

Prescribed Information, Fees & Periods Regulations - Consultation Responses

Page used to send this email: /consultations/forms/information,-periods-and-fees-required-for-an-application-for-registration-and-an-application-for-a-licence/

Name: Adrian Thompson

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Organisation (if applicable): Guild of Residential Landlords and PRS Accreditation Scheme

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?:

If not, why not?:

Clarification of "correspondence address" would be useful (if landlord has more than one address for example, which one is to be used?). Also, it should be clear whether email is mandatory. If landlord has an email but would rather not disclose it, must one be disclosed?

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:

If not, why not?: See Q.2

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: Yes

If not, why not?:

Question 5: Do you consider that the information that will be required is adequate?:

If not, why not?: See Q.2

Question 6: Do you agree the changes proposed in the regulations which will have to

be notified to the Licensing Authority are reasonable?:

If not, why not?: See Q.2

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: No

If not, why not?: The Welsh Assembly should prescribe the fees by statutory instrument.

Question 8: Do you consider that the proposed declaration is adequate?: Yes

If not, why not?:

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Name: Andree Thomas

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Telephone: 07890660101

Address: Gwern Medd Farm Llangoedmor

Postcode: SA432LP

Organisation (if applicable): Darcy Properties Ltd

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: No

If not, why not?: A landlord may let a property from the time of his application. If, after 4 weeks, his application is refused, he may wish to end the tenancy rather than pursue registration. Ending a tenancy (and, in this case, making

tenants unnecessarily homeless), takes in excess of two months, or six months if it is a new tenancy. The registering authority MUST deal with applications within 2 weeks. It is ridiculous that one law is broken and another prevents the law-breaker from remedying the situation. What provisions have been made for this scenario?

Question 2: Do you consider that the proposed information that will be required is adequate?:

No

If not, why not?:

I cannot find within the Act what the "specified Information" will be. How, therefore, can this question be meaningful?

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:

No

If not, why not?:

Section 23(1)(b) requires that a licence holder informs the authority of "any prescribed changes". What are those prescribed changes? How is this consultation question meaningful if we do not have the information we need to answer the questions?

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:

No

If not, why not?:

This is an unnecessarily long time to allow the authorities to determine the outcome of an application. A landlord may let a property from the time of his application. If, after 8 weeks, his application is refused, he may wish to end the tenancy rather than pursue licensing or appointing a licensed agent. Ending a tenancy (and, in this case, making tenants unnecessarily homeless), takes in excess of two months, or six months if it is a new tenancy. The licensing authority MUST deal with applications within 2 weeks. It is ridiculous that a landlord may fall foul of one law, yet another makes it impossible to remedy the situation within the time he is given.

Question 5: Do you consider that the information that will be required is adequate?:

Yes

If not, why not?:

Beyond adequate. Excessive

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:

No

If not, why not?:

Section 23(1)(b) requires that a licence holder informs the authority of "any prescribed changes". What are those prescribed changes? How is this consultation question meaningful if we do not have the information

we need to answer the questions? This question is almost a repeat of the one above. Reasonable? Adequate? Pedantic.

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:

No

If not, why not?:

It is an absolute must that the fee structure is set nationally. It is unreasonable and inequitable that authorities are able to set their own fees. Some authorities (Ceredigion for e.g.) is renowned for charging well in excess of others for the same services. This is a licence for authorities to divert money from landlords' maintenance and improvements budgets into the council coffers. A true cash cow for unscrupulous authorities. The fee structure should be transparent and not allow "different fees for different cases". This allows authorities to interpret the law according to their own, possibly prejudicial, views. How can this be acceptable? There could be a sliding scale depending on the number of properties registered or licensed, but it should be uniform across Wales. I fear that the diversion of income from landlords to councils will have the effect of causing a deterioration in standards, not the improvement of them. The income can only be spent once, and if the council has it, it cannot be used for maintenance or improvements.

Question 8: Do you consider that the proposed declaration is adequate?:

No

If not, why not?:

Despite reading the Act from beginning to end, several times, and losing the will to live in so doing, I can find no mention of any specific declaration. This consultation document, whilst ticking the boxes to say it's been done, is a futile exercise for an Act that has already been passed. The Act itself has admirable intentions but I suspect the bad landlords (of whom there are many) will be the ones who flout it. Those who already have very high standards will be financially penalised to the detriment of the tenants. I suspect that one effect of this legislation will be to diminish the stock of private rental properties as landlords are heartily tired of intrusive, expensive, time consuming legislation, and will choose to leave the sector. How will these properties be replaced? Will authorities have the funds to provide more social housing (with its own terrible record of standards)? Why are social housing stocks and housing association stocks omitted from this legislation? Is that fair and equitable? Are they beyond reproach? I know that they are not. Where is the protection for the good landlords from the bad tenants who fail to pay rents on time or at all? Or who damage the properties before they leave? This is a piece of legislation with admirable aims but which will, in my opinion, have a detrimental effect on the much-needed provision of housing in Wales. Will you publish these views which are, in the main, not complimentary about the Act? I doubt it.

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Telephone: 07792803017

Address: 4 THE ORCHARD, BROADLANDS,BRIDGEND,CF31 5ER

Postcode: CF31 5ER

Organisation (if applicable): PRIVATE LANDLORD

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: No

If not, why not?: IT IS NOT REASONABLE TO HAVE 4 WEEKS FOR PROCESSING APPLICATION THEN ANOTHER 8 WEEKS TO DETERMINE REGISTRATION. I THINK THAT 8 WEEKS FOR THE WHOLE PROCESS IS MORE THAN ADEQUATE - IDEALLY SHOULD BE 4 WEEKS FOR QWHOLE PROCESS.

Question 2: Do you consider that the proposed information that will be required is adequate?: Yes

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?: Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: No

If not, why not?: SEE ABOVE

Question 5: Do you consider that the information that will be required is adequate?: Yes

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?: Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: No

If not, why not?: THE LICENCING AUTHORITY SHOULD NOT BE ABLE TO SET THEIR OWN FEES, AS THIS WILL TURN INTO A 'CASH COW' AT THE EXPENCE OF LANDLORDS. THE WELSH ASSEMBLY SHOULD HAVE THE RESPONSIBILITY TO SET THE FEES AND ORGANISATIONS TENDER FOR THE WORK ON THAT BASIS.

Question 8: Do you consider that the proposed declaration is adequate?: Yes

If not, why not?:

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If you would prefer your name and address not to be published, please tick here::

Name: Chris York

Email address: chris.york@monmouthshirehousing.co.uk

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Address: Nant Y Pia House, Mamhilad Technology Park, Mamhilad,
Monmouthshire,

Postcode: NP4 0JJ

Organisation (if applicable): Monmouthshire Housing Association

Question 1: Do you agree that 4 weeks
is an appropriate timescale for
processing an application for
registration?:

No

If not, why not?: Reduce to three weeks.

Question 2: Do you consider that the
proposed information that will be
required is adequate?:

Yes

If not, why not?:

Question 3: Do you consider that the
changes proposed in the regulations
which have to be notified to the
Licensing Authority are adequate?:

Yes

If not, why not?:

Question 4: Do you think that 8 weeks is
a reasonable timescale for determining
a licensing application?:

No

If not, why not?: Reduce to four weeks.

Question 5: Do you consider that the
information that will be required is
adequate?:

Yes

If not, why not?:

'In addition the Act allows, under section 19(1)(c), for the authority to ask
for further information as part of a licence application'. Can it be made
clear this has to be requested as soon as possible and within the
application processing timeframe?

Question 6: Do you agree the changes
proposed in the regulations which will
have to be notified to the Licensing

Yes

Authority are reasonable?:

If not, why not?:

There is also provision in section 23(1)(b) of the Act for the Welsh Ministers to prescribe further information which has to be updated by licence holders if their circumstances change. If the provision is made to provide any contact information that has changed on the application form - there's no need to be specific e.g. address, telephone, email etc.

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:

Yes

If not, why not?:

Before charging a fee, the licensing authority must prepare and publish a fees policy – it needs to be added 'following direct engagement and consultation with stakeholders'. The licensing authority may revise its fees policy and, where it does so, must publish the policy as revised – should a timeframe be put on how often fees can be revised? Should increases be capped? e.g. CPI plus 0.5%?

Question 8: Do you consider that the proposed declaration is adequate?:

No

If not, why not?:

No this does not read well and should be re-written. Additional: It is unclear how a lot of the licensing and registration scheme will be enforced. e.g. It should be noted that a licence holder has 28 days to notify the licensing authority of any change, failure to do so is an offence. How will the local authority actually know if a licensee's details have changed, unless they themselves make the local authority aware? Local authorities should be expected to devise a clear strategy and process on how they will enforce and prioritise enforcement issues. A specified amount from licensing fees should be allocated to enforcement.

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If you would prefer your name and address not to be published, please tick here::

Name: David Burgess

Email address: David.Burgess@Conwy.gov.uk

Telephone: 03001240050

Address: 41 Conway Road Colwyn Bay Conwy

Postcode: LL29 7AA

Organisation (if applicable): Conwy County Borough Council

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?: Yes

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?: Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: No

If not, why not?: If a Landlord has to wait for a license to be granted before they let their property, 8 weeks of no rent is quite a substantial loss, and having a property empty for that amount of time in the current housing market is not acceptable considering the housing shortage we are currently experiencing.

Question 5: Do you consider that the information that will be required is adequate?: No

If not, why not?: I believe the following documentation for each property should be submitted to ensure that the Landlords/Agents are abiding by the Private Rented Sector Code of Practice for Landlords and Agents
Consent from Mortgage Lenders to let the property
Consent from Superior Landlords to let the property
Copy of relevant Landlords insurance
HHSRS evaluation report to ensure that there are no Category 1 Hazards
Gas Safety Certificate (by GAS SAFE engineer)
Electrical Safety Certificate (NICEIC)
Energy Performance Certificate
Fire risk assessment

if the property has access to any communal areas Maybe even ask for a copy of an Asbestos Survey This would certainly raise the standard of properties for let in Wales.

