



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

21st NOVEMBER 2018

PROPOSAL TO DECLARE A NEW ADDITIONAL LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION IN 2019

REPORT OF THE DIRECTOR OF PUBLIC HEALTH, PROTECTION & COMMUNITY SERVICES IN DISCUSSION WITH THE RELEVANT PORTFOLIO HOLDER, COUNCILLOR RHYS LEWIS.

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1. PURPOSE OF THE REPORT

- 1.1 To report to Cabinet on the effectiveness of the 2014 Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) and propose the Council declare a New Additional Licensing Scheme for HMOs from April 2019, in accordance with the provisions of the Housing Act 2004.

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Note the findings of the Evaluation of the 2014 Additional HMO Licensing Scheme in Rhondda Cynon Taf.
- 2.2 Note the feedback from the Health and Well-being Scrutiny Committee held on 9th October 2018 and the actions taken in response, as detailed in paragraph 5.2 and 5.5.
- 2.3 Approve the declaration of a New Additional Licensing Scheme for HMOs in Rhondda Cynon Taf, to come into force when the current scheme ends on the 31st March 2019 and instruct officers to make the necessary arrangements in accordance with the provisions of the Housing Act 2004.
- 2.4 Subject to recommendation 2.3 above, to approve the continued inclusion of all types of HMO within the scope of the new Scheme.
- 2.5 Subject to recommendation 2.4 above, approve the standard licensing conditions to be placed on all HMO licences granted by the Council under both the Mandatory Licensing Scheme, and the new Additional Licensing Scheme from April 2019 (in addition to any bespoke conditions relevant to individual licences).
- 2.6 Instruct the Director of Public Health, Protection and Community Services to develop a specific Strategy to promote and improve the Private Rented Housing Sector in RCT, for future consideration by Cabinet.

3. BACKGROUND

- 3.1 As of May 2018, there were an estimated 14,353 private rented properties across Rhondda Cynon Taf, accounting for approximately 13.35% of the housing stock. Of these 633 were licensed as houses in multiple occupation, which represents 4.4% of the private rented sector (PRS) and the majority of these properties are in the Treforest Ward.
- 3.2 Historically, HMOs in RCT have been the domain of students, however the impact of welfare reform and changes to Housing Benefit has made the scale and nature of the PRS in RCT difficult to predict. Demand for student accommodation has declined in Treforest and landlords have diversified in order to ensure their properties are occupied. Trends have shown an increased reliance on the PRS as people's housing choices are limited by the availability of housing benefit and demand for smaller accommodation including shared housing is increasing. For people who are priced out of owning their own home and who are unlikely to be able to access social housing, the PRS is often the only viable housing option available and for this reason HMOs can house some of the most vulnerable people in our communities. HMOs in are also now seen as a housing choice by young professionals, new to the employment market.
- 3.3 HMOs have been subject to proactive regulation in RCT for the last 16 years. Between 2002 and 2006 the Council operated a successful Borough wide Special Control Registration Scheme for HMOs. The Housing Act 2004 ('the Act') came into force in Wales in June 2006 and introduced powers for local authorities to regulate standards in the private rented housing sector. In particular, the Act introduced the requirement for local authorities to licence certain types of HMO, namely those of 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 Since 2006, the Council has operated successive Additional Licensing Schemes, the most recent Scheme of which was introduced in 2014 and regulates all types of HMO including small 2 storey properties with three people living as two households and certain buildings converted to flats to pre 1991 Building Regulations standards. Large HMOs i.e. those that are 3 storeys or above with 5 or more tenants, that comprise 2 or more households have continually been regulated through the Mandatory Licensing Scheme. The purpose of implementing the 2014 scheme in particular was both to protect the safety of tenants living in HMOs and also to minimise the impact of shared housing on the character and amenity of the surrounding area. Hence conditions are included to require that landlords maintain boundaries, gardens and walls and take reasonable steps to reduce anti-social behaviour by persons living in HMOs.
- 3.5 Any Additional Licensing Scheme for HMOs declared by a Local Authority must only last for 5 years. Any decision on whether a further Additional Licensing scheme is required must be based on evidence of the need for such a scheme. In April 2007, the Welsh Assembly Government issued guidance to local authorities, indicating that they may implement Additional Licensing Schemes without obtaining Approval, providing

they can satisfy the requirements of the legislation with regard to evidence of need, consultation with interested parties and implementation. In particular, the Council must be satisfied that a significant proportion of the HMOs to be included in the Scheme are being managed ineffectively so as to give rise, or likely to give rise, to problems either for those occupying the HMO or for other residents.

