Rent Smart Wales Agent Audit

Pre-Audit Questionnaire

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|  | It is essential that you provide as much information, evidence and documentation as possible to explain your agency’s working practices and compliance with:* [Licence Conditions](https://rentsmart.gov.wales/Uploads/Downloads/00/00/01/28/DownloadFileEN_FILE/Type-of-licence-and-conditions.pdf),
* [The Code of Practice for Licensed Landlords and Agents](https://rentsmart.gov.wales/Uploads/Downloads/00/00/00/01/DownloadFileEN_FILE/Code-of-practice-for-Landlords-and-Agents-licensed-under-Part-1-of-the-Housing-Wales-Act-2014-English-Doc-1.pdf), and
* Legislative Requirements.

Failure to provide clear information, evidence and required documentation could affect the audit grade your agency is awarded. |
| Audit Reference Number:  |
| Name of Agent:  |
| Date Issued:   |
| Latest Date for Response:  |

Mae’r ddogfen hon ar gael yn Gymraeg /

This document is available in Welsh

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| **AGENT INFORMATION** |
| **BUSINESS ARRANGEMENTS**  |
| Select the legal entity that best matches your agency's business structure: | Individual / Individual Trading as | [ ]  |
| Partnership / Partnership Trading as | [ ]  |
| Limited Company / Limited Company Trading as | [ ]  |
| Limited Liability Partnership (LLP) / LLP Trading as | [ ]  |
| Charity / Charity Trading as | [ ]  |
| Trust / Trust Trading as | [ ]  |
| Registered Social Landlord (RSL) / RSL Trading as | [ ]  |
| List the addresses of the branches in Wales from where you conduct letting and / or management activities: | Correspondence / Branch / Registered Office Addresses | Does this branch conduct Letting and / or Management Activities? |
| Yes | No |
|       | [ ]  | [ ]  |
|       | [ ]  | [ ]  |
|       | [ ]  | [ ]  |
|       | [ ]  | [ ]  |
|       | [ ]  | [ ]  |
|       | [ ]  | [ ]  |
| If you use subcontractors to complete any letting and / or management activities, list the subcontractors you use:*Activities can include referencing, credit, inventory checks, property inspections, etc.* | Subcontractor Name | Describe the Letting and / or Management Activities Completed |
|       |       |
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| List all the payment methods available to your service users (which includes prospective tenants (contract-holder), tenants and landlords): |       |
| Are you VAT registered?*More information:* [*Register for VAT*](https://www.gov.uk/register-for-vat) | Yes | No |
| [ ] If yes, provide your VAT registration number:      | [ ] If you are not VAT registered, provide an explanation here:      |
| Are you registered with the HMRC for money laundering supervision?*More information:* [*Money Laundering Supervision*](https://www.gov.uk/guidance/money-laundering-regulations-who-needs-to-register) | Yes | No |
| [ ] If yes, provide your HMRC registration number:      | [ ] If you are not registered with HMRC for money laundering supervision, provide an explanation here:       |
|  |
| Are you registered with the Information Commissioner’s Office (ICO)?*More information:* [*ICO Website*](https://ico.org.uk/) | Yes | No |
| [ ]  | [ ]  |
| If yes, provide your Information Commissioner’s Office registration details:Registration Reference:     Registered Name of the Data Controller:     Registration Expiry Date:      | If no, provide an explanation here:      |

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| **MARKETING & ADVERTISING** |
| Do you have a website? | Yes | No |
| [ ]  | [ ]  |
| If yes, provide the URL / web address:      |
| Do you advertise on third party advertising platforms?(RightMove, Zoopla, etc.) | Yes | No |
| [ ]  | [ ]  |
| If yes, provide details of all platforms used, including the URL / web address:      |
|       |
|       |
| **LOGOS** |
| If you use any third party logos on your website or within any documentation, specify the logos used and provide evidence of your authorisation to use them:*e.g., if you use the logo of a professional body for letting and managing agents, provide evidence of your membership* |       |
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| **STAFF INFORMATION** |
| Staff Name | Completing Letting and / or Management Activities? | Staff Member’s Rent Smart Wales User Account Number (#P1) | Date Letting and / or Management Activities Commenced |
| Yes | No |
|       | [ ]  | [ ]  |       |       |
|       | [ ]  | [ ]  |       |       |
|       | [ ]  | [ ]  |       |       |
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| **FIT & PROPER STATUS** |
| Do any of the following apply to you, the licensee, any staff member, or anyone associated or formerly associated with you (whether on a personal, work, or other basis relevant): |
| 1. committed any offence involving:
2. fraud or other dishonesty,
3. violence, firearms or drugs,
4. any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements).
 | Yes | No |
| [ ]  | [ ]  |
| If you have answered yes, provide supporting information to explain the circumstance: (*e.g., name, conviction, conviction date, court attended, any extenuating circumstances, etc.)*      |
| 1. practised unlawful discrimination or harassment on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality Act 2010, or victimised another person contrary to that Act, in or in connection with the carrying on of any business.
 | Yes | No |
| [ ]  | [ ]  |
| If you have answered yes, provide supporting information to explain the circumstance: (*e.g., name, conviction, conviction date, court attended, any extenuating circumstances, etc.*)      |
| 1. contravened any provision of the law relating to housing or landlord and tenant (contract-holder) such as:
2. Unlawfully evicted a tenant (contract-holder),
3. Been refused a House in Multiple Occupation licence or other licence under the Housing Act 2004,
4. Had a licence revoked for breach of any conditions under the Housing Act 2004,
5. Been subject to a Management Order under the Housing Act 2004,
6. Failed to comply with a Housing Notice (requiring works) served by a local authority,
7. Been subject to complaints from tenants (contract-holders) or other sources, regarding serious or repeated breaches of the conditions of a licence under the Housing Act 2004.
 | Yes | No |
| [ ]  | [ ]  |
| If you have answered yes, provide supporting information to explain the circumstance: (*e.g., name, conviction, conviction date, court attended, type of licence, reason for refusal/revocation, any extenuating circumstances, etc.*)      |