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:

Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:

Yes

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate?:

Yes

If not, why not?:

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Name:

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Address:

25 Marlborough Drive Ilford Essex
(CORRESPONDANCE)

Postcode: IG5 0JN

Organisation (if applicable):

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?: Yes

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?: Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: Yes

If not, why not?:

Question 5: Do you consider that the information that will be required is adequate?: Yes

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?: Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: Yes

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate?: Yes

If not, why not?:

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Name: Ilan Jones

Email address: ilan.jones@nationaltrust.org.uk

Telephone: 01690 713314

Address: Ysbyty Estate Office Dinas Betws y Coed

Postcode: LL24 0HF

Organisation (if applicable): National Trust

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?: Yes

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?: Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: Yes

If not, why not?:

Question 5: Do you consider that the information that will be required is adequate?: Yes

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will

have to be notified to the Licensing Authority are reasonable?:

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: Yes

If not, why not?: Yes as long as the licencing fees are reasonable and not punitive.

Question 8: Do you consider that the proposed declaration is adequate?: No

If not, why not?: The Trust rents out several hundred residential properties throughout Wales. These properties are managed by individual rural surveyors located in different regional office. The application and declaration will need to be completed and signed by one individual within the Trust. Given the way residential dwellings are managed by NT and that there isn't an individual acting as owner/landlord, it would be helpful if your guidelines on completing the application could make it clear which individual within such a large organisation would be best placed to sign this declaration.

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Name: John Cooper

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Telephone: 07917680835

Address: 2 Court View Langstone Newport

Postcode: NP18 2NN

Organisation (if applicable):

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?: Yes

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?: Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: Yes

If not, why not?:

Question 5: Do you consider that the information that will be required is adequate?: Yes

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?: Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: Yes

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate?: Yes

If not, why not?:

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Name:

John Daley

Email address:

daly221@btinternet.com

Telephone:

Address:

32 Ash Road Princes Risborough

Postcode:

HP27 0BQ

Organisation (if applicable):

In a private capacity

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?:

Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?:

Yes

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:

Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:

Yes

If not, why not?:

Question 5: Do you consider that the information that will be required is adequate?:

Yes

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:

Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: Yes

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate?: Yes

If not, why not?:

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Page used to send this email: /consultations/forms/private-rented-sector-code-of-practice-for-landlords-and-agents/

Name: Julie Kirby

Email address: julie@kirby.co

Telephone:

Address:

Postcode:

Organisation (if applicable):

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?: No

If not, why not?:

"the name and licence number, if applicable, of any person appointed by the landlord to carry out lettings work or property management work on behalf of the landlord" Unclear whether the landlord above is the licensed and registered landlord or a joint registered not

licensed landlord . eg we are 4 joint owners with myself licensed. 2 of the other joint landlords do all minor repairs. How do we achieve that with the new system. Also will we have to buy insurance for them to do this in future - increased cost or use another contractor - increased cost again.

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:

Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:

No

If not, why not?:

why not 4 weeks as above?

Question 5: Do you consider that the information that will be required is adequate?:

Yes

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:

Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:

Yes

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate?:

Yes

If not, why not?:

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Name: KEVIN ULLAH

Email address: aapropertieswales2@yahoo.com

Telephone: 07753883030

Address: 13 GRAIGWEN MORGANSTOWN

Postcode: CF15 8LH

Organisation (if applicable): AA PROPERTIES WALES (SERVICES)

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: No

If not, why not?: 6 weeks, as you need to engage the Asian Community and you will have issues with language. You already HAVE NOT ENGAGED our community. It's only by chance as a member of the RLA that I keep abreast of things. "Education", not blindly pressing forward please. Also why not give a first registration certificate out so Landlord can carry on his/her business while you do your checks?

Question 2: Do you consider that the proposed information that will be required is adequate?: Yes

If not, why not?: As long as it is date protected.

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?: Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: Yes

If not, why not?:

Question 5: Do you consider that the information that will be required is

adequate?:

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:

Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:

Yes

If not, why not?:

Yes, BUT, take in the views of the RLA, and what figure you promised in the beginning of this Bill should stay to what you promised, and not used to "run your business of licensing". Otherwise you may drive Landlords underground. You need to get them/us on your side. I don't mind if you increase it by 5% every 5 years?

Question 8: Do you consider that the proposed declaration is adequate?:

Yes

If not, why not?:

BE careful here. Many business people have made mistakes in their lives, and yet here they are having to act like priests. The rental sector is a business, just like a car business with losses and profits and hard work. Don't take a holier than thou view, please.

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(Unchecked)

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Name:

Private Sector Housing Expert Panel

Email address:

Louise.M.Davies@rctcbc.gov.uk

Telephone:	01443 425001
Address:	c/o Rhondda Cynon Taf CBC, Public Health and Protection Department, Ty Elai, Williamstown, Tonypany.
Postcode:	CF40 1NY
Organisation (if applicable):	Private Sector Housing Expert Panel

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?:	Yes
If not, why not?:	
Question 2: Do you consider that the proposed information that will be required is adequate?:	Yes
If not, why not?:	While we support the requirement to include the Licence Number of the nominated manager/ agent, in practice this may not be possible for early registrants and this matter will need to be considered by the Single Licensign Authority in developing the application process.
Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:	Yes
If not, why not?:	
Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:	Yes
If not, why not?:	
Question 5: Do you consider that the information that will be required is adequate?:	Yes
If not, why not?:	
Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:	Yes
If not, why not?:	
Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:	Yes

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate? Yes

If not, why not?:

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Name:

Louise Davies

Email address:

Louise.M.Davies@rctcbc.gov.uk

Telephone:

01443 425385

Address:

Rhondda Cynon Taf CBC, Public Health and Protection Department, Ty Elai, Williamstown, Tonypany.

Postcode:

CF40 1NY

Organisation (if applicable):

Rhondda Cynon Taf County Borough Council

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration? Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate? Yes

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate? Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable
timescale for determining a licensing application?: Yes

If not, why not?:

Question 5: Do you consider that the information that will be
required is adequate?: Yes

If not, why not?:

Question 6: Do you agree the changes proposed in the
regulations which will have to be notified to the Licensing
Authority are reasonable?: Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should
set and publish a fees policy for registration and licensing
fees?: Yes

If not, why not?:

Question 8: Do you consider that the proposed declaration is
adequate?: Yes

If not, why not?:

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part of the address) of its author will be published along with
the response, as this helps to show the consultation exercise
was carried out properly. (Unchecked)

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required-for-an-application-for-registration-and-an-
application-for-a-licence/

Name:

Natalie Griffiths

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Address:

LSL 1-2 Northernhay Place Exeter Devon

Postcode:	EX4 3YF
Organisation (if applicable):	LSL
Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?:	Yes
If not, why not?:	
Question 2: Do you consider that the proposed information that will be required is adequate?:	Yes
If not, why not?:	
Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:	No
If not, why not?:	AGREE WITH ARLA RESPONSE ALREADY MADE
Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:	Yes
If not, why not?:	
Question 5: Do you consider that the information that will be required is adequate?:	Yes
If not, why not?:	
Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:	No
If not, why not?:	AGREE WITH ARLA RESPONSE ALREADY MADE
Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:	Yes
If not, why not?:	
Question 8: Do you consider that the proposed declaration is adequate?:	Yes
If not, why not?:	

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Name:	Nick Jones
Email address:	nick.jones@conwy.gov.uk
Telephone:	01492 575281
Address:	Civic Office Colwyn bay
Postcode:	LI29 8AR
Organisation (if applicable):	Conwy CBC
Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?:	Yes
If not, why not?:	
Question 2: Do you consider that the proposed information that will be required is adequate?:	Yes
If not, why not?:	
Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:	Yes
If not, why not?:	
Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:	Yes
If not, why not?:	
Question 5: Do you consider that the information that will be required is adequate?:	Yes
If not, why not?:	
Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:	Yes
If not, why not?:	

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: Yes

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate?: Yes

If not, why not?:

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Name:

Public Protection Department

Email address:

publicprotection@bridgend.gov.uk

Telephone:

01656 643643

Address:

Civic Offices Angel Street Bridgend

Postcode:

CF31 4WB

Organisation (if applicable):

Bridgend County Borough Council

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?: No

If not, why not?:

Would like description of property e.g. type of property, number of storeys, maximum number of tenants.

Question 3: Do you consider that the changes proposed in Yes

the regulations which have to be notified to the Licensing Authority are adequate?:

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: Yes

If not, why not?:

Question 5: Do you consider that the information that will be required is adequate?: Yes

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?: Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: Yes

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate?: Yes

If not, why not?:

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Name: R. Guy Warren

Email address: gw@evergreenhomes.co.uk

Telephone: 020 7693 5052

Address: 78 York Street

Postcode: W1H 1DP

Organisation (if applicable): Evergreen Homes Ltd

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?: Yes

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?: Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: Yes

If not, why not?:

Question 5: Do you consider that the information that will be required is adequate?: No

If not, why not?: If we are already accredited by LAW and already licensed as an HMO which appears to require far more than the general licensing, are we correct to think that there would not be the need to duplicate the licence with another one?

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?: Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: Yes

If not, why not?: However, we do not think we should be double charged to have two licenses, as this will deter investment from compliant Landlords,

whereas the bad landlords this is designed to stop, will carry on without applying, because they know that the LA has not the resources to find them. (Or else they already would have).

Question 8: Do you consider that the proposed declaration is adequate?:

Yes

If not, why not?:

Responses to consultations may be made public – on the internet or in a report. Normally the name and address (or part of the address) of its author will be published along with the response, as this helps to show the consultation exercise was carried out properly.

(Unchecked)

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Name:

Rob Williams

Email address:

robw@tamaad.force9.co.uk

Telephone:

01633 860702

Address:

4, Cefn Close Croesyceiliog Cwmbran

Postcode:

NP44 2NE

Organisation (if applicable):

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?:

No

If not, why not?:

I think this is too long, I would bet that if this timescale is accepted then it would increase substantially and the excuse will be "pressure of work" or "backlog"

Question 2: Do you consider that the proposed information that will be required is adequate?:

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: Yes

If not, why not?:

I would like to add that renewals should be much shorter

Question 5: Do you consider that the information that will be required is adequate?:

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: Yes

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate?: Yes

If not, why not?:

Responses to consultations may be made public – on the internet or in a report. Normally the name and address (or part of the address) of its author will be published along with the response, as this helps to show the consultation exercise was carried out properly. (Unchecked)

If you would prefer your name and address not to be published, please tick here::

To: **Private Sector Housing Mailbox:** Welsh Government

I refer to your consultation document 25002. Can you please confirm what effort has been made by Welsh Government to advise your target audience {private landlords and tenants in Wales} that this consultation document is now available on your website. In your Regulatory Impact Assessment {RIA} you estimate your target audience to be between 70,000 and 130,000. How many are likely to be aware that this consultation has been

uploaded to your website? Although I am involved in ongoing correspondence with Welsh Government and National Assembly on this subject I have only today {7th May 2015} become aware of the consultation and note that the closing date for response is also 7th May 2015. It is therefore logical to assume that many other private landlords and tenants in Wales are also not aware of the consultation process.

