

Housing Enforcement Policy

Revision March 2023



Cyngor Bwrdeisdref Sirol

Blaenau Gwent

County Borough Council

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This document is provided as a guide to enforcement staff and property owners. In most cases the details within these guidelines will be followed. However, each case will be treated on its merits so it may at times be necessary to move away from the procedure outlined. When a deviation from these guidelines is considered appropriate the reasons for this will be recorded by the case officer.

1.0 Introduction

- 1.1 Blaenau Gwent County Borough Council's Public Protection Service carries out a wide range of enforcement functions in relation to the housing stock within the County Borough. These include the enforcement of various pieces of legislation in relation to the physical standards of housing stock, primarily The Housing Act 2004.
- 1.2 The service aims to raise standards in the housing stock. This benefits the health and well being of the residents of the County Borough and helps maintain and improve the housing stock for future generations. Our objectives are to:
- Improve the standards of homes in the private sector
 - To assess local housing conditions
 - To reduce the number of poor quality properties, particularly in the private rented sector
 - To reduce the number of vulnerable households living in substandard homes
 - To improve the energy efficiency and warmth of homes and to help reduce fuel poverty
 - To improve the standards in HMOs (houses in multiple occupation)
 - To work closely with private sector landlords towards improving conditions and the standard of management of private rented housing
 - To provide an excellent service that is accessible to anyone living in the County Borough who may have poor living conditions
 - To bring empty properties back into use
- 1.3 To ensure that satisfactory standards are achieved and maintained in the housing stock, officers conduct pro-active and re-active property inspections, routinely respond to requests for service and investigate complaints.
- 1.4 This Policy outlines how our officers enforce the law in relation to standards in the housing stock. Officers will respond having due regard to the Authority's [Public Protection & Environmental Enforcement & Compliance Policy \(November 2022\)](#) and this policy should be read in conjunction with that document.

2.0 Legislation

- 2.1 The principal piece of legislation to be used by officers from the Council in dealing with these matters is the **Housing Act 2004** (referred to as "the 2004 Act"). However, there are circumstances where other pieces of legislation may be more appropriate in dealing with the identified problem, for example, Environmental Protection Act 1990, Building Act 1984, or relevant statutory instruments. Officers will be expected to use professional judgment to determine the most appropriate piece of legislation to use. In some cases, it may be appropriate to use a range of enforcement tools.
- 2.2 Where an authorised officer has reason to enter a property, they will inspect the whole property using the Housing Health and Safety Rating System (HHSRS). This system has been adopted by regulations as the prescribed methodology for assessing housing conditions. The aim is to identify deficiencies within dwellings that may lead to a hazard. Each hazard is assessed and assigned a band. These bands are translated into either a category one or a category two hazard.
- 2.3 The 2004 Act places a mandatory duty on this Council to take action where a category 1 hazard has been identified. There is a discretionary power to deal with category 2 hazards. The Act also provides a range of enforcement tools which are described in the following paragraphs.
- 2.4 **Improvement Notices** – Section 11 in response to category 1 hazards and Section 12 in response to category 2 hazards. An Improvement Notice should be used where reasonable remedial works can be carried out to reduce the hazard sufficiently. An Improvement Notice may relate to more than 1 category

1 hazard. Where there are multiple hazards, the same notice can require action to deal with both category 1 and 2 hazards.