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| SECTION 1 – RENT SMART WALES REQUIREMENTS |
| Question Number | Question | Answer | Explanation |
| Housing (Wales) Act 2014 – Duty to Update Information: Updating Licence Details |
| 1.1 (\*\*) | Are all your details up-to-date on your Rent Smart Wales Account? | Yes | [ ]  | If yes, provide the procedure(s) you have in place to ensure that any changes to your licence are updated within 28 days of the change?      |
| No | [ ]  | If no, provide an explanation here:      |
| Compliance with Licence Conditions: Fit & Proper Person Requirement |
| 1.2 (\*\*) | Are you aware that you must declare any conviction to Rent Smart Wales within 14 days of the conviction date, as required by your licence conditions?*Convictions relates to you, the licensee, any staff member, or anyone associated or formerly associated with you (whether on a personal, work, or other basis relevant).**Note that driving offences and any spent convictions (in line with the Rehabilitation of Offenders Act 1974) do not regularly need to be declared.* | Yes | [ ]  | If yes, how would you ensure that any convictions are declared to Rent Smart Wales within 14 days of the conviction date?      |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| Compliance with Licence Conditions: Business Safeguards |
| 1.3 (\*\*\*/\*\*) | Do you hold all the required business safeguards in the name of the licensee? * Client Money Protection
* Professional Indemnity Insurance
* Membership to a Redress Scheme

**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation?**Item 1: Business Safeguards** | Yes | [ ]  | If yes, provide details of where they are displayed in the public domain (e.g., website):       |
| No | [ ]  | If no, provide an explanation here:       |
| Compliance with Licence Conditions: Client Landlord Obligations |
| 1.4 (\*\*) | Do you advise client landlords of their legal obligations under the Housing (Wales) Act 2014 upon instruction?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation?**Item 2: Client Landlord’s Legal** **Obligation to Register / Licence** | Yes | [ ]  | If yes, explain and evidence your procedure:       |
| No | [ ]  | If no, provide an explanation here:       |
|  |
| Compliance with Licence Conditions: Client Landlord Registration & Agent Linking |
| 1.5 (\*\*) | Do you ensure that landlords, where they have instructed you to complete letting and / or management activities, are registered and properties where you complete letting and / or management activities are linked to your Rent Smart Wales agent account? | Yes | [ ]  | If yes, explain the procedure:      |
| No | [ ]  | If no, provide an explanation here:       |
| Compliance with Licence Conditions: Unregistered Landlord Notification |
| 1.6 (\*\*) | Do you have a procedure to notify Rent Smart Wales of unregistered landlords within 12 weeks of your agreement to manage a rental property and within 12 weeks of the expiry of the landlord’s registration? | Yes | [ ]  | If yes, explain the procedure:      |
| No | [ ]  | If no, provide an explanation here:       |
| Compliance with Licence Conditions: Managed Property List (MPL) |
| 1.7 (\*\*) | Do you upload an up-to-date record of all your managed properties, including landlord details to your Rent Smart Wales Agent Account annually?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation?**Item 3: Current Managed Property List (MPL)** | Yes | [ ]  | If yes, provide details of the process you use to ensure the MPL is uploaded annually?      |
| No | [ ]  | If no, provide an explanation here:       |
| Compliance with Licence Conditions: Staff Training |
| 1.8 (\*\*) | Do you ensure that all new starters complete the required Rent Smart Wales approved agent training within 3 months of them commencing letting and / or management activities in Wales? | Yes | [ ]  | If yes, provide details of the process of how you ensure new starters complete the required training within 3 months of them commencing letting and / or management activities:      |
| No | [ ]  | If no, provide an explanation here:       |
| Compliance with Licence Conditions: Subcontractor Training |
| 1.9 (\*) | Do you ensure that any subcontractor appointed that complete letting and management activities, meet Rent Smart Wales standards for training and compliance with the ‘Code of Practice for Licensed Landlords and Agents’ and all your other relevant licence conditions? | Yes | [ ]  | If yes, provide evidence for each appointed subcontractor:      |
| No | [ ]  | If no, provide an explanation here:       |
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| Compliance with Licence Conditions: Complaints Procedure |
| 1.10 (\*\*) | Do you have a Complaints Procedure for service users (which includes prospective tenants (contract-holders), tenants (contract-holders) and landlords)?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation?**Item 4: Complaints Procedure** | Yes | [ ]  | If yes, provide details of how this is communicated and explain how you ensure that your service users are aware of their right to redress to a Rent Smart Wales approved redress scheme:      |
| No | [ ]  | If no, provide an explanation here:       |
| Compliance with Licence Conditions: Rent Smart Wales Brand Guidelines |
| 1.11 (\*\*) | Do you use the Rent Smart Wales logo for marketing in line with the [Brand Guidelines](https://www.rentsmart.gov.wales/Uploads/Downloads/00/00/00/23/DownloadFileEN_FILE/23471_RSW-brand-usage-guidelines-basic-_Eng.pdf)? | Yes | [ ]  | If yes, provide details of where the Rent Smart Wales logo is used:      |
| No | [ ]  | If no, provide an explanation here:       |
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| Equality & Diversity |
| 1.12 (\*) | Do you have an Equality and Diversity Policy for service users (which includes prospective tenants (contract-holders), tenants and landlords)?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation?**Item 5: Equality & Diversity Policy** | Yes | [ ]  |  |
| No | [ ]  | If no, provide an explanation here:       |

