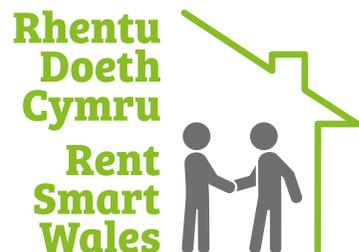


Type of Licence and Conditions Document

For Licences issued on or after the 1st July 2020

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg



03000 133344



rentsmart.gov.wales

Explanatory notes:

Licence conditions are added to all licences as specified under section 22 of the Housing (Wales) Act 2014. The standard licence conditions specified below have been listed based on the type of licence they will be applied too. All licence conditions can be subject to change at any time and bespoke licence conditions are often added to licences specific to the applicant's circumstances.

Failure to adhere to licence conditions can put a licence at risk and can result in a licence being revoked. Revocation of licence means that the licensee must not carry out lettings work or property management work at any rental property, within Wales, which is subject to, marketed or let under a domestic tenancy. Completing letting and management activities in Wales without a valid licence is an offence and where an offence is established, there are penalties including fixed penalty notices, unlimited fines, rent stopping orders, rent repayment orders and being unable to serve a valid possession order.

Please note: If your licence was issued prior to the 1st July 2020, different conditions will apply and you will need to ensure that you comply with the licence conditions your licence was issued with.

Licence conditions typically added to Landlord Licences

1. Licensees are only able to carry out management of any property for which they are a landlord. This licence does not permit licensees to let or manage properties (doing any tasks as defined in the Housing (Wales) Act 2014) where they are not the landlord. If a licensee wishes to do this they must make an application to Rent Smart Wales for an agent licence.
2. The licensee must keep their licence details up to date either within their Rent Smart Wales account at www.rentsmart.gov.wales or by notifying Rent Smart Wales by telephone on 03000 133344 or by post at Rent Smart Wales, PO Box 1106, Cardiff, CF11 1UA. These details must be updated within **28 days** of the change.

This includes name, correspondence address, telephone number, email address, the acquisition/disposal of rental properties, any change to letting and/or management arrangements, removing the name of connected persons if they are no longer employed by the licensee, informing Rent Smart Wales of any change of Company Directors or Trustees, and if the licensee is an agent, keep their property list up to date by responding to all property invites within **28 days**.

3. Licensees must comply with the 'Code of Practice for Licensed Landlords and Agents' licensed under Part 1 of the Housing (Wales) Act 2014'. A copy of the Code can be viewed online on our [Downloads](#) Page. The Code contains two elements.

First and foremost, it sets out what Landlords and Agents must do to keep to the conditions of this licence. All requirements given as 'musts' are already contained in legislation and are requirements licensees should already be aware of due to the training licensees have completed to obtain this licence.

The second element of the Code is information on what can be done to raise standards above the minimum level required by law. This is described as Best Practice, and is shown in shaded boxes throughout the document. These are carried out at the discretion of landlords and lettings agents. Failure to meet Best Practice would not be a reason for Rent Smart Wales to revoke a licence.

4. Licensees must ensure that, in addition to complying with the 'Code of Practice for Licensed Landlords and Agents' licensed under Part 1 of the Housing (Wales) Act 2014', they comply with all legislation that applies. This includes both enacted legislation, and any additional legislation that comes into force during the licence period. A copy of the Code can be viewed online on our [Downloads](#) Page.
5. This licence has been granted based on the following connected persons being appropriately trained. If the licensee employs additional connected persons (employees; who are on its payroll, etc) in future who do letting and/or management work as defined in the Act as part of their contract of service, they must be suitably trained within 3 months of starting the position and/or commencing letting and management activities.

Appropriate training is either:

1. **‘First time’ licence training** that has been completed within 12 months prior to this licence’s issue date, or on or after this licence’s issue date or;
2. **‘Relicensing’ training**, where the ‘first time’ licence training has previously been completed. The ‘Relicensing’ training must have been completed within 12 months prior to this licence’s issue date, or on or after this licence’s issue date.
3. **CPD** - This is an option for connected persons who have previously completed approved ‘first time’ licence training (which may not meet the date parameters in 1 or 2 above). This can be valid CPD training to the minimum number of points for the licence type, completed within the last 5 years.

Further information on the training required for each licence type can be found [here](#).

The licensee must ensure that there is always an appropriately trained Director/ Lead Trustee who is also a principal user connected to the licence.

6. Licensees may only appoint an unlicensed person to be the main point of contact and make any decisions relating to their rented properties for an unplanned event out of the licensee’s control, such as a medical emergency, and for a maximum duration of **4 weeks** per calendar year.
7. The licensee must ensure that robust management arrangements are in place throughout the period of the licence and in particular ensure that suitably qualified contractors competent in their area of expertise are available to deal with emergencies if / when they arise at the property(s). Emergencies include but are not limited to gas / electric, locksmith and general building issues.