4. EVALUATION OF THE 2014 ADDITIONAL LICENSING SCHEME

4.1 A full evaluation of the HMO Licensing Schemes (Additional and Mandatory), since 2014, has been undertaken by the Housing Strategy Team and the full report is included as Appendix 1.

4.2 The key findings of that evaluation are as follows:

- There are currently 633 licensed HMOs in RCT, although the potential number is higher at approximately 688 due to vacancies and under-occupation. The transient nature of occupation of HMOs requires ongoing enforcement and investigation to maintain compliance with the Scheme.
- 97% of properties subject to an application for a HMO licence were found to be non-compliant with the legal requirements. This is in spite of a significant number of applications being in respect of properties previously subject to licensing.
- Inspections undertaken after a licence has been granted show that only 40% maintained those legal standards, resulting in enforcement action to improve ongoing maintenance and condition of properties was necessary. Deficiencies were predominantly identified in relation to substandard fire precautions, poor external appearance, damp and disrepair.
- 796 significant hazards have been removed from 346 licensed HMOs as a direct result of the licensing regime.
- Anti social behaviour reports in the Treforest Ward have remained largely constant for the last 5 years although some changes in recording procedures by the Police may have impacted on the data and mean there has been a reduction in reality.
- The Property Accreditation Scheme launched in the Treforest Ward of RCT has had a positive impact on how tenants make informed choices about the property they want to live in. The Accreditation Scheme is however voluntary and open to any property in the PRS, is not therefore a substitute for regulation of the HMO sector.

5 CONSULTATION

5.1 In accordance with the legal requirement, a public consultation was undertaken between 6th August 2018 and the 15th September 2018, a period of 6 weeks. The consultation was as follows:

- On line via the Council website
- Social Media using Facebook and Twitter
- Door to door survey in Treforest
- Targeted e-mailings to landlords, letting agents and other stakeholders
- Targeted engagement with the Local Councillor, Treforest Residents Association and Treforest PACT

5.2 The Evaluation of the 2014 Licensing Scheme was subject to scrutiny by the Health and Wellbeing Scrutiny Committee on the 9th October 2018. At that meeting, the local member for Treforest expressed his views on the need for continued regulation of HMOs and highlighted the adverse impact on his ward from high concentrations of HMOs and poor housing standards. As a result of the examination of the Consultation undertaken, the Committee requested that a further consultation was undertaken targeting students at the University of South Wales and this was done in the week commencing 15th October 2018 and comprised face to face surveys done on the University Campus. This was to ensure a more representative sample of student and student tenant views was taken into consideration given the original consultation took place during the University holiday period.

5.3 The revised, full Consultation feedback report is produced as Appendix 2. The key findings were as follows:

- 192 responses were received to the consultation. The majority of these (65%) identified Treforest as their place of residence.
- 41% of respondents were owner occupiers, 10% were landlords, 11% were tenants and 33% were students.
- 39% of respondents had concerns about HMOs in their area, with 51% saying anti social behaviour was the main cause for concern, followed by 23% saying it was disrepair.
- 68% of respondents believed HMO licensing can improve the quality and appearance of HMOs.
- 69% of respondents believed HMO licensing can improve the safety and security of HMOs.
- 54% of respondents believed HMO licensing can be an effective way of preventing anti social behaviour, with a further 67% believing it can improve the management of HMOs.
- 71% of respondents said they want to see the Additional Licensing Scheme continue. Only 8% of respondents said they did not want it to continue.