Having read the document I offer the following observations, albeit after closing date. The proposal to allow the licensing authority to set registration and licensing fees conflicts with information {and fee level} published in your RIA which was used to justify your proposals to National Assembly.

I look forward to your response / justification for your proposal to now allow the licensing authority to set registration and licensing fees contrary to information presented in your RIA. I respectfully suggest you consider extending the time period for response to this consultation following your efforts to publicise your proposals and communicate with your target audience. Please copy your response to me to the CELGC at National Assembly.

Regards

Wynne Jones I. Eng A.C.I.W.E.M
Pembrokeshire
SA37 0EX

Response to the Welsh Government's Consultation
Information, periods and fees required for an application for registration and an application for a license under Part 1 of the Housing (Wales) Act 2014 – Regulation of Private Rented Housing

From the Association of Residential Letting Agents (ARLA)

April 2015

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.

Period for Registration:

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

4. Yes.

5. ARLA agrees that four weeks is an appropriate and proportionate timescale for processing an application for registration.

6. However, s.19(5) Provision of Services Regulations 2009 states that "in the event of failure to process the application within the period set ... authorisation is deemed to have been granted by a competent authority, unless

different arrangements are in place". The consultation does not make clear whether, in the event an application for registration is not processed within the

prescribed period, the application will be granted automatically or whether "different arrangements" will be put in place. We therefore ask the Welsh Government to clarify this issue.

7. We also ask what provisions the Welsh Government will put in place to monitor and evaluate the efficiency of Cardiff Council in processing applications for registration and what measures will be taken should the average length of time exceed the prescribed period.

Information to be included in an application for Registration:

Question 2: Do you consider that the proposed information that will be required is adequate?

8. Yes.

9. In principle we do consider the proposed information that will be required is adequate. However, we do believe there will be some practical issues in relation to maintaining and enforcing such a comprehensive database.

Changes to be notified to the Licensing Authority:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

10. No.

11. The four proposed additions outlined at page eight of the consultation seem sensible in principle. However, how will such additions be enforced in practice? Maintaining an accurate, up-to-date, database which only includes the information prescribed under s.16(1) will be impossible without huge resources being set aside for enforcement and monitoring activities. The consultation does not mention enforcement at any point. How will the Welsh Government / Cardiff Council enforce these proposals? Therefore, ARLA cannot support the inclusion of these additional requirements when we have no details of how these or the prescribed requirements of s.16 will be enforced.

Period for determination of a licensing application:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

12. Yes.

13. ARLA agrees that eight weeks is an appropriate and proportionate timescale for processing an application for licensing.

14. However, as mentioned in response to Question One above, s.19(5) Provision of Services Regulations 2009 states that "in the event of failure to process the application within the period set ... authorisation is deemed to have been granted by a competent authority, unless different arrangements are in place". The consultation does not make clear whether, in the event an application for licensing is not processed within the prescribed period, the application will be granted automatically or whether "different arrangements" will be put in place. We therefore ask the Welsh Government to clarify this issue.

15. We also ask what provisions the Welsh Government will put in place to monitor and evaluate the efficiency of Cardiff Council in processing applications for licensing and what measures will be taken should the average length of time exceed the prescribed period.

Information for an application for a licence:

Question 5: Do you consider that the information that will be required is adequate?

16. Yes.

17. In principle, ARLA agrees that the proposed information which will be required is adequate. However, we would like to raise three queries in relation to the proposal:

I. There is no mention of applicants having to provide the details of rental properties in applications for licensing. We would be grateful if the Welsh Government will clarify that lists of property details will only be required on

applications for registration. If letting agents applying for licensing need to register every property they manage, the administrative burden will be excessive; dramatically impacting businesses.

II. The consultation states “if the applicant is carrying out lettings work and property management work on behalf of a landlord in the course of business, the address of any premises in the area of the Licensing Authority used for that purpose”. We take this to mean that each letting agency (rather than each individual letting agent) needs to be licensed and the application must state the address of each branch. Assuming this to be the case, does such a list of premises need to include admin-only offices? Some agencies have a separate 'hub' where they undertake back-office/administrative/Head Office functions with no direct client-interaction (i.e. somewhere that neither landlords nor tenants will ever go). We would argue that where agencies have both client facing offices (branches) and admin-only offices, only client-facing offices should be included so as to avoid consumers (landlords or tenants) attending an admin-only office.

III. We are concerned about the definition of "Connected person" used in page 9 of the consultation document. The definition used in footnote 2 is very wide and could include the back-office staff mentioned in the point above, referencing agencies, inventory clerks and solicitors. Further, it appears to contradict the exclusions to "Lettings work" outlined in s.10 Housing (Wales) Act 2014. We would be grateful if the Welsh Government would clarify this issue and clearly state what class of person needs to be identified in an application for licensing (for example, all staff, all client-facing staff, all fee-earning staff).

Changes to be notified to the Licensing Authority:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

18. No.

19. As with the previous question, in principle, ARLA agrees the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable. Again, as with our response to Question Three above, we would question how such additional requirements will be enforced.

20. We would also like to raise concern about the requirement to notify the Licensing Authority of “any changes in identity of any connected person”. Depending on the final definition of “Connected person”, this could involve every letting agency in the country having to notify the Licensing Authority every time a member of staff either joins or leaves their business. The administrative burden of this exercise for both letting agents and the Welsh Government will be colossal. For example, under the current proposal, should a member of staff leave one firm and move to another, the Licensing Authority would need to be notified by the original firm that the member of staff has left (and probably that they have recruited a new member of staff) and by the new firm that they have taken on a new member of staff (possibly after another member of staff have left). The result will be that for one person moving firms, four notifications may have to be put in to the Licensing Authority. What provisions have the Welsh Government put in place to handle this volume of correspondence?

21. We would argue these proposals generate such a significant administrative burden for both agents and the Licensing Authority as well as a massive potential for inadvertent non-compliance that they are not practically implementable. Instead, we would recommend that agents provide an annual compliance declaration.

Fees for registration and licensing:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing?

22. We agree that the Licensing Authority should publish a fees policy for registration and licensing. However, we feel the current proposal provides the Licensing Authority with too much authority over the setting of these fees and therefore, cannot support the proposal as laid out in the consultation document.

23. As currently outlined in the consultation document, the proposal appears as though the Welsh Government is giving Cardiff Council complete autonomy and authority to do as they wish. The consultation document does not provide for any oversight on what calculations must be used in setting the fee structure; whether by the Welsh Government or any other body. ARLA would strongly recommend that an oversight panel is established, consisting of Welsh Government, local authority, industry and tenant representatives to oversee the administration (including the fee structure) and enforcement of the scheme.

24. The consultation document does not establish what the license fee should cover. We would argue the fees should only cover the administration of the scheme. The fee should not cover enforcement as it would be unethical and highly unfair for the fees paid by legitimate law-abiding agents and landlords to be used to cover enforcement against those who bring our sector into disrepute.

Declaration to be included in applications for registration or a licence:

Question 8: Do you consider the proposed declaration is adequate?

25. Yes.

26. We consider the proposed declaration is adequate and the wording appropriate.

David Cox
Managing Director
Association of Residential Letting Agents (ARLA)
Arbon House
6 Tournament Court
Edgehill Drive
Warwick
Warwickshire
CV34 6LG
DavidCox@arla.co.uk
ARLA has no objection to this response being made public by the Welsh Government.

Response Form - Consultation on the Regulation of Private Housing (Information,

Periods and Fees for Registration and Licensing) (Wales) Regulations 2015

Name: Douglas Haig

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Address: Residential Landlords Association Cymru, 1 St Martin's Row,

Albany Road, Cardiff

Postcode: CF24 3RP

Organisation, Residential Landlords Association

Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes

No _

If not, why not?

There are some key issues which need to be addressed which are to varying degrees relevant not only to the reply to this question but to other questions namely –

- What is the registration “unit”. Clearly it is going to be a house (including a shared house) a bungalow or self contained flat but where the legislation is unclear is the case of non self contained accommodation such as bedsits.
- If there are joint owners do they jointly have to effect one registration of a jointly owned property? The consultation paper, however, infers that each joint owner has to individually register the property and provide a cross reference to any other joint owners (including a lead owner). This would

mean that in the case of a property owned by 4 individuals four separate applications would be required (presumably with four separate fees payable) instead of one single application by all of them jointly, nominating a lead contact.

- Who is the landlord? There is the question of who is the landlord having regard to the definition of “landlord” in the Act. We deal with this further in answer to Question 2.

- Is the fee registration a fee per property or a fee per applicant? This comes back to the issue of registrations where there are joint owners.

- Will training follow on after a licence has been granted; presumably as a condition of holding a licence?

The nature of the registration process is key in determining both the length of time required to effect the process and the fee level. We see registration as a quick and straight forward process, with information required being limited to that which is really needed as well as complying with the requirements of the legislation. Paragraphs (a) to (b) in Paragraph 1 of Part 1 to Schedule 1 to the Act are the basic requirements plus some means of contact with the landlord who is registered.

During the legislative stages, the RLA was under the impression that registration would be limited to a recording exercise, where the landlord would complete the registration application. This should be done on line where the landlord wishes to register in this way. He/she would be registered immediately, without question or need for further consideration. Indeed, this is how Section 15 of the Act reads.

There is a mandatory requirement for the licensing authority to effect the registration if Paragraphs (a) to (d) of Section 15(1) are complied with by the landlord/applicant. There is no power as such for the licensing authority to verify information, e.g. by checking with the Land Registry.

However, it now appears that submitting the registration form will only be one part of a staged process. In Section 15, it is stated that a valid registration is made if all of the prescribed information is provided; given the nature of the process we are concerned that landlords will consider themselves to have registered correctly, but then later be told that the licensing authority deems their attempt to register incomplete, and they are therefore not registered. In order to create some certainty in the process and for the landlord to be left in no doubt about their registration status, we believe that there should be a requirement for the licensing authority to notify the landlord that their registration has been unsuccessful within five working days of the registration being submitted. Landlords that have registered successfully should be notified so within ten working days. In any case the grounds for refusing registration are limited and essentially would be a failure to supply complete information.