The licensee must ensure that the rental property(s) for which they have management responsibilities are visited at appropriate intervals determined by the licensee, taking into account property condition and tenant risks, while protecting the tenant’s right to quiet enjoyment, but in any event the minimum routine visit intervals must be:

Annually for single dwelling tenancies, and shared houses on a single tenancy, with the first routine visit taking place within the first **2-6 months** of the tenancy.

Every **6 months** for a House in Multiple Occupation (HMO), and shared houses on separate tenancies, with the first routine visit taking place within the first **2-6 months** of the tenancy.

In addition, the licensee must respond to all matters that arise in between routine visits appropriately and in accordance with the licensee’s reporting maintenance procedure and where applicable, the licensee’s complaints procedures.

Property visits must be documented, signed and dated by the licensee or appropriately trained user connected to this licence. The licensee must retain the documentation for a minimum period of **two years** and provide the information to Rent Smart Wales when requested.

Where the robust management arrangements and / or routine visits frequency cannot be fulfilled by the licensee, the licensee must appoint a licensed agent able to demonstrate robust management practices. This condition must be met within **8 weeks** from the date the licence is granted.

For further guidance about how to schedule, conduct and document routine visits to rental properties please see ‘Routine Visit Guidance and Templates’ in the Useful Guides and Downloads Section of our website here:

rentsmart.gov.wales/en/resource-library/

8. The licensee must provide tenants with the information and documents listed below in accordance with the relevant legal requirements or at tenancy commencement. The information can be provided to the tenant either electronically or in hard copy.
 - Contact details for the licensee,
 - Energy Performance Certificate for the dwelling,
 - Gas Safety Record for the dwelling (where there is gas in the property)
 - Electrical Safety Certificate (for a House in Multiple Occupation)
 - Security Deposit prescribed information
 - The licensee’s written complaints procedure,
 - A copy of the Rent Smart Wales Tenant Guide,
 - Details of local waste collection services and collection dates and provide all waste receptacles appropriate to the property, used by the local Council to manage and collect waste and encourage recycling,
 - Any relevant user manuals for appliances supplied by the landlord at the rental property.
9. The licensee must manage any complaints from those involved in their business practices in a professional and coherent manner and have a written procedure in place appropriate to the licensee’s business model. This should include how to make a complaint, and explain how and when the complaint will be responded to. The licensee will provide a copy of their written complaint handling procedure to Rent Smart Wales on request.
10. The licensee or connected person must not reside at any dwelling where they undertake letting and/or management activities on behalf of the landlord unless the landlord is a direct relative of the licensee. If the licensee’s situation changes, the licensee must notify Rent Smart Wales.

A direct relative is defined by Rent Smart Wales to mean a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin, with any relationship of the half-blood being treated as a relationship of the whole blood.

Please see Section 258, Housing Act 2004: legislation.gov.uk/ukpga/2004/34/section/258

- 11.** The Renting Homes (Wales) Act 2016 will be implemented during the term of the licence. The licensee and all connected persons are required to complete Rent Smart Wales approved training on these changes **prior to or within 3 months** of the Act being implemented.
- 12.** This licence has been granted on the condition that the licensee is considered fit and proper. Should this change and the licensee or anyone associated with the licensee is convicted of an offence during the period of the licence the licensee must notify Rent Smart Wales within **14 days** of being convicted. Please note driving offences are exempt.
- 13.** Where Rent Smart Wales has cause for concern in relation to fitness and propriety or breach of licence conditions, the licensee must assist Rent Smart Wales or the Local Authority (acting on behalf of Rent Smart Wales) to secure access to any properties let and/or managed by the licensee in accordance with legal requirements giving at least 24 hours' written notice.
- 14.** The licensee is permitted to use the Rent Smart Wales logo to market themselves. However, this must be used in accordance with the brand guidelines at all times. A copy of the brand guidelines can be viewed online on our [Downloads](#) page or the licensee can request a copy to be sent.

Licence conditions typically added to Agent Licences

- 1.** The licensee must keep their licence details up to date either within their Rent Smart Wales account at www.rentsmart.gov.wales or by notifying Rent Smart Wales by telephone on 03000 133344 or by post at Rent Smart Wales, PO Box 1106, Cardiff, CF11 1UA. These details must be updated within **28 days** of the change.

This includes name, correspondence address, telephone number, email address, the acquisition/disposal of rental properties, any change to letting and/or management arrangements, removing the name of connected persons if they are no longer employed by the licensee, informing Rent Smart Wales of any change of Company Directors or Trustees, and if the licensee is an agent, keep their property list up to date by responding to all property invites within **28 days**.