- 2.5 **Prohibition Orders** – Section 20 in response to category 1 hazards and Section 21 in response to category 2 hazards. An Order may prohibit the use of part or all of a premises for some or all purposes, or for occupation by a particular number or description of people. An order may be appropriate where conditions present a serious threat to health or safety but where remedial action is considered unreasonable or impractical. It may also be used to limit the number of persons occupying the dwelling or prohibit the use of the dwelling by specific groups. In an HMO it can be used to prohibit the use of specified dwelling units.
- 2.6 **Hazard Awareness Notices** – Section 28 in response to category 1 hazards and section 29 in response to category 2 hazards. This is used where a hazard has been identified but it is not necessarily serious enough to take formal action. It is a way of drawing attention to the need for remedial action. This notice will not be used if the situation is considered serious enough for follow up inspections to be made. This notice is not registered as a land charge and has no appeal procedure. The service of a Hazard Awareness Notice does not prevent further formal action from being taken, should an unacceptable hazard remain.
- 2.7 **Emergency Remedial Action** - Section 40 and only in response to a category 1 hazard that involves an imminent risk of harm to any of the occupiers. The action will consist of whatever remedial action the authority considers necessary to remove an imminent risk of serious harm. Action may be taken in respect of more than one hazard in the same premises. A warrant to enter the premises in order to carry out the work may be granted by a Justice of the Peace where he/she is satisfied that the authority would not be granted admission.
- 2.8 **Emergency Prohibition Order** – Section 43 and only in response to a category 1 hazard that involves an imminent risk of harm to any of the occupier and where it is not practical to carry out the remedial works as in Section 40. An Order may prohibit the use of all or any part of the premises with immediate effect.
- 2.9 **Demolition Order** – This can only be used in response to category 1 hazards, but not if the building is listed. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use for the cleared site.
- 2.10 **Clearance Area** – All residential buildings in the proposed area must have at least one category 1 hazard present. It must take into account availability of accommodation for re-housing, demand for accommodation, and the possible future use for the cleared site.
- 2.11 **Suspension of Improvement Notices or Prohibition Orders** – These Notices and Orders may be suspended where enforcement action can safely be postponed until a specified event or time. This can be a period of time or a change in occupancy. Current occupation and wishes must be taken into account. These may also be used where there is programmed maintenance scheduled. The suspensions must be reviewed at the very least every 12 months. The advantage of suspending a notice is that there is a record of the Authority's involvement and the situation must then be reviewed. It is also recorded as a land charge.
- 3.0 Complaints Response Procedure**
- 3.1 The main source of complaints of disrepair to domestic accommodation received by the Council is in the form of a service request from a tenant. However, other sources include proactive surveys undertaken by Officers, requests for financial assistance to improve a property including energy efficiency, referrals from other departments or agencies and through work carried out under the Empty Property Strategy.
- 3.2 The Council aims to respond to all complaints of disrepair or other defects in a domestic property within 5 working days unless the circumstances are more urgent. See 3.5 below.

- 3.3 The Environmental Health Section operate a triage system whereby all calls are assessed on receipt to determine the complaint history associated with a premises and the seriousness of the disrepair complaint. On receipt of a complaint, Business Support will check the complaint history on the property to determine if complaints about disrepair have been made about that property in the previous 12 months. If complaints have been made, then a note of this will be made for the relevant case officer.
- 3.4 Once the case officer has received the complaint, they will endeavor to contact the complainant on at least 3 occasions. If they are unable to make contact, then a letter will be sent requesting that the complainant contacts the Officer to discuss their concerns. If no response is received within 2 weeks then the complaint will be closed.
- 3.5 A risk-based assessment of each case will be made by the responsible case officer to determine if a timely response would be appropriate given the circumstances of the service request. Specifically, we will always attempt to respond to complaints such as those below within 24 hours of receipt:
- a) No hot water
 - b) Breakdown of a heating system especially during prolonged periods of cold weather
 - c) Burst pipes resulting in flooding
 - d) Dangerous electrical system when confirmed by a qualified person
 - e) Structural collapse
 - f) Severe water ingress resulting in or likely to result in flooding
 - g) Inadequate fire precautions in an HMO
- 3.6 The above list is not exhaustive and is intended to be used as a guide only. The case officer will make a risk-based assessment of every service request and respond as soon as practicable. Where defects are alleged to be of an urgent nature, the case officer may need to instigate a more formal response to the complaint which may require the need for a site visit and property inspection at an early stage.
- 3.7 Where a complaint concerns a defect which is considered non-urgent in nature and no complaints have been received in the previous 12 months, then the case officer will send a letter to the landlord advising them that a complaint has been received about their property and detail the nature of the alleged disrepair matters. This letter will provide the landlord with a 28-day timescale to investigate the matters and where possible, complete the required remedial works within that time period. The landlord will also be advised that if the matters are not investigated within this timescale, the Authority may need to intervene formally to resolve the matter. The complainant will also be informed by letter of the action the Authority has taken and will be requested to contact the Environmental Health Section if the matters have not been investigated within 28 days, so that the Authority may consider formal action to resolve the matter.

