

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2014-2015

**ENVIRONMENTAL SERVICES
SCRUTINY COMMITTEE**

8 SEPTEMBER 2014

**REPORT OF THE GROUP
DIRECTOR ENVIRONMENTAL
SERVICES**

Agenda Item No. 3

**OVERVIEW OF ACTIVITY IN RELATION
TO THE IMPLEMENTATION OF THE
BOROUGH WIDE ADDITIONAL
LICENSING SCHEME FOR HOUSES IN
MULTIPLE OCCUPATION (2014)**

1. PURPOSE OF THE REPORT

1.1 This report is provided to inform Members about the implementation of the Additional Licensing Scheme in RCT that was approved by Cabinet on the 28th October 2013 and implemented in April 2014, including key performance and compliance information.

2. RECOMMENDATIONS

2.1 It is recommended that Members

- Note the content of this report and the progress made in implementing the 2014 Additional Licensing Scheme for Houses in Multiple Occupation.
- Scrutinise and comment on the information provided

3.0 BACKGROUND

3.1 At the time of the last census in 2011, there were 13,604 private rented properties across Rhondda Cynon Taf, accounting for 13.7% of all households in the County Borough. This means that in the 10 years since the last Census the private rented sector in RCT has doubled in size. As at 1st April 2014 there are 790 HMOs in Rhondda Cynon Taf with the majority of these in Treforest.

3.2 HMOs have been subject to proactive regulation in Rhondda Cynon Taf for the last 12 years. Between 2002 and 2006 the Council operated a successful Borough wide Special Control Registration Scheme for HMOs that were 2 storey or above with 4 or more tenants, comprising of three or more households.

- 3.3 The Housing Act 2004 ('the Act') came into force in Wales in June 2006. The Act introduced new powers for local authorities to regulate standards in the private rented housing sector and effectively made registration schemes redundant. In particular, the Act introduced the requirement for local authorities to licence HMOs that are 3 storeys or above with 5 or more tenants that comprise 2 or more households. This is termed Mandatory HMO Licensing. The Act also allowed local authorities to introduce other types of licensing scheme for different types of HMO (Additional Licensing) and also to licence the single occupation rented sector (Selective Licensing). Both of these schemes are discretionary.
- 3.4 Between June 2006 and 2009, the Council operated a Transitional Additional Licensing Scheme which allowed previously registered HMOs to effectively 'passport' into a form of Additional Licensing scheme. In June 2009, the Council resolved to introduce an Additional Licensing Scheme. The Scheme designation lasted for five years until 31st March 2014 and covered of HMOs that were two storey or more in size with 4 or more tenants.
- 3.6 An Environmental Services Scrutiny Working Group was convened in November 2012 to consider the regulation of HMOs and the wider role of the Private Rented Sector in Rhondda Cynon Taf's housing market. The Group reviewed the Council's policy on licensing HMOs and reported its findings and recommendations to the Environmental Services Scrutiny Committee on the 1st July 2013.
- 3.7 The Scrutiny Working Group concluded from its review that if the Council did not designate a new Additional Licensing Scheme in the borough at the end of the existing designation in 2014 it would be difficult to ensure that smaller HMOs and HMOs in converted buildings are brought up to standard and properly maintained at that standard. It would also be more difficult to tackle anti-social behaviour and the impact of poorly maintained shared housing in local communities. It was recognised that without continued regulation, standards in HMOs could begin to deteriorate and the positive impact of licensing to date could be undermined.
- 3.8 Following these recommendations, a borough wide Additional Licensing Scheme for HMOs was approved by Cabinet on the 28th October 2013 and was launched on 1st April 2014. It will be in operation for 5 years. Landlords were made aware of the implementation of the new Scheme through a Public Notice, the Council's website, direct mailing and the Landlords' Forum.

4.0 **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL ADDITIONAL LICENSING (HOUSES IN MULTIPLE OCCUPATION) SCHEME 2014**

4.1 **Types of HMO that are included in the new Scheme**

4.1.1 This scheme covers all HMOs in RCT as follows:

- Entire houses or flats which are let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet.
- Houses which have been converted entirely into bedsits or other non-self-contained accommodation and which is let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
- Converted houses which contain one or more flats which are not wholly self contained (ie the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form two or more households.
- Buildings which are converted entirely into **self-contained** flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies..

4.1.2 In order to be a HMO the property must be used as the tenants' only or main residence and it should be used solely or mainly to house tenants.

