

Dear

Thank you for your further correspondence of 18 February 2026 regarding your formal complaint submitted on 5 February (reference HR-1109419-Y5Q4). I am sorry that the issues you raised remain unresolved and that you feel our previous response did not address your concerns in full. I appreciate the opportunity to review the matter again.

I have now considered the points you have raised and respond to each in turn.

1. Relationship between planning permission and HMO licensing

You are correct that the Housing Act 2004 does not require planning permission to be obtained before a mandatory or additional HMO licence 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.

To further clarify - applications for HMO licences may be made regardless of planning status, and local authorities must determine such applications in accordance with the statutory tests under the Housing Act 2004. HMO licensing and planning are separate and distinct frameworks.

2. Direct questions raised

Thank you for reiterating your four questions. Specific responses are outlined below:

- I. **Planning permission as a prerequisite**
Planning permission is *not* a prerequisite for HMO licensing.
- II. **Statutory public consultation rights in HMO licensing**
There are currently no statutory rights for public representations in relation to the individual HMO licensing process. However, local authorities may under specific conditions establish additional licensing schemes for which they must consult with landlords, tenants and local residents to inform this.
- III. **Review of the licensing framework to align with other regimes**
The Welsh Government recognises differences between the Housing Act 2004 and licensing regimes such as the Licensing Act 2003 and has no plans to undertake work to align these frameworks. As outlined in the response of 18 February, the two regimes operate on fundamentally different bases. Alcohol licensing is structured around four licensing objectives, including the prevention of public nuisance. The aim of the objectives is to ensure that carrying on licensable activities on or from premises is done in the public interest. The Act therefore embeds a statutory role for local residents in the licensing process. HMO licensing, by contrast, is a technical regulatory regime focused on property condition, safety and management standards. Introducing a public consultation requirement into what is essentially a safety based regulatory process would represent a significant shift in the purpose and legal framework of the HMO licensing regime.
- IV. **Guidance on consultation within additional licensing schemes**
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.

3. Democratic deficit and community representation

Your concerns about the absence of public participation in HMO licensing and the wider democratic implications are acknowledged. We accept that the current framework differs from other licensing regimes in the degree of formal community involvement, however, given the information outlined at III and IV, there are no immediate plans to specifically review this.

4. Review of the handling of your previous correspondence

I acknowledge and apologise for the fact you feel the earlier responses did not address the substantive issues you raised. We will ensure feedback from this complaint is shared with the relevant team so lessons can be learnt and disseminated.

In summary this response includes:

- The clarity around relationship between planning permission and HMO licensing has been provided.
- Direct answers have been provided to all four of your repeated questions.
- Although the Welsh Government does not have immediate work plans in place that focus on the review and alignment of regulatory frameworks, legislative reform or work to reform the HMO licensing framework, your concerns about consultation mechanisms and democratic accountability will be considered in future policy work.

Thank you again for bringing these matters to our attention. Your complaint has been considered in accordance with the Welsh Government's Complaints policy and procedure, which is available by post on request and on our website at:

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

If you are dissatisfied with my response to your complaint or if you feel the response is not accurate or sufficient, you can request a formal review by writing to:

Complaints Advice Team

Welsh Government

Cathays Park

Cardiff

CF10 3NQ

Telephone: 03000251378

Email: complaints@gov.wales

When writing, please provide details of the person who dealt with your complaint previously, and give a full explanation of the reasons why you are not satisfied with the response.

Sincerely,