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| SECTION 2 – CERTIFICATION AND RECORD KEEPING |
| Question Number | Question | Answer | Explanation |
| Energy Performance Certificates (EPC) |
| 2.1 (\*\*) | Do you have an Energy Performance Certificates for every property that you let and / or manage in Wales?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER****Energy Performance Certificates**If applicable, provide your representations where Energy Performance Certificates are missing or expired for the properties listed in the Energy Performance Certificates table, within the Certification and Supporting Evidence Document. | Yes | [ ]  |  |
| No | [ ]  | If no, list the properties without an Energy Performance Certificate and provide an explanation here:      |
|  |
| 2.2 (\*\*) | Do you have any F and / or G energy performance rated properties that you let and / or manage in Wales?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER****Energy Performance Certificates**If applicable, provide your representations where Energy Performance Certificates are below an ‘E’ rating, for the properties listed in the Energy Performance Certificates table, within the Certification and Supporting Evidence Document. | Yes | [ ]  | If yes, list the properties with an F and / or G energy performance rating, providing evidence of the valid registered exemption or representations why you are continuing to let and / or manage these properties:      |
| No | [ ]  |   |
| Gas Safety Records |
| 2.3 (\*\*\*) | Do all properties that you manage have an up-to-date Gas Safety Record issued in the last 12 months?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER****Gas Safety Records**Provide the current Gas Safety Records, along with the supporting information for the properties listed in the Gas Safety Records table, within the Certification and Supporting Evidence Document. | Yes | [ ]  | If yes, complete the Gas Safety Records table within the Certification and Supporting Evidence document provided. |
| No | [ ]  | If no, provide an explanation here and submit any evidence to support your explanation:      |
| 2.4 (\*\*\*) | Do you check that the engineer who produced the Gas Safety Record is registered on the Gas Safe Register? | Yes | [ ]  | If yes, provide the gas safe registration number(s) and details of the contractor(s) that you use, that have not been captured in the Gas Safety Records you are submitting to us here**:**      |
| No | [ ]  | If no, provide an explanation here:      |
| 2.5 (\*\*) | Do you keep the previous 2 years of Gas Safety Records / Gas Appliance Inspection Records for all properties you manage?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER****Gas Safety Records**Provide the previous year’s Gas Safety Records, along with the supporting information for the properties listed in the Gas Safety Records table, within the Certification and Supporting Evidence Document. | Yes | [ ]  | If yes, evidence how these records are maintained:       |
| No | [ ]  | If no, provide an explanation here:       |
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| Fitness For Human Habitation: Carbon Monoxide |
| 2.6 (\*\*) | Are Carbon Monoxide alarms fitted in all rooms of a property containing a gas appliance, an oil-fired combustion appliance or a solid fuel burning combustion appliance?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER****Carbon Monoxide (CO) Alarms**Provide the required Carbon Monoxide Alarm evidence and / or representations for the properties listed in the Carbon Monoxide Alarm table, within the Certification and Supporting Evidence Document. | Yes | [ ]  | If yes, provide evidence to demonstrate that Carbon Monoxide alarms are present, where required:       |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| Electrical Installation Condition Reports (EICRs) |
| 2.7 (\*\*\*) | Do you have Electrical Installation Conditions Reports for all of the properties in your portfolio.**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER****Electrical Installation Conditions Reports (EICR)** Provide the required Electrical Installation Conditions Reports, along with the supporting information for the properties listed in the Electrical Installation Conditions Reports table, within the Certification and Supporting Evidence Document. | Yes | [ ]  | If yes, list any properties where the Electrical Installation Conditions Report states that the installation is unsatisfactory. Additionally, provide copies of the unsatisfactory report(s) and provide an explanation of what action you are taking, to resolve the reasons for the unsatisfactory report(s) here:     If no, provide an explanation here:      |
| No | [ ]  |
| Smoke Alarms |
| 2.8 (\*\*) | Do you ensure that all properties in your portfolio have a working, mains wired and interlinked smoke alarm on each floor?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER****Smoke Alarms**Provide the required Smoke Alarms evidence and / or representations for the properties listed in the Smoke Alarm table, within the Certification and Supporting Evidence Document. | Yes | [ ]  | If yes, complete the Smoke Alarms table within the Certification and Supporting Evidence document provided. |
| No | [ ]  | If no, provide an explanation here:      |
| Electrical Installations Work: Competent Person |
| 2.9 (\*\*\*) | Do you ensure that any notifiable electrical work is completed in accordance with the required standards?In general, but not limited to; notifiable work, is a complete new installation or rewire; or the replacement of a consumer unit (fuse box); or the installation of:* a new circuit, whether at low voltage (typically 230 V) or extra-low voltage),
* ceiling or floor electric heating,
* an electrical generator,
* power/control wiring for a central heating system.