4.1.3 Large HMOs i.e those that are those of 3 storeys or above with 5 or more tenants that comprise 2 or more households continue to be regulated through the Mandatory Licensing Scheme.

4.2 **Types of HMO that are not included in the new Scheme**

4.2.1 The scheme does not cover any other type of private rented property such as those let to families, single people or couples or certain types of buildings as follows:

- buildings, or parts of buildings, occupied by no more than two households, each of which comprise a single person only
- buildings occupied by a resident landlord with up to two tenants
- buildings managed or owned by a public sector body e.g the police, local authority, housing associations or buildings occupied by religious communities
- student halls of residence
- buildings occupied entirely by freeholders or long leaseholders

4.3 **License Conditions**

4.3.1 The main purpose of the scheme is to protect the safety of tenants living in HMOs and ensure the properties are effectively managed by persons assessed as being fit and proper. Further licensing conditions applicable in Rhondda Cynon Taf also aim to minimise the impact of shared housing on the character and amenity of the surrounding area by imposing social and environmental

conditions that cover the external appearance and maintenance of properties and gardens and the prevention of anti social behaviour by tenants.

4.3.2 The Additional Licensing Scheme 2014 and associated conditions is attached at Appendix A.

4.5 Fees and Charges

4.5.1 The Housing Act 2004 allows local authorities to charge a fee for HMO licensing and the fee should reflect the cost of administering the licensing process. The fee structure was approved by cabinet in October 2013 and is attached at Appendix B.

5.0 CURRENT POSITION

5.1 From December 2013, the Housing Strategy and Standards team prioritised raising awareness of the scheme to ensure effective and early compliance. This has included the development of a new landlord handbook (Appendix C) which details the requirements of the scheme; and the introduction of a new system for managing renewals to ensure that existing licence holders renew their licences in a timely manner.

5.2 As the new Scheme includes converted buildings in addition to 3 or 4 let houses, the team has been working proactively with the landlords and in some cases tenants (where there is no freeholder) of converted buildings to ensure that they are licensed. This has included focusing on converted buildings in Pentre, Aberdare, Porth, Pontypridd, Tylorstown and Ynyshir. In some cases this has required significant investigation to identify the appropriate licence holder and support in order to get to a position where the licence application can be made and also to improve the standard of these buildings.

5.3 Overall there has been a good level of compliance with the Scheme to date. Since April 2014, 100 licence applications have been received by the team.

5.1 Key performance information

- There are 790 known HMOs in the borough that are potentially subject to licensing (1st April 2014).
- 487 HMOs that were licensed under the previous scheme where the licence had not yet expired were pass-ported onto the new scheme on the 1st April 2014.
- Since 1st April, 79 licenses have been issued under the new HMO licensing Scheme.

- To date 62% of licensable HMOs have been issued with a licence. The end of year target contained in the Council's WPI Plan is 60%.
- 177 licences are currently being processed and will be issued shortly.
- There are 32 HMOs where an application for a licence has not yet been submitted by the landlord to the Council and where prosecution is being considered.
- There are 81 HMOs that are currently 'under review'. Work is being proactively undertaken by the team in relation to these properties to establish the nature of the property and to encourage the landlords compliance with the scheme where appropriate.
- 15 HMOs that are 3 lets are currently licensed.
- 476 HMOs that are 4 lets and above are currently licensed
- Since April 2014 73 HMOs were found to be non compliant in terms of required standards at the point of application. Under the new Policy, if landlords delay in undertaking work required in order for the licence to be issued, this period of time is deducted from the length of the licence that they are issued with e.g they are issued with less than a 5 year licence
- The average time take to issue a licence from receipt of application is 167 days. However, a third of all licences issued were issued in less than 100 days.
- The income received from HMO licensing from 1st April to 31st August 2014 is £70,576.

6.0 FUTURE PRIORITIES

6.1 Effective and proactive enforcement

- 6.1.1 It is recognised that effective enforcement of the Scheme is critical to its success. As such, from October 2014 a programme of regular inspections will begin for licensed HMOs. The frequency of inspection will be based on the size and occupancy of the HMO and associated risk rating. To this end, high risk, larger HMOs will be inspected more frequently than other HMOs.
- 6.1.2 It is an offence under Section 72 of the Housing Act 2004 if a person having control of, or managing a HMO operates a licensable HMO which is required to be licensed under the Additional or Mandatory Licensing Scheme, but which is

not so licensed. The maximum fine is £20,000. As such, the Council will consider prosecuting those landlords that do not comply with the Scheme.