4.0 Approach to Enforcement

- 4.1 The Environmental Health Section works to improve the housing conditions by use of advice and education. However, there are occasions where these methods are not successful in improving conditions and therefore it is necessary to consider formal enforcement action.
- 4.2 In doing so, officers will follow the principles of the Enforcement Concordat, which encourages openness, proportionality and consistency. Officers will be transparent in the way they have made decisions by keeping clear records, both written and electronic. All remedial work that is required will be sufficient to remove any risks but not so excessive as to be over burdensome.
- 4.3 In order to satisfy these principles, in most cases officers will first make informal contact with the person responsible for the property containing the hazard. It is anticipated that in many cases an informal approach will achieve the desired outcomes.
- 4.4 Specific consideration will be made by the case officer to the history of compliance of the owner/landlord/person having control. A landlord with whom the Council has had no previous contact or where previous contact has resulted in full compliance through informal means is far more likely to be allowed to resolve matters informally within agreed timescales. A landlord with a history of non-

compliance, especially where Notices have previously been served, is more likely to receive a Notice in the first instance.

- 4.5 However, in all cases, informal action cannot be allowed to continue indefinitely and there must be a limit attached to the informal action. This is to ensure that there is not scope for further delays to works that are likely to be time intensive. The delays incorporated within the informal approach are satisfactory where there is not a high risk or the agreed times are short, but where there is a serious hazard, where major works are required or where remedial works have not been completed within an agreed time, a Notice will be served as soon as possible with reasonable timescales attached.
- 4.6 The case officer will be required to use discretion on these matters but will be expected to be fully accountable for the decision and make detailed notes justifying any time delays.
- 4.7 Where defects are found that relate to the items listed in paragraph 3.5 above, the case officer must give consideration to taking formal enforcement action in the first instance as these matters are likely to cause significant health and safety risks to the occupants and any delay in undertaking works in these circumstances is unacceptable.
- 4.8 Where allegations are received from the landlord/owner/person having control that the tenants are not allowing access, contact will be made with the tenant by the case officer to discuss and stress the importance of co-operating to get the works carried out.
- 4.9 If the tenant refuses to allow access they will be advised that the case will be put on hold until such a time as they allow access or vacate the property. The owner/landlord/person having control will also be informed, but it will be made clear that once there is vacant possession the owner/landlord/person having control must carry out the works before a new tenant moves in.
- 4.10 Where properties become vacant before works commence, or whilst in progress, then action by this Council will not necessarily cease. If there are any category one hazards the Council is under a duty to ensure that the hazards are removed or reduced to an acceptable level. Equally, if there are numerous category two hazards then in the interests of future tenants the Council has the right to ensure that these are adequately dealt with. If no works are being undertaken in these circumstances the case officer will give consideration to serving a formal Notice. If a Notice is necessary, the case officer will give further consideration to suspending this Notice.
- 4.11 Some owners/landlords/persons having control may issue the tenant with a Section 173 – “No Fault” Notice (Renting Homes (Wales) Act 2016) in retaliation to the complaint and inspection by the Council. To reduce the likelihood of this it will be made clear that the Council’s involvement in the case will not cease and legal Notice may still be served. In making this decision the case officer will make specific reference to whether the defects present in the property have been caused by the tenant or by lack of maintenance by the landlord. The tenant is also able to take civil action against their landlord under the Act for a retaliatory eviction.
- 4.12 The Council’s priority in dealing with housing complaints from a tenant is to remedy the hazards at the property in which they live, to ensure they can remain living there. Only in exceptional circumstances, such as when a Prohibition Order or Emergency Prohibition Order is served, will a referral be made to the Housing Solutions Team so that the tenant can be considered for priority treatment by that team for rehousing. Copies of informal Schedules of Repair Works and enforcement Notices can also be provided upon request.