As previously raised with the Welsh Government the RLA are very concerned about the impact of Section 17: Revocation of a Registration. The section outlines how and in what circumstances a landlord’s registration can be revoked, but there is no provision stating how a landlord can proceed after revocation has occurred: there is no subsection expressly giving a landlord the authority to attempt to reregister following 9(b). How would a landlord now be able to legally register and rent his/her property? Of particular concern is that honest mistakes and misunderstandings should not be penalised.

The definition of dwelling gives rise to issues around the unit which requires registration, as mentioned above. We seek clarification on whether each self contained flat in a property or a bedsit will have to be registered as separate properties. In particular, the RLA believes that non self contained properties should be classified as being one property as they are for many other purposes, e.g. the banding of council tax in most local authorities.

It is important that the licensing authority takes measures to assist the applicant in ensuring the details registered are as accurate as possible, which may include contacting him/her to clarify certain details without charging additional fees or otherwise penalising them. Landlords and agents should be provided with information about the application process itself, including a question-by-question guide and FAQ regarding how the response should be approached. The registration portal should have a real-time online chat feature so that users can

seek clarifications as they are filling out the relevant forms.

In reality it does not matter how long it takes for a property to be registered because once a landlord has made an application for registration this suffices.

Nevertheless, to ensure good administration, this does need to be a timely process. For example if a letting agent is approached by a landlord to let a property the agent will want to ensure that the property is registered quickly. On the footing that this should be a straight forward process which is hopefully automated, we consider that the maximum period allowed should be 14 days.

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

Yes _

No

If not, why not?

It is not necessary for the Welsh Government to prescribe that a vast amount of information is required. As indicated already essentially this should be confined to the information required as set out in Schedule 1 and necessary contact information. As stated in earlier representations, the RLA has been opposed to the registration of properties, and believe that the best way forward would have been to extract the necessary information from Landlord Registry records, a source that is considered highly reputable. We do accept that the legislation has now been passed, however we urge the Welsh Government to only compel landlords to supply the information that it considers to be the most purposeful. It is also important to limit the amount of information received so that information can be processed efficiently quickly and cheaply for all those who register.

Key to an effective system is to minimise information because for each additional piece of information there is more processing time required, as well as putting landlords to the time and trouble of having to notify changes, as well as for the licensing authority to have to record these changes.

The RLA questions why it should be obligatory to provide a telephone number as well as an e-mail address. A company or business should be at liberty to provide just his/her primary form of contact; many landlords, as with professionals in other sectors, prefer to conduct their business's communications via email. The landlord should indicate what it his/her primary means of contact and this then limits the necessity to notify changes to the primary means of contact. In other words, other means of communication which are alternatives would be optional information; not subject to mandatory notification of changes. It should be borne in mind that duty to update information is confined to the basic items specified in paragraphs (a) and (b) in Section 16(1). Any further required notifications for changes have to be prescribed under Paragraph (e) so this gives the Welsh Government the option of not requiring every change to be notified.

The RLA questions the need for landlords to have to provide details of any previous names as the purpose of registration as the purpose of registration is only so that a landlord can be contacted. An individual's history is only relevant to licensing, where wider aspects such as whether he/she is a 'fit and proper person' are to be considered. Only the currently used alternative names should have to be provided, e.g. a lady who uses one name for professional purposes and at the same time uses another name in her private life.

Early applicants will be unable to supply a licence number of an agent managing the property; many agents will not yet have applied for a licence.

Registration is after all merely a process of gathering basic information to identify rental properties and their owners. More detailed but relevant information should be left to the licensing stage.

We are uncomfortable with the prospect of the licensing authority having the authority to ask for additional information, other than to clarify apparent errors or to obtain missing information. A lot more information is simply not needed at this stage of the process. Although we acknowledge that they obtain this authority through the Act, it is important that safeguards are in place so that the authority does not ask for any information that is unlawful or unduly impinges on the privacy of the applicant.

There is a lot of confusion surrounding who is considered to be the landlord for the purposes of property registration. Is this considered by the Welsh Government to be the person who has their property registered with the Land Registry/is recorded on the title deeds as owner, or could this be the person named on the tenancy agreement to whom the tenants' pay rent? For instance, if a father rents out all the properties owned by various family members in his own name he will be the immediate landlord so far as any tenant is concerned. In reality, however, unless there is a formal head tenancy put in place he is an agent for an undisclosed principal, i.e. the true owner. Another situation where this occurs is where agents quite often let properties in their own name; rather than in the landlord's name. These are issues around which clarity is required.

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

Yes _

No

If not, why not?

Again, importantly, the minimum essential changes only need to be notified. We have already pointed out in answer to the previous question the fact that only certain changes must be notified according to the Act and there is discretion to prescribe others. Otherwise the RLA believes that the proposed duties place too much of a burden on landlords. Our organisation is concerned that a failure to notify may be used as an excuse to simply raise additional funds by fining landlords who aren't morally culpable.

We accept that it is important to keep a register up-to-date. The most important aspect of any registration process is to ensure that there is always a way of contacting the registered person. However, this doesn't mean that a landlord should be under obligation to keep a correspondence address, a telephone number, email address and other information prescribed *all* up to date. If the Welsh Government insists on prescribing further changes in Section 16 (1), then an obligation should only arise for the what the landlord has highlighted as being their 'primary' or 'main' mode of contact in the application. Moreover, it is not necessary to compel a landlord to provide the same quantity of details in the registration process as for a licensing application in an attempt to create consistency; it is better to registration and licensing as two different processes and to measure the information needed for each on need.

Although, the obligation for the landlord to notify the authority of any change in a person undertaking a letting and property management is laid out in the Act. We believe that it is important for the licensing authority to give some 'grace' in cases where the management of a property has temporarily altered for a short length of time, e.g. where a licensed landlord has handed over management of the property whilst on holiday.

It should be stated in the regulations that fees cannot be charged for the person/company to make amendments to their registration details, as this will be an online process.

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

Yes

No _

If not and why?

As the RLA has argued in earlier representations, licensing by its very nature is bureaucratic and with the sheer amount of stipulations laid out in the Housing (Wales) Act 2014 it will be difficult and time consuming to assess an application. However, as with registration, landlords and agents require certainty and this means that they need to know in a timely fashion whether or not they have been successful in attaining licensing status. If a landlord fails to obtain a licence he/she

will need ample time to source a suitable managing agent.

We are also concerned by the fact that agents will be unable to trade whilst there licensing application is pending, which is not the case with landlords, and need only to have applied for a licence if they intend to let or manage a property themselves.

On balance, we believe that a timeframe of 30 working days would be most appropriate. The timeframe should be reduced to 15 days for landlords who have been accredited under the Landlord Accreditation Wales scheme, to recognise that the licensing authority will be able to complete the relevant checks quicker. But, we acknowledge that there need may to be a procedure whereby the authority can extend this timeframe in special circumstances, e.g. where additional information from Disclosure Scotland needs to be sought. For agents, the licensing authority should consider an 'emergency' application procedure for those who need a licence urgently, like the old 48 hour passport system.

It is important that landlords who are unsuccessful in obtaining a licence are given clear reasons as to why their application has been rejected. On receiving notification that a licence has been rejected or hearing that all appeal attempts have been exhausted, he/she should have a further 60 working days to appoint an appropriate individual to manage their property and make the necessary changes to the registration profile.

Overall, careful thought needs to be given to the process of rolling out the new scheme. We have already raised in response to an earlier question the point at which training is required. It is vital in our view that an effective and relatively short timescale should be placed on the licensing process, and, in our view, the training element will have to follow on the licensing process in order to achieve this. This will have to be subject to a condition.

The RLA would also like to take this opportunity to re-emphasise its position that licensing should be introduced for agents before landlords. Those landlords who opt not to obtain a license will need ample opportunity to source an agent that has already obtained licensing status, without any undue pressure. We are very concerned that rouge agents will exploit those who don't have experience of contracting the services of agents. It is important to have the proposed one year's 'grace period', referred to in a meeting with the RLA by Alyn Williams and Anne Rowland, but this will only work sufficiently if it is alongside this phased approach that we propose. A 'grace period' alone simply won't provide landlords with a clear window in which they can consider their options carefully. The danger is that the grace period will lead to landlords and agents delaying matters until the last minute as the final deadline approaches. We are particularly concerned about the volume of work which will be placed in the early stages on the licensing authority both in regard to effecting registration of landlords and the licensing process. This work level needs to be spread so far as possible. This is another reason why licensing agents in advance of landlords will assist by introducing a process in phases.

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes _

No

If not, why not?

The RLA accepts that more information needs to be supplied for a licence application than registration, including a range of contact details. We agree here that it would be appropriate for a person to provide details of past other names by which they have been known, unlike in the case of a licence application. We agree that having regard to the provisions of the Act all of the information is needed except for the point made below in relation to "connected persons". It will be almost impossible for early applicants to state how they will meet the training criteria on the application as details of the accredited training courses won't be available initially.

We do not believe that there should be a requirement to record 'connected persons' as part of the prescribed information. It would be an onerous requirement as staff come and go to record changes. We would much prefer a system under which the licence holder has to make a periodic return at six monthly intervals as

to staff who require training with confirmation or otherwise that this training has been undertaken. You have to remember that even if staff move about within the industry they may well already have been trained and would not need to be retained. This would only apply to “new entrants” or anyone who moves to a higher position which needs extra training. Instead, it would be appropriate to include details of ‘connected persons’ as part of the training provision regulations those who have received accredited training should be automatically recorded as a ‘connected person by default. This would also ensure that there aren’t two separate records containing similar information, and prevent landlord/agents from having to provide the same information twice.

Changes to be notified to licensing authority

If a licensed person’s circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes _

No

If not, why not?

We would expect that ‘any material change’ in relation to evidence regarding the ‘fit and proper persons requirement’ is tightly defined, and does, as proposed, does only apply exclusively to matters outlined in Sections 20(3) to (5) of the Act. Please see our response to question 5 regarding ‘connected persons’.

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

Yes _

No

If not, why not?

As suggested in our response to the training consultation, we welcome any attempt to make the administrative processes open and transparent.

We believe that the licensing authority should be obliged to set-up a stakeholder group, which should include delegates from organisations with a key interest in the Welsh private rented sector. This group should not only have the authority to set the fee policy, but also to set the actual fees and agree upon any increases. At the very least there should be meaningful consultation with such a stakeholder group.