- 6.1.3 The Housing Strategy and Standards Team will continue to review the status of licensable HMOs or properties that could potentially be HMOs to identify non-compliant landlords and take appropriate action where necessary.

6.2 Information and communication

- 6.2.1 The Housing Strategy and Standards Team will continue to work with and provide information to colleagues in other departments, such as Street Care and organisations such as the University of South Wales and local lettings agents to ensure that landlords are aware of the standards expected in the management of HMOs.
- 6.2.2 Waste disposal in relation to HMOs has been an issue in Treforest during 2014 and particular at the end of the academic year. As such, and in readiness for the start of the new academic term, the Housing Strategy and Standards Team and the Street Care have devised new information sharing procedures and will produce a new leaflet for landlords and students regarding rubbish disposal, recycling and collection to encourage compliance with the Council's procedures and to reduce the effects of this kind of anti-social behaviour in Treforest.

7.0 CONCLUSION

- 7.1 The private rented sector in Rhondda Cynon Taf, and particularly Houses in Multiple Occupation, play an important and increasing role in the local housing market. HMOs are a key form of accommodation for University of South Wales students and other single people who wish to live in shared houses. These groups of individuals can however cause particular problems in localities with high concentrations of HMOs if they are not effectively managed and regulated.
- 7.2 An Implementation Plan was developed by the Service to ensure effective implementation of the scheme and progress to date has ensured key milestones are being met. Since April 2014, the Housing Strategy and Standards Team has been proactively managing the new HMO Additional Licensing Scheme and enforcing compliance with the Scheme where necessary.

APPENDIX A

HMO Licensing Conditions

(Housing Act 2004 Section 67)

These conditions are mandatory and will be imposed by Rhondda Cynon Taff County Borough Council in all houses in multiple occupation (HMO's) that are subject to a licensing scheme within the scope of Part 2 of the Housing Act 2004. The Council may apply others with discretion in appropriate circumstances and the list below should therefore not be regarded as exhaustive.

1. The condition of the property and associated facilities.

- 1.1 The licence holder must not permit the HMO to be occupied by more than the number of persons specified in the licence.
- 1.2 The licence holder must ensure that the HMO has adequate means of escape and other fire precautions in case of fire in line with the Council's adopted standards and the requirements of the Fire and Rescue Service, and or the requirements of the Approved Document B of the Building Regulations currently in force, as applicable.
- 1.3 The licence holder must ensure that the HMO is maintained free from serious disrepair.
- 1.4 The licence holder must ensure that the HMO complies with the Council's adopted space standard.
- 1.5 The licence holder must ensure that adequate space heating is provided and maintained in each unit of living accommodation.
- 1.6 The licence holder must ensure that adequate amenities, facilities and equipment are provided and maintained in good order in the HMO for the use of the occupants at all times. This shall include satisfactory facilities for the storage, preparation and cooking of food including an adequate number of sinks with a suitable and sufficient supply of hot and cold water, in line with the Council's adopted amenity standards. It shall also include the provision of an adequate number of suitably located water closets, an adequate number of suitably located fixed baths or showers and wash hand basins, each of which is provided with a suitable and sufficient supply of hot and cold water and properly connected to the drainage system.
- 1.7 The licence holder must ensure that the internal common parts, staircases and other communal areas are maintained in good order and that they are so far as practicable in a clean and tidy condition.
- 1.8 If gas is provided to the house, with reference to the gas appliance, boilers and flues (the 'gas appliances etc.'):
 - I. The licence holder must ensure that at all times the gas appliances etc. provided as part of the tenancy are in a safe condition.

