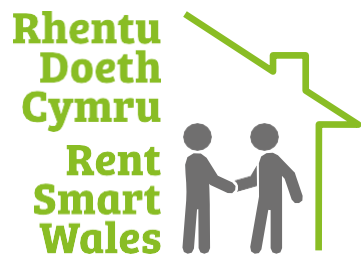


Type of Licence and Conditions Document

For Licences issued on or after the 1st December 2022

This document is available in Welsh / Mae'r ddogfen hon ar gael yn Gymraeg
V. 2 16.5.2023



 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 December 2022, 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.

The licence details that must be kept up to date include changes to:

- o name,
 - o correspondence address,
 - o telephone number,
 - o email address,
 - o the letting and / or management arrangements,
 - o the acquisition / disposal of rental properties,
 - o connected persons, where connected persons are no longer employed by the licensee,
 - o connected persons, who commence letting and management activities for the licensee,
 - o Company Directors or Trustees, if applicable, and
 - o if the licensee is an agent, the letting and management activities for every property in their portfolio by responding to all property invites within **28 days** and removing responsibility for letting and management activities where the agent is no longer responsible.
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 the Rent Smart Wales website Resources 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 the Rent Smart Wales website Resources Page.
5. This licence has been granted based on the following connected persons being appropriately trained, <Names of trained and approved licence and connected users will appear here>. 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:

- '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
- '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.
- 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. The licensee must have and maintain throughout the period of their licence, an adequate building insurance policy or other such insurance policy containing third party liability cover in the minimum sum of £1 million to cover every rental property managed by the licensee.

When requested to do so, the licensee must supply Rent Smart Wales with sufficient evidence of this cover. Such evidence may include policy documents, schedule and certificate of cover. This condition does not require the licensee to provide insurance cover for the contract-holders or other occupiers belongings.

Where the licensee is not able to secure the appropriate insurance, the licensee must contact Rent Smart Wales, who will consider the licensee's individual circumstances and advise accordingly.

7. 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.
8. 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 dwellings let on single contracts, and shared houses on a single contract, with the first routine visit taking place within the first **2-6 months** of the contract.
- Every **6 months** for a House in Multiple Occupation (HMO), and shared houses on separate contracts, with the first routine visit taking place within the first **2-6 months** of the contract.

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 the '[Routine Visit Checklist for RSW licensees](#)' which can be viewed online on the Rent Smart Wales website Resources Page.

9. The licensee must provide tenants with the information and documents listed below in accordance with the relevant legal requirements or at contract 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,
 - Security Deposit prescribed information,
 - The licensee's written complaints procedure,
 - A copy of the [Tenant Guide](#) published by Welsh Government entitled A Home in the Private Rented Sector: a Guide for Tenants in Wales which can be viewed online on the Rent Smart Wales website Resources Page,
 - 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.
10. 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 must ensure that the written procedure is accessible to service users which includes prospective tenants, tenants and landlords. This includes but is not limited to the procedure being available in any office, on any website and ensuring that it is provided on a request from any service user which includes prospective tenants, tenants and landlords. The licensee will provide a copy of their written complaint handling procedure to Rent Smart Wales on request.

[A template complaints procedure/policy](#) for Rent Smart Wales licensees can be viewed online on the Rent Smart Wales website Resources Page.

11. The licensee must ensure that any person who is connected to the licence (as a Director, Employee or other connected person) does not reside at any property where they undertake letting and / or management activities on behalf of the licensee unless prior approval from Rent Smart Wales has been given.

12. The licensee and all connected persons are required to complete training which covers the Renting Homes (Wales) Act 2016 (as approved by Rent Smart Wales) within 3 months of this licence being issued, if not already completed.
13. 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.
14. 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.
15. The licensee is permitted to use the Rent Smart Wales approved landlord logo (where a valid landlord licence is held) or approved agent logo (where a valid agent licence is held) 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 the Rent Smart Wales website Resources 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.

The licence details that must be kept up to date include changes to:

- name,
 - correspondence address,
 - telephone number,
 - email address,
 - the letting and / or management arrangements,
 - the acquisition / disposal of rental properties,
 - connected persons, where connected persons are no longer employed by the licensee,
 - connected persons, who commence letting and management activities for the licensee,
 - Company Directors or Trustees, if applicable, and
 - if the licensee is an agent, the letting and management activities for every property in their portfolio by responding to all property invites within **28 days** and removing responsibility for letting and management activities where the agent is no longer responsible.
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 the Rent Smart Wales website Resources 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 the Rent Smart Wales website Resources Page.