5.4 Many respondents provided comments to illustrate their opinion and these are reproduced in full in the Report in Appendix 2. Key comments by respondent type can be summarised as follows:

- Landlords: HMO licensing is an unnecessary tax on their properties; concerns that the Scheme only captures “good landlords” and others go unregulated; comments that licensing is the wrong approach and unbalances the housing market thus driving property prices up.

- Students & tenants: wish to see increased controls especially in relation to anti social behaviour and to address poor management; a desire for higher quality HMOs.
- Owner Occupiers: need to address refuse problems; need to do more to make landlords and tenants look after properties; absent landlords are a problem; pressure on parking in Treforest; unsavoury tenants and anti social behaviour is an issue; too many HMOs and not enough affordable housing; need to protect tenants from unscrupulous landlords.

5.5 All HMO Licences granted by the Council include a set of minimum conditions which the landlord and or managing agent must adhere to, in addition to any specific conditions applied by the Council in respect of a particular property or landlord. The 2014 Scheme standard licence conditions were subject to scrutiny by the Health and Wellbeing Scrutiny Committee on the 9th October 2018. The Committee made a number of recommendations in order to strengthen the conditions attached to HMO licences in the County Borough as part of any new Scheme going forward. The proposed Licence Conditions for any new Scheme declared are outlined in Appendix 3 and the main changes can be summarised as follows:

- Ensure controls cover anti social behaviour from visitors as well as tenants.
- Require landlords and agents to notify the Council of any material change in circumstances.
- Require written statement of terms for all tenants.
- Require prescribed information to be provided to tenants about waste disposal arrangements, fire escape procedures and fire alarm activations.
- Require written emergency contact details for the landlord and agent to be given to all tenants.
- Require fixed Carbon Monoxide detectors in habitable rooms with solid fuel or gas appliances.
- Minimum of 'E' energy rating for the property, in line with new legal standards;
- Where installed, require the regular maintenance of fire sprinkler systems, in line with new Building Regulation Requirements.

6 FINANCIAL IMPLICATION(S)

6.1 The Housing Act 2004 allows local authorities to wholly recover the cost of licensing schemes from application and other associated fees. The basis of the fees charged can include the administration of the application, inspection of the property and associated enforcement actions, and wider enforcement and regulation during the period of the licence. If a new Scheme is approved, the fees to be associated with the Additional HMO Licensing Scheme will be fully reviewed prior to any formal declaration for the Scheme to ensure they are appropriate, justifiable and proportionate. The review will ensure the ongoing costs of enforcement and regulation of the scheme, as evidenced from the evaluation of the 2014 scheme, are fully recovered via the fees charged. The new fee structure will also have due regard to recent case law relating to licensing fees charged by local authorities. Subject to any decision to declare a new additional licensing scheme, the outcome of the fees review will be reported to Cabinet in a future report.

7 EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 An equality impact assessment screening form has been completed relating to the introduction of the proposed Policy and has shown no adverse affects on those groups with protected characteristics as defined under the Equality Act 2010. Consequently a full Equality Impact Assessment is not required.

8 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 Section 56 of the Housing Act 2004 states:

- (1) A Local Housing Authority may designate either-*
(a) the area of their district, or
(b) an area of their district,

as subject to additional licensing in relation to a description of HMOs specified in the designation, if the requirements of this section are met.

- (2) The 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 be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public.*

- (3) Before making such a designation the authority must-*

- (a) take reasonable steps to consult persons who are likely to be affected by the designation; and*
(b) consider any representations made in accordance with the consultation and not withdrawn.

- (4) The power to make a designation under this section may be exercised in such a way that this Part applies to all HMOs in the area in question.*

- 8.2 In exercising its power under Section 56, the Local Housing Authority must also have regard to Section 57, which states:

- (2) The authority must ensure that any exercise of the power is consistent with the authority's overall housing strategy.*

- (3) The authority must also seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector, both-*

- (a) as regards combining licensing under this Part with other courses of action available to them, and*
(b) as regards combining such licensing with measures taken by other persons.

- (4) The authority must not made a particular designation under section 56 unless-*

(a) they have considered whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question, and

(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).

