



Llywodraeth Cymru
Welsh Government

HR-1109419-Y5Q4

April 2026

Dear

Thank you for contacting the Welsh Government regarding your formal complaint. Your initial complaint was received on 5th February, and you received a response to your concerns on 25th February. You then requested a consideration at stage 2 of the formal process on 25th February.

Your complaint has been considered under the stage 2 formal review process detailed in the Welsh Government's Complaints policy and procedure, which is available by post on request or on our website at:

<https://gov.wales/how-make-complaint-about-welsh-government-html>.

My role as formal reviewer at the final stage of the Welsh Government's complaints procedure is to consider what, if any, further actions can be taken to resolve matters, which is appropriate and proportionate to your complaint. As a senior official with no direct connection with the teams involved, I have undertaken the role of independent investigating officer for your complaint.

I have reviewed your original complaint, and matters raised by you in your correspondence of 25th February. In your correspondence to date, you have made the following complaints summarised below from your email of 25th February:

1. Failure to correct or acknowledge factual errors – regarding a statement made in the Welsh Government correspondence of 19 January which you consider to be factually incorrect, that the Welsh Government response should have acknowledged or corrected this error, and addressed its impact.
2. Failure to answer two of the four direct questions – firstly whether the Welsh Government has ever reviewed the HMO licensing framework with regard to alignment with other regulatory regimes, and secondly whether Welsh Government issues guidance encouraging or discouraging consultation within additional licensing schemes.
3. Failure to substantively address your democratic deficit concerns – you consider you have not been provided with a substantive response, or an explanation as to whether the democratic deficit has been assessed, whether equality or human rights implications were considered, or why the absence of public participation is deemed acceptable.
4. Failure to address concerns about the handling of your correspondence – you do not consider the apology received to be acceptable, and you cite failures to address the use of template responses, the failure to answer direct questions, the misstatement of law and the procedural evasion you documented.

5. Lack of remedy or corrective action – your complaint states that the response received does not propose any corrective action, review of internal processes, or a commitment to accuracy in future correspondence.
6. Failure to identify the officer who handled the complaint – your complaint states that this omission prevents you from complying with the Welsh Government's escalation instructions.

I have investigated all the matters raised by you, considered the Welsh Government's response and the potential for maladministration and/or misconduct. For clarity, I have provided my assessment below in relation to your six specific grounds for complaint.

1) Failure to acknowledge or correct factual errors

Having reviewed the correspondence, it is clear that the core element of your original correspondence relates to your view that the HMO licensing process suffers from a "democratic deficit". Whilst a public consultation element is a constituent part of some licensing regimes, your view is that HMO licensing is deficient in not including such an element. In the 19 January response to your original correspondence, Welsh Government officials stated:

"HMO licensing only comes into consideration once planning permission, where required, has been granted" and that "formal consultation takes place at the planning stage, which must be completed before most new HMO licenses can be considered".

In response to your complaint, where you outlined your position on why this statement was incorrect, Welsh Government officials stated:

"you are correct that the Housing Act 2004 does not require planning permission to be obtained before a mandatory or additional HMO license can be applied for or granted. The wording in the response in January was intended to describe the process where planning permission is needed or required, not to imply that it is a prerequisite for licensing. I recognise that this wording may have caused confusion".

Your request for a complaint at stage two asserts that the phrase "may have caused confusion" is inaccurate, on the basis that the original statement was factually incorrect, and not simply unclear.

I do not uphold this element of your complaint. This is on the basis that I do not consider the initial statement to have been factually inaccurate. The statement made on 19 January uses the terms "where required" and "most" to qualify the assertion. It is clear from the statement that planning permission is not required in all cases, and I therefore consider that the fact the statement "may have caused confusion" is wholly appropriate. Based on my assessment, I have not gone on to consider whether the error should be acknowledged or corrected, or its impact addressed, as I do not consider it to be factually inaccurate.

2) Failure to answer two of four direct questions

Question 3 – review of the licensing framework

In your request for a stage 2 complaint, you have reiterated your direct question as *"whether the Welsh Government has ever reviewed the HMO licensing framework with regard to alignment with other regulatory regimes"*.

Responses to your initial correspondence, and to your stage 1 complaint from Welsh Government officials go into detail about the intent behind the HMO framework and why it differs from the Licensing Act 2003.

I do not uphold this element of your complaint. This is because I consider that the detailed responses provided to you explain the objectives of the different licensing schemes, and why they are not comparable in the context of public consultation. The Welsh Government responses make clear that the HMO framework is based on very different objectives to the Licensing Act, and that whilst a specific obligation for public consultation is a requirement for the Licensing Act (on the basis of objectives of the scheme related to ensuring licensable activities are carried out in the public interest), the introduction of a public consultation requirement into the technical HMO licensing regime would represent a significant shift in purpose and framework.