- II. A certificate from a CORGI registered engineer concerning the condition of the gas appliances etc. shall be provided to the Council with each application for a licence. A copy of this certificate must also be provided to each tenant upon the start of a tenancy agreement and annually thereafter.
 - III. On each occasion that the gas appliances etc. are altered in any way, the licence holder must produce to the Council a further certificate from a CORGI registered engineer concerning the condition of the gas appliances etc.
 - IV. The licence holder must produce to the Council annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.
- 1.9 The licence holder must keep electrical appliances and furniture made available by him in the house in a safe condition. In particular, the licence holder must ensure that all upholstered furniture and furnishing provided as part of the tenancy comply with the standards required in the Furniture and Furnishings (Fire Safety) Regulations 1988 as amended and any other statutory instrument or other enactment which may, after the date of licensing, directly or indirectly replace them, with or without amendment. On demand, the licence holder must supply the council with a declaration by him as to the safety of these appliances and furniture.
- 1.10 With reference to the electrical installations in the house: -
- I. The licence holder must ensure that all lighting to the common parts is sustained in good working order.
 - II. The licence holder must ensure that at all times the electrical wiring to the lighting and power circuits, and the circuits to the fire alarm and emergency lighting systems and all electrical appliances (the 'circuits and/or appliances') provided as part of the tenancy arrangements are in a safe condition.
 - III. Prior to licensing, the licence holder must produce to the Council, a certificate from a qualified electrician confirming the satisfactory condition of the circuits and/or installation.
 - IV. On each occasion that the circuits and/or installation are altered in any way, the licence holder must produce to the Council, a further certificate from a qualified electrician confirming the satisfactory condition of the circuits and/or installation.
 - V. For the purposes of this condition, a 'qualified electrician' means a member of the Electrical Contractors Association (ECA), the National Inspection Council for Electrical Installation and Contracting (NICEIC) or the Institute of Electrical Engineers (MIEE).
- 1.11 With reference to the fire alarm and detection system in the house, the licence holder must: -
- I. In relation to houses of more than 2 storeys, produce to the Council every 5 years, a certificate from a qualified electrician concerning the condition of the electrical wiring and circuits to the system.
 - II. On each occasion that the system and/or installation are altered in any way, the licence holder must produce to the Council, a further certificate from a qualified electrician concerning the condition of the circuits and/or installation.
 - III. Carry out such other steps as necessary to ensure the fire alarm and detection system is maintained in good, operative order. This should include the testing of the alarm system by operating all alarm sounders in the dwelling at least

once every month, annually testing each smoke detector for response to smoke, cleaning of the smoke detectors periodically in accordance with the manufacturer's instruction, or such other measures as may be deemed appropriate to the circumstances.

- IV. Keep a written record of testing and maintenance of the alarm system, for example in the form of a log book. This record must be made available for inspection upon demand.

2. Community and Environmental Matters.

2.1 The licence holder must ensure that all reasonably practicable means are used to ensure that the occupants of (and their visitors to) the property;

- a) refrain from engaging in conduct causing or likely to cause nuisance or annoyance to a person residing, visiting or otherwise engaged in lawful activity in the locality, particularly in the following ways:-

- the playing of amplified (or other) music which is audible in the neighbouring properties or the streets;
- behaviour constituting breach of the peace or contravening the Public Order Act 1986, the Criminal Justice Act 1994 or other relevant enactment;

- b) refrain from using the property or allowing it to be used for illegal purposes or for an arrestable offence committed in the property or the locality;

and to this effect, the licence holder must take steps to ensure the occupants of the property are aware of the conditions imposed by the Council relating to their behaviour and this must be done at the commencement of any tenancy, as a minimum.

2.2 The licence holder must take all reasonable steps to co-operate with the Council over any action or investigation they may undertake in respect of anti-social behaviour arising in connection with the occupiers of (or visitors to) the licensed HMO.

2.3 The licence holder must ensure that the external structures, gardens and yards of the house are maintained in satisfactory repair (including decorative repair), clean condition and good order so as not to be detrimental to the amenity of the locality or neighbourhood. The terms 'structures' includes windows, doors, roof, fascia and soffit boards, rainwater goods and boundary walls, gates and fences.

2.4 The licence holder must ensure that adequate and suitable refuse storage receptacles are provided for the exclusive use of the occupiers of the property.

2.5 The licence holder shall ensure that the occupiers of the house have written notification of the relevant collection and disposal arrangements for refuse arising from the property. The written notification shall include a statement that it is an offence to place refuse for collection on the public highway, public footpath or other designated collection point earlier than 12 hours before the scheduled time of

collection. The licence holder must notify the occupiers of the HMO that they shall not permit litter or refuse to spread from the house onto the street or other land outside the curtilage of the house.

2.6 The licence holder must ensure so far as practicable that the external areas within the curtilage of the property are kept clean, are free of accumulations of waste and are free from rodent infestations.

3. Provision of satisfactory management arrangements

3.1 The licence holder must ensure that the HMO is properly managed at all times. In particular he must ensure compliance with the Management of Houses in Multiple Occupation (Wales) Regulations 2006 and ensure that the property is appropriately managed or supervised for the purpose of ascertaining whether there are contraventions of the management regulations.

3.2 The licence holder must provide all tenants with a written statement of the terms on which they occupy the premises.

3.3 The licence holder must ensure that any persons involved with the management of the HMO are to the best of their knowledge "fit and proper persons" for the purposes of the Housing Act 2004.