8.3 Should the recommendation to declare a new Additional Licensing Scheme be supported, it can be concluded that the local authority has satisfied the requirements of the Housing Act 2004 (above) as follows:

- The exercise of the power is in accordance with the Council's Housing Strategy and the Council's Strategic Objectives, in particular Rhondda Cynon Taf's Single Integrated Plan '*Delivering Change*' and the 'Place' Priority of the Council which is to "*create neighbourhoods where people are proud to work and live*".
- Reasonable steps have been taken to consult persons likely to be affected by the designation through a public consultation process.
- It is considered that making the designation will significantly assist the Council to deal with problems associated with HMOs in conjunction with other courses of action such as those identified in the Community Safety Delivery Plan 2018-2021, the Empty Property Strategy 2018-2020 and the Homelessness Strategy being developed. The combination of strategic approaches will ensure that the risks, opportunities and challenges associated with shared housing continue to be appropriately managed. The development of a specific strategy to capture all of the work being done to improve and promote the private rented housing sector in RCT will further enhance the viability of this sector as a sustainable and desirable housing option for residents.

9 LINKS TO THE CORPORATE AND NATIONAL PRIORITIES AND THE WELL-BEING OF FUTURE GENERATIONS ACT

9.1 The private rented sector, including HMOs, has an important part in the housing market in RCT and makes a valuable contribution to maintaining the affordable housing supply chain, offering a viable choice of housing for many people. A safe and secure HMO sector is important to the Place priority of the Single Integrated Plan which aims to ensure that in RCT we "*create neighbourhoods where people are proud to work and live*". It also supports the People priority, whereby for many people, particularly young adults, a home in a HMO enables them to maintain independent and positive lives.

9.2 The declaration of a new Additional Licensing Scheme for HMOs demonstrates a long term commitment to improving and maintaining sustainable shared housing provision in RCT while ensuring a proactive, preventative approach to dealing with poor housing conditions and poor management. The development of a holistic Private Rented Housing Sector strategy will enhance the integrated approach already taken to improving the sector and ensure the actions from other relevant strategies in relation to Community Safety, Empty Properties and Homelessness, which affect this area of the housing market are taken forward collaboratively. The consultation undertaken

demonstrates the involvement of residents, landlords and tenants and shows the majority of respondents support the ongoing regulation of all houses in multiple occupation. This proposal is therefore made in full consideration of the sustainable development principles. The proposals will also support the Council to contribute to three of the seven well-being goals, namely:

1. A healthier Wales
2. A prosperous Wales
3. A Wales of cohesive communities

10 CONCLUSION

- 10.1 HMOs are a necessary housing option and form an important part of the housing market of RCT. The evaluation of the 2014 Additional Licensing Scheme shows the positive impact that the licensing regime has had on HMO standards, however there is clear evidence of the need for ongoing regulation of the sector to protect tenants from poor housing standards and to protect communities from the adverse impact of poorly managed HMOs. The feedback from the public consultation provides additional evidence of the impact of HMOs on our communities, in particular Treforest, and demonstrates there is significant support for the declaration of a new Scheme. Having regard to the legal tests set out in the Housing Act 2004, the evidence satisfies the legal requirements and the proposal is proportionate and justifiable.

LOCAL GOVERNMENT ACT 1972
AS AMENDED BY
THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
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RHYS LEWIS**

Background Papers:

Health and Wellbeing Scrutiny – [9th October 2018](#)