On any stakeholder group, the RLA would argue that any policy should reward landlords who became accredited under the Landlord Accreditation Wales or otherwise have a record of professional development, e.g. undertaken professional training, or a member of the RLA/NLA/ARLA. There should also be a specific route of appeal in instances where a landlord or agent suspects that they have been charged the wrong fee or not had their circumstances accurately assessed.

The licensing authority should have any proposal for fee levels fully costed.

Any fees policy must reflect the legal right of the licensing authority to recover fees. Therefore, we also would like the Welsh Government and the licensing authority to be aware that the European Services Directive indicates that the fees levied should only cover the processing of the licensing application, and not the wider implementation of the scheme or enforcement costs, although monitoring costs are recoverable in relation to existing licenceholders. We recognise that this is subject to any decision by the Supreme Court in the Hemmings case.

Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes _

No

If not, why not?

The draft of the proposed declaration is appropriate.

It would be appropriate to include details of any rights of appeal open to an applicant, against a decision not to award a licence. It is important that a landlord or agent is made aware of his/her rights in this complex process as soon as practically possible.

Response Form - Consultation on the Regulation of Private Housing (Information, Periods and Fees for Registration and Licensing) (Wales) Regulations 2015

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Organisation Federation of Small Businesses Wales

Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes X

If not, why not?

Whereas four weeks appears to be a reasonable timescale, it is important that four weeks does not become the default timescale and should represent the absolute cut off point by which an application should be processed. The licensing authority should seek to reply well within this timescale.

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

No X

If not, why not?

In its previous consultation on the implementation of the Act (WG24075), the Welsh Government stated that its preference is to have a single licensing authority for the whole of Wales. This was a proposal that the FSB agreed was the most appropriate arrangement, and agreed with the Welsh Government's own arguments for such an approach. We are therefore concerned that this current consultation includes a proposed requirement for landlords to provide "the address of each residential property in the licensing authority's area for which the landlord is the landlord". If there is a single licensing authority for the whole of Wales, then this becomes irrelevant, as the whole of Wales is the area of responsibility for the licensing authority.

Furthermore, in terms of registering as a landlord we strongly believe that the landlord should not have to list every property they own and rent out when they register, or update when they make additional investments, or sell existing property. Registration relates to the landlord as an individual, not the property or properties, which was our reading of the Act. We oppose the assumption in this consultation, which appears to contradict the legislation, that the landlord registration process should be connected to particular properties – these are entirely two separate issues.

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

No X

If not, why not?

As above, we believe the issue of landlord registration should be separate from the individual properties a landlord lets out, either directly or through an agent. Therefore it is not appropriate to require landlords to notify the licensing authority of certain property specific changes as identified in this current consultation document.

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

No X

If not and why?

Eight weeks is far too long a period to process licensing applications from either landlords choosing to let property directly, or for agents letting on behalf of landlords. When factoring in the requirement to attend a training course, this could lead to a three-month delay or more. This is not a sustainable timescale on which to base investment decisions. This could lead to a decline in the number of people who are prepared to make buy-to-let investments in Wales, which might have an adverse effect on the housing market and the availability of private rental housing, which the Welsh Government's own figures showed accounted for 13.6% of all residential dwellings in Wales in 2013.

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes X

If not, why not?

Changes to be notified to licensing authority

If a licensed person's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes X

If not, why not?

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

No X

If not, why not?

The FSB does not believe that landlords should be required to pay a fee. Should the Welsh Government decide to charge a fee to meet the cost of implementing its legislation, however, it should be upfront on fees levels and should take responsibility for setting fees levels itself. Fees should only ever be set at a

minimum level. Private landlords are already obliged to incur a range of fees and expenses prior to letting property, and this should be considered in setting fees levels. As stated above, the majority of landlords let a small number of properties and often require buy-to-let mortgages to do so; therefore the returns on these investments are minimal. Additional significant costs could make future investments untenable.

Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes X

If not, why not?

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 Rhyl. 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 landscape¹. 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.

¹ 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

In order to support the policy intent of improving practice within the private rented sector (PRS), we want to see the information requirements go further to help ensure landlords and letting agents comply with relevant legislation and regulations. We believe the licensing authority should collect and monitor an expanded range of information to that proposed, thereby future proofing the system by complimenting the policy intent of Renting Homes Bill, while also supporting enforcement actions of individual local authorities. Citizens Advice Cymru call on Welsh Government to:

- Link the Code of Practice and existing legislative requirements to the information requirements for registration and licensing
- Require landlords to notify the licensing authority of any Environmental Health Officer visits resulting in notifications or enforcement action
- Require landlords to notify changes regarding the registered properties, where:
 - properties cease to be rental properties
 - the landlord acquires additional rental properties
 - the property changes status (e.g. into a HMO).

We believe that it is the role of the licensing authority to help ensure that the properties provided by the landlord are in a good condition and appropriately maintained. The proposed additional information requirements would support enforcement of the new licensing and registration regime in Wales, as well as promoting best practice and improving standards within PRS. Citizens Advice Cymru would welcome the opportunity to discuss and work with Welsh Government to achieve these calls.

For any further information, please contact:

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Policy Officer

Citizens Advice Cymru

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Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes X

No

If not, why not?

N/A

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

Yes

No X

If not, why not?

In order to support the policy intent of improving practice within the private rented sector (PRS), we want to see the information requirement to go further and include details about the condition of each of the rental properties registered. We believe registration should link explicitly to the Code of Practice and support the 'fitness for human habitation' aspects of the Renting Homes Bill, thereby supporting Welsh Government's policy intention of addressing poor practice and conditions within PRS. We believe registration could be enhanced through confirmation that for each registered property, the condition is compliant with existing legal requirements, e.g.:

- There are no category 1 hazards under the Housing, Health and Safety Rating System (HHSRS)

- Gas Safety Certificates (if the property has any gas appliances)

- Fire Risk Assessment, which is compliant with the Regulatory Reform (Fire Safety)

Order 2005 for properties with any common areas

- Current Energy Performance Certificate (EPC)

- The properties have appropriate carbon monoxide and / or smoke alarms

- The electrical wiring and appliances are in a safe, operational condition

- The structure and exterior of the property in repair

- For Houses of Multiple Occupancies confirmation of their licence with requisite details

With the PRS being the largest growing housing option for people in Wales² but containing some of the worst housing stock in Wales, with some of the most energy inefficient properties and 40 per cent of properties contain at least one Category 1 hazard under the HHSRS³.

Previous research by Consumer Focus Wales⁴ also shows that while consumers generally felt well protected by regulation, this was with the exception of those living in PRS.

² Welsh Government, *Dwelling Stock Estimates* show that the Private Rented Sector doubled from 7 per cent in 1996 to 14 per cent in 2012/13 (April 2014)

³ BRE and Shelter Cymru, *The Cost of Poor Housing in Wales* (April 2012)

⁴ Consumer Focus Wales research (2011) unpublished

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

Yes

No X

If not, why not?

We believe that landlords should be required to notify changes regarding the registered properties, specifically: where properties cease to be rental properties; the landlord acquires additional rental properties; or the property changes status (e.g. into a HMO).

Additionally, in order to support the policy intent of improving practice and the property conditions within PRS, we want to see landlords required to inform the licensing authority of:

- Any Environmental Health Officer visits resulting in notifications of category 1 or 2 hazards within the registered property – where relevant, information of landlord action to address the identified hazards
- Confirmation and updated Gas Safety Certificates on an annual basis
- Updated information where relevant for:
 - Fire Risk Assessment
 - Energy Performance Certificate (EPC)
 - Carbon monoxide and / or smoke alarms
 - Electrical wiring and appliances
 - The structure and exterior of the property in repair
- For Houses of Multiple Occupancies confirmation of their relevant licence with requisite details

We believe this additional information would support enforcement of the new licensing and registration regime in Wales, as well as promoting best practice and improving standards within PRS.

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

Yes X

No

If not and why?

N/A

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes

No X

If not, why not?

As highlighted in our response to question 2 and 3 we believe that it is the role of the licensing authority to help ensure that the properties provided by the landlord are in a good condition and appropriately maintained in order to drive up standards and practice within the PRS. To help support this, in addition to advocating that a range of information should be held against each registered property, we advocate that landlords are required to inform the licensing authority of any Environmental Health Officer visits resulting in notifications of category 1 or 2 hazards or enforcement actions taken against any of their properties. This information should then be monitored and considered as part of whether they continue to be a 'fit and proper person' and a licenced landlord.

We believe the system to record registration and licensing should be built to enable additional records to those outlined within the consultation in order to future proof it in light of the Renting Homes Bill with regards to 'fitness to human habitation'. We are advocating to the

Assembly through the evidence and scrutiny process (please see [here](#) for our written evidence) that Renting Homes Bill is tied more closely to the regulation of PRS under the Housing (Wales) Act 2014. As such, we are calling for repeat offenders or those found guilty of serious breaches such as a series of Category 1 HHSRS hazards not being addressed should have their licenses revoked. This would then make them liable to rent rebate and rent repayment orders until they were deemed fit and proper once more. We are also advocating that landlords who are found to be applying for possession as a retaliatory eviction are identified and their actions recorded against their registration and licensing details. The licensing authority through appropriate use of their system could then monitor landlords for repeat behaviour enabling due consideration to be given as to whether the landlord can continue to be considered 'fit and proper'.

Changes to be notified to licensing authority

If a licensed person's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes

No X

If not, why not?

As highlighted previously, we advocate that the licensing authority collect details beyond that outlined within the consultation document. Therefore, we ask that landlords are required to inform the licensing authority of any Environmental Health Officer visits resulting in notifications or enforcement actions taken against any of their properties. This information should then be monitored and considered as part of whether they continue to be a 'fit and proper person' and a licenced landlord.

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

Yes X

No

If not, why not?

N/A

Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes X

No

If not, why not?

N/A

Response Form - Consultation on the Regulation of Private Housing (Information, Periods and Fees for Registration and Licensing) (Wales) Regulations 2015

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Organisation - CLA Cymru

Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes x

If not, why not?

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

Yes X

The questions to this consultation are framed so as to discourage views that excessive or invasive information requirements are sought by the regulatory system.

15(1)(c) of the Act allows the individual authority to ask for further information as part of Landlord Registration. This is excessive.

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

Yes x

The notifiable changes are excessive, particularly the requirement to notify that a person previously appointed to carry out letting or management work has ceased to do so. The penalty for failure to notify changes is severe.

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

No x

If not and why?

Eight weeks is an excessive timescale within which to make a business wait for authorisation.

Furthermore, there is a risk that the individual Local Authority will use this time period to use their powers to ask additional, invasive, questions.

