through higher letting fees and charges, or, ultimately, in higher rents.**

<b>Those agents who already hold a professional qualification (see our answer to question 6) will be paying double, as they are already paying significant subscriptions to their own professional bodies.</b>
--

## **A consultation response from the National Approved Letting Scheme (NALS)**

### **An Introduction to NALS**

NALS is an accrediting organisation for lettings and management agents in the private rented sector. NALS was established in 1999, by the Empty Homes Agency, with backing from the Royal Institution of Chartered Surveyors (RICS) the Association of Residential Lettings Agents (ARLA) and the National Association of Estate Agents (NAEA). NALS provides an overarching quality mark, easily recognised by consumers, with minimum entry requirements for agents.

NALS agents are required to:

- deliver defined standards of customer service
- operate within strict client accounting standards
- be part of an Ombudsman Scheme
- be included under a Client Money Protection Scheme

Agents must provide evidence that they continue to meet NALS criteria on an annual basis, in order to retain their licence. The scheme operates UK wide and has 1700 firms with 2100 offices.

### **Designation of Licensing Authority**

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

Yes.

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

Yes.

### **Training Requirements**

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

Yes.

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

We are satisfied with the broad subject areas but would state that the licensing authority should ensure that the syllabus encompasses clear additional detail as to what will specifically be required to be covered under the broad headings. This will ensure consistency of content across training courses and potentially assist in assessing applicant training providers and their courses.

We would highlight the training syllabus for the London Rental Standard <http://www.london.gov.uk/sites/default/files/2013.07.22%20Final%20London%20Rental%20Standard.pdf> which sets out clearly the minimum requirements for training courses for both landlords and agents to be accredited. This syllabus could be adopted by the Licensing Authority as a template.

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

No. Core training for both landlords and agents should be broadly similar. If the template outlined above in Q4 was adopted, additional areas relating to the work of an agent would be encompassed in training for agents but omitted in training for landlords.

The licensing authority should also set out what the audit requirements will be for any training provider/training course to ensure ongoing compliance with the approval/authorisation by the licensing authority.

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

Yes. Initially, there should be a prescribed published list of training courses/qualifications which already meet the requirements of the licensing authority in terms of content coverage. If agents/landlords had completed such courses/qualifications prior to the introduction of the licence they would be exempt from further training set down by the licensing authority.

We would encourage the licensing authority to publish a list of approved training and providers at the earliest opportunity to allow agents and landlords to prepare for the introduction of the training requirements under the regulations.

**Refusal of an application from a training provider**

**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 with strict timescales for any written representation and the response from the licensing authority.

**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 in order to protect the integrity of the licensing scheme. It would also be necessary to set out any re-application process with timescales following withdrawal of authorisation.

**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 with inclusion of an appeals process setting out timescales for response.

**Fees**

**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.

---

Dear Sir,

Designation of Licensing authority under Part 1 of the Housing (Wales) Act 2014 and the intention of the training regulations which will govern the training requirements of landlords and agents

Thank you for the opportunity to respond to the consultation

RICS Wales is the principal body representing professionals employed in the land, property and construction sector and represents some 4000 members divided into 17 professional groups. As part of our Royal Charter we have a commitment to provide advice to the Government of the day and in doing so we have an obligation to bear in mind the public interest as well as the interest of our members

In response to the Consultation we would like to make the following replies:

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

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**

**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:**

**56. The statutory obligations of a landlord and tenant**

**57. The contractual relationship between a landlord and a tenant**

**58. The role of an agent who carries out letting work or property management work**

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

**60. 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. However it must be made clear that different local authorities cannot set different training requirements from their neighbours. Were this to be allowed it would greatly add to the cost of implementing this policy and be a subsequent burden on business, disproportionately against rural areas with smaller numbers over which to amortise costs.**

**Leaving the specification to local authorities will also create uncertainty, especially as the licence lasts for just 5 years, whereupon the requirements may have changed.**

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

**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**

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

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

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

**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

## 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

### **Additional Comment**

We would like to add given the extremely high regulatory standards to which RICS Members are held, that we believe they should be automatically recognised as having been trained to the standards required by the proposed scheme of registration.

If you have any queries in respect of this response please do not hesitate to contact me.

Yours sincerely,

David Morgan

Policy Manager

## **Introduction**

CIH welcomes the opportunity to respond to this consultation.

Our response is informed by feedback from our members, our knowledge of the housing industry and expertise from our policy and practice teams.

### **General Comments**

CIH Cymru supports the development of Welsh policies, practices and legislation that aim to address the key housing challenges we face, to improve standards and supply, promote community cohesion, tackle poverty and promote equality. We promote a *one housing system* approach that:

- **places the delivery of additional affordable housing at the top of national, regional and local strategies as a primary method of tackling the housing crisis;**
- **secures investment to ensure the high and sustainable quality of all homes;**
- **improves standards and develops the consumer voice within the private rented sector**
- **promotes the concept of housing led regeneration to capture the added value that housing brings in terms of economic, social and environmental outcomes;**
- **recognises that meeting the housing needs of our communities is a key aspect of tackling inequality and poverty;**
- **ensures that there are properly resourced support services in place to prevent homelessness and protect the most vulnerable;**



- uses current and potential legislative and financial powers to intervene in housing markets and benefit schemes
- promotes consumer rights & tenant involvement, and supports the continued professional development of housing practitioners

CIH Cymru submitted key evidence at the 2010/11 Communities and Culture Committee's inquiry into 'Making the most of the private rented sector',<sup>1</sup> and launched the final report at *Tai* 2011. We fully supported the inclusion and strengthening of three of the report's key recommendations:

- ***Recommendation 4. that the Welsh Government continues to promote Landlord Accreditation Wales, working with publicly funded bodies and bodies representing the interests of both landlords and tenants to share and develop understanding and incentives for landlords to become accredited***
- ***Recommendation 5. Welsh Government researches the potential effectiveness and feasibility of a mandatory licensing or registration scheme for all managers of private rented sector accommodation (including landlords) in Wales.***
- ***Recommendation 6. We recommend that the Welsh Government takes appropriate legislative action to enable the introduction of statutory regulation of all letting agencies in Wales.***

We applaud Welsh Governments commitment to progress the 2008 *Rugg Review* recommendations to address a sector where 'tenants feel themselves to be vulnerable to poor property condition, bad management and insecurity of tenure'<sup>3</sup> through advancing consumer protection, targeting the worst properties and providers, and taking an approach that will best manage the burden on local authorities .

