



Housing (Wales) Act 2014

2014 anaw 7

PART 1

REGULATION OF PRIVATE RENTED HOUSING

Licensing

18 Licences that may be granted

A licensing authority may only grant the following kinds of licence under this Part—

- (a) a licence for its area for the purpose of compliance with sections 6 (requirement for landlords to be licensed to carry out lettings activities) and 7 (requirement for landlords to be licensed to carry out property management activities);
- (b) a licence for its area for the purpose of compliance with sections 9 (requirement for agents to be licensed to carry out lettings work) and 11 (requirement for agents to be licensed to carry out property management work).

19 Licence application requirements

- (1) An application for a licence must—
 - (a) be made in such form as is required by the licensing authority,
 - (b) provide such information as is prescribed,
 - (c) provide such other information as the authority requires, and
 - (d) be accompanied by the prescribed fee.
- (2) Before granting a licence a licensing authority must be satisfied—
 - (a) that the applicant is a fit and proper person to be licensed (see section 20);
 - (b) that requirements in relation to training specified in or under regulations made by the Welsh Ministers are met or will be met (as the case may be).
- (3) Regulations made under subsection (2)(b) may (among other things)—

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- (a) authorise a licensing authority to specify requirements in relation to training in respect of—
 - (i) the statutory obligations of a landlord and a tenant;
 - (ii) the contractual relationship between a landlord and a tenant;
 - (iii) the role of an agent who carries out lettings work or property management work;
 - (iv) best practice in letting and managing dwellings subject to, or marketed or offered for let under, a domestic tenancy;
- (b) make provision for and in connection with requiring training—
 - (i) to be carried out by persons authorised to do so by the licensing authority or the Welsh Ministers;
 - (ii) to be delivered through training courses approved by the licensing authority or the Welsh Ministers;

this includes the power to make provision for charging fees for authorisation or approval.

20 Fit and proper person requirement

- (1) In deciding whether a person is a fit and proper person to be licensed as required by section 19(2)(a), a licensing authority must have regard to all matters it considers appropriate.
- (2) Among the matters to which the licensing authority must have regard is any evidence within subsections (3) to (5).
- (3) Evidence is within this subsection if it shows that the person has—
 - (a) committed any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements),
 - (b) 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, or
 - (c) contravened any provision of the law relating to housing or landlord and tenant.
- (4) Evidence is within this subsection if—
 - (a) it shows that any other person associated or formerly associated with the person (whether on a personal, work or other basis) has done any of the things set out in subsection (3), and
 - (b) it appears to the licensing authority that the evidence is relevant to the question whether the person is a fit and proper person to be licensed.
- (5) Evidence is within this subsection if it shows the person has previously failed to comply with a condition of a licence granted under this Part by a licensing authority.
- (6) The Welsh Ministers must give guidance to licensing authorities about deciding whether a person is a fit and proper person to be licensed as required by section 19(2)
 - (a).

- (7) The Welsh Ministers may amend this section by order to vary the evidence to which a licensing authority must have regard in deciding whether a person is a fit and proper person to be licensed.

21 Determination of application

- (1) Where a licensing authority is satisfied that the applicant meets the requirements set out in section 19, it must grant a licence to the applicant.
- (2) After granting the licence the licensing authority must—
- (a) assign a licence number to the licence holder;
 - (b) record the licence number in the licence;
 - (c) record the date the licence was granted in the licence;
 - (d) give the licence to the licence holder.
- (3) Where a licensing authority refuses an application, it must notify the applicant—
- (a) that the application has been refused and the reasons why;
 - (b) of the applicant's right to appeal (see section 27).
- (4) An application must be determined by the licensing authority within a prescribed period.

22 Licence conditions

- (1) A licence must be granted subject to a condition that the licence holder complies with any code of practice issued by the Welsh Ministers under section 40.
- (2) A licensing authority may grant a licence subject to such further conditions as it considers appropriate.

23 Duty to update information

- (1) A licence holder must notify the licensing authority in writing of the following changes—
- (a) any change in the name under which the licence holder is licensed;
 - (b) any prescribed changes.
- (2) A licence holder must comply with the duty in subsection (1) within 28 days beginning with the first day on which the licence holder knew, or should have known, of the change.
- (3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) In proceedings against a person for an offence committed under subsection (3) it is a defence that the person had a reasonable excuse for failing to comply.

24 Amendment of licence

- (1) A licensing authority may, in accordance with this section, amend any licence granted by it.
- (2) A licence may be amended to—

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- (a) impose new conditions;
 - (b) remove or change existing conditions (other than the requirement to comply with any code of practice issued by the Welsh Ministers).
- (3) But before deciding to amend a licence a licensing authority must—
- (a) notify the licence holder of its intention to amend the licence and the reasons for this, and
 - (b) consider any representations made by the licence holder before the end of the period of 21 days beginning with the date the licence holder was notified.
- (4) Subsection (3)(b) does not apply to an amendment if—
- (a) the licence holder consents to it, or
 - (b) the licensing authority considers that there are exceptional circumstances which mean that it needs to be made without delay.
- (5) After amending a licence the licensing authority must notify the licence holder of—
- (a) the amendment and the reasons for it;
 - (b) except where the licence holder has consented to the amendment, information about the licence holder’s right of appeal (see section 27).
- (6) An amendment to a licence takes effect on the day whichever of the following first occurs—
- (a) where the licence holder has consented, when the licensing authority notifies the licence holder under subsection (5);
 - (b) where the licence holder does not appeal against the decision to amend the licence within the appeal period, the expiry of that period;
 - (c) where the licence holder appeals within the appeal period but later withdraws the appeal, the date of the withdrawal;
 - (d) where the licence holder appeals within the appeal period and the residential property tribunal confirms the decision of the licensing authority to amend the licence, subject to paragraph (e), the date of the tribunal’s decision;
 - (e) where the licence holder makes a further appeal, the date on which all means of appealing against the decision have been exhausted and the licensing authority’s decision is upheld.
- (7) The “appeal period” for the purposes of subsection (6) is the period mentioned in section 27(3)(a) (licensing appeals).