4. This licence has been granted based on the following connected persons being appropriately trained, <Names of trained and approved licence and connected users will appear here>. 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:

- '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
- '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.
- 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 the 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).

All cover / membership must be of an appropriate scope, as detailed in the document entitled "[Agent Licence Conditions - Business Safeguards](#)" which can be viewed online on the Rent Smart Wales website Resources page, in relation to:

- the letting and management activities the licensee completes,
- the branches the agent operates out of, and
- the size of the licensee's portfolio.

The licensee must supply the details of each, which proves the licensee is covered, to Rent Smart Wales within 6 weeks of the licence being awarded, and annually thereafter upon renewal of the cover / membership by uploading onto the licensee's RSW account. Should the evidence provided be insufficient, the licensee must provide detailed evidence of the cover / membership held when requested to do so by Rent Smart Wales, sufficient evidence may include policy documents, schedule or certificate of cover which proves that the licensee has the safeguard in place.

Details of professional indemnity insurance cover must specifically evidence that:

- The licensee is covered by the policy,
- The letting and management activities completed by the licensee are covered and
- The level of cover

Where the licensee is not able to secure the appropriate insurance, the licensee must contact Rent Smart Wales, who will consider the licensee's individual circumstances and advise accordingly.

7. Where this licence requires the licensee to provide and maintain the business safeguards of client money protection, professional indemnity insurance and / or membership to an independent letting and management redress scheme (as accepted by Rent Smart Wales), 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, where required by the Consumer Rights Act 2015 to display and publish a list of their relevant fees payable by a landlord or contract holder, must include a statement on the list which indicates that:
 - The agent is a member of a redress scheme and gives the name of the scheme.
 - The agent has client money protection and gives the name and details of the client money protection provider.
9. 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, the licensee 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.

10. 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/re-register and if the landlord fails to register within 12 weeks of the agent's agreement to manage the property or to re-register within 12 weeks of the expiry; the licensee must provide the landlord's name, landlord's correspondence information and the rental property address to Rent Smart Wales.
- Inform landlords 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: <https://www.rentsmart.gov.wales/en/licensing/>

11. 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 dwellings let on single contracts, and shared houses on a single contract, with the first routine visit taking place within the first **2-6 months** of the contract.
- Every **6 months** for a House in Multiple Occupation (HMO), and shared houses on separate contracts, with the first routine visit taking place within the first **2-6 months** of the contract.

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(s) 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 the '[Routine Visit Checklist for RSW licensees](#)' which can be viewed online on the Rent Smart Wales website Resources Page.

12. The licensee must provide tenants with the information and documents listed below in accordance with the relevant legal requirements or at contract 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,
- Security Deposit prescribed information,
- The licensee's written complaints procedure,
- A copy of the [Tenant Guide](#) published by Welsh Government entitled A Home in the Private Rented Sector: a Guide for Tenants in Wales which can be viewed online on the Rent Smart Wales website Resources Page,
- 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.

13. Where the licensee's legal responsibilities are discharged to a 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 ensure and be able to demonstrate that the responsibilities are undertaken within legislative requirements, the duty includes:

- requesting copies of the documentation,
- checking the documentation for legal compliance, and
- retaining records of the documentation.

The licensee must, where the landlord is unlicensed, contact the tenant to make arrangements for these matters and inform the landlord that an unlicensed landlord cannot undertake any letting and / or management activities without a licence to do so.

14. 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 must ensure that the written procedure is accessible to service users which includes prospective tenants, tenants and landlords. This includes but is not limited to the procedure being available in any office, on any website and ensuring that it is provided on a request from any service user which includes prospective tenants, tenants and landlords. The licensee will provide a copy of their written complaint handling procedure to Rent Smart Wales on request.

[A template complaints procedure/policy](#) for Rent Smart Wales licensees can be viewed online on the Rent Smart Wales website Resources Page.

15. 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: <https://www.legislation.gov.uk/ukpga/2004/34/section/258>

16. The licensee and all connected persons are required to complete training which covers the Renting Homes (Wales) Act 2016 (as approved by Rent Smart Wales) within 3 months of this licence being issued, if not already completed.
17. 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.
18. 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.

19. 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.
20. The licensee is permitted to use the Rent Smart Wales approved landlord logo (where a valid landlord licence is held) or approved agent logo (where a valid agent licence is held) 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 the Rent Smart Wales website Resources Page or the licensee can request a copy to be sent.
21. 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.