CIH Cymru supported the proposal of a PRS national licensing authority both in order to address issues in the PRS as a 'sector of extremes'<sup>4</sup> and to improve our understanding of the Welsh PRS, to support strategic planning within the new 'system stewardship'<sup>5</sup> model for a whole housing system approach.

## Response Form

Name:	Julie Nicholas
Address:	Chartered Institute of Housing Cymru 4 Purbeck House Lambourne Crescent Cardiff Business Park Llanishen Cardiff
Postcode:	CF14 5GJ
Organisation (if applicable)	CIH Cymru

### **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:

61. The statutory obligations of a landlord and tenant
62. The contractual relationship between a landlord and a tenant
63. The role of an agent who carries out letting work or property management work
64. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
65. 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?

We would strongly urge inclusion of the following topics in the training requirement:

**Equality principles and good practice**

**Anti-social behaviour law and good practice**

**Good customer care and engagement, incl. dealing with complaints and developing good communications including financial transparency of fees by agents to both landlords and tenants**

**As you would expect from the professional body for housing, it is CIH Cymru's view that for a licensed person to be 'adequately trained' a commitment to CPD (continuing professional development) is integral to delivering good customer service and professional standards.**

**We would expect to see the development of consistent learning aims and objectives.**

**We would be interested in understanding whether online resources will be made available to support pre-course learning and post-course CPD, this could include the development of apps by the licensing authority to promote and give access to learning.**

**We are also interested in learning how the register of licensed landlords and agents will ensure compliance with and verification of property safety standards**

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?

**However we would also advise consultation with relevant professional bodies, including CIH, to develop content.**

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?

**However we would recommend that the licensing authority is also able to passport through professional qualifications including Chartered membership of CIH, and housing qualifications accredited at Level 2 (equivalent to a GCSE) and above; these courses include several days training and assessed assignments.**

**For example the Chartered Institute of Housing (CIH) is an awarding organisation for national qualifications at levels 2, 3 and 4. CIH Cymru is a learning centre delivering qualifications from CIH.**

**CIH has already developed a qualification for private landlords: CIH Level 2 Award in Letting and Managing Residential Property.**

**More information is available on request and here:**

**<http://cih.org/deliveringourqualifications>**

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?

**We would suggest the above proposed response is included within a robust process, to be followed when applicants challenge decisions made by the licensing authority, and is consulted on to ensure a transparent and consistent approach.**

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?

**We would suggest the above proposed response is included within a robust process, to be followed when applicants challenge decisions made by the licensing authority, and is consulted on to ensure a transparent and consistent approach.**

### **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?

**We would also recommend that adequate resources are made available to ensure the successful delivery of the licensing authority and its objectives, including the provision of a national communications strategy to support maximum public awareness and engagement of the scheme.**

## Response Form

Name:	Matthew Oliver
Address:	2 <sup>nd</sup> Floor 200 Union Street London
Postcode:	SE1 0LX
Organisation (if applicable)	The National Landlords Association

### 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?**

The NLA believe that there should be an open, fair and transparent tendering process for the position. Appointment should not solely be on the basis of a single question within a consultation.

As part of this process applicants should be asked to prepare their budgets, fees policy, content stipulations for the courses and complaints procedure. This will allow the Welsh Government to make a proper informed decision before they appoint.

To avoid any conflict of interest, we would also expect that the licensing authority should not be provider of courses themselves. It would be ridiculous for the licensing authority to have to sit in judgement on themselves.

We recognise that Cardiff Council has certain expertise, qualifying them to undertake the role, and that there are many sound arguments for such an appointment. The NLA make the point however that it would be an unfortunate way to start a new scheme designed to improve transparency and confidence in the PRS, if there was any perception of favouritism or bias in the appointment process at the outset of the scheme.

A tender process can be quick, easy and need not unnecessarily delay the scheme, however it would inspire confidence, increase transparency and ensure that any potential issues are resolved at an early stage.

**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:

- 66. The statutory obligations of a landlord and tenant
- 67. The contractual relationship between a landlord and a tenant
- 68. The role of an agent who carries out letting work or property management work
- 69. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
- 70. 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?**

This list seems comprehensive and includes the subject areas that the NLA itself uses in our accreditation courses.

**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?**

These broad subject areas seem comprehensive enough.

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 for whom the course is appropriate. 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 ☒ Please see comment  
No ☐

**If not, why not?**

The most common sense approach to content would appear to be that the agent course should consist of both the landlord content as well as agent specific content.

As a letting agent often acts on behalf of the landlord, they will have many



more duties and responsibilities, which will mean that their courses must effectively become 'landlord plus'.

It is important that the content of the training courses does not mean that they are longer than a day. All courses should be completed within one day if at all possible, as is currently the case. Any longer would be impractical and involve additional cost to attendees in terms of travel and accommodation.

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 meeting the required standard.

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

Yes ☒ however please see comment  
No ☐  
If not, why not?

We wish to clarify whether the licensing authority will approve / authorise bodies (such as the NLA) to provide training courses, or whether they will insist on approving each individual member of staff of an organisation as well. If it was the latter would the authority want to charge per individual?

This would seem to be unnecessarily, bureaucratic and costly. The NLA believes the former approach would be a common sense solution, with each organisation having to nominate a certain number of named trainers.

All licensing providers should then be subject to a regular audit to ensure that their staff were properly trained and it would be counter-productive for a large provider to send inadequate trainers to courses. Landlords would soon complain and our licence would be under threat.

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 ☒ Please see comment

No ☐

If not, why not?

There should be a clear and transparent complaints procedure, with a right of appeal which, if need be, ultimately goes to an independent body to adjudicate on.

The importance of this process and the independent body is emphasised if the single licensing authority is a provider themselves. We recommend that this complaints procedure also be published as part of the open tendering process.

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?

Please see comment on question 7

**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?

Please see comment on question 8

## **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 ☒ Please see comment

No ☐

If not, why not?