For more information see [Electrical Safety: Approved Document](https://www.gov.uk/government/publications/electrical-safety-approved-document-p) | Yes | [ ]  | If yes, provide the name, contact details, accreditation details and the types of work carried out, for each contractor(s) you use:       |
| No | [ ]  | If no, provide an explanation here:       |
| Houses in Multiple Occupation (HMO) Licensing |
| 2.10 (\*\*) | Do you have the required mandatory, additional or selective licences in place for all your managed Houses in Multiple Occupation where appropriate?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER****Houses in Multiple Occupation (HMO)**Provide the required Houses in Multiple Occupation information in the Houses in Multiple Occupation table, within the Certification and Supporting Evidence Document. | Yes | [ ]  | If yes, complete the Houses in Multiple Occupation table within the Certification and Supporting Evidence document provided. |
| No | [ ]  | If no, provide an explanation here:      |
| N/A | [ ]  | If N/A, provide an explanation here:      |
| Fire Safety |
| 2.11 (\*\*) | Do you have a process to show that fire safety risk assessments are carried out for all properties with “common parts” areas (communal areas)?*“Common parts” areas include hallways, staircases, landings, etc. for the use of all residents.* | Yes | [ ]  | If yes, provide examples of the completed risk assessments:       |
| No | [ ]  | If no, provide an explanation here:      |
| N/A | [ ]  | If N/A, provide an explanation here:      |
| Water Provider |
| 2.12 (\*\*) | Do you have a process to inform the water supplier of new tenants (contract-holder) within 21 days of the start of the occupation contract?  | Yes | [ ]  | If yes, explain the process and provide evidence of any account you have with any third parties to complete this task (*e.g., LandlordTap account number / screenshot):*      |
| No | [ ]  | If no, provide an explanation here:      |

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| SECTION 3 – LANDLORD FEES AND CONTRACT |
| Question Number | Question | Answer | Explanation |
| Client Landlord Fees & Expenses – Agent’s Published List of Fees |
| 3.1 (\*\*) | Are all fees and costs charged to client landlords displayed on your website and your office(s)?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation?**Item 6: Published List of Client Landlord Fees** | Yes | [ ]  | If yes, provide the website address and a photograph of the list of client landlord fees displayed in your office(s):      |
| No | [ ]  | If no, explain how you ensure your client landlords are aware of the fees and costs they could be liable for:       |
| 3.2 (\*\*) | Are the fees and costs specified in your published list of client landlord fees calculated as to be inclusive of VAT? | Yes | [ ]  | If yes, how do you make it clear to landlords that the fees are inclusive of VAT?      |
| No | [ ]  | If no, provide an explanation here:      |
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| Written Client Landlord Contract / Terms of Business |
| 3.3 (\*\*) | Do you provide a written contract containing your Terms of Business to your client landlords?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation?**Item 7: Client Landlord Contract /** **Terms of Business** | Yes | [ ]  |  |
| No | [ ]  | If no, provide an explanation here:       |
| Written Client Landlord Contract / Terms of Business: Client Landlord Fees & Expenses |
| 3.4 (\*\*) | Are there any fees and costs charged to client landlords, specified in your written contract / terms of business? | Yes | [ ]  | If yes, list all the fees and costs charged to client landlords that are specified in your written contract / terms of business:      |
| No | [ ]  | If no, are there any fee that you charge that are not documented:      |
|  |
| Written Client Landlord Contract / Terms of Business: Duration |
| 3.5 (\*\*) | Is the duration of the agreement to manage the property on the client landlord’s behalf within your written contract / terms of business? | Yes | [ ]  | If yes, specify the whole term from the contract / terms of business, including the term number:       |
| No | [ ]  | If no, provide an explanation here:      |
| Written Client Landlord Contract / Terms of Business: Financial Authority for Expenditure |
| 3.6 (\*\*) | Is the extent of your financial authority to authorise expenditure for repairs / maintenance within the contract / terms of business? | Yes | [ ]  | If yes, specify the whole term from the contract / terms of business, including the term number:       |
| No | [ ]  | If no, provide an explanation here:      |
| Written Client Landlord Contract / Terms of Business: 14-Day Cooling off Period |
| 3.7 (\*\*) | Does the contract / terms of business provide a 14-day cooling off period? | Yes | [ ]  | If yes, specify the whole term from the contract / terms of business, including the term number:       |
| No | [ ]  | If no, explain why this is not provided within the contract / terms of business:       |
|  |
| Written Client Landlord Contract / Terms of Business: Other Terms |
| 3.8 (\*\*) | Is there a term in the contract / terms of business stating that the client landlord must pay you commission if the property is sold to the tenant (contract-holder) or any other third party? | Yes | [ ]  | If yes, specify the whole term from the contract / terms of business, including the term number:       |
| No | [ ]  |  |
| 3.9 (\*\*) | Is there a term in the contract / terms of business stating that you will change the terms / fees in the contract? | Yes | [ ]  | If yes, specify the whole term from the contract / terms of business, including the term number:       |
| No | [ ]  |  |
| Written Client Landlord Contract / Terms of Business: Sub Agent / Contractor Appointment |
| 3.10 (\*\*) | Is there a term in the contract / terms of business to obtain the landlords authorisation to subcontract any of your duties as an agent?*Duties can include referencing, credit, inventory checks, property inspections, etc.* | Yes | [ ]  | If yes, specify the whole term from the contract / terms of business, including the term number:        |
| No | [ ]  | If no, provide an explanation here:       |
| 3.11 (\*\*) | Where a new subcontractor is appointed during the term of the landlord contract, to complete any of your duties as an agent, do you obtain the client landlord’s consent?*Duties can include referencing, credit, inventory checks, property inspections, etc.* | Yes | [ ]  | If yes, explain how you obtain the client landlord’s consent:       |
| No | [ ]  | If no, provide an explanation here:       |
| N/A | [ ]  | If N/A, provide an explanation here:       |
| Written Client Landlord Contract / Terms of Business: Signed and Dated Document |
| 3.12 (\*) | Is your written contract / terms of business a signed and dated document? | Yes | [ ]  | If yes, specify where this is found in contract / terms of business:      |
| No | [ ]  | If no, provide an explanation here:       |

