

Lesley Griffiths AC / AM
Y Gweinidog Cymunedau a Threchu Tlodi
Minister for Communities and Tackling Poverty



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-04-529
Ein cyf/Our ref LG/05325/14

William Powell AC
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Tachwedd 2014

Ysgrifennoch chi atom ar 14 Hydref ynghylch deiseb P-04-529, *Ombwdsmon Asiantwyr Gosod i Gymru*. Mae'r deisebwr wedi bod yn llythyru â'm swyddogion. Gofynnoch yn benodol am fy marn am e-bost diweddaraf y deisebwr gan ofyn imi ymateb i bob pwynt a godwyd gan y deisebwr.

Roedd fy swyddog eisoes wedi ateb y deisebwr cyn i'ch llythyr ein cyrraedd. Amgaeaf gopi o'r ateb, sydd yn fy marn i yn mynd i'r afael â phob un o ofidiau'r deisebwr.

I grynhoi felly, er fy mod yn cytuno'n llwyr â bwriadau'r deisebwr, ni allaf yn fy myw weld beth allai Ombwdsmon Asiantwyr Gosod ei gynnig sy'n ychwanegol i'r hyn a gynigir gan Ran 1 Deddf Dai (Cymru) 2014.

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Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

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Liz

I will answer your questions in the order in which they were posed:

1. The Codes of Practice are being worked by our stakeholder groups on as we speak. Whilst we do not have a set-in-stone date for bringing the Codes in, the scheme is due to begin next year. The Codes will need to be in place before then, and have to be publicly consulted on, so it will be sooner rather than later that you will be able to have your input.
2. The penalty for non-compliance with the Codes is the removal of a person's licence to manage a property in Wales.
3. We do not intend to be prescriptive in terms of the Ombudsman scheme which letting agents choose to become a member of.
4. We don't envisage there being any issues as, all being well, the scheme will be delivered by one authority on behalf of the other twenty-one. Whatever is agreed upon, this situation should not change.
5. Where the landlord lives is inconsequential, it is where the property that they own and let is situated.
6. To be confirmed after consulting with our stakeholder groups. The current thinking is that landlords / agents will be encouraged to disseminate this information alongside the rental agreements, but there will be scope to promote and distribute via tenant representative organisations such as NUS Wales and Shelter Cymru, as well as through the central scheme.
7. Alongside the existing avenues for such information (Shelter, Citizens Advice, NUS, local authorities), the designated licensing authority will be the place for tenants to go for information / advice and to report problems. Information will be available through all of the usual means, including online.
8. Yes, information will be collected and published.

Ombudsman: The Letting Agent Ombudsman you requested in your petition does not go as far as this scheme. For a start, a Letting Agent Ombudsman would not cover a very sizeable chunk of the private rental market, as in properties let directly by a landlord to a tenant. Secondly, there was no suggestion that this Ombudsman would be mandatory for letting agents. This scheme is mandatory, and covers all landlords and letting / management agents who own or are involved in the letting or management of properties in Wales. Compliance is not optional.

Letting Agent Fees: There are no plans at present to limit the amount of fees that a letting agent can charge, but the plan is to ensure that fees are up-front through the Codes of Practice being developed as part of the implementation of Part 1 of the Housing (Wales) Act. The UK Government's Consumer Rights Bill (<http://services.parliament.uk/bills/2014-15/consumerrights.html>) has been subject to a Government amendment which, if agreed, enters a duty upon all letting agents in England and Wales to be up-front about their fees. This means that tenants will have an informed choice when entering into an agreement with a letting agent, and will not be stung by hidden charges or "surprise" fees.

Regards

Gareth Baglow

Llywodraeth Cymru / Welsh Government

Adran Polisi Tai / Housing Policy Division

Tîm Tai Sector Preifat / Private Sector Housing Team

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