3.4 The licence holder must ensure that there are adequate arrangements in place for dealing with emergency occurrences at or in connection with the property and must take suitable steps to ensure that all occupiers of the property are aware of the arrangements.

3.5 The licence holder must display in a prominent position in the house the following information: -

- I. A copy of the licence currently in force in respect of the property.
- II. The name, address and contact number of the licence holder and manager if different, and nominated agent if applicable.
- III. Details of contact arrangements in case of an emergency in respect of the property.
- IV. A copy of a valid test certificate for the fire detection, warning and emergency lighting system.
- V. A copy of a valid test certificate for all gas appliances etc (if any).

APPENDIX B: Fees and ChargesApplicable from the 1st April 2014

Application Fees	Small HMOs (3 units or bedrooms)	Smaller HMOs (4-5 units or bedrooms)	Larger HMOs (6+ units or bedrooms)	Guidance
Initial Application	Early bird fee of £650 if received within 2 months of start of Scheme £850 thereafter	£850	£50 extra per bedroom/ unit to a maximum of £1500	For example, for 8 bedrooms/units the fee will be £1000
Renewal Application made at least 2 months before the expiration of an existing licence	£650	£650	£50 extra per bedroom/ unit to a maximum of £1300	
Renewal Application made after expiration of an existing licence	£850	£850	£50 extra per bedroom/ unit to a maximum of £1500	
HMO Licence variation	£30	£30	£30	
Change of licence holder or manager during licensing process	£30	£30	£30	

APPENDIX C: Landlord Handbook



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Licensing of Houses in Multiple Occupation (HMO)

Landlord Handbook

2014

What is Additional Licensing?

From 1st April 2014 there are two types of HMO that are required to be licensed in RCT.

Under the UK wide Mandatory Licensing Scheme, HMOs that are 3 storeys or more and occupied by 5 or more persons living in 2 or more households are required to be licensed. The Mandatory Scheme came into force on 1st June 2006.



In addition to those buildings that require a licence under Mandatory Licensing, from the 1st April 2014 **all** HMOs in the borough are required to be licensed under the *Additional Licensing (Houses in Multiple Occupation) Scheme 2014*. This Scheme will operate alongside the Mandatory Licensing scheme. The same process will be followed and the same penalties will apply for failing to comply with the requirements.

As with the previous Additional Licensing Schemes that operated in RCT and Mandatory licensing, an application will be required for each property, not for each landlord.

Why is the Council introducing the Additional Licensing Scheme?

RCTCBC recognises the contribution that good landlords make to the prosperity of the borough. We are committed to working in partnership with landlords to ensure a good standard of private rented accommodation is available to all tenants.

The Mandatory and Additional Licensing Schemes are not profit making and the fees charged go towards the running costs of the scheme.

The Scheme will help to raise the quality of standards of rental properties in the borough, making it a more attractive and safe place to live, work and study.



What is a HMO?

A HMO is a building or part of a building occupied as a main residence by 3 or more people that form 2 or more households

As such a HMO can include:

- Buildings containing bedsits and/or non self contained flats, shared houses and hostels ('Section 254 HMOs')
- Buildings converted solely into self contained flats ('Section 257 HMOs')

A household can be a single person, co-habiting couples or a family provided that they are related to each other e.g 1 brother and 1 sister = 1 household. 1 brother, 1 sister and a friend = 2 households

What is a Section 257 HMO?

Section 257 of the Housing Act 2004 relates to a 'converted block of flats' which is a building (or part of a building) which has been converted into, and consists of, self-contained flats. Buildings of this description are HMOs if:

- The conversion work was not done in accordance with the 'appropriate building standards', and

- Less than two thirds of the self contained flats are owner occupied.

'Appropriate building standards' usually means the 1991 Building Regulations or whichever later Building Regulations applied at the time that the work was done.

For further information please see the Housing Act 2004, schedule 14 or refer to Flow Chart on page 5.

If your property is not a HMO, it will not need a licence. Contact the Housing Strategy and Standards Team if you are unsure if your property is an HMO.