The NLA welcome the proposal to fix different fees for different cases.

We have been a major stakeholder in discussions and provided our intellectual property free of charge and in good faith at the onset of consultations on the accreditation scheme. There should be some recognition of this in the fees policy as we do not expect to be charged for our own content.

The NLA would expect that any fees charged for approval are reasonable and transparent. All charges should only be used for the purposes of administering the scheme and not to fund other departments. The NLA is shortly to publish research that shows councils in England often charge varying licensing fees to Landlords, and increase those charges at the end of the term. This has led to accusations that those councils are using the money from licensing to subsidise other services and help plug budget deficits. We trust that this will not be the case in Wales.

Given the scheme will have been running for five years, we trust that the single licensing authority (whichever will have been chosen), will have found efficiency savings to ensure that the fees charged do not go up for existing providers, and indeed possibly be reduced.

A fees policy being produced before a single licensing authority has been appointed, as part of an open and transparent tendering process, will ensure that issues such as these can be addressed and resolved before the scheme is launched.

## **Response Form**

Name:

Address:

Postcode:	SE1 0LX
Organisation (if applicable)	The National Landlords Association

### **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?**

The NLA believe that there should be an open, fair and transparent tendering process for the position. Appointment should not solely be on the basis of a single question within a consultation.

As part of this process applicants should be asked to prepare their budgets, fees policy, content stipulations for the courses and complaints procedure. This will allow the Welsh Government to make a proper informed decision

before they appoint.

To avoid any conflict of interest, we would also expect that the licensing authority should not be provider of courses themselves. It would be ridiculous for the licensing authority to have to sit in judgement on themselves.

We recognise that Cardiff Council has certain expertise, qualifying them to undertake the role, and that there are many sound arguments for such an appointment. The NLA make the point however that it would be an unfortunate way to start a new scheme designed to improve transparency and confidence in the PRS, if there was any perception of favouritism or bias in the appointment process at the outset of the scheme.

A tender process can be quick, easy and need not unnecessarily delay the scheme, however it would inspire confidence, increase transparency and ensure that any potential issues are resolved at an early stage.

### **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:

- 71. The statutory obligations of a landlord and tenant
- 72. The contractual relationship between a landlord and a tenant
- 73. The role of an agent who carries out letting work or property management work
- 74. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
- 75. 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?**

This list seems comprehensive and includes the subject areas that the NLA itself uses in our accreditation courses.

**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?**

These broad subject areas seem comprehensive enough.

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 for whom the course is appropriate. 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 ☒ Please see comment

No ☐

If not, why not?

The most common sense approach to content would appear to be that the agent course should consist of both the landlord content as well as agent specific content.

As a letting agent often acts on behalf of the landlord, they will have many more duties and responsibilities, which will means that their courses must effectively become 'landlord plus'.

It is important that the content of the training courses does not mean that they are longer than a day. All courses should be completed within one day if at all possible, as is currently the case. Any longer would be impractical and involve additional cost to attendees in terms of travel and accommodation.

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 meeting the required standard.

**6. Do you agree that the licensing authority should approve/authorise**

**training courses and training providers to deliver training?**

Yes ☒ however please see comment  
No ☐  
If not, why not?

We wish to clarify whether the licensing authority will approve / authorise bodies (such as the NLA) to provide training courses, or whether they will insist on approving each individual member of staff of an organisation as well. If it was the latter would the authority want to charge per individual?

This would seem to be unnecessarily, bureaucratic and costly. The NLA believes the former approach would be a common sense solution, with each organisation having to nominate a certain number of named trainers.

All licensing providers should then be subject to a regular audit to ensure that their staff were properly trained and it would be counter-productive for a large provider to send inadequate trainers to courses. Landlords would soon complain and our licence would be under threat.

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 ☒ Please see comment  
No ☐  
If not, why not?

There should be a clear and transparent complaints procedure, with a right of appeal which, if need be, ultimately goes to an independent body to adjudicate on.

The importance of this process and the independent body is emphasised if the single licensing authority is a provider themselves. We recommend that this complaints procedure also be published as part of the open tendering process.

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?

Please see comment on question

**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?

Please see comment on question 8

### **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 ☒ Please see comment

No ☐

If not, why not?

The NLA welcome the proposal to fix different fees for different cases.

We have been a major stakeholder in discussions and provided our intellectual property free of charge and in good faith at the onset of consultations on the accreditation scheme. There should be some recognition of this in the fees policy as we do not expect to be charged for our own content.

The NLA would expect that any fees charged for approval are reasonable



and transparent. All charges should only be used for the purposes of administering the scheme and not to fund other departments. The NLA is shortly to publish research that shows councils in England often charge varying licensing fees to Landlords, and increase those charges at the end of the term. This has led to accusations that those councils are using the money from licensing to subsidise other services and help plug budget deficits. We trust that this will not be the case in Wales.

Given the scheme will have been running for five years, we trust that the single licensing authority (whichever will have been chosen), will have found efficiency savings to ensure that the fees charged do not go up for existing providers, and indeed possibly be reduced.

A fees policy being produced before a single licensing authority has been appointed, as part of an open and transparent tendering process, will ensure that issues such as these can be addressed and resolved before the scheme is launched.

## Response Form

Name:	Natalie Williamson
Address:	1 Roebuck Lane Sale Manchester
Postcode:	M33 7SY
Organisation (if applicable)	Residential Landlords Association

### **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?**

We feel that this is the best approach to try to keep the scheme as straight forward and simple as possible. It will also save on duplication of resources if one central team that has expertise can effectively and efficiently run the scheme rather than lots of different teams across Wales doing the same thing. To have one central authority will make it easier for Landlords to know who they need to contact despite possibly having properties in multiple local authority areas.

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?**

We feel that it is reasonable to suggest that Cardiff Council are the Single Licensing Authority given that we know that they already have the knowledge and familiarity around running a licensing scheme. This would mean that it would take less time and resource in training multiple teams across Wales to do the same job.

However, consideration should be given to how Cardiff Council will cope with the extra demand put on their team and as such appropriate funding and resources should be put in place before the scheme starts to ensure that potential backlogs in applications do not build up and Landlords are not left frustrated at an inefficient system that could leave them vulnerable to prosecution.