5.0 Formal Enforcement Action

- 5.1 When considered necessary, an inspection of a property will be carried out and the deficiencies noted. As the principal piece of legislation, the Housing Act 2004 will be considered to assess whether there are category 1 or category 2 hazards within the property. Having made this assessment and dependent on the problems within the property, consideration will be given to the most appropriate course of action to reduce the hazards to an acceptable level.

- 5.2 The most appropriate legislation must be identified for dealing with the hazard. Only where the Housing Act 2004 is not appropriate should other legislation be considered.
- 5.3 Consideration must also be given to whether consultation is required with other enforcing bodies. Where the hazard of fire is identified there is a duty to consult with the fire authority as prescribed under section 10 of the 2004 Act and the Regulatory Reform (Fire Safety) Order 2005. Other bodies such as the Police and HSE may need to be contacted or other departments within the Council such as Planning or Building Control.
- 5.4 Section 8 Statement of reasons - Under section 8 of the Housing Act 2004, a statement must be prepared detailing which Notice provisions are being considered. The statement must also include why the other options have been discounted at this stage. In making these decisions regard must be had to:
- the seriousness of the situation and the imminent risk to health and safety
 - the type of hazard and whether it is a priority or target hazard
 - the current occupation and the impact the decision may have on the social exclusion of certain groups of people
 - the turnover of tenants or occupants to the property
 - the management of the property
 - the occupants views
 - the owners views
 - the number of hazards within the property and whether they are category 1 or category 2
 - the enforcement policy and procedures, the private sector housing renewal policy and local housing strategy.
- 5.5 Where there are only category 2 hazards, consideration must be given to the overall effect of the multiple hazards and whether they are indicative of a rundown property.
- 5.6 Once a decision has been made the appropriate Notice procedure must be followed. When taking any form of action, a covering letter and the statement of reasons (under section 8 of the 2004 Act) will also accompany the Notice and the schedule of works.

6.0 Enforcement Action Priorities

- 6.1 The Housing Act 2004 and subsequent HHSRS regulations have identified several hazard categories that have been found within the home. There are 29 hazards that arise from disrepair, lack of maintenance or poor design. The health effect from these hazards ranges from death to mental stress and the HHSRS provides the opportunity to compare unrelated hazards such as fire with other hazards such as damp and mould growth. This is done through the calculation of a hazard score. The higher the score the higher the risk posed by the hazard.
- 6.2 This Policy sets out how the Authority will deal with category one and category two hazards. The flowchart in Appendix 2 shows the decision-making process that the officer will follow in dealing with the hazards identified. In addition, the matters described in detail in Chapter 3, above, will also be considered.
- 6.3 **Category 1 hazards.** Where an assessment of a property has been undertaken under the HHSRS and the hazards have been rated as a category 1 hazard, band A-C, then the Authority will take action to remove or reduce the hazard. Having regard to the above an informal approach will usually be taken in the first instance to attempt to reduce or remove the hazards identified. The case officer will make a professional judgment as to the time considered reasonable for the deficiencies to be addressed. If the hazards are not reduced or removed to the satisfaction of the case officer within the informal period allowed, then a formal statutory notice will be served.
- 6.4 Deferred action will not be considered where there is an imminent risk to the health or safety of occupants of a property or the general public. In serving a statutory notice the schedule of deficiencies and necessary remedial works detailed in the notice will as minimum, reduce a category 1 hazard to a

category 2 hazard and prevent any recurrence of that hazard within 12 months. In most cases the schedule of works will bring the property as close to the ideal as is reasonably practicable given its age and characteristics.