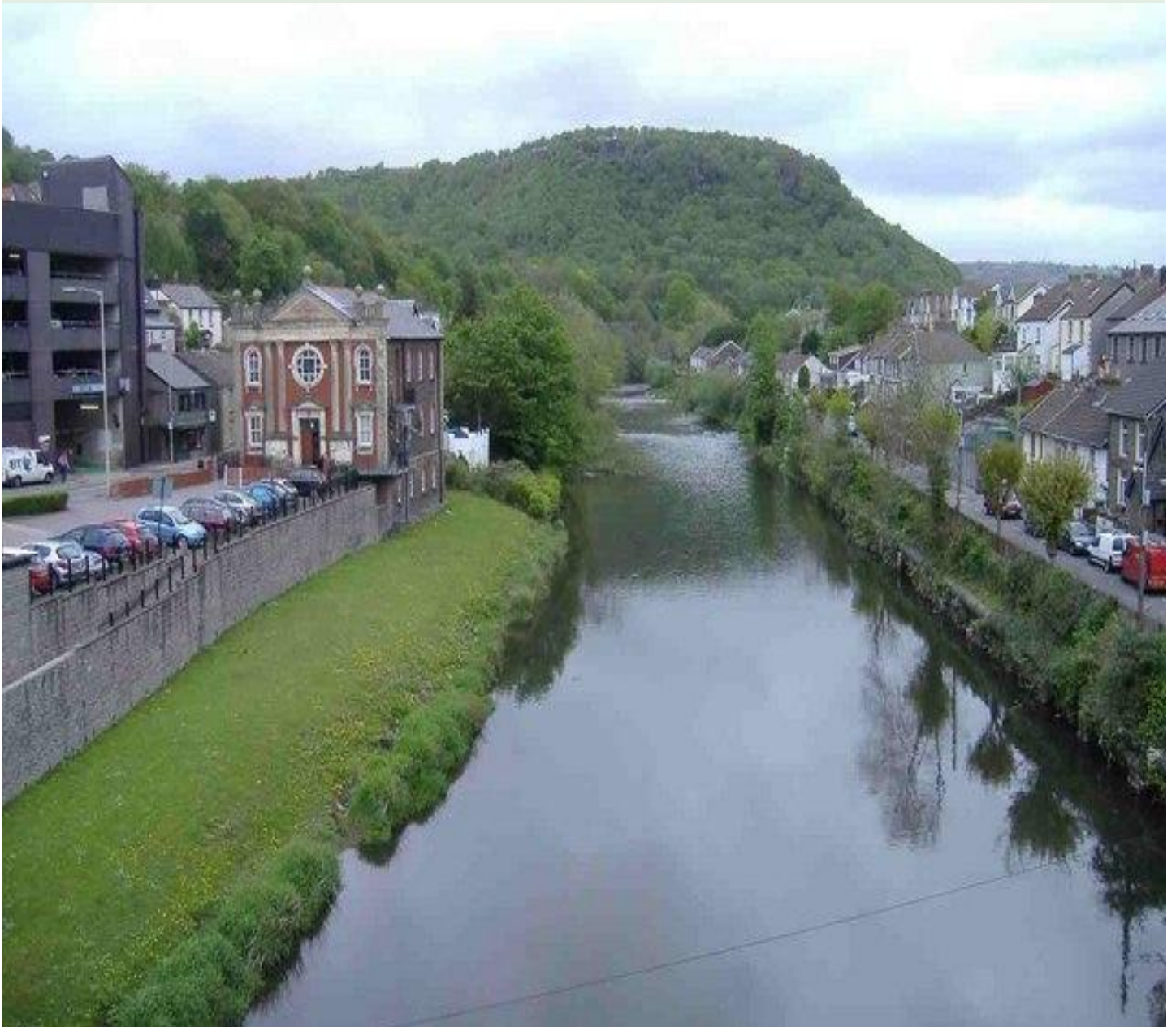
Officer to contact: Louise Davies, Head of Public Protection, 01443 425385

Rhondda Cynon Taf

Houses of Multiple Occupation

Additional Licence Scheme

**Review and Recommendations
2018**



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1. Purpose of Report

- 1.1 On the 28th October, 2013 Cabinet considered the report “***Licensing of Houses in Multiple Occupation in Rhondda Cynon Taf***” together with the recommendations from the Environmental Services Scrutiny Committee from the 1st of July 2013.
- 1.2 Following this, a new Additional Licensing Scheme (ALS) was agreed which came into effect on 1 April 2014. The ALS extended the scope of HMO licensing to cover rented property with 3 or more occupiers who form 2 or more households regardless of how many storeys the property has. It also included converted buildings.
- 1.3 The Scheme was approved to run for a period of 5 years, and is due to expire on 31st March 2019. The Council are obliged to undertake a review of the Scheme to evaluate its impact and recommend whether an Additional Licensing scheme is still required; and if so, whether any changes are required in line with good practice, legislation and the findings of the evaluation

1.4 The purpose of this report is:

To evaluate the existing scheme to determine the extent to which it has achieved the outcomes and impact intended when the scheme was introduced in 2014.

