



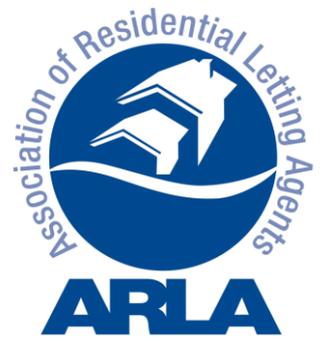
Cardiff Council
County Hall
Atlantic Wharf
Cardiff
CF10 4UW

26 June 2015

Dear Sir or Madam,

RE: Public consultation on the proposal to Re-declare Cathays as an Additional Licensing Area

1. The Association of Residential Letting Agents (ARLA) opposes the re-introduction of Additional Licensing in Cathays Ward. We also question the Council's lawful ability to recreate the scheme.
2. The consultation document indicates that the existing designation has improved the quality of accommodation, health and safety standards and value for money by a proactive approach in one area. It has also provided sustainable improvements to the Cathays area, a consistent approach to Tenancy Management and Property Conditions; made improvements through landlord training; eradicated bad landlords; reduced anti-social behaviour; and assisted with the availability of information. In order to create an Additional Licensing designation, "[T]he authority must consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public" under Section 56(2) Housing Act 2004. The consultation document makes no reference to these problems or how the proposed designation will improve conditions. Indeed, it states quite the opposite. Therefore, we do not believe Cardiff Council has provided sufficient evidence to pass the legal requirements necessary to create an Additional Licensing designation.
3. Further, if Cardiff Council is suggesting there is still a "significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public" as required under Section 56(2), then it must consider Section 57(4) Housing Act 2004 which states "[T]he authority must not make a particular designation under section 56 unless ... (b) they consider that making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well)". As such, if the first Additional Licensing designation did not lead to a reduction or elimination of the problem, then there is no evidence to suggest recreating the scheme will have a different result.



4. Indeed, ARLA would argue the Council is in one of two positions. Either:
 - i. The original scheme was successful (as indicated in the consultation document) and therefore the legal basis for the creation of a new scheme does not exist; or
 - ii. The original scheme was not successful and therefore there is no evidence to suggest recreating the scheme will have a different effect.

In either situation, the Council will not be able to provide the necessary evidence to support the legal creation of an Additional Licensing designation.

5. It is also necessary to consider the implications of creating another licensing scheme when the Welsh Government is in the final stages of implementing its nationwide agent and landlord licensing scheme under the Housing (Wales) Act 2014. Cardiff Council has been appointed to administer the Welsh Agent and Landlord Licensing Scheme (WALLS) which has broadly the same aims as this proposed Additional Licensing designation. It therefore appears illogical for Cardiff Council to create another licensing scheme so shortly before the introduction of WALLS; unless the Council does not believe the nationwide scheme will be successful. We would strongly argue Cardiff Council should allow WALLS to be implemented and properly evaluated before creating potentially an entirely unnecessary secondary layer of local licensing. Indeed, it is important to remember that imposing multiple layers of additional compliance on landlords will only increase the costs of operating a rental portfolio; which in turn will result in a reduction in supply of properties in the designated area and thus increased rents for tenants.
6. I hope you find this response useful and if we can be of any further assistance, please do not hesitate to get in touch.

Yours sincerely,

David Cox
ARLA Managing Director