- 2.** Licensees must comply with the 'Code of Practice for Licensed Landlords and Agents' licensed under Part 1 of the Housing (Wales) Act 2014'. A copy of the Code can be viewed online on our [Downloads](#) Page. The Code contains two elements.

First and foremost, it sets out what landlords and Agents must do to keep to the conditions of this licence. All requirements given as 'musts' are already contained in legislation and are requirements licensees should already be aware of due to the training licensees have completed to obtain this licence.

The second element of the Code is information on what can be done to raise standards above the minimum level required by law. This is described as Best Practice, and is shown in shaded boxes throughout the document. These are carried out at the discretion of landlords and lettings agents. Failure to meet Best Practice would not be a reason for Rent Smart Wales to revoke a licence.

- 3.** Licensees must ensure that, in addition to complying with the 'Code of Practice for Licensed Landlords and Agents' licensed under Part 1 of the Housing (Wales) Act 2014', they comply with all legislation that applies. This includes both enacted legislation, and any additional legislation that comes into force during the licence period. A copy of the Code can be viewed online on our [Downloads](#) Page.
- 4.** This licence has been granted based on the following connected persons being appropriately trained. If the licensee employs additional connected persons (employees; who are on its payroll, etc) in future who do letting and/or management work as defined in the Act as part of their contract of service, they must be suitably trained within 3 months of starting the position and/or commencing letting and management activities.

Appropriate training is either:

- 1. 'First time' licence training** that has been completed within 12 months prior to this licence's issue date, or on or after this licence's issue date or;

2. **‘Relicensing’ training**, where the ‘first time’ licence training has previously been completed. The ‘Relicensing’ training must have been completed within 12 months prior to this licence’s issue date, or on or after this licence’s issue date.
3. **CPD** - This is an option for connected persons who have previously completed approved ‘first time’ licence training (which may not meet the date parameters in 1 or 2 above). This can be valid CPD training to the minimum number of points for the licence type, completed within the last 5 years.

Further information on the training required for each licence type can be found [here](#).

The licensee must ensure that there is always an appropriately trained Director/ Lead Trustee who is also a principal user connected to the licence.

5. Where a licensee discharges some or all of its responsibilities to a subcontractor, for which a licence would not be required, e.g. rent collection, check out, etc. the licensee must ensure that the subcontractor meets Rent Smart Wales standards for training and compliance within the ‘Code of Practice for Licensed Landlords and Agents’ and all other relevant licence conditions attached to the licensee’s licence. The licensee will be required to provide evidence that these standards are being met upon request.

6. The licensee must have and maintain throughout the period of their licence client money protection, professional indemnity insurance and membership of an independent letting and management redress scheme (as accepted by Rent Smart Wales). The licensee must supply the details of each to Rent Smart Wales within **6 weeks** of the licence being awarded and either annually thereafter, or following each renewal date for each of the business safeguards.

7. Where this licence requires the licensee to provide and maintain the business safeguards of client money protection, professional indemnity insurance and/or membership of a UK Government approved redress scheme, the licensee must display evidence of their current and valid certification.

This evidence must be displayed at all of the premises where the licensee completes letting and/or management activities, on their website and provide it to any person on request.

8. The licensee must provide up to date details of their landlords and all the rental properties in Wales for which the licensee has letting or management responsibility. This should be completed at least once a year from the date of this licence, and on request from Rent Smart Wales.

The details can be uploaded directly using the template provided in the managed properties’ section of the Rent Smart Wales Agent account. Alternatively, you can contact Rent Smart Wales on 03000 133344 or by post at Rent Smart Wales, PO Box 1106, Cardiff, CF11 1UA to provide the information.

9. The licensee is required to ensure that client landlords are compliant with the Housing (Wales) Act 2014. Specifically, the licensee must:
 - Ensure any properties managed by the licensee are registered by the landlord. The licensee is required to notify a landlord of the need to register and if the landlord fails to register within **12 weeks** of the agent’s agreement to manage the property, the licensee must provide the landlord’s name, landlord’s correspondence information and the rental property address to Rent Smart Wales.

- Ensure that landlords clearly understand that they cannot undertake any letting and/or management activities without a licence to do so. Where an unlicensed landlord undertakes letting and/or management activities, the licensee must report this to Rent Smart Wales within **14 days** of receiving the information.

The notifications should be made directly to Rent Smart Wales by telephone, email or post.

The letting and management activities that landlords must be licensed to undertake are specified in the Housing (Wales) Act 2014, Sections 6 and 7. The information can also be found here: www.rentsmart.gov.wales/en/licensing/

10. The licensee must ensure that robust management arrangements are in place throughout the period of the licence and in particular ensure that suitably qualified contractors competent in their area of expertise are available to deal with emergencies if / when they arise at the property(s). Emergencies include but are not limited to gas / electric, locksmith and general building issues.