Question 4 – guidance on consultation

In your request for a stage 2 complaint, you have reiterated your direct question as *“whether the Welsh Government issues guidance encouraging or discouraging consultation within additional licensing schemes”*. You consider that the responses received restate the statutory position, rather than addressing your direct question.

However, the question posed in your earlier correspondence, and featuring in your original request for a review of your complaint on 5th February was *“...whether Welsh Government will strengthen guidance to local authorities regarding consultation in additional licensing schemes”*. This is the question that was answered by the Welsh Government in its correspondence of 25 February 2026:

“we acknowledge that, while the Housing Act 2004 requires public consultation only at the point when an area is designated for an additional licensing scheme, local authorities retain discretion to embed forms of consultation within these schemes”.

The question you have asked in your most recent email requesting a stage 2 consideration of your complaint is quite different, asking whether Welsh Government issues guidance, rather than whether it will strengthen said guidance in future. I therefore consider that this is a new question, and for ease I have provided a link below to the current relevant guidance:

[Houses in Multiple Occupation Practice Guidance](#)

Turning back to your complaint, I do not uphold this element on the basis you have received a full response from Welsh Government to the direct question you asked.

3) Failure to substantively address the democratic deficit concerns

In your request for a stage 2 complaint, you consider that your concerns have been acknowledged but dismissed with:

“There are no immediate plans to specifically review this”.

You consider this does not constitute a substantive response.

I acknowledge that your concerns around the democratic deficit are at the core of your initial correspondence.

Having reviewed all associated correspondence, I do not uphold this element of your complaint. I consider that Welsh Government officials have provided full and detailed information in relation to your concerns about a democratic deficit. The correspondence explains why the HMO regime differs from the Licensing Act, and the reasons why public consultation is not a core requirement. Any change to this approach would represent a significant shift in purpose and framework.

4. Failure to address concerns about the handling of your correspondence

You outlined in your request for a stage 2 complaint that you do not consider the apology provided to be acceptable. I understand that this complaint is on the basis that the Welsh Government official stated:

“I apologise for the fact you feel that the earlier responses did not address the substantive issues”.

Your complaint outlines that you consider the Welsh Government should be accepting accountability for its own procedural and factual errors, rather than apologising for your feelings.

Based on my assessments above, I do not uphold this element of your complaint. As I have stated, I do not consider that the correspondence issued from the Welsh Government contains procedural or factual errors. Officials have engaged with your questions and provided detailed responses at all stages, in line with the Welsh Government complaint policy.

Your request for a stage 2 complaint went on to reference four other procedural issues. I do not uphold this element of your complaint, and for completeness I have set out the four referenced areas with my assessment below:

- a) The use of template responses. I cannot identify any reference to “template responses” in your previous correspondence. I assume from this you are referencing standard, non-bespoke, “off the shelf” responses. I consider that responses provided to you from the Welsh Government have been consistently detailed and bespoke to the questions you have asked, and have not identified any evidence of template responses.
- b) The failure to answer direct questions – this is addressed at point 2 above.
- c) The misstatement of law – this is addressed at point 1 above.
- d) The procedural evasion you have documented – this is addressed in the sections above.

5. Lack of remedy or corrective action

Your request for a stage 2 complaint states that the Welsh Government response does not propose any corrective action, any review of internal processes or any commitment to accuracy in future correspondence.

I do not uphold this element of your complaint. This is on the basis that I do not consider there to have been factual inaccuracies or issues that need to be remedied. I consider that all elements of your complaint have been appropriately handled, and that no further remedy or corrective action is required.

6. Failure to identify the officer who handled the complaint

You have referenced in your request for a stage 2 complaint that “the response instructs me to provide details of the person who dealt with your complaint previously”. You state that the fact the response is unsigned and unidentifiable prevents you from complying with the Welsh Government’s escalation instructions.

Stage 1 complaints are intended to be managed informally and are handled directly by the relevant team within which the issue arose. Responses may therefore be issued on behalf of the team, rather than by a named individual.

While it is acknowledged as good administrative practice to provide a named point of contact, and this would ordinarily be provided, I appreciate that on this occasion a name was not provided.

In practice, however, the absence of an identifiable officer has not prevented you from escalating your complaint and has not had any negative impact on your ability to access all elements of the Welsh Government complaint procedures, and so I do not uphold this element of your complaint.

If you are dissatisfied with my response to your complaint or if you feel that your complaint has not been properly considered, I should also remind you of your option to refer the matter to the Public Services Ombudsman for Wales who is independent of all government bodies, and can be contacted at:

Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae

Pencoed

Bridgend

CF35 5LJ

Telephone: 0300 7900203

E-mail: ask@ombudsman.wales

Web: www.ombudsman.wales

Yours sincerely

Deputy Director, Integrated Local Transport