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes x

The information required is excessive. In addition, the Act allows under s19(1)(c) for the individual authority to ask for further information as part of a licence application. Thus risking a snoopers' charter.

Changes to be notified to licensing authority

If a licensed person's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

No ☒

If not, why not?

The notifiable changes are excessive and the penalties for failing to do so, severe. Requiring notification of: "any other contact information provided in the application" "any changes in identity of any connected person" is excessive.

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

No ☒

If not, why not?

We believe that fee setting should be undertaken centrally. Demonstration that the scheme is self-financing and not making a profit for the public sector, will be a crucial aspect of scheme monitoring. Declaration to be included in applications for registration or a licence An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes ☒

The declaration is excessive. After "2014 that is false", the declaration should stop.

Response Form - Consultation on the Regulation of Private Housing (Information, Periods and Fees for Registration and Licensing) (Wales) Regulations 2015

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Organisation - Central Association of Agricultural Valuers

Introduction

The Central Association of Agricultural Valuers (CAAV) represents, briefs and qualifies some 2700 professionals who advise and act on the very varied matters affecting rural and agricultural businesses and property throughout Great Britain. Instructed by a wide range of clients, including farmers, owners, lenders, public authorities, conservation bodies, utility providers, government agencies and others, this work requires an understanding of practical issues.

The CAAV does not exist to lobby on behalf of any particular interest but rather, knowing its members will be called on to act or advise both Government and private interests under developing policies, aims to ensure that they are designed in as practical a way as possible, taking account of circumstances.

Our particular interest in this consultation arises because very many of our members are involved in the letting or management of let residential property.

In preparing this response we have consulted our membership generally and our Wales Committee in particular. We set out below the CAAV response to the consultation.

Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes X

If not, why not?

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

Yes X

If not, why not?

The information held on such a register should be kept to the minimum necessary to perform the statutory function.

Is it necessary for the statutory function for the landlord's date of birth to be provided? If not, this requirement should be removed.

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

Yes X

If not, why not?

The information held on such a register should be kept to the minimum necessary to perform the statutory function. We do not consider it necessary to add further requirements here.

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

No X

If not and why?

The period for determining a licensing application should be as short as possible, given that the lack of a licence will prevent a new landlord from lawfully letting a property. We would prefer to see the period reduced to six weeks if possible.

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes X

If not, why not?

The information sought as part of a licensing application should be kept to the minimum necessary to perform the statutory function. We question whether it is necessary to hold the applicant's date of birth, unless this is required in connection with identification purposes.

Changes to be notified to licensing authority

If a licensed person's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes X

If not, why not?

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

Yes X

If not, why not?

We agree that a fees policy should be set and published but we also believe that there should be a clear statement that fees are intended to mitigate the cost of administering the scheme and are not intended to raise revenue for local authorities. There is no such guidance in the legislation.

Any increase in costs to landlords and agents will most likely ultimately be passed on to tenants in the form of higher rents.

Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes X

If not, why not?

Response Form

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HOVING SERVICES
RUTHIN ROAD.
WREXHAM

Postcode:

LL13 7TU

Organisation
(if applicable)

WREXHAM COUNTY BOROUGH COUNCIL

Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes

☐

No

☒

If not, why not?

NOT IN THE FIRST INSTANCE. I THINK THAT
(CLOSE TO 8 WEEKS IS MORE APPROPRIATE.
AFTER THE FIRST YEAR, PERHAPS 4 WEEKS IS
APPROPRIATE.

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

Yes

☐

No

☒

If not, why not?

"THE NAME AND ADDRESS OF EACH RENTAL PROPERTY...
FOR WHICH THE LANDLORD IS LANDLORD".
I THINK IT SHOULD ALSO CONTAIN: LANDLORD; VIA
LEASE, OWNERSHIP, SHARED OWNERSHIP, WHETHER OR
NOT UNDERTAKING LANDLORD DUTIES.

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

Yes

No

☒

If not, why not?

GENERALLY, YES. HOWEVER, CHANGES IN OWNERSHIP SUCH AS ADDING / SUBTRACTING "SHARED" / JOINT OWNERS (WHO MAY BE NOT ASSOCIATED WITH LANDLORD ACTIVITIES).

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

Yes

☒

No

☐

If not and why?

BUT IN THE FIRST INSTANCE, I THINK THAT THIS IS AMBITIOUS!

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes

☐

No

☒

If not, why not?

1) THERE IS AN ISSUE WHERE MULTI-AGENCIES ARE ~~USED~~ USED BY A PROPERTY OWNER TO MARKET THEIR PROPERTIES. DO THEY NEED TO SPECIFY ALL? IT IS USUALLY THE AGENT WHO SUCCESSFULLY LETS THE PROPERTY THAT GETS PAID.
2) UK HAS A NON-EU VISA POLICY OF 'PROFICIENCY IN ENGLISH (WELSH OR GAELIC)". THEREFORE, THE FORM SHOULD ONLY BE IN THESE LANGUAGES.

Changes to be notified to licensing authority

If a licensed person's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes

☐

No

☒

If not, why not?

MULTI "AGENCY" INVOLVEMENT FOR MARKETING ACTIVITIES.
THIS WOULD BE A NIGHTMARE TO "POLICE" AND KEEP
UPDATED.

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

Yes

☒

No

☐

If not, why not?

--

Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes

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

No

<input type="checkbox"/>

If not, why not?

--

Response Form - Consultation on the Regulation of Private Housing (Information, Periods and Fees for Registration and Licensing) (Wales) Regulations 2015

Name:

Address:

Postcode:

Organisation
(if applicable)

Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes

☐

No

☐

If not, why not?

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

Yes

☐

No

☐

If not, why not?

that, in many cases where the landlord has engaged the services of a lettings and management agent, the landlord will want their agent to undertake the administrative tasks associated with registration on their behalf.

We would suggest it should be clarified that:

- The landlord correspondence address can, where appropriate, be the address of the agent
- The landlord contact telephone number can, where appropriate, be the number of the agent
- The landlord contact email address can, where appropriate, be the email address of the agent.

The agent would still supply the name and date of birth of the landlord, thus preserving the principle that it is the landlord who is the registered person. However, enabling the agent to deal with all correspondence and administration would be much more efficient. It would also lead to better compliance from those landlords who want their agent to take on the administrative task of registration.

We are concerned that the Act allows, under section 15(1) (c), for the authority to ask for further information as part of a landlord registration. This introduces a degree of uncertainty, for landlords and agents, in terms of the extent of the registration task. We also think that this may lead to considerable divergence in practice across different *local authority* areas, making compliance with the registration process more onerous. We would suggest, therefore, that the guidance stipulates that further information be required only in exceptional circumstances. The role of local authorities in the single scheme operated by the Licensing Authority needs to be clarified, with the scope for local variations kept to a minimum.

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

Yes

*

No

If not, why not?

We would re-emphasise here that the registration requirements (including the change notification requirements) introduce significant administrative responsibilities for landlords. The guidance therefore needs to recognise that, in many cases where the landlord has engaged the services of a lettings and management agent, the landlord will want their agent to

undertake the administrative tasks associated with registration. This will include the notification of changes.

We would suggest once again it should be clarified that:

- The landlord correspondence address can, where appropriate, be the address of the agent
- The landlord contact telephone number can, where appropriate, be the number of the agent
- The landlord contact email address can, where appropriate, be the email address of the agent.

Enabling the agent to deal with all changes regarding the above would be much more efficient. It would also lead to better compliance from those landlords who want their agent to take on the administrative tasks associated with registration.

In circumstances where the landlord terminates their arrangement with an agent it would, however, need to be clarified that it is the landlord's responsibility (as the registered person) to notify the Licensing Authority of the new contact details.

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

Yes

☐

No

☐

If not and why?

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes

☐

No

☐

If not, why not?

As the guidance recognises, in many cases the “person” applying for a licence will be a lettings and management agent.

We would suggest that, as it applies in these cases, the wording in the guidance is inadequate. Specifically, the reference to “*details of any licenses, voluntary accreditation, or registration held, refused or revoked in connection with any rental properties in any other part of the UK by the proposed licence holder*” is difficult to interpret from an agent’s point of view.

It needs to be clarified that, in the case of agents:

- The term “licenses” does not refer to licenses held by landlords for whom the agent is acting
- The term “voluntary accreditation” refers to the agent’s membership of umbrella bodies such as NALS, not to local schemes joined by the landlords to whom the agent provides a service
- The term “registration” does not refer to registration held by landlords for whom the agent is acting.

If this is not clarified, compliance would be virtually impossible for agents who would have to search their records for any licensing, accreditation or registration scheme applicable to any of the properties they manage anywhere in the UK other than Wales.

It might be better if the guidance contained a separate paragraph applicable only to agents. This paragraph could focus on the need to comply with minimum standards, through membership of a recognised body such as NALS, or otherwise. This would help to ensure that only externally accredited agents (or those otherwise compliant with minimum standards) would get licences.

In terms of further information that might be sought in support of an application, we would suggest that the Licensing Authority check the applicant’s:

- Membership of one of the three recognised Ombudsman schemes
- Membership of a Client Money Protection scheme.

Explicitly checking compliance with these legal requirements would ensure that an ombudsman could deal with any complaints regarding agents that are not resolved by the agent’s own complaints procedures. It would also ensure that any client money held by agents is safeguarded. It would help to guard against the authority inadvertently issuing a license to an agent who does not comply in these two very important areas.

We consider protection of client monies to be a top priority. For example, NALS’ Client Money Protection Schemes ensures that, if a tenant wants to make a claim, they can simply email NALS providing full contact details and the name of the agent they are dealing with. We would also suggest that all agents acting as license holders should be required to have a designated client account with the bank, as well as being part of a Client Money Protection Scheme. This should be positively verified by the Licensing Authority.

As the guidance is currently drafted, a problematic area for agents is the

concept of a “**connected person**”. A connected person is defined in the guidance as “a person doing things under a contract of service or apprenticeship with an applicant for a licence who, as part of their role, undertakes the type of letting and property tasks the Act covers”

The risk here is that this is taken to mean the vast majority of the agent’s employees. Some of the larger agents will have a very large number of employees and the guidance implies that details should be provided for the vast majority of them.

This would obviously be very onerous, even if the view is taken that “the Act” only applies to properties in Wales. We would suggest, therefore, that the guidance clarifies that, in the case of agents, it is the connected person dealing with the properties in question whose details are submitted.