Exemptions to the Additional Licensing Scheme

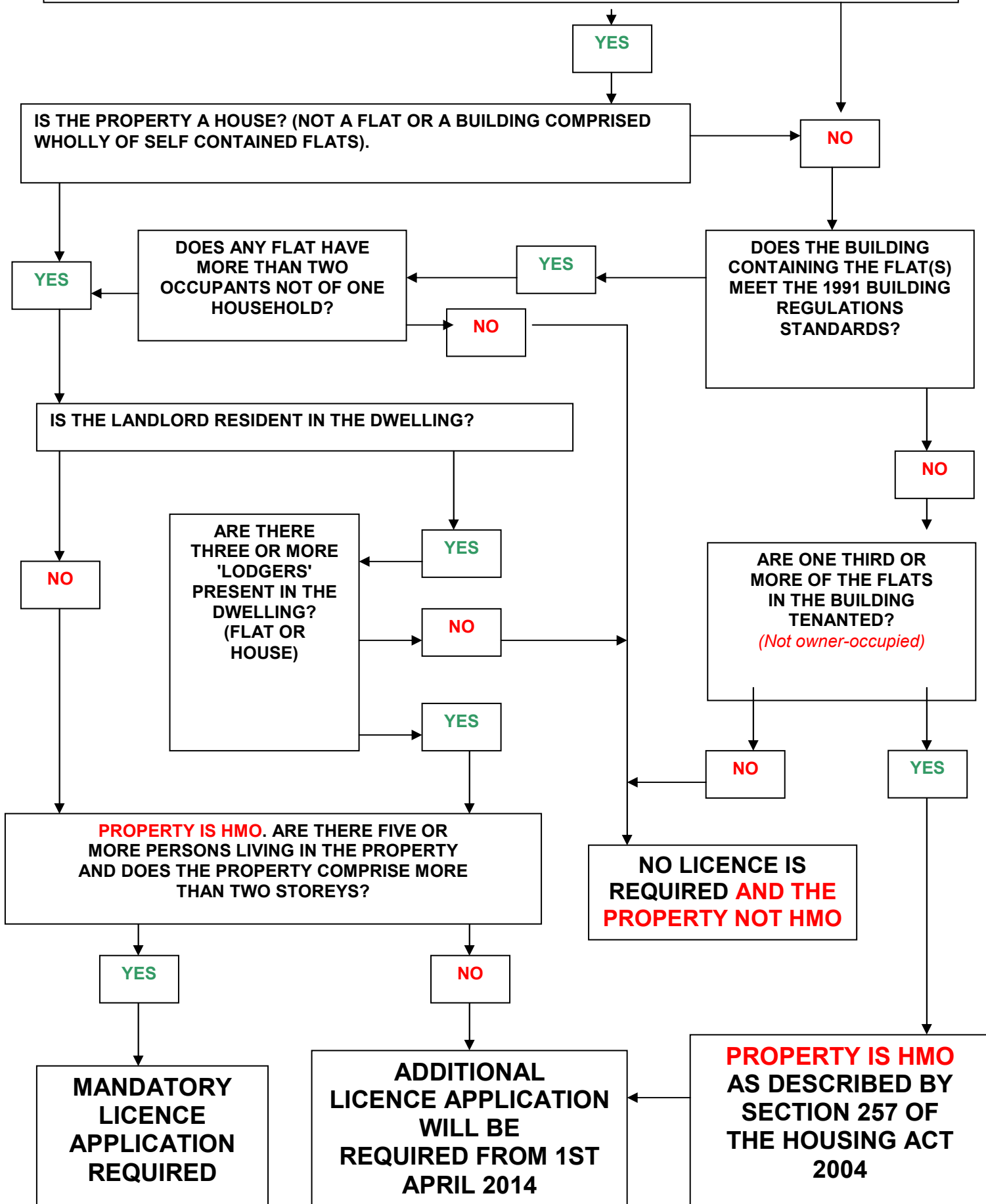
Certain buildings are exempt from HMO legislation:

- buildings managed by a local council, housing association, police, fire or health authority
- Registered care homes
- Halls of Residence that are managed by the University
- Buildings occupied by religious communities
- Buildings predominantly owner occupied, including resident landlords where the owner occupier occupies the building (or flat) with no more than two other persons (lodgers)
- Buildings occupied by only two persons who do not form a single household.

In addition to the exemptions above, if your property is a HMO, but you intend to take particular steps to ensure that the property is no longer required to be licensed you can apply to the Council for a 'temporary exemption' for a certain period of time.

Is my property a HMO?

START HERE : ARE THERE THREE OR MORE PERSONS OF MORE THAN ONE HOUSEHOLD LIVING AT THE PROPERTY (OR FLAT) AS A MAIN OR ONLY PLACE OF RESIDENCE?