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| SECTION 4 – TENANTS (CONTRACT-HOLDERS) FEES |
| Question Number | Question | Answer | Explanation |
| Displaying Fees and Costs: Agent’s published list of fees |
| 4.1 (\*\*) | Are all fees and costs charged to tenants (contract-holders) (pre, during and post contract) displayed on your website, at your office(s) and on all applicable online property advertising platforms (Rightmove, Zoopla, On the Market, etc.)**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation?**Item 8: Published List of Tenant** **(Contract-Holder) Fees** | Yes | [ ]  | If yes, provide the website address, third party advertising platform address(es) and a photograph of the list of tenants (contract-holders) fees displayed in your office(s):      |
| No | [ ]  | If no, explain how tenants (contract-holders) are aware of the fees and costs they could be liable for:      |
| 4.2 (\*\*) | Are the fees and costs specified in your published list of tenants (contract-holders) fees calculated as to be inclusive of VAT? | Yes | [ ]  | If yes, how do you make it clear to tenants that the fee is inclusive of VAT:      |
| No | [ ]  | If no, provide an explanation here:      |
| 4.3 (\*\*) | Are there any fees and costs charged to tenants (contract-holders), specified in your Occupation Contract? | Yes | [ ]  | If yes, list all the fees and costs charged to tenants (contract-holders) that are specified in your Occupation Contract:      |
| No | [ ]  | If no, do you charge any fees to tenants (contract-holders) that are not document?      |
| Renting Homes (Fees etc.) (Wales) Act 2019: Utilities, TV licence and Communication Services |
| 4.4 (\*\*) | Do you charge any fees in relation to utilities, TV licence and communication services? | Yes | [ ]  | If yes, specify the whole clause from the Occupation Contract, including the term number:       |
| No | [ ]  | If no, provide an explanation here:      |
| Renting Homes (Fees etc.) (Wales) Act 2019: Default Fees: Late rent, Keys, Locks and Security Devices |
| 4.5 (\*\*) | Do you charge tenants (contract-holders) any fees for late rent? | Yes | [ ]  | If yes, explain how you calculate the fee and when this would be charged:      |
| No | [ ]  |  |
| 4.6 (\*\*) | Does the Occupation Contract include a term referencing late rent? | Yes | [ ]  | If yes, specify the whole term from the Occupation Contract, including the term number:      |
| No | [ ]  | If no, provide an explanation here:      |
| 4.7 (\*\*) | Do you charge tenants (contract-holders) any fees for replacement keys, locks and security devices? | Yes | [ ]  | If yes, explain how you calculate the fee:      |
| No | [ ]  |  |
| 4.8 (\*\*) | Does the Occupation Contract include any term(s) referencing replacement keys, locks and security devices? | Yes | [ ]  | If yes, specify the whole term from the Occupation Contract, including the term number:      |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| Renting Homes (Fees etc.) (Wales) Act 2019: Other Payments |
| 4.9 (\*\*) | Do you charge any other fees (excluding holding / security deposits) to tenants (contract-holders) pre, during and / or post contract? | Yes | [ ]  | If yes, list the fees charged, specifying any term from the Occupation Contract, including the term number(s) which reference the fees charged:      |
| No | [ ]  |  |
| Renting Homes (Fees etc.) (Wales) Act 2019: Entering into a contract of service |
| 4.10 (\*\*) | Do you require the tenant (contract-holder) to enter into a contract for services with the landlord, agent, or any other person? | Yes | [ ]  | If yes, list the contract for services that you require the tenant (contract-holder) to enter into, providing evidence where this requirement is stated:      |
| No | [ ]  |  |