Lastly, we are concerned that the Act allows, under section 19(1) (c), for the authority to ask for further information as part of a licensing application. This introduces a degree of uncertainty, for landlords and agents, in terms of the extent of the registration task. We also think that this may lead to considerable divergence in practice across different *local authority* areas, making compliance with the licensing process more onerous. We would suggest, therefore, that the guidance stipulates that further information be required only in exceptional circumstances. The role of local authorities in the single scheme operated by the licensing authority needs to be clarified, with the scope for local variations kept to a minimum.

Changes to be notified to licensing authority

If a licensed person’s circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes

☐

No

☒

If not, why not?

A problematic area for agents is the concept of a “**connected person**”. A connected person is defined in the guidance as “a person doing things under a contract of service or apprenticeship with an applicant for a licence who, as part of their role, undertakes the type of letting and property tasks the Act covers”

The risk here is that this is taken to mean the vast majority of the agent’s employees. Some of the larger agents will have a very large number of employees and the guidance implies that change details should be provided for the vast majority of them.

This would obviously be very onerous, even if the view is taken that “the

Act” only applies to properties in Wales. We would suggest, therefore, that the guidance clarifies that, in the case of agents, it is the connected person dealing with the properties in question whose changed details are submitted.

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

Yes

*

No

If not, why not?

--

Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes

*

No

If not, why not?

An agent would only be able to make this declaration if the clarifications suggested above are made.

Response Form - Consultation on the Regulation of Private Housing (Information, Periods and Fees for Registration and Licensing) (Wales) Regulations 2015

Name:

Jocelle Lovell, Financial Inclusion Project Manager
David Palmer, Co-operative Housing Project Manager

Address:

Wales Co-operative Centre
Y Borth
13 Beddau Way
Caerphilly

Postcode:

CF83 2AX

Organisation

(if applicable)

Wales Co-operative Centre

Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes

☒

No

☐

If not, why not?

We support this proposal as we believe that having a target or timescale will help to ensure timely action.

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

Yes

☒

No

☐

If not, why not?

We believe that the information required is appropriate. We believe it could include

additional information such as the person responsible for repairs and gas servicing. Including the latter will ensure that those seeking registration are meeting their statutory duties.

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

Yes

X

No

If not, why not?

We support this proposal and believe that the 28 days deadline will be important in ensuring that changes are notified in a timely manner.

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

Yes

X

No

If not and why?

We believe that eight weeks may be too long to process these applications in an efficient manner. It will lead to uncertainty for landlords. We would like to see a six week timetable for determining a licensing application.

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes

X

No

If not, why not?

We believe that the information outlined in the proposals is adequate. We believe that it would also be useful to include information on who is responsible for gas safety work.

Changes to be notified to licensing authority

If a licensed person's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes

☒

No

☐

If not, why not?

We support this proposal and believe that the 28 days deadline will be important in ensuring that changes are notified in a timely manner so that records are kept fully up to date.

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

Yes

☒

No

☐

If not, why not?

We believe that this process should be transparent and that fee levels should also be consulted on with relevant stakeholders. This will help to ensure that the fee levels are appropriate.

Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes

☒

No

☐

If not, why not?

We believe that the declaration should be provided in multiple languages beyond English and Welsh to reflect the diverse nature of communities in Wales.

Response Form

Name: Natalie Southgate

Address: Willcox House, Dunleavy Drive, Cardiff

Postcode: CF11 0BA

Organisation: City of Cardiff Council

Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

No – in instances where a property is owned by someone else (other than the landlord), should the landlord be required to provide the owner's details?

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

No – as well as notifying the licensing authority of any assignment of interest in a rental property, should a landlord also be required to provide notification when they acquire a new rental property, including details of any management arrangements? This does not appear to be covered.

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

Yes

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes. However, the fifth bullet point should be amended to reflect the fact an applicant may carry out lettings work only or lettings and property management work.

Changes to be notified to licensing authority

If a licensed person's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes, however should agents also be required to notify the licensing authority when a property comes onto or leaves their books (as well as landlords informing of an appointment / change of agent)?

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

Yes. However, clarification would be useful as to how often / under what circumstances the fee may be revised. Also, would there be a lead-in period between publication of the fee policy and its implementation?

Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes.

Response Form - Consultation on the Regulation of Private Housing (Information, Periods and Fees for Registration and Licensing) (Wales) Regulations 2015

Name:

Paula Livingstone

Address:

Housing & Public Health, Directorate of Place,
City & County of Swansea
Oystermouth Road
Swansea

Postcode:

SA1 3SN

Organisation

(if applicable)

City & County of Swansea

Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes

✓

No

If not, why not?

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

Yes

No

✓

If not, why not?

- *For a body corporate, the person making the application should state their position in the body corporate*
- *Query about joint landlords: if a joint landlord is named as lead landlord, but their registration application is not made at the same time, how will that impact on the first landlord's application?*

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

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

If not, why not?

--

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

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

--

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes		
No	✓	

If not, why not?

- *Details of any licences etc refuse or revoked should relate to rental properties in Wales as the rest of the UK*
- *Details of how a person will meet the training requirements should be required for each licence applicant not just for any connected person*
- *Query about joint landlords: if a joint landlord is named as lead landlord, but their registration application is not made at the same time, how will that impact on the first landlord's application?*
- *If the applicant is working on behalf of a landlord and provides multiple 'office' addresses should contact telephone numbers and e-mail addresses be provided for each of those if appropriate? Should the applicant be asked to identify one main address for correspondence?*

Changes to be notified to licensing authority

If a licensed person's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes		
No	✓	

If not, why not?

- *Clarification required as to whether as well as changes in identity of any connected person, should notification be required if any connected person is no longer connected to the applicant or if there is any additional connected person*

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

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

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Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

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

Response Form - Consultation on the Regulation of Private Housing (Information, Periods and Fees for Registration and Licensing) (Wales) Regulations 2015

Name:

Rona Crane

Address:

1 King Street
Carmarthen

Postcode:

SA311BA

Organisation
(if applicable)

Swift Relocations

Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes

☐

No

☒

If not, why not?

The private rented sector is fast moving you need to shorten the process to 10 working days.

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

Yes

☒

No

☐

If not, why not?

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

Yes

☒

No

☐

If not, why not?

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

Yes

☐

No

☒

If not and why?

This is far too long and will be detrimental to the private rented market. You should be encouraging people to rent properties not hampering them by such an extended time to get licenced. This timescale could cause a shortage and therefore push rents up.

While I do not disagree with licensing I am really shocked that you could even suggest that 8 weeks is reasonable this is one week short of processing a planning application surely you can make this a much faster process in comparison.

This suggested timescale could be a serious problem.

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes

☒

No

☐

If not, why not?

Changes to be notified to licensing authority

If a licensed person's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes

☒

No

☐

If not, why not?

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

Yes

☒

No

☐

If not, why not?

Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes

☒

No

☐

If not, why not?

Name:

Address:

Postcode:

Organisation
(if applicable)

Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes

☒

No

☐

If not, why not?

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

Yes

☒

No

☐

If not, why not?

The Welsh Government may wish to consider requesting an additional UK correspondence address if a landlord lives abroad similar to 'the address for

service' required for tenants under s.48 Landlord and Tenant Act 1987.

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

Yes

☒

No

☐

If not, why not?

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

Yes

☒

No

☐

If not and why?

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes

☒

No

☐

If not, why not?

Changes to be notified to licensing authority

If a licensed person's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes

☒

No

☐

If not, why not?

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

Yes

☒

No

☐

If not, why not?

Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes

☒

No

☐

If not, why not?

Anonymous responses

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?:

No

If not, why not?:

Two long. The period, any period is meaningless. One only has to look at the 8 week period under which Councils are supposed to determine planning applications, very few keep to this. They simply refuse to 'register' the application for planning consent until they have all of the information they require upfront. Even then they still fail to keep to it. I imagine that the same trick will be pulled by councils here. Its a pointless money making exercise for Councils. All legal and decent landlords will pay up wait and register and the rogues will flip their finger at it all as usual. Take a good hard look at the 'register' in Scotland - already way out of date. Council have no time to enforce, they are too busy taking the fees from the good landlords.

Question 2: Do you consider that the proposed information that will be required is adequate?:

Yes

If not, why not?:

The question is rigged and suggests that the information specified should be provided as a minimum. A lot of personal data on landlords is being handed to local councils who will not take proper care of it. What for example has the date of birth got to do with anything ? You think minors will be trying to let them ? I see that s.15(1)(c) allows for the local authority to ask for further information ... bureaucratic heaven ! More personal data to be mismanaged and sold on by the council in due course, like the electoral rolls.

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:

Yes

If not, why not?:

More than enough. Again a rigged question implying that the minimum is acceptable and implying that 'the only way is up' - with more questions. And failure to comply is an 'OFFENCE'. Heavy handed. Should all landlords be finger printed and required to provide a DNA sample too so that its quicker to charge them after they are arrested ? Once again the dodgy landlords which I would remind the WA are very much in the minority will once again ignore these requirements in any case. Does the WA want to encourage provision of rented accommodation ? All of this will tend put off the small scale one property landlord and it is this very small scale landlord which provides the majority of rented accommodation in the country.

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:

Yes

If not, why not?:

See comments on the 4 week time period above. Funnily enough 8 weeks is the same period in which the same councils are supposed to but don't determine a great many of the planning applications in their areas. What is the penalty on the councils who fail to

	comply..... ? Nothing of course.
Question 5: Do you consider that the information that will be required is adequate?:	Yes
If not, why not?:	More than enough as above.
Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:	Yes
If not, why not?:	As above. Once again draconian penalties of criminal sanction on landlords, and no penalty whatsoever on the fee collecting councils.
Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:	No
If not, why not?:	Absolutely not. This exercise is a complete waste of time. It is simply a nice little earner and popular with many voters. A chance to bash the private landlords. Give the power to the local councils and no doubt phantom costs will be set against the income collected. Just take a look at the fee variations between councils which charge for the HMO licences.
Question 8: Do you consider that the proposed declaration is adequate?:	Yes
If not, why not?:	Once again a loaded question. The implication being that the proposal is the minimum acceptable. Why have any. Lets us have a declaration from the CEO of each council first as to their guarantee of the proper use of monies collected and ensure that they are ring-fenced to this whole misconceived project and form a new income stream. A new property tax by another name. I would also like to see a declaration by the CEO of each council against their misleading or reckless use of the data collected stored and processed as part of this farrago.
Responses to consultations may be made public – on the internet or in a report. Normally the name and address (or part of the address) of its author will be published along with the response, as this helps to show the consultation exercise was carried out properly. (Checked)	
If you would prefer your name and address not to be published, please tick here::	

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application

No

for registration?:

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?:

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:

If not, why not?:

Question 5: Do you consider that the information that will be required is adequate?:

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate?:

If not, why not?:

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I do not agree that this process should be done at all. It is yet another burden on the Honest Private landlord. Why should this be done at all and why should the landlord bear the cost?