The licensee must ensure that the rental property(s) for which they have management responsibilities are visited at appropriate intervals determined by the licensee, taking into account property condition and tenant risks, while protecting the tenant’s right to quiet enjoyment, but in any event the minimum routine visit intervals must be:

Annually for single dwelling tenancies, and shared houses on a single tenancy, with the first routine visit taking place within the first **2-6 months** of the tenancy.

Every **6 months** for a House in Multiple Occupation (HMO), and shared houses on separate tenancies, with the first routine visit taking place within the first **2-6 months** of the tenancy.

In addition, the licensee must respond to all matters that arise in between routine visits appropriately and in accordance with the licensee’s reporting maintenance procedure and where applicable, the licensee’s complaints procedures.

Property visits must be documented, signed and dated by the licensee or appropriately trained user connected to this licence. The licensee must retain the documentation for a minimum period of **two years** and provide the information to Rent Smart Wales when requested.

Where the robust management arrangements and / or routine visits frequency cannot be fulfilled by the licensee, the licensee must advise the landlord to appoint a licensed agent able to demonstrate robust management practices. This condition must be met within 8 weeks from the date the licence is granted.

For further guidance about how to schedule, conduct and document routine visits to rental properties please see 'Routine Visit Guidance and Templates' in the Useful Guides and Downloads Section of our website or click [here](#).

11. The licensee must provide tenants with the information and documents listed below in accordance with the relevant legal requirements or at tenancy commencement. The information can be provided to the tenant either electronically or in hard copy.

- Contact details for the licensee,
- Energy Performance Certificate for the dwelling,
- Gas Safety Record for the dwelling (where there is gas in the property)
- Electrical Safety certificate (for a House in Multiple Occupation)
- Security Deposit prescribed information
- The licensee's written complaints procedure,
- A copy of the Rent Smart Wales Tenant Guide,
- Details of local waste collection services and collection dates and provide all waste receptacles appropriate to the property, used by the local Council to manage and collect waste and encourage recycling,
- Any relevant user manuals for appliances supplied by the landlord at the rental property.

12. Where the licensee's legal responsibilities are discharged to an unlicensed landlord, for example: to secure an Energy Performance Certificate, Gas Safety Record and/or to complete the tenancy deposit requirements, a duty remains on the licensee to request copies of the documentation to ensure that these responsibilities are undertaken within legislative requirements.

The licensee must ensure that the unlicensed landlord does not have any contact with the tenant in making arrangements for these matters.

13. The licensee must manage any complaints from those involved in their business practices in a professional and coherent manner and have a written procedure in place appropriate to the licensee's business model. This should include how to make a complaint, and explain how and when the complaint will be responded to. The licensee will provide a copy of their written complaint handling procedure to Rent Smart Wales on request.

14. The licensee or connected person must not reside at any dwelling where they undertake letting and/or management activities on behalf of the landlord unless the landlord is a direct relative of the licensee. If the licensee's situation changes, the licensee must notify Rent Smart Wales.

A direct relative is defined by Rent Smart Wales to mean a parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin, with any relationship of the half-blood being treated as a relationship of the whole blood.

Please see Section 258, Housing Act 2004: legislation.gov.uk/ukpga/2004/34/section/258

15. The Renting Homes (Wales) Act 2016 will be implemented during the term of the licence. The licensee and all connected persons are required to complete Rent Smart Wales approved training on these changes **prior to or within 3 months** of the Act being implemented.

16. Licensees may be subject to an audit by Rent Smart Wales within their licence term. This audit will determine compliance with a licensee's legal obligations and licence conditions. Should a licensee be subject to a Rent Smart Wales audit, the licensee must co-operate fully and comply with the requirements of the audit. Note that this audit may be undertaken by Rent Smart Wales and/or a Welsh local authority acting on behalf of Rent Smart Wales.

17. This licence has been granted on the condition that the licensee is considered fit and proper. Should this change and the licensee or anyone associated with the licensee is convicted of an offence during the period of the licence the licensee must notify Rent Smart Wales within **14 days** of being convicted. Please note driving offences are exempt.

18. Where Rent Smart Wales has cause for concern in relation to fitness and propriety or breach of licence conditions, the licensee must assist Rent Smart Wales or the Local Authority (acting on behalf of Rent Smart Wales) to secure access to any properties let and/or managed by the licensee in accordance with legal requirements giving at least 24 hours' written notice.

19. The licensee is permitted to use the Rent Smart Wales logo to market themselves. However, this must be used in accordance with the brand guidelines at all times. A copy of the brand guidelines can be viewed online on our [Downloads](#) page or the licensee can request a copy to be sent.

20. If the licensee is paying the licence fee by instalments, all fee payments must be made in full and on time. If a fee payment is missed the licensee must notify Rent Smart Wales within 3 days of failing to make the payment and pay the missed fee payment within 14 days of the date the payment was due.