25 Revocation of licence

- (1) A licensing authority may revoke a licence if—
- (a) the licence holder has breached a condition of the licence;
 - (b) the authority is no longer satisfied that the licence holder is a fit and proper person to hold a licence;
 - (c) the licence holder has contravened section 23 (licence holder’s duty to update information);
 - (d) the licence holder and the licensing authority have agreed that the licence should be revoked.
- (2) But before revoking a licence a licensing authority must—
- (a) notify the licence holder of its intention to revoke the licence and the reasons for this, and

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- (b) consider any representations made by the licence holder before the end of the period of 21 days beginning with the date the licence holder was notified.
- (3) Subsection (2)(b) does not apply—
 - (a) if the licence holder consents to the revocation, or
 - (b) where the licensing authority considers that there are exceptional circumstances which mean that it needs to be revoked without delay.
- (4) After revoking a licence the licensing authority must notify the licence holder—
 - (a) of the revocation and the reasons for it;
 - (b) of the licence holder’s right of appeal (see section 27).
- (5) Revocation of a licence takes effect on the day whichever of the following first occurs—
 - (a) the licence holder contacts the licensing authority consenting to the revocation;
 - (b) where the licence holder does not appeal against the decision to revoke the licence within the appeal period, the expiry of that period;
 - (c) where the licence holder appeals within the appeal period but later withdraws the appeal, the date of the withdrawal;
 - (d) where the licence holder appeals within the appeal period and the residential property tribunal confirms the decision of the licensing authority to revoke the licence, subject to paragraph (e), the date of the tribunal’s decision;
 - (e) where the licence holder makes a further appeal, the date on which all means of appealing against the decision have been exhausted and the licensing authority’s decision is upheld.
- (6) The “appeal period” for the purposes of subsection (5) is the period mentioned in section 27(3)(a) (licensing appeals).
- (7) Where a person’s licence to carry out lettings work and property management work on behalf of a landlord is revoked, the licensing authority must notify any landlord recorded on its register as having appointed that person.
- (8) Where a landlord’s licence is revoked, the licensing authority must notify the tenants or occupiers of rental property registered under the landlord’s name.

26 Expiry and renewal of licence

- (1) A licence expires at the end of a period of 5 years beginning with the date it was granted, unless the licence holder makes an application to renew the licence in accordance with subsection (2).
- (2) A licence holder may apply to renew the licence during the period of 84 days before the date the licence would otherwise expire.
- (3) Where an application is made to renew a licence in accordance with subsection (2) the licence does not expire until the application is decided and expires only if the application is refused.
- (4) An application for renewal of a licence is to be made and determined in accordance with sections 19 (licence application requirements) to 21 (determination of application).

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- (5) But where a licensing authority renews a licence, the requirement in subsection (2)(a) of section 21 to assign a licence number to the licence holder does not apply.
- (6) If an application to renew a licence is refused, the existing licence expires on whichever of the following dates first occurs—
 - (a) where the licence holder does not appeal against the refusal within the appeal period, the date of expiry of that period;
 - (b) where the licence holder appeals within the appeal period but later withdraws the appeal, the date of the withdrawal;
 - (c) where the licence holder appeals within the appeal period and the residential property tribunal confirms the decision of the licensing authority, the date of the tribunal’s decision (subject to paragraph (d));
 - (d) where the licence holder makes a further appeal, the date on which all means of appealing against the decision have been exhausted and the licensing authority’s decision is upheld.
- (7) The “appeal period” for the purposes of subsection (6) is the period mentioned in section 27(3)(a) (licensing appeals).
- (8) A licence expires and any renewal application made by the licence holder is treated as having been withdrawn where a licence holder—
 - (a) dies;
 - (b) in the case of a body corporate, is dissolved.

27 Licensing appeals

- (1) An applicant for a licence or, as the case may be, the holder of a licence may appeal against the decisions of a licensing authority listed in subsection (2) to a residential property tribunal.
- (2) The decisions are—
 - (a) granting a licence subject to a condition, other than the requirement to comply with any code of practice issued by the Welsh Ministers;
 - (b) refusing an application for a licence;
 - (c) amending a licence;
 - (d) revoking a licence.
- (3) An appeal—
 - (a) must be made before the end of the period of 28 days beginning with the date the applicant was notified of the decision (the “appeal period”);
 - (b) may be determined having regard to matters of which the licensing authority was unaware.
- (4) The tribunal may allow an appeal to be made to it after the end of the appeal period if it is satisfied that there is a good reason for the failure to appeal before the end of that period (and for any delay in applying for permission to appeal out of time).
- (5) The tribunal may confirm the decision of the licensing authority or alternatively—
 - (a) in the case of a decision to grant a licence subject to a condition, direct the authority to grant a licence on such terms as the tribunal considers appropriate;
 - (b) in the case of a decision to refuse an application for a licence, direct the authority to grant a licence on such terms as the tribunal considers appropriate;

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- (c) in the case of a decision to amend a licence, direct the authority not to amend the licence or to amend the licence on such terms as the tribunal considers appropriate;
 - (d) in the case of a decision to revoke a licence, to quash that decision.
- (6) A licence granted by a licensing authority following a direction of a tribunal under this section is to be treated as having been granted by the authority under section 21(1).