**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:

- 76. The statutory obligations of a landlord and tenant
- 77. The contractual relationship between a landlord and a tenant
- 78. The role of an agent who carries out letting work or property management work
- 79. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy

80. 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?**

However the scheme must be mindful of any new Legislation that may come in for reasons not yet known and how they would be integrated within the training and agreed with a defined process and timelines and content message. An example of this is the recent regulations from the Welsh Government that stipulate that Landlords with properties in the Welsh Water and Dee Valley Water areas must now share their tenant's details with their water company within a specified timeframe under the 'Water Industry (Undertakers Wholly or Mainly in Wales) (Information about Non-owner Occupiers) Regulations 2014' regulations. These changes in legislation that affect Landlords directly must be translated clearly, across Government Departments to Local Authority level effectively.

**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?**

It may be sensible to give consideration to health and safety/ responsibility for property conditions which potentially may be missed under syllabus points 1 and 5 as detailed in question 3 (training requirements)

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?**

Consideration may be needed for the core course content to be delivered to both Landlords

and agents and whether there may be additional training required for letting agents dependant on different levels of staff involvement. The course structure for agents should be built on a core that is delivered to both landlords and agents with agents then needing to have extra training in addition to become licensed. You cannot fit all the additional requirements of an agent into a one day course when a landlord course is one day as well.

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?

We do agree that there should be an element of quality control in the delivery of the courses to try and maintain consistent interpretation of the syllabus. Too many factions of training providers that are not approved could result in a wide range of quality of courses being delivered. However, we do feel that there should be an element of competition to provide the courses and it should not just be one preferred provider. If the licensing authority are happy that the right elements of the training course are present and the delivery will be up to standard then the provider should be able to deliver the training. We also feel that in order to encourage fair competition, any potential fee for authorisation from the licensing authority should not be set too high as to put the opportunity to deliver the training out of reach for smaller providers.

We feel that the location of training delivery needs to be considered for those landlords who live/ own property in rural parts of Wales such as Northern Mid Wales, Anglesey, Gwynedd, Carmarthenshire etc. It should also be considered whether those Landlords that live in England who might own property in Wales would be able to undertake 'Welsh A Training' in areas of England in cities such as London, Manchester and Birmingham? If competition is introduced in the training market, it should be aware of possible cherry picking in busy locations whilst rural parts will be ignored due to lack of demand. Landlords will still need to be trained in these areas. The Licensing Authority should be mindful of this and willing to assist or incentivise training providers to service these areas if they are not doing so.

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?**

We do agree that the licensing authority should provide reasons for their decision and that applicants should have the right to complain about the decision if they are not satisfied with the reasons the licensing authority give for refusal of training delivery. This will also encourage good practice in providers being able to improve from feedback if they wish to apply to deliver training in the future.

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?**

We do agree in principal that if a course provider has failed to observe a condition imposed on their authorisation by the licensing authority and ceased to be an appropriate provider that the licensing authority should have the power to withdraw the authorisation of a provider to deliver training. However, we do feel that there should be a proper process in place for this, based on the severity of the reason why the provider can no longer deliver the training. We would envisage that this would work by having a warning first in writing and the provider being given the opportunity to rectify the issue and then if the problem is not resolved then the decision would be made to withdraw the authorisation.

**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?**

Again, we do feel that the Licensing Authority should provide clear reasons in writing for such a decision. Regarding the refusal/withdrawal of approval we also believe that there should be a right of appeal to an outside body as a redress function in such instances, or at

the very least the licensing authority should have an outside independent person to review the case.

### **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?

However it would be of concern if it were too high as a provider would have to take this into consideration operationally to ensure the service provided was not at a loss. In addition to the above points, it is essential that the Licensing Authority consider and plan how it is to deliver Continued Professional Development and monitor it at this stage. If the Welsh Government's motives truly are to raise the standard of the sector then this will be the meaningful part that will make a difference, not a register and a one day training course. Encouragement to develop and deliver training that go into the core areas in more detail and provide training around the core areas that are also relevant to being a landlord and an agent are essential. Approved CPD courses should be encouraged by the Licensing Authority and advertised to their registers.

### **Background:**

1. The Association of Residential Lettings Agents (ARLA) was formed in 1981 as the professional and regulatory body for letting agents in the UK. Today ARLA is recognised by government, local authorities, consumer interest groups and the media as the leading professional body in the private rented sector.
2. In May 2009 ARLA became the first body in the letting and property management industry to introduce a licensing scheme for all members to promote the highest standards of practice in this important and growing sector of the property market.
3. ARLA members are governed by a Code of Practice providing a framework of ethical and professional standards, at a level far higher than the law demands. The Association has its own complaints and disciplinary procedures so that any dispute is dealt with efficiently and fairly. Members are also required to have Client Money Protection and belong to an independent redress scheme which can award financial redress for consumers where a member has failed to provide a service to the level required.

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

**Question 1:** Do you agree that the Welsh Government should appoint a single licensing authority for Wales?

4. Yes. We favour one centralised licensing authority over multiple individual schemes. Should the scheme be run by each local authority, it will result in significantly increased administration and

inefficiency in the process. It would require landlords and agents having to register with multiple local authorities who may choose to implement the rules differently; causing confusion in the industry and unnecessary bureaucracy in implementation.

**Question 2:** Do you agree that the single licensing authority appointed should be Cardiff Council

5. No. If the Welsh Government chooses a single Licensing Authority in response to the previous question, we would recommend the Welsh Government takes on the function as the Licensing Authority itself.

6. Should the Welsh Government choose to outsource this function, it should do so in an open and transparent manner. Whilst we recognise that Cardiff Council already has some experience in administering the Landlord Accreditation Wales (LAW) scheme, the Licensing Authority will be dealing with a much higher number of landlords than are in the current voluntary scheme and LAW does not have any experience of dealing with letting agents.

7. Instead, ARLA recommends the Welsh Government undertakes an appropriate tendering exercise in order to procure the best possible service provider for the Licensing Authority; either directly using the OJEU process (Official Journal of the European Union) or utilising the principles contained within the OJEU process. This will allow both public and private bodies the ability to tender for the contract to ensure the most efficient and effective service is procured to act as the Licensing Authority.