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| SECTION 5 – LETTING ACTIVITIES |
| Question Number | Question | Answer | Explanation |
| Property Adverts |
| 5.1 (\*\*) | When advertising a property, do you check that the details provided are correct, not misleading and contain all the material information a prospective tenant (contract-holder) may need to make an informed decision?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item A: A Recently Published Property** **Advert and Any Template Used to** **Produce Property Adverts** | Yes | [ ]  | If yes, explain how you ensure property adverts are not misleading and list the material information you add as standard to your property adverts:      |
| No | [ ]  | If no, Provide an explanation here:      |
|  |
| Pre-financial Commitment: Prospective Tenant (Contract-Holder) Information |
| 5.2 (\*\*/\*) | Do you charge a holding deposit? | Yes | [ ]  | If yes, move to **Question 5.3** |
| No | [ ]  | If no, provide an explanation here and evidence what a prospective tenant (contract-holder) is provided with prior to making a financial commitment. (*Evidence can be but is not limited to dated website screenshots, contract documents, etc.)* and move to **Question 5.6**.       |
| Renting Homes (Fees etc.) (Wales) Act 2019: Holding Deposit |
| 5.3 (\*\*) | Do you calculate the holding deposit amount based on the rent? | Yes | [ ]  | If yes, explain how you calculate the holding deposit amount together with any equation you use:      |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| 5.4 (\*\*) | Do you provide prospective tenants (contract-holders) with any information before accepting payment of the holding deposit?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item B: Holding Deposit Information** | Yes | [ ]  | If yes, evidence the information you provide to the prospective tenants (contract-holders):     If the information is provided electronically, how do you obtain consent from the prospective tenants (contract-holders):      |
| No | [ ]  | If no, provide an explanation here:      |
| 5.5 (\*\*) | Do you refund all holding deposits taken?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item C: Holding Deposit Refund** | Yes | [ ]  | If yes, specify the process and include any timescale:      |
| No | [ ]  | If no, what reasons have you not refunded a holding deposit and provide an explanation here:      |
|  |
| Consideration of Occupation Contract: Agreeing the Contract – Timescale |
| 5.6 (\*\*) | Do you provide prospective tenants (contract-holders) with the opportunity to read a draft or sample Occupation Contract prior to signing the Occupation Contract? | Yes | [ ]  | If yes, evidence how much time is provided:      |
| No | [ ]  | If no, provide an explanation here:      |
| References and Checks – Requirements: Tenant’s (Contract-Holder’s) Consent |
| 5.7 (\*\*) | Do you seek a tenant’s (contract-holder’s) consent before obtaining a reference / carrying out a credit check? | Yes | [ ]  | If yes, evidence the procedure and provide an example of how consent is obtained:       |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| Occupation Contract: Issue of Written Statement |
| 5.8 (\*\*) | Do you provide a written statement of the Occupation Contract to the tenant (contract-holder) within 14 days of the occupation date?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation?**Item 9: Written Statement of a New Occupation Contract** | Yes | [ ]  | If yes, evidence how you provide the statement to the tenant (contract-holder):     If provided electronically, how do you obtain consent from the tenant (contract-holder):      |
| No | [ ]  | If no, provide an explanation here:      |
| Occupation Contract: Key Matters |
| 5.8a (\*\*) | Does the written statement contain all the Key Matters? | Yes | [ ]  | If yes, specify the location of each Key Matter in the written statement, including the term number (if applicable):      |
| No | [ ]  | If no, specify all Key Matters that have not been included and provide an explanation here:      |
|  |
| Occupation Contract: Fundamental Terms |
| 5.8b (\*\*) | Does the written statement contain all of the Fundamental Terms? | Yes | [ ]  |  |
| No | [ ]  | If no, specify the Fundamental Term(s) that have been omitted and identify the location of the omitted term(s), within the written statement, including the term number (if applicable):      |
| 5.8c (\*\*) | Does the written statement contain any Fundamental Terms that have been modified? | Yes | [ ]  | If yes, specify the Fundamental Term(s) that have been modified, including the whole term from the written statement and the term number (if applicable):      |
| No | [ ]  |  |
|  |
| Occupation Contract: Additional Terms |
| 5.8d (\*\*) | Does the written statement contain any Additional Terms? | Yes | [ ]  | If yes, detail how the Additional Terms can be identified in the written statement:     If the Additional Terms cannot be easily identified, please ensure that the written statement is annotated, to ensure that the additional terms can be easily identified. |
| No | [ ]  |  |
| Supplementary Documentation – Requirements: Tenant (Contract-Holder) Information Pack |
| 5.9 (\*\*) | Do you provide tenants (contract-holders) with information and documentation at occupation contract commencement?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item D: Tenant (contract-holder)** **Information Pack** | Yes | [ ]  | If yes, evidence how you provide the information and documentation to the tenants (contract-holders) and include any timescales:       |
| No | [ ]  | If no, provide an explanation here:       |
|  |
| Supplementary Documentation – Requirements: Property Inventory |
| 5.10a (\*\*) | Do you provide an inventory in relation to the property to tenants (contract-holders)?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item E: Property Inventory** | Yes | [ ]  | If yes, specify the process and include any timescale:      |
| No | [ ]  | If no, provide an explanation here:      |
| 5.10b (\*\*) | Do you provide tenants (contract-holders) with the opportunity to check and sign any inventory provided? | Yes | [ ]  | If yes, specify any instructions given and any timescale allowed for a tenant (contract-holder) to respond:      |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| Supplementary Documentation – Requirements: Notice of Landlord’s Address |
| 5.11 (\*\*) | Do you provide tenants (contract-holders) with the name and address of the landlord, to which documents intended for the landlord can be sent?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item F: Notice of Landlord’s Address** | Yes | [ ]  | If yes, specify the process and include any timescale:      |
| No | [ ]  | If no, provide an explanation here:      |
| Security Deposits: Start of Contract |
| 5.12 (\*\*) | Where a security deposit is required, is the security deposit protected in an authorised scheme within 30 days of receiving it?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation?**Item 10: Evidence of Membership to a Security Deposit Protection Scheme** | Yes | [ ]  | If yes, provide evidence of this process:       |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| 5.13 (\*\*) | Is information regarding the authorised scheme communicated to the tenant (contract-holder) in writing within 30 days of receiving the deposit? **CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item G: Signed Security Deposit** **Required Information****Item H: Additional Security Deposit** **Required** **Information** | Yes | [ ]  | If yes, evidence this process:       |
| No | [ ]  | If no, provide an explanation here:      |
| 5.14 (\*\*) | Is the tenant (contract-holder) given the opportunity to check and sign the required information? | Yes | [ ]  | If yes, evidence this process:      |
| No | [ ]  | If no, provide an explanation here:      |