- 6.5 **Category 2 hazards.** Where an assessment of the property has been undertaken under the HHSRS and the hazards have been rated as a category 2 hazard, band D and below, then as a minimum an informal letter will be sent to the owner/agent/person having control informing them of the deficiencies present and the works necessary to bring the property as close to the ideal as is reasonably practicable.
- 6.6 If several upper range category 2 hazards, bands D and E, exist at the property and the combined effect of these hazards affects the material comfort of the occupying tenant, then consideration will be given to the serving of a statutory notice. This action could be considered in a situation where the occupants encounter one category 2 hazard after another as they move around the house. In such circumstances full consideration will be given to the effect of the hazards on the current occupier.
- 6.7 Enforcement will only go a small part of the way in achieving these aims. However, when we do need to take enforcement action, we will always look to meet the ideal standard given the age and character of the property in question. However, we know from various data sources that certain hazards are more prevalent in the Welsh housing stock (<https://welsh-housing-conditions-survey-headline-results-april-2017-march-2018-update-570.pdf>). According to the last local House Condition Survey the following categories of category one hazard were present in significant numbers:
- Falls on steps and stairs
 - Excess Cold & Energy Efficiency
 - Electrical Safety
 - Fire Safety
- 6.8 In cases where these hazards are identified the Council will take a firm stance requiring works at the property come as close to the ideal as is possible. Examples include requiring fire safety standards to comply with the LACORS guidance and/or British Standard, requirement for loft insulation to comply with current building regulations, installing double glazing in place of single glazed windows and provision of guarding in steep terraced rear gardens. Whilst these are only examples, we will always follow the HHSRS Operating and Enforcement Guidance and worked examples to inform our decision on what works we will require to achieve the ideal.
- 6.9 **Suspension of an Improvement Notice.** In normal circumstances, an improvement notice would become operative 21 days after service. However, in agreement with the Team Leader, the Case Officer may suspend an action specified in the Notice. Suspension may be considered in circumstances for example where the hazard is not sufficiently minor to be addressed with a hazard awareness notice, but the current occupiers are not members of a vulnerable group. Suspension will also be considered where the property is vacant or about to become vacant.
- 6.10 **Emergency Remedial Action.** If during an inspection or subsequent assessment, hazards that involve an imminent risk of serious harm to the health and safety of the occupiers or the public are identified, then we will consider taking Emergency Remedial Action. Emergency Remedial Action will only be taken in exceptional Circumstances. Every effort will be made to contact the owner/person having control of the property prior to works being carried out. However, if the risk is such that undue delay in tracing an owner may cause harm to the occupants or members of the public, action will be taken without contacting the owner or person having control.
- 6.11 **Empty Properties.** The HHSRS is still applicable to empty properties as the rating of hazards is undertaken for the most vulnerable potential occupant. Long term empty properties will be dealt with under the Council's Empty Property Strategy. However, where informal and other enforcement action to bring the property back into use has failed, the Council will consider using powers contained within the Housing Act 2004 to seek the renovation of the property. In most cases, an improvement Notice will only be used where an empty property has been inspected and category one hazards are present and the property has been rated as high risk under the Councils rating scheme.

- 6.12 **Overcrowding.** There are 2 principal pieces of legislation that can be used to assess overcrowding within a property. The first is contained within Part 10 of the Housing Act 1985 and includes the room standard and space standard. Both are very basic and somewhat outdated. However, they remain the first standards to consider. Overcrowding can also be assessed as one of the 29 hazards under the HHSRS but only the current occupants can be taken into consideration.
- 6.13 In the first instance, the Council will consider if the property is overcrowded under the 1985 Act. If the property falls well short of being overcrowded (i.e. the standard is nowhere near being breached) then no further action will follow. If the 1985 standard is exceeded or the numbers of people living in the property comes close to being exceeded, a further assessment will be carried out using the more modern standards contained within the HHSRS provisions. Separate standards for Houses in Multiple Occupation also exist and these will be followed where appropriate.
- 6.14 **Owner-Occupied Properties.** Part 1 of the Act also applies to owner occupied properties. In such cases the owner of the property will be responsible for taking action to rectify any hazards therein. Most property owners are likely to take steps to rectify these hazards within their own property without any intervention from the Council. However, there may be circumstances where it will be both necessary and appropriate for the Council to take formal action under the Act in an owner-occupied property. Such cases may include situations where the household is considered vulnerable, and works are required to protect the safety and health of those occupants. In these cases, the Council may also carry out works in default of such a Notice and recover their costs, but it would usually be inappropriate to consider prosecution for non-compliance. The Council may also need to act where there is an imminent risk of harm to the occupants.
- 6.15 All such cases will be discussed with the Team Manager. The underlying principle will be that the Council will generally not take legal action against owner occupier unless circumstances as outlined above exist or where it is clear that category one hazards are present and the Council is under a legal duty to take such steps to remove or reduce the hazards to an acceptable level.
- 6.16 **Properties owned by Registered Social Landlords.** These guidelines make specific reference to privately rented properties, and, to a much lesser extent, owner occupied homes. However, the principles contained within in terms of our approach will be the same when dealing with Registered Social Landlords. We have specific operational procedures agreed with most of our RSL partners and we will follow these arrangements, which mirror the general principles of these guidelines in terms of agreeing works and timescales prior to enforcement action.
- 6.17 The HHSRS and Housing Act 2004 are tenure neutral and, where circumstances dictate, we will serve legal Notice to remedy defects should the informal approach fail or where urgent action is required to protect the safety and health of tenants.
- 6.18 Social Housing tenants are also informed of their option to escalate their complaint via their Social Landlords complaints procedure or to the Public Ombudsman for Wales.