#### **Training Requirements:**

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

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

8. Yes to Question 3 and No to Question 4.

9. The five broad areas specified in question three cover the essential elements of letting and managing a private rented property. Including additional statutory requirements will unnecessarily complicate the creation of the more detailed syllabuses.

**Question 5:** Do you agree the licensing authority should stipulate the core training content of courses for landlords and agents should be different?

10. Yes.

11. The training requirements for landlords and agents must be different. Whilst much of the same legislation applies whether you are letting a property as a landlord or a letting agent, the difference is one of scale. Most landlords manage a small number of properties which they own themselves. Letting agents manage hundreds of tenancies owned by many different landlords at the same time. The knowledge and skills required for letting agents are therefore very different to those required by self-managed landlords.

12. We would recommend that the Licensing Authority creates a Working Group of industry experts to assist in the development of the syllabuses. When the Greater London Authority developed the syllabus for the London Rental Standard, a panel of leading organisations and experts were drawn together to ensure the LRS syllabus was appropriate for both landlords and agents. What resulted was one syllabus for landlords and then the same syllabus plus additional elements for letting agents. We would recommend the Licensing Authority follows this example.

**Question 6:** Do you agree that the licensing authority should provide/authorise training courses and training providers to deliver training?

13. Yes.

14. However, the consultation document provides an example of a “one day agent course”. ARLA considers this wholly inadequate for training a letting agent. The Welsh Government approved qualification which ARLA stipulates as the minimum entry requirement for membership needs 90 hours of study.

15. The licensing obligation under the Housing (Wales) Act 2014 requires landlords who do not wish to become accredited to give their rental property to a licensed and trained letting agent. Therefore, when considering that the legislation requires landlords to hand over control of what is likely to be that person’s largest investment asset, and for a tenant, their home; it should be the Welsh Government’s obligation to ensure that home is given to an agent that knows how to manage it. It is simply not possible to impart all the necessary information in a one day training course.

**Question 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?

16. Yes.

17. In order to ensure trust and confidence in the scheme it is essential that a written explanation be provided and a robust appeals procedure is put in place by the Licensing Authority should a training course be rejected.

**Question 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?

**Question 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?

18. Yes to both Question 8 and Question 9.

19. As with the response to question 7 above, in order to ensure trust and confidence in the scheme it is essential that a written explanation be provided and a robust appeals procedure is put in

place by the Licensing Authority should authorisation of a training provider or training course be withdrawn.

#### **Fees:**

**Question 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?

20. Yes.

21. Preparing an open and transparent list of fees and charges before asking for applications by is fair, just and reasonable and in line with common practice.

David Cox

Managing Director

Association of Residential Letting Agents (ARLA)

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Response to the Welsh Government:

Designation of Licensing authority under Part

1 of the Housing (wales) Act 2014 and the



intention of the training regulations which will govern the training requirements of landlords and agents

**February 2015**

### **About Citizens Advice Cymru**

Citizens Advice is an independent charity covering England and Wales operating as Citizens Advice Cymru in Wales with offices in Cardiff and Rhyll. There are 20 member Citizen Advice Bureaux in Wales, all of whom are members of Citizens Advice Cymru, delivering services from over 375 locations.

The advice provided by the Citizens Advice service is free, independent, confidential and impartial, and available to everyone regardless of race, gender, disability, sexual orientation, religion, age or nationality.

The majority of Citizens Advice services staff are trained volunteers. All advice staff, whether paid or volunteer, are trained in advice giving skills and have regular updates on topic-specific training and access to topic-based specialist support including housing.

The twin aims of the Citizens Advice Bureau service are:

- to provide the advice people need for the problems they face
- to improve the policies and practices that affect people's lives.

Local Bureaux, under the terms of membership of Citizens Advice provide core advice based on a certificate of quality standards on consumer issues, welfare benefits, housing, taxes, health, money advice, employment, family and personal matters, immigration and nationality and education.

The Citizens Advice Service now has responsibilities for consumer representation in Wales as a result of the UK Government's changes to the consumer landscape<sup>1</sup>. From 1st April 2014 this includes statutory functions and responsibilities to represent post and energy consumers.

We are happy for our response to be made available to the public.

<sup>1</sup> On 1st April 2013 responsibility for consumer representation was transferred from Consumer Focus to the

Citizens Advice Service (including Citizens Advice Cymru) following the UK Government's review of the

consumer landscape.

### **Summary of Key Points**

Citizens Advice Cymru call on Welsh Government to:

- Ensure clear working practices and guidance are developed to support the single licensing authority and made publically available.
    - o In particular, we would welcome clarity within this guidance on how issues raised with the licensing authority will be dealt with where it relates to enforcement or actions to be taken by the local authority.
  - Establish a Content Development Group (CDG) to support the single licensing authority in an independent and transparent manner.
    - o This independent group should have responsibility for developing the training content, evaluating approved trainer applications and provider monitoring.
    - o This independent group should have membership from across the statutory, private, and third sector.
  - Develop an information pack for ‘first time landlords’ to receive upon registration.
  - Develop, make freely available and promote a tenant information pack, including information on their rights and responsibilities and sources of advice and information
  - Work with tenants and their representatives to develop the online resources developed by and for the licensing authority about the scheme. To ensure that other routes are identified and promoted for tenants to access information about the scheme, including a telephone helpline.
  - Ensure that within the course content the following are included:
    - o Tenancy support options, including financial inclusion and debt information
    - o Clear details on consumer rights and the law regarding advertising and renting properties, making use of the Competition and Market Authorities guidance
- Citizens Advice Cymru would welcome the opportunity to discuss and work with Welsh Government to achieve these calls.

## **Response**

### **Single Licensing Authority**

Citizens Advice Cymru welcomes the proposed approach of having a single designated Licensing Authority for Wales. We support the proposed appointment of Cardiff Council to make best use of available skills and resources.

We believe having a single licensing authority will help ensure consumers - both tenants and landlords alike – can easily access information from one source that promotes understanding of the changes in private rental practice in Wales. Having a single information point will also help advisors and others supporting tenants and landlords to access information on these

within the private rented sector.