No

It should not be done at all. This is bad legislation and is discriminatory as English landlords do not have these ridiculous laws. It is purely money making for the authorities

No

If the tenant is informed of a change of address that should be sufficient

No

The whole scheme should be scrapped it is thought out by little minds who have nothing to do but justify themselves. The good landlords as always are punished needlessly and robbed of their money. What is new? Burocracy gone mad

No

Should not be done at all

No

Jobs for the boys again!!!!

No

I don't think that the landlord should have to pay any fees at all. There is more than enough legislation which is expensive and totally a waste of time and money burdening the Landlord. Sensible precautionary legislation such as Gas Safety Certificate makes sense

No

Should not have to be done at all. Do ministers and public officials have to do this? Their actions does not prove that they are worthy to hold office very often

(Checked)

If you would prefer your name and address not to be published, please tick here::

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?: Yes

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?: No

If not, why not?:

I understand with regards to the landlords address, yet as an Agent however, Landlords do not necessarily notify us if they change an email address etc.

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: No

If not, why not?:

As an Agent and it is a principle business, a shorter time would be more effective.

Question 5: Do you consider that the information that will be required is adequate?: Yes

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?: Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: Yes

If not, why not?:

However, the fees should take into account different situations, such as size of Agency etc. For example we manage 35 Properties whereas a National chain of Estate Agents manage far more and this should be reflected in the fee structure.

Question 8: Do you consider that the proposed declaration is adequate?: Yes

If not, why not?:

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No

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?:

If not, why not?:

Can an application be made before a rental property is purchased? If so, then 4 weeks is acceptable. If not, then the landlord will have to pay a full month's mortgage payment without any rent coming in while the registration is processed - an expensive extra cost for the landlord. In this case the processing period should be 10 working days.

Question 2: Do you consider that the proposed information that will be required is adequate?:

If not, why not?:

No

"the name and licence number, if applicable, of any person appointed by the landlord to carry out lettings work or property management work on behalf of the landlord and the address of each rental property to which the appointment relates; ... " For multiple properties in multiple authority areas, this is too onerous. Is it expected to be monitored on an ongoing basis? Agents and responsible persons may be changed, particularly if service is poor.

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:

If not, why not?:

No

See comment to Question 2. The administrative burden of notifying of changes of agents or managers is too high.

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:

If not, why not?:

Yes

Question 5: Do you consider that the information that will be required is adequate?:

If not, why not?:

Yes

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:

If not, why not?:

Yes

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:

If not, why not?:

No

I believe the LA should set and publish a fees policy only after consultation with landlords in the area.

Question 8: Do you consider that the proposed declaration is adequate?:

If not, why not?:

Yes

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(Checked)

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Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: No

If not, why not?:

Do not set limits. As long as people get things done eventually, what does it matter? Is this a new way to generate money from fines if people miss deadlines?

Question 2: Do you consider that the proposed information that will be required is adequate?:

No

If not, why not?:

A unique identifier, such as a National Insurance Number is sufficient

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:

No

If not, why not?:

It is another form of control and it is not welcome by the honest 99% of the population.

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:

No

If not, why not?:

A licensing application could be completed within a day if people and systems were more effective and efficient. The 8 week processing for a licensing application is excessive and creates more unnecessary fees for the tax payer to fund.

Question 5: Do you consider that the information that will be required is adequate?:

No

If not, why not?:

The less information the better. The specified information is excessive.

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:

No

If not, why not?:

No, they are completely unreasonable and you should learn to trust the 99% of the population.

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: No

If not, why not?:

No I do not agree. There should be no fees for services required by tax payers.

Question 8: Do you consider that the proposed declaration is adequate?:

No

If not, why not?:

A more simple declaration is adequate and you should trust people to be honest as the majority of people are.

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(Checked)

the consultation exercise was carried out properly.

If you would prefer your name and address not to be published, please tick here::

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?:	Yes
If not, why not?:	
Question 2: Do you consider that the proposed information that will be required is adequate?:	Yes
If not, why not?:	
Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:	Yes
If not, why not?:	
Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:	No
If not, why not?:	Far too long - landlords need certainty as their turnover continues pending this process.
Question 5: Do you consider that the information that will be required is adequate?:	Yes
If not, why not?:	
Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:	
If not, why not?:	This appears to duplicate an earlier question
Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:	No
If not, why not?:	Any charges are unwarranted.
Question 8: Do you consider that the proposed declaration is adequate?:	Yes
If not, why not?:	
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If you would prefer your name and address not to be published, please tick here::	

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?:	Yes
If not, why not?:	
Question 2: Do you consider that the proposed information that will be required is adequate?:	No
If not, why not?:	There is no provision for evidence of landlord

accreditation status.

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?:

Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?:

Yes

If not, why not?:

Question 5: Do you consider that the information that will be required is adequate?:

No

If not, why not?:

What happens if the applicant is a landlord AND a person who acts on behalf of a land lord - are two licences required??

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?:

Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?:

No

If not, why not?:

The right of each licensing authority to charge fees for both registration and licensing ; the amount of the proposed fee and the fact that charges are proposed to be ON-GOING should be open to challenge from landlords. In the same way that landlords/ agents are dissuaded from charging fees to tenants for setting up -and in particular-renewing tenancies, it seems unfair that landlords are penalised financially for acting responsibly by registering themselves and their properties. It is a tax on landlords. They are likely to pass on these fees in raised rents and would make property rental in Wales more expensive. But - more importantly - Is your purpose one of having responsible accredited landlords for all tenants in Wales - or a fundraising opportunity for Local Authorities This proposal would also discourage un-licenced landlords from applying for a licence or even becoming accredited There should be a fee waiver for those landlords who have paid the cost of training for accreditation and the Continued Professional Development costs of maintaining that accreditation.

Question 8: Do you consider that the proposed declaration is adequate?:

Yes

If not, why not?:

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(Checked)

If you would prefer your name and address not

to be published, please tick here::

Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?: Yes

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?: Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: Yes

If not, why not?:

Question 5: Do you consider that the information that will be required is adequate?: Yes

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?: Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?: Yes

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate?: Yes

If not, why not?:

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Question 1: Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?: Yes

If not, why not?:

Question 2: Do you consider that the proposed information that will be required is adequate?: Yes

If not, why not?:

Question 3: Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?: Yes

If not, why not?:

Question 4: Do you think that 8 weeks is a reasonable timescale for determining a licensing application?: Yes

If not, why not?:

Question 5: Do you consider that the information that will be required is adequate?: Yes

If not, why not?:

Question 6: Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?: Yes

If not, why not?:

Question 7: Do you agree that the Licensing Authority should set and publish a fees policy for Yes

registration and licensing fees?:

If not, why not?:

Question 8: Do you consider that the proposed declaration is adequate?:

Yes

If not, why not?:

Responses to consultations may be made public – on the internet or in a report. Normally the name and address (or part of the address) of its author will be published along with the response, as this helps to show the consultation exercise was carried out properly.

(Checked)

If you would prefer your name and address not to be published, please tick here::

Response Form - Consultation on the Regulation of Private Housing (Information, Periods and Fees for Registration and Licensing) (Wales) Regulations 2015

Publication of responses

Responses to consultations may be made public – on the internet or in a report. Normally the name and address (or part of the address) of its author will be published along with the response, as this helps to show the consultation exercise was carried out properly.

If you would prefer your name and address not to be published, please tick here:	<input checked="" type="checkbox"/> (but feel free to contact me to discuss)	
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Period for registration

It is the intention to allow the Licensing Authority 4 weeks to process an application for registration.

1. Do you agree that 4 weeks is an appropriate timescale for processing an application for registration?

Yes

☐

No

☒

If not, why not?

I do not accept the assumption that Registration should take place. It will be easy enough for intelligent, but “rogue”, landlords to Register and then continue to provide poor accommodation and/or mistreat tenants. Only a system of individual property registration and inspection will do that. Such a scheme was run by our local authority about a decade ago, but abandoned as it did not have the political will to continue in the face of vested interest.

Information to be included in an application for registration

An application for registration will have to contain specified information which will be stipulated in Regulations.

2. Do you consider that the proposed information that will be required is adequate?

Yes

Y

No

If not, why not?

Actually more than, as Registration should not take place. (See answer to Q1)

Changes to be notified to the licensing authority

If a landlord's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

3. Do you consider that the changes proposed in the regulations which have to be notified to the Licensing Authority are adequate?

Yes

Y

No

If not, why not?

Actually more than, as Registration should not take place. (See answer to Q1)

Period for determination of a licensing application

It is the intention to allow the Licensing Authority 8 weeks to process an application for licensing

4. Do you think that 8 weeks is a reasonable timescale for determining a licensing application?

Yes

No

N

If not and why?

As Registration should not take place. (See answer to Q1)

Information for an application for a licence

An application for a licence will have to contain specified information that will be prescribed in Regulations.

5. Do you consider that the information that will be required is adequate?

Yes

Y

No

If not, why not?

More than, as Registration should not take place. (See answer to Q1)

Changes to be notified to licensing authority

If a licensed person's circumstances change e.g. they move to a new correspondence address, there will be a duty to inform the Licensing Authority of that change in circumstances.

6. Do you agree the changes proposed in the regulations which will have to be notified to the Licensing Authority are reasonable?

Yes

☐

No

☒

If not, why not?

Registration should not take place. (See answer to Q1)

Fees for registration and licensing

It is the intention that the licensing authority will be able to set a fees policy for registration and licensing fees. 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 fees policy. The licensing authority may fix different fees for different cases or descriptions of cases but these must be clearly shown in their policy.

7. Do you agree that the Licensing Authority should set and publish a fees policy for registration and licensing fees?

Yes

☒

No

☐

If not, why not?

The mistaken decision to proceed with Registration should not proceed. (See answer to Q1)

Declaration to be included in applications for registration or a licence

An application for registration or a licence will have to be accompanied by a specific declaration.

8. Do you consider that the proposed declaration is adequate?

Yes

N

No

N

If not, why not?

Registration should not take place. (See answer to Q1)