7.0 Non-Compliance and Prosecution

- 7.1 **Prosecution.** The Authority may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute, Blaenau Gwent CBC has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions (“the Code”).
- 7.2 Prosecution will only be considered where the Authority is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s) and, in addition, any prosecution must be in the Public Interest, as defined in the Code. Before deciding that prosecution is appropriate, Blaenau Gwent CBC will consider all relevant circumstances carefully, have regard to the public interest criteria and take advice from its solicitor.

7.3 The decision to prosecute is not taken lightly. Consideration will be given to other forms of action, including formal cautions, before a prosecution is commenced. When making a decision of this nature the officers of the Council will pay due regard to the [Public Protection & Environmental Enforcement & Compliance Policy \(November 2022\)](#).

7.4 **Works in Default.** Works in default is a power the Council can utilise when an owner is asked to complete works at a property and fails to do so. In these cases, the Council will appoint a contractor to carry out the required works. This carries a financial risk to the Council if the owner fails to discharge the debt. Consequently, the Council's preferred route to secure compliance with a notice is prosecution. Despite this, there are circumstances when works in default will be considered. Each case will be considered on its merits. Appropriate circumstances may include where:

- There is an imminent risk to the health and safety of tenants or the public
- Works in Default are considered to be the most appropriate option
- The cost of works is not prohibitive
- Where the property is empty

7.5 A prosecution may be taken irrespective of whether Works in Default have been carried out to alleviate the hazard/often.

8.0 Charging for Enforcement Action under Housing Act 2004

8.1 Under section 49 of the Housing Act 2004, Local Authorities have the power to make a reasonable charge as a means of recovering expenses incurred when taking enforcement action. The Council's policy is to utilize this power in all cases for each of the following:

- (a) serving an improvement notice under section 11 or 12
- (b) making a prohibition order under section 20 or 21
- (c) serving a hazard awareness notice under section 28 or 29
- (d) taking emergency remedial action under section 40
- (e) making an emergency prohibition order under section 43
- (f) making a demolition order under section 265 of the Housing Act 1985.

8.2 It is our policy to charge for the time spent by officers in carrying out the enforcement duties detailed above. The charge that will be made includes the following:

- (a) Time spent visiting the premises
- (b) Time spent drafting a notice
- (c) Time spent carrying out a rating under the Housing Health and Safety Rating System
- (d) Administration costs in serving the notice, traveling and other costs.

8.3 For 2023-24 the charge per Notice is £248.96. The level of charge is reviewed annually in accordance with inflation and approved by Council as part of the Authority's fees and charges setting process.

8.4 The Authority will consider waiving the charge in some circumstances if appropriate to do so. Officers will consider each case on its merits.