In order for the single licensing authority to work effectively across Wales, clear working practices and guidance will be required. This should outline how individual local authorities, tenants, and landlords interact with the single licensing authority and their relevant local authority. In particular, we would welcome clarity on how issues raised with the licensing authority by tenants and people working on their behalf will be dealt with where it relates to enforcement or actions to be taken by the local authority. We want to help ensure that people have clear routes to report problems and have these addressed, and would be happy to work with Welsh Government to facilitate this.

As previously called for in responses to Welsh Government by Consumer Focus Wales and Citizens Advice Cymru, we advocate that there is consumer testing of the online resources about registration and licensing and that other routes are identified and promoted for tenants to access information, including a telephone helpline.

### **Training regulations**

Citizens Advice Cymru advocate that a Content Development Group (CDG) is established with membership from across the statutory, private, and third sector providing input from landlords, tenants and enforcement. This group would be responsible for considering the training content in-depth, evaluating applications to be an approved trainer and the subsequent monitoring of these providers. This approach has been demonstrated successfully by the Content Development Group (CDG) for the National Training Framework on gender-based violence, domestic abuse and sexual violence.

We would advocate that the CDG is established with clear terms of reference and acts to promote transparency of decision making. This should include freely available information on the licensing authority's website that outlines the:

- Process of becoming an approved training provider and the timescales involved
  - o The level of written feedback on applications
  - o The length of time the authorisation/approval is valid and expiration date
  - o Seeking authorisation/approval after this has lapsed (should the process be different)
- Monitoring processes of approved providers to ensure delivery is to the agreed standards, including
  - o Processes for raising concerns about approved trainers
  - o Processes for removing an approved trainers authorisation and how this can be

challenged

- Fees policy
- Complaints procedure
- Membership details and terms of reference

Citizens Advice Cymru agrees with the proposed 5 broad subject areas. Without further detail on the content of these areas we cannot provide greater comment. Therefore, we would welcome further information when this is available. We advocate that within the content the following are included:

- Tenancy support options to help prevent unnecessary evictions and homelessness, such as the inclusion of:

- o Supporting people

- o Care and repair

- o Financial inclusion and debt information and advice available

- Best practice information to include:

- o Complaints procedure

- o Equal opportunities

- o Appropriate behaviour when interacting with tenants as a landlord and/or letting agent

- Clear details on the consumer rights and the law regarding advertising and renting properties, making use of the Competition and Market Authorities guidance

As previously called for in responses to Welsh Government by Consumer Focus Wales and Citizens Advice Cymru, we advocate that:

- An information pack is developed for 'first time landlords' to receive upon registration.

The pack should include all aspects covered by the proposed training, and would benefit from additional information such as how to access energy efficiency schemes in order to tackle the high levels of fuel poverty seen within the Private Rented Sector.

- A tenant's information pack is developed, including information on their rights and responsibilities and sources of advice and information

Developing these information resources will help ensure that the changes to renting in the private sector in Wales are clear and understood by landlords and tenants.

For any further information, please contact:

Elle McNeil

Policy Officer

Citizens Advice Cymru

Elle.McNeil@Citizensadvice.org.uk

Tel: 03000 231 393

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## Response Form

Name:	Jennie Bibbings
Address:	Norbury House Norbury Road Cardiff
Postcode:	CF5 3AS
Organisation (if applicable)	Shelter Cymru

### **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:

- 81. The statutory obligations of a landlord and tenant
- 82. The contractual relationship between a landlord and a tenant
- 83. The role of an agent who carries out letting work or property management work
- 84. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
- 85. 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?

**There is some considerable cross-over between subject areas 1 and 2, as well as 3 and 5, and we suggest that they could be merged, leaving more room for other subject areas as outlined below.**

**More broadly, for the purpose of syllabus design the split between statutory obligations and good practice would seem to be slightly artificial. We agree that it makes sense for subject area 1 to be restricted to fundamental legal obligations, since this will presumably guide the content of the 1-day course. However we would suggest reframing the rest of the subject areas thematically, to encourage both statutory duties and good practice to be taught side by side. Some suggestions for broad themes are below.**

**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?**

**We would suggest that the broad areas need to include subject matter that assists landlords to work with potentially vulnerable tenants, thus contributing to the Welsh Government's strategic aim of homelessness prevention. This would assist the implementation of Part 2 of the Housing (Wales) Act.**

**In our casework we sometimes encounter good practice among landlords who seek to deal with arrears at an early stage by engaging tenants with support via the local authority – this is the kind of good practice we should be encouraging. Many landlords are not aware of the different options for working with tenants and believe that possession action is the only course of action open to them. There is also a need to raise awareness among landlords and explode myths about working with different groups such as disabled people and benefits recipients.**

**We would also be keen to see health and safety given a high priority. The Regulations should specify that the licensing authority must teach landlords their statutory obligations to carry out basic health and safety checks as well as associated good practice such as electrical safety checks and carbon monoxide monitors. The course should also highlight the health impacts of underinvestment in repairs and maintenance.**

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?**

**We agree that the courses for landlords and agents should be different. However we have reservations about giving the licensing authority sole responsibility for course content. We would prefer to see a multi-agency working group established to**

**develop and scrutinise the content in depth to ensure it meets the Welsh Government's objectives.**

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 ☒  
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?

## Response Form

Name:	Steve Clarke
Address:	Milbourne Chambers, Glebeland Street, Merthyr Tydfil
Postcode:	CF47 8AT
Organisation (if applicable)	Tenantiaid Cymru / Welsh Tenants

### **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?**

We also feel that the Licensing Authority should be transparent and have a board to oversee and report on its operations in Wales. The board should be open and accessible to the public as well as ministers.

We would also wish to see private renters on the board and or a similar structure of regulation as the social housing sector with a renters advisory panel to better shape the boards programme of work.

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:

- 86. The statutory obligations of a landlord and tenant
- 87. The contractual relationship between a landlord and a tenant
- 88. The role of an agent who carries out letting work or property management work
- 89. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
- 90. 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?

The core syllabus should be separately defined for both landlords and letting agents. The roles are very different in many respects with the letting agent having a distinct role from that of the landlord. We should not be trying to put both in one syllabus but separate.