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| SECTION 6 – MANAGEMENT ACTIVITIES |
| Question Number | Question | Answer | Explanation |
| Providing Notice: Existing Tenant’s (Contract-Holder’s) Notice |
| 6.1 (\*\*) | Are existing tenants (contract-holders) given notice, of at least 24 hours, before you or any person instructed by you enter the property? | Yes | [ ]  | If yes, evidence how the request is given and documented:      |
| No | [ ]  | If no, provide an explanation here:      |
| INTENTIONALLY LEFT BLANKPLEASE MOVE TO THE NEXT PAGE |
| Property Conditions: Property Conditions Throughout the Contract |
| 6.2 (\*\*\*/\*\*/\*) | Do you have a process to ensure that a property is kept in a safe condition and with no unacceptable risk to the health of the tenants (contract-holders)?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item I: Property Inspection Report****Item J: Maintenance / Repair Records** | Yes | [ ]  | Ifyes, explain and evidence the process for the duration of the contract, which demonstrates: |
| * How you ensure a property is safe at contract commencement:

      |
| * How you deal with repair requests for maintenance and / or a repair *(*evidence can include an email chain from tenant (contract-holder) request through to resolution*)*:

      |
| * How you ensure contractors complete their necessary job specification:

      |
| * Where periodic inspections are completed, the frequency of those inspections:

      |
| * Any out of hours service you provide to tenants (contract-holders):

      |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| Property Conditions: Furniture |
| 6.3 (\*\*) | If a property is let out furnished, does furniture display the minimum fire resistance standards? | Yes | [ ]  | If yes, provide evidence to demonstrate furniture displays minimum fire resistance standards:       |
| No | [ ]  | If no, provide an explanation here:      |
| N/A | [ ]  | If N/A, provide an explanation here:      |
| Property Conditions: Portable Appliances |
| 6.4 (\*\*) | Do you let any properties with portable electrical appliances such as but not limited to:* Small appliances such as vacuum cleaners, portable heaters, fans, TVs, irons, kettles, toasters etc.
* Larger items that could be moved (but only rarely) e.g., fridges, microwaves, washing machines, etc.

A full list of portable and moveable equipment can be found on the Health and Safety Executive (HSE) website: [HSE - Maintaining Portable Electric Equipment](https://www.hse.gov.uk/pubns/indg236.pdf)  | Yes | [ ]  | If yes, provide evidence of what measures you take to assess any concerns and how you ensure electrical appliances operate safely (e.g., Portable Appliance Testing (PAT)):       |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| Asbestos |
| 6.5a (\*\*) | Do you have a process to show due diligence in your management practices, to prove that you inform contractors about the presence of asbestos, where you have instructed them to complete works in the rental properties that you let / manage? | Yes | [ ]  | If yes, explain and evidence the procedure:      |
| No | [ ]  | If no, provide an explanation here:      |
| 6.5b (\*\*) | Are any staff members trained in asbestos awareness? | Yes | [ ]  | If yes, detail and provide training evidence:      |
| No | [ ]  | If no, provide an explanation here:      |
| 6.5c (\*\*) | Do you undertake Asbestos risk assessments to assess the common parts of the Houses in Multiple Occupation that you let / manage, if applicable? | Yes | [ ]  | If yes, provide a risk assessment for a House in Multiple Occupation in your portfolio:      |
| No | [ ]  | If no, provide an explanation here:      |
| N/A | [ ]  | If N/A, provide an explanation here:      |
|  |
| Legionnaires |
| 6.6 (\*\*) | Do you have a process to show due diligence in your management practices, to mitigate the hazard of legionella in the rental properties that you let / manage? | Yes | [ ]  | If yes, explain and evidence the procedure:       |
| No | [ ]  | If no, provide an explanation here:      |
| Requirements to Ending a Contract: Routes to Possession |
| 6.7 (\*\*/\*) | Do you have procedures in place to ensure the correct routes to possession are followed?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item K: Route to Possession Evidence** | Yes | [ ]  | If yes, explain and provide evidence of the procedures followed:      |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| Requirements to Ending a Contract: Handling of Security Deposit |
| 6.8a (\*\*) | After the Occupation Contract ends, and where a security deposit was required, is the security deposit balance returned to the former tenant (contract-holder) within a reasonable timescale? This includes following any negotiations, if applicable.**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item L: Return of Security Deposit Timescale** | Yes | [ ]  | If yes, explain and state timescale:      |
| No | [ ]  | If no, provide an explanation here:      |
| 6.8b (\*\*) | If deductions are to be made from the security deposit, are they only taken to compensate actual losses that cannot be reasonably attributed to normal wear and tear?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item M: Security Deposit Deduction** **Calculation and Reasoning** | Yes | [ ]  | If yes, explain your process and evidence how you calculate these losses, to support your claims:      |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| 6.8c (\*\*) | If deductions are to be made from the security deposit, are reasons for deductions given to the former tenant (contract-holder) in writing, if requested? | Yes | [ ]  | If yes, provide evidence of the reasons for deductions being provided in writing to a tenant (contract-holder). |
| No | [ ]  | If no, provide an explanation here:      |
| 6.8d (\*\*) | If deductions are to be made from the security deposit and the amount is disputed, do you have procedures in place to resolve or escalate the dispute?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item N: Security Deposit Escalation** | Yes | [ ]  | If yes, evidence your procedure and state any timescale(s):      |
| No | [ ]  | If no, provide an explanation here:      |
|  |
| 6.8e (\*\*) | If deductions are to be made from the security deposit and an amount is disputed, following a decision of the deposit scheme adjudicator or by order of a court, is the security deposit sum returned to the former tenant (contract-holder) within a reasonable timescale?**CERTIFICATION AND SUPPORTING** **EVIDENCE REMINDER**Have you provided the following Business Documentation for the required property?**Item O: Return of Security Deposit Timescale following Resolution / Escalation** | Yes | [ ]  | If yes, explain and state timescale:      |
| No | [ ]  | If no, provide an explanation here:      |
| **Please ensure that you read and sign the declaration on the next page** |