9.0 Rent Smart Wales

9.1 Rent Smart Wales (RSW) are the lead agency in ensuring all landlords and agents who are involved in the renting of domestic properties are registered and/or licensed as appropriate. There is a close working relationship between RSW and the Welsh Local Authorities in ensuring national compliance with the requirements of the Housing (Wales) Act 2014 and the roles and duties of each authority are covered by a Memorandum of Understanding and the RSW enforcement policy. RSW or the local authority can instigate enforcement action in relation to certain offences, either by the issue of a fixed penalty notice or

by prosecution, while other offences can only be dealt with by RSW. Typical offences under the Act dealt with by RSW include:

- Section 4(2) requirement for a landlord to be registered
- Section 6(4) requirement for a landlord to be licensed to carry out letting activities
- Section 7(5) requirement for landlords to be licensed to carry out property management activities
- Section 9(2) requirement for agents to be licensed to carry out lettings work
- Section 11(3) requirement for agents to be licensed to carry out property management work
- Section 13(3) offence of appointing an unlicensed agent

9.2 Any decision to instigate legal proceedings by BGCBC will be considered in accordance with the [Public Protection & Environmental Enforcement & Compliance Policy \(November 2022\)](#).

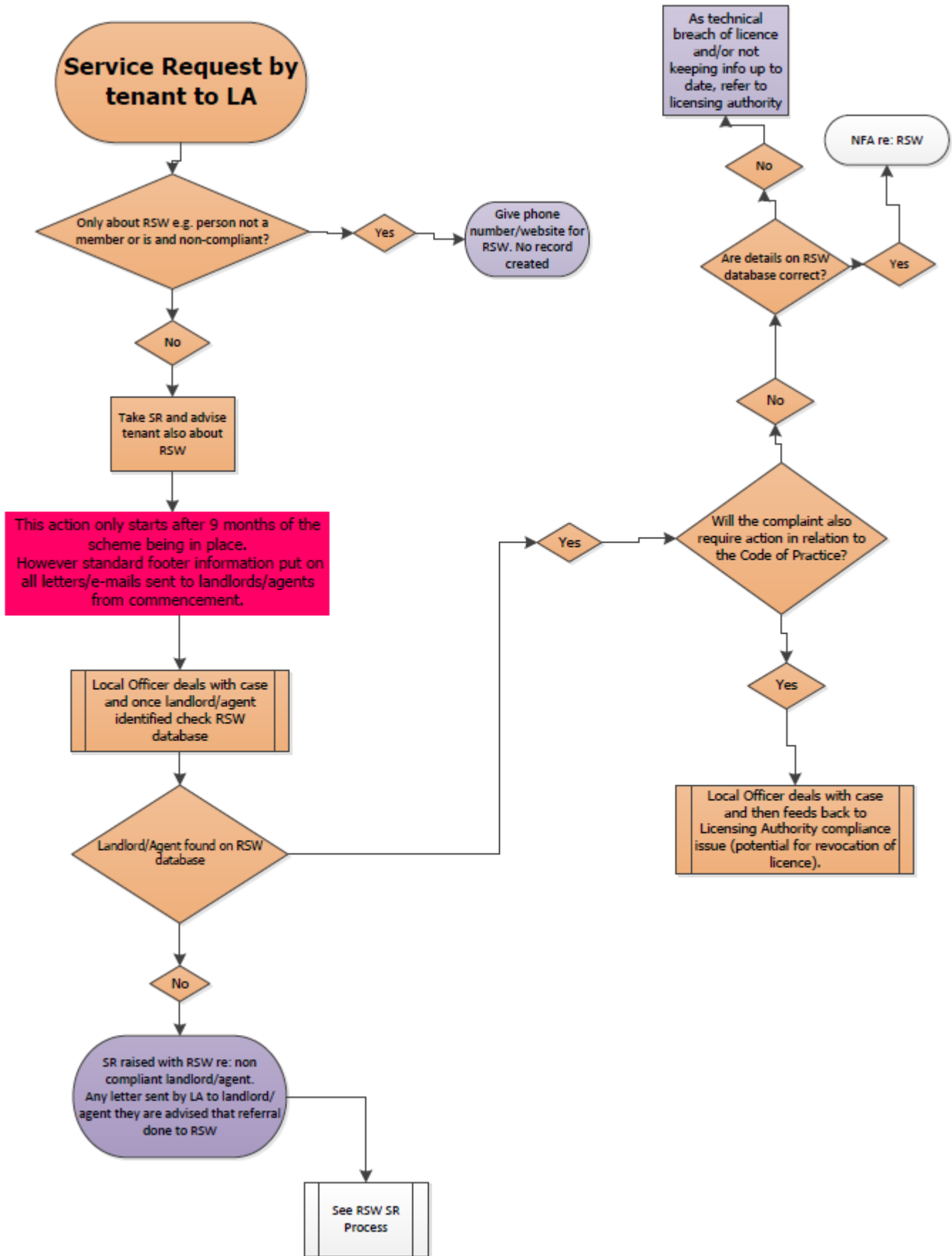
9.3 In addition to these offences, RSW can also instigate enforcement action for the following offences:

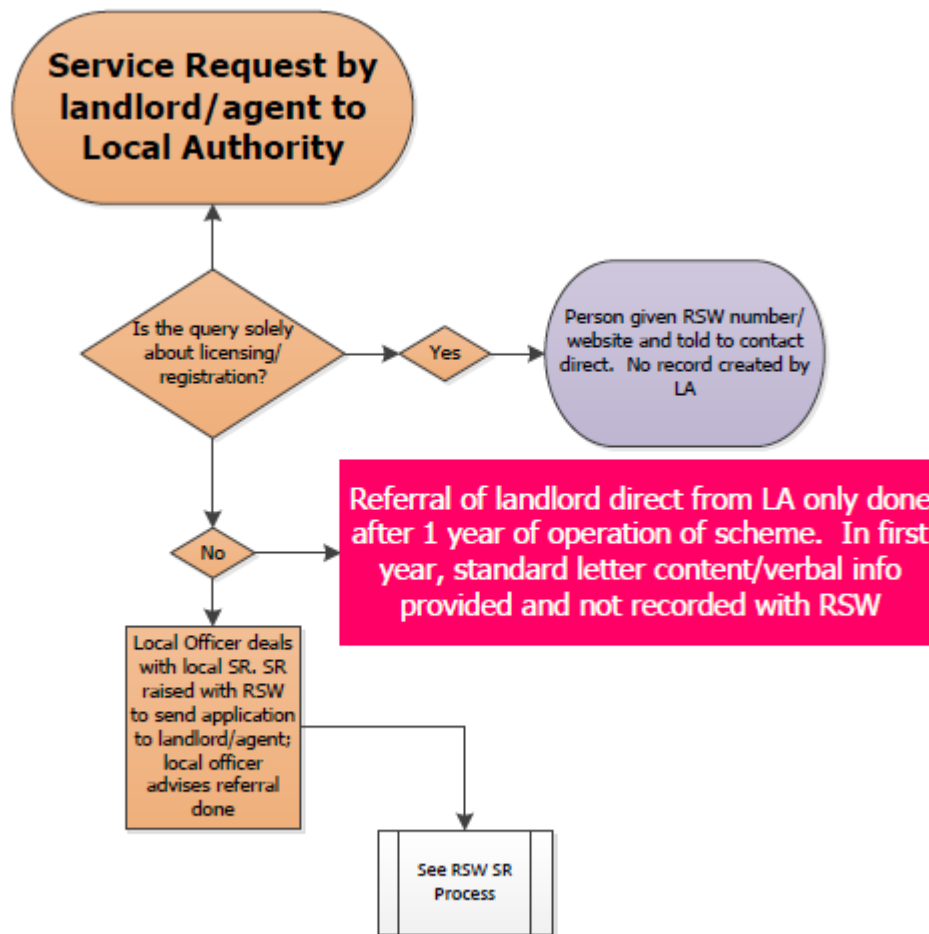
- Section 16(3) landlord failure to update registered information in relation to a rented property
- Section 23(3) failure of a license holder to notify licensing authority of license changes
- Section 38(1)(4) failure to provide required information
- Section 39(1)(2) providing false or misleading information

9.4 An enforcement referral protocol has been established to deal with customer enquiries relating to RSW requirements and this is set out in Appendix 1.

9.5 When investigating a tenant's complaint of housing disrepair, the case officer will initially check the RSW database to ensure the landlord and/or agent are registered and/or licensed as necessary. The case officer will raise a service request for RSW on their website if they identify any non-compliance.

Appendix 1 Rent Smart Wales Referral





**Appendix 2 - Housing
Service Request Flow
Chart**