The current syllabus struggles to pack it all in one day and therefore there is a need to separate letting agents from landlord training. Letting agents should have a higher benchmark as the roles are more complex. We do not believe that training for one landlord should be the same as one for landlords who manage a 1,000 properties.

We agree that there should also be set numbers of people trained based on the portfolios of letting agents.

**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?

We believe that the Licensing Authority should have a wider role of ensuring

competence to manage in the private rented sector within its ethos and values

We absolutely agree that there should be 'top-up options' as part of the training offered by the Licensing Authority under a continual professional development framework. This should relate to subjects such as mediation, alternative dispute resolution, tenant support, representation and participation, leasing, free holding and collective enfranchisement and representation for leaseholders. This could be commissioned directly or signposted by the authority to approved organisations that actively promote a better PRS.

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?

There are different and fundamental obligations for both landlords and letting agents. Although contracted via the landlord the tenant is also the customer. We would agree that training should cover landlord obligations separate from the letting agents and that these should be separately delivered. Letting agents will also have to deal with absent landlords and enquires such as the fire services, social services and may require the letting agent to give evidence.

In the future letting agents could be operating through 'online provisions' using micro working to do the intro and key sign-over and that could in theory be located anywhere. The Designation Order needs not to be flexible enough to deal with these situations and the training provisions that give rise to them etc.

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

x

If not, why not?

The need to deliver training courses within the timescales required will be huge. We feel that there is more scope to meet demand, to approve separate trainers for landlord and agent training. Otherwise the competency scope will be significantly narrower. We there do not agree that there should be a requirement for every training to deliver both. This will further add to costs needed to be recovered through rents and fees charged. No absolutely 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

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?

There needs to be complete transparency in the terms and conditions of acceptance of registration as to under what circumstances registration may be withdrawn.

But we broadly accept that the authority needs to have this power and that if providers wanted to continue to provide course, they should stipulate in any literature that they are 'not Licensing authority approved'.

**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?

There should be a clear appeals procedure that includes the provision for external oversight.

**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?

Any fees policy should be in line with our comments in respect of singular provision separating agent training from landlord training and other supplementary training.

Fee structures should be sufficient to cover the administration and registration process only and should be independently audited.

They should not be so prohibitive as to bar specialist small support and advice providers from accessing the opportunity for authorisation to train.

We also suggest that the Licensing Authority under certain conditions should have the power to waive a fee if they feel that specialist training was required to address a particular issue, and that the fees meant that no training providers were coming forward.

This could address some equality and diversity issues or highly specialised areas of competence or support that the Licensing Authority would want to see developed in the sector

[www.rspca.org.uk/wales](http://www.rspca.org.uk/wales)

PAGE 1 externalaffairscymru@rspca.org.uk

0300 123 8912

Consultation Response

FROM THE EXTERNAL AFFAIRS WALES DEPARTMENT

Welsh Government Consultation Designation of Licensing Authority under Part 1 of the Housing (Wales) Act 2014 and the intention of the training regulations which will govern the training requirements of landlords and agents February 2015

RSPCA Cymru welcomes the opportunity to respond to the Welsh Government's consultation concerning the designation of a licensing authority under Part 1 of the Housing (Wales) Act 2014, and the intention of the training regulations which will govern the training requirements of landlords and agents.

As outlined in recent meetings with Welsh Government Housing officials, and in earlier consultation responses submitted in relation to this legislation, we have emphasised the impact which housing policies can have on animal welfare. We are continuing to work closely with the Dogs Trust in Wales on this issue. It is our belief that this legislation can play a key role in encouraging responsible pet ownership.

Indeed, some 43 percent of households in Wales own at least one animal, and many challenges are posed by the keeping of pets in private, sheltered, social and council accommodation. As such, it is vital these issues are considered as the relevant sections of the Housing (Wales) Act are implemented and progressed.

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

RSPCA Cymru believes training requirements and materials should include a focus on the keeping of animals within private rented housing. Such a focus could form a key role within any training regarding the contractual relationship between a landlord and a tenant and best practice in the letting and management of dwellings under a domestic tenancy.

We have worked with many social housing providers to outline the benefits of a well-enforced Pets Policy, often linked to tenancy agreements. In many circumstances, these issues are equally applicable to private landlords, and thus should be considered when developing the requirements of training courses and materials.

Such policies may outline a tenant's legal obligations in terms of what is required of them and the consequences for failing to adhere to any such policy. They can include clear guidance on how many pets a tenant may own and any restrictions on particular species, which should depend on the suitability, style and size of the accommodation in question. Further to this, it should detail that an owner is responsible for the welfare of these animals as defined under the Animal Welfare Act (2006).

Additionally, any such policy could, for example, outline that an owner must ensure animals do not cause a nuisance or be used in an anti-social manner, include measures to tackle indiscriminate breeding and lay out conditions related to pets which may be left behind in a property. Such a policy could also outline a tenant's legal obligation in relation to microchipping and identification.

Clearly, animal welfare issues should be regarded as key in the management of a rental property and, if addressed accordingly, could potentially save the public purse significant amounts of money in tackling possible pet-related issues, which could include noise nuisance, anti-social behaviour etc.

Training could, therefore, highlight to private landlords issues they may wish to include in their tenancy agreements, the benefits of a Pets Policy, as detailed above, and procedures they may wish to be aware of to tackle common pet-related problems with lettings. Equipping private landlords, and agents where necessary, with such knowledge could avoid common problems linked to pet ownership within rental properties from escalating, whilst simultaneously promoting responsible ownership and compliance with the law, and preventing damage being caused to a dwelling.

Depending on the make-up of training schemes, the provision of relevant written materials could play a key role. As discussed with Welsh Government officials, RSPCA Cymru and Dogs Trust would be very happy to provide detailed information as to the issues, themes and legislation which should be considered with regards to pets being kept within the private rented sector. The development of a co-produced 'Best Practice Guide' could be a hugely useful tool in equipping landlords and agents with useful knowledge.

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

From an animal welfare perspective, it is imperative that any direct training delivered should be administered by an appropriately qualified individual or group. We would be very happy to discuss these issues further.