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| AGENT AUDIT DECLARATION & DATA PROCESSINGTo be completed by the licensee or connected user responsible for the audit |
| Declaration of TruthBy signing and providing your name below, you declare that the information contained in the audit is correct to the best of your knowledge. You understand that you commit an offence if you supply any information to the Licensing Authority in connection with any of its functions under Part 1 of the Housing (Wales) Act 2014 that is false or misleading and which you know is false or misleading or are reckless as to whether it is false or misleading.*Where the audit is completed by an individual who is acting on behalf of the agent, for the purposes of this declaration the term ‘you’ refers to the licensee.*Data Processing and Sharing StatementAny breaches or non-compliance found as a result of this audit will be referred to the relevant enforcement organisations / professional bodies and may put your licence at risk of revocation. You can read more about our [privacy policy](https://www.rentsmart.gov.wales/en/privacy-policy/) on our website. |
| Full Name:Signature: |       | **Role within agency:****Date:** |            |
| RETURNING THE PRE-AUDIT QUESTIONNAIRE & ALL THE REQUIRED CERTIFICATION AND SUPPORTING EVIDENCEOnce completed, return no later than the set response date quoting the Audit Reference above to:rentsmartwales.audit@cardiff.gov.ukor via Post to:Rent Smart Wales, Agent Audit Team, PO BOX 1106, Cardiff, CF11 1UAIt is recommended that documents and evidence sent in by email are stored within a zip folder that is password protected. Please be aware that we cannot accept files provided through third party file sharing platforms. |

**Explanation of Audit Grading**

**Interim Audit Report**

The Audit Grading is derived from the lowest grade awarded across all the sections of the Interim Audit Report.

The sections are graded based on a grading system which is explained in the table ‘Rent Smart Wales Agent Audit Grading Calculator’ below. Responses to certain questions in each section of the audit are weighted; 1\*, 2\*\* or 3\*\*\*, depending on seriousness of non-compliance.

An unsatisfactory response to any of the weighted questions determines the grade of a section. However, the grading may also be determined by the Auditor’s confidence in management.

**Final Audit Report**

If the agent has provided satisfactory evidence in relation to the observations and the remedial actions specified in the Interim Audit Report, the auditor can upgrade the section one grade, where appropriate.

The overall Audit Grading is derived from the lowest grade across all the sections of the Final Audit Report.

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| RENT SMART WALES AGENT AUDIT GRADING CALCULATOR |
| Audit Grading | Compliance | Description | Audit Response |
| 1 – Urgent Action Needed | Major Areas of Concern (Regulatory) | * Warrants enforcement action.
* Legislation not followed.
* Legal requirements continually not being met.
* Licence revocation considered.
 | Any 3\*\*\* question answered unsatisfactorily |
| 2 – Action Needed | Areas of Concern (Cautionary) | * May warrant enforcement action.
* Partially compliant with legislation.
* Not all legal requirements met.
 | Any 2\*\* question answered unsatisfactorily |
| 3 – Satisfactory | Non-Critical Areas of Concern | * Complies with all legislation.
* All legal requirements are met with some best practice and striving to improve.
 | Any 1\* question answered unsatisfactorily |
| 4 – Best Practice | Achieving Best Practice and Legal Compliance | * No significant areas of concern.
* All legal requirements are met as well as the majority of best practice requirements
 | No starred questions answered unsatisfactorily |