My property is a HMO. When will I need to apply for a licence under the new scheme?

The additional licensing designation comes into effect on the 1st April 2014.

Please visit www.rctcbc.gov.uk/en/informationfor/landlords.aspx to download an application form or contact the Housing Strategy and Standards Team on 01443 425678.

Whether you will need to apply for a licence and at what stage will depend on whether your property has been previously licensed under either the 2009 Additional Licensing Scheme or the Mandatory Licensing Scheme, or whether it is a newly licensable HMO. Please see the 'frequently asked questions' below for further guidance.

I have a 5 year licence that expires after 31st March 2014 e.g my licence was issued for 5 years from 1st September 2013. Do I need to do anything?

No, you do not need to do anything. The RCTCBC Additional Licensing Scheme 2009 was revoked on the 31st March 2014. All licences issued under this scheme that remained in force at 31st March 2014 have been automatically transferred to the new scheme and will remain valid until they expire or are otherwise revoked by the Council or are surrendered. There is no requirement to re-apply to the Council for a new licence or pay a further fee. However, landlords must apply for a new licence before their existing licence expires. The Council will endeavour to notify landlords in advance.

My property was not licensable under the 2009 scheme and now needs to be licensed under the 2014 scheme e.g the property is a house that is let to 3 tenants forming 2 or more households. When should I apply for a licence?

The new Scheme came into force on the 1st April 2014. You should apply for a license straight away if you are operating a building as a HMO, but it is not currently licensed.

I have a HMO that I let to 4 tenants who form 3 households. My existing licence has expired. Do I need to apply for a new licence?

If you are operating your property as a HMO you will need to apply for a licence. Discounts are available for licence applications that are received before an existing licence has expired.

Who should apply for the licence and how does it work?

It is the responsibility of the person in control of the property (usually the owner and/or manager) to apply for a HMO licence

- The licence is granted to the proposed licence holder and relates to a specific property
- A separate licence will be needed for every property that the scheme applies to, even if the owner/licence holder will be the same person
- Licences are not transferable, so if for example, a licensed property is sold, the new owner will need to apply for a licence.

A licence is granted based on the Council considering the following:

- Are the proposed licence holder and manager deemed 'fit and proper persons'?
- Are the arrangements for managing the property satisfactory?
- Does the HMO comply with the Council's HMO Licensing Conditions and Standards?
- Is the property suitable for the number of persons requested?



Varying a licence

If any of the information relating to the existing licence/ licence holder or manager changes during the time that the licence is granted for, then you will need to apply to vary the licence. This would include changes such as names and addresses or number of occupants.

Refusing a licence

Licences can be refused. If the Council refuses a licence the reasons will be clear in the documents sent to the licence holder. There are provisions in the legislation to appeal this.

Revoking the licence

Licences can be revoked. If the Council revokes a licence the reasons will be clear in the documents sent to the licence holder. There are provisions in the legislation to appeal this.

What is the licensing procedure?

1. When the application for a licence is submitted to the Council, we will check the application form to ensure that it is correctly (duly) made and that it has all of the necessary documents to support it. A fee must be paid to the Council for a licence and must accompany the application form. Information is provided at the end of this handbook to enable you to calculate the fee you must pay.
2. Once it is determined that the application is duly made, the fee will be banked and this means that you have fulfilled your responsibility to submit an application.
3. You will receive an acknowledgement letter from the Housing Strategy and Standards Team and your application will be passed to an officer for further processing.
4. You will be notified of an appointment for officers from the Council to visit your property to carry out an inspection of the property. The length of time between the application and inspection will depend on the number of applications received at the time of your application.
5. An inspection of your HMO will be carried out to ensure it complies with the relevant Council standards and requirements for HMO licensing.
6. The officer will determine whether the property is suitable and for the maximum number of occupants, that both the licence holder and manager is a fit and proper person and also that there are satisfactory management arrangements in place.
7. The application will then be processed and documents issued.

How long will Additional Licensing last and how long will my licence be granted for?

The Additional Licensing Scheme will last for 5 years and licences will be issued right up until the end of the scheme in 2019.

A licence will normally be granted for a maximum of 5 years, however, if the Council has specific concerns in relation to the HMO itself or the management of it, we may decide to issue a licence for a reduced period, for example 2 years. If a landlord unreasonably delays the application process e.g. takes longer than is reasonable to undertake required work at the property, the licence start date may be backdated to take account of this period.

The licence will specify the maximum number of people who can occupy the HMO.