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## **Introduction**

The National Trust cares for beautiful and historic places in Wales. We function as a business as well as a charity; in addition to our hundreds of places that are open to the public, we have a wider estate of houses, cottages and farms available for tenants to let. Many were acquired as part of larger estates and often include estate villages which had historically provided homes for estate workers. Of the 25,000 buildings that we own in Wales, England and Northern Ireland, more than 5,000 are houses and cottages.

We are a major employer and invest in parts of Wales that may otherwise be bypassed by normal market forces.

Renting homes is of great importance to the National Trust in Wales. Renting properties ensures that full use is made of buildings in our care. We currently act as a private landlord for over 300 properties across Wales. In some areas we are the principal provider of rural housing. This means that the decisions that we make in allocating and managing housing can have a real impact on local communities.

Rental income from residential properties constitutes an important stream of income for National Trust Wales. The profits we generate from rental income in Wales directly support the National Trust's vision of protecting and enhancing special places forever, for everyone.

We are a self-supporting charity and our main aim in renting homes is to generate rental income to support our purposes. However, we have several subsidiary objectives:

- to safeguard the physical contribution that our houses and cottages make to the historic built environment;
- to further our work in the locality through selection of tenants with suitable skills; and



- where possible, to favour those prospective tenants who make a contribution to their community.

## Response Form

Name:	Emily Keenan
Address:	East Lodge Dyffryn Gardens St Nicholas Vale of Glamorgan CF5 6SU
Postcode:	CF5 6SU
Organisation (if applicable)	National Trust

### **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?

**As an organisation that operates as a private landlord on a national level we would find it very helpful to have one licencing authority for Wales. If more than one authority existed we would be required to register with multiple authorities which would place an extra administrative burden on us as an organisation.**

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?

**We have no objection to Cardiff Council being appointed the single licensing authority**

**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:

- 91. The statutory obligations of a landlord and tenant
- 92. The contractual relationship between a landlord and a tenant
- 93. The role of an agent who carries out letting work or property management work
- 94. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
- 95. 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?

**We agree that those subject areas are appropriate. In many cases an individual may wish to attend training on multiple or all of the above topics. For this reasons sessions should be held in a manner which allows this to be done with the minimum expenditure of time, money and efforts by running courses consecutively in the same location.**

**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?

**We would advocate 'best practice' training, of which complaints handling training might form a useful part.**

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?

**We agree that core training should be stipulated and that content should be varied according to whether the individual is a landlord or an agent. Having said this we believe that for the system to work effectively the agent should understand the rules and responsibilities of both themselves and the landlord.**

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?

**Training and resources should be available to all those individuals who wish to be licenced.**

**Training provided should be affordable, succinct and at a convenient location. Group training would be beneficial in many cases so that where new issues are raised the whole group can benefit from hearing the response.**

**Training provided online can reduce time and travel and we would recommend the use of online course or WebEx sessions where appropriate.**

**Many of those involved in these areas already have a formal professional property qualification and are accredited by RICS and ARLA. We feel that this should be taken into account and that where the individual is already accredited the approved course should only aim to provide knowledge and information above and beyond the contents of training already completed. Where agents and landlords do not have such accreditation it may be appropriate to recommend introductory courses that give more of an overview of the area.**

**In the case of large organisations like ourselves there should be a simple mechanism for ensuring we can be recognised as a capable training provider. We already deliver courses internally both online and through webinars and seminars. The expertise needed to deliver such training (qualified surveyors, an in-house legal team and a training development team) are already available. Depending on the training requirements we feel many of our training requirements could therefore be met in house.**

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**

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:

Address:

Postcode:

### **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:

96. The statutory obligations of a landlord and tenant

- 97. The contractual relationship between a landlord and a tenant
- 98. The role of an agent who carries out letting work or property management work
- 99. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy
- 100. 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?**

Please refer to our response to Q5.

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?**

We do not wholly disagree with the licensing authority stipulating the core content. But that said we would expect the licensing authority to engage with other partners/agendas (such as homelessness & tackling poverty) to ensure opportunities are not missed. Embedding key issues into the core syllabus will ensure that landlords and agents alike are not only aware of their roles and responsibilities, but also aware of some of the key issues that tenants are facing, and things that the landlord/agent can do (for example...how & where to refer tenants for support if they get into rent arrears). Including key elements like the example given, into the core syllabus could act as a preventative measure over time, reducing the need for crisis intervention, and the number of households presenting as homeless.

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

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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

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

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No

If not, why not?

### **Response Form**

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(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

☒

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

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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:

101. The statutory obligations of a landlord and tenant

102. The contractual relationship between a landlord and a tenant  
103. The role of an agent who carries out letting work or property management work  
104. Best practice in letting and management dwellings, subject to, marketed, or offered for let, under a domestic tenancy  
105. 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?**

NUS Wales would stress points 1 and 2. We would also hope that literature explaining both of these points would be given to the landlord and that they would then have to make this available to the tenant.

One way to ensure that this training enables both landlords and student tenants to be away of what the other needs would be to have a student (or NUS Wales representative) on the board of the body designing the training content.

**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?**

Neither the landlord nor agent courses should be ignorant of one another. There should be training within each course so that landlords and agents know where their responsibilities differ.

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

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No

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If not, why not?

This training must be reviewed regularly to ensure that it is as efficient and as useful as it possibly can be. Substandard training can often be worse than no training at all.

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

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If not, why not?

It is important that this provision is kept in place. Applicants must have the ability to scrutinise the authority in the interests of democracy, and this process is the best way to do this.

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

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If not, why not?

This power must be used appropriately. The second condition provided is if the provider has “ceased to be an appropriate provider”. Naturally, this will be on a case-by-case basis. It is important that clarification is given in every instance for why this is the case. If this is the reason for withdrawing authorisation, it should be made public so that other existing and potential providers are aware of what actions would lead to the withdrawal of authorisation.

**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?

The rationale behind this is identical as question 7.

### **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

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No

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If not, why not?

As with question 7, such a plan must be prepared in order to enable the authority to be properly accountable. However, this fee must be reasonable and informed by a democratic process by enabling evidence sessions and submissions from stakeholders.