Copies of licences issued and other information provided in the application form will be retained on a Public Register by the Council

What will happen if I don't apply for a licence?

It is an offence under Section 72 of the Housing act 2004 if a person having control of, or managing a HMO operates a licensable HMO which is required to be licensed under the Additional or Mandatory Licensing Scheme, but which is not so licensed. The maximum fine is £20,000.

Under certain circumstances, a tenant living in a HMO that should have been licensed may be able to apply for a Rent Repayment Order to recover the rent they paid during the unlicensed period. The Council is also able to claim back Housing Benefit payments made in relation to unlicensed HMOs.

Tenants living in a property that should have been licensed, but was not cannot be evicted by serving a Section 21, Housing Act 1988 Notice until such time as the HMO is licensed.



What licence conditions and standards will apply and what happens if I don't comply with them?

Information about licence conditions and standards that will apply can be found in the 'Guide to standards in HMOs' Handbook or on the Council's website at www.rctcbc.gov.uk/en/informationfor/landlords.aspx

If you fail to comply with licence conditions you run the risk of prosecution and a possible fine of up to £5,000 per condition. It may also affect your 'fit and proper person' status and your licence(s) could be revoked.

Fees and discounts

1. Fees applicable from 1st April 2014

Application Fees	Small HMOs (3 units/bedrooms)	Smaller HMOs (4-5 units/bed rooms)	Larger HMOs (6+ units/bed rooms)	Guidance
Initial Application	£850	£850	£50 extra per bedroom/unit to a maximum of £1500	For example, for 8 bedrooms/units the fee will be £1000
Renewal Application made before the expiration of an existing licence	£650	£650	£50 extra per bedroom/unit to a maximum of £1300	
Renewal Application made after expiration of an existing licence	£850	£850	£50 extra per bedroom/unit to a maximum of £1500	
HMO Licence variation	No fee	No fee	No fee	
Applicant decides to withdraw application	Cancellation fee will be calculated at time based on work undertaken on application to date.			

2. Discounts available

The Manager or proposed licence holder is an accredited landlord	10% off of application fee (utilising applicable fee e.g either £650 or £850)	Discount off total fees payable per property.
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What is landlord accreditation?

The Landlord Accreditation Wales (LAW) Scheme is a national scheme. It recognises good landlords and works by accrediting the landlord, not the property, therefore identifying the participants as competent and professional in their dealings with their properties and tenants, and with the skills necessary to run a successful business.

As an organisation LAW supports landlords with information and guidance on changes in legislation as well as sharing best practice.

The scheme is run through a partnership of the 22 Local Authorities in Wales and is administered by Cardiff Council on behalf of the partnership.

How to apply

Any individual, partnership, limited company or agent can be accredited; including people thinking about becoming a landlord who do not own property at present.

There is no fee associated with becoming accredited. However there is a charge to cover the cost of the development course, which you must attend to be part of the scheme. Accreditation lasts for five years.

The course costs £75.00 if booked on-line or £90.00 for paper applicants.

You can apply on line at www.welshlandlords.org.uk or

Tel: 029 2087 1815

Landlord Accreditation Wales
c/o Private Sector Housing
Cardiff Council
City Hall
Cardiff
CF10 3ND
info@welshlandlords.org.uk

Benefits of being accredited

In addition to being eligible for a 10% discount on the licensing fee, there are other benefits of becoming an accredited landlord such as you will be able to use the LAW logo in adverts and letterheads to promote yourself providing public recognition that you are a reputable landlord. The LAW website also contains a property database allowing tenants to search for Accredited Landlords and the properties they let. As an accredited landlord you will not only have access to training and best practice guidance but also to a range of specially discounted services which have been negotiated for you by LAW.

Further information and advice

For further information about HMO licensing and how to apply, please visit:
www.rctcbc.gov.uk/en/informationfor/landlords.aspx

If you require any further assistance please contact the Team directly using the contact details below:

Email: www.publichealthhousing@rctcbc.gov.uk

Tel: 01443 425678

In writing:

The Housing Strategy and Standards Team
Public Health and Protection
Ty Elai
Dinas Isaf East
Williamstown
Tonypandy
CF40 1NY

Other Useful Contact Numbers

Planning (extension, new development)	01443 494700
Building Control (renovation works)	01443 494747
Housing Advice Centre (landlord/tenant relations)	01443 485515
Rent Officer Service (rent levels)	0300 062 8017
University of Glamorgan Accommodation Service	01443 482844
	01443 482040
Housing Benefit (Rents)	01443 425002