- To evaluate the possible effect on the housing market and housing standards in shared housing in RCT if the scheme is not continued after 2019
- To make recommendations on any changes or improvements that could be made to the existing scheme if it were to be continued.

2. The Private Rented Sector in Rhondda Cynon Taf

- 2.1 As of May 2018 there were an estimated 14,353 private rented properties in Rhondda Cynon Taf which represented approximately 13.35% of the housing stock, of these 3.86% are houses in multiple occupation. The private rented sector is increasingly relied upon to provide a wide range of housing options within the borough not readily available through the owner occupied and social housing sectors
- 2.2 Historically HMOs in RCT have been the domain of students and this associated demand has seen the highest concentrations developed in areas adjacent to the University of South Wales, predominantly the Treforest ward.
- 2.3 Since 2009 and the phased implementation of welfare benefit reforms, there has been a growing demand for affordable accommodation options for single person households restricted to the cost of a room in a shared house. Conversely, reductions in student numbers has been instrumental in a significant change in the use of HMOs in the Treforest ward and HMO landlords have had to adapt to this change in the market to negate the inability to let their properties and are therefore turning to the non-student single person demand accordingly.

3. Mandatory and Additional Licensing

- 3.1 Under the UK wide Mandatory Licensing Scheme (Housing Act 2004), 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 UK Mandatory Licensing Scheme came into force on 1st June 2006.
- 3.2 The Housing Act 2004 also gave local housing authorities discretion to specify that landlords of some other or all Houses in Multiple Occupation

(HMOs) must apply for a licence if they want to let to tenants. This is called Additional Licensing.

3.3 HMOs have been subject to proactive regulation in Rhondda Cynon Taf for the last 16 years. Between 2002 and 2006 the Council operated a 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. Since 2006, there has been some form of Additional Licensing scheme in operation in RCT in addition to the Mandatory Licensing Scheme.

3.4 Types of HMO that are included in the current Additional Licence Scheme 2014

The RCTCBC Additional Licensing scheme covers the following HMOs:

- 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 (i.e. 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.

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.

Large HMOs i.e. 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.

- 3.5 The RCT Additional licensing scheme serves a dual purpose, both to protect the safety of tenants living in HMOs and also to minimise the impact of shared housing on the character and amenity of the surrounding area. Changes in the market, as currently in operation in Treforest, present a prime example of how the RCT HMO licensing Scheme can be utilised in tandem with other council initiatives to govern, monitor and ensure the quality and standard of both the property and its management. The ALS also serves to mitigate the negative impacts associated with high densities of HMOs and effectively manages the changes in the dynamics of the housing market, that, if left un-checked, could have an adverse impact on the desirability of an area, a rise in anti-social behaviour and a breakdown of social cohesion.
- 3.6 Whilst there are currently 633 licensed HMOs in RCT (Mandatory and Additional), the potential number of HMOs is higher than this at 688. This is because at any one time there are always some properties that the Council has under review either because it suspects they are being used as HMOs but are not licensed, or because they have previously been used as HMOs and whilst not currently, could potentially be again in the future. These properties are described as 'potentially' licensable and are the focus of the Council's enforcement and investigation on an ongoing basis. Once it is established that properties are licensable, then appropriate steps are taken to bring the properties into the licensing regime which can then involve enforcement action.
- 3.7 The number of HMOs currently licensed under both the Mandatory and Additional Licensing Schemes in RCT is detailed in Appendix 1.

4.0 Licence Conditions

- 4.1 Licensing of Houses in Multiple Occupation is dealt with under Part 2 of the Housing Act 2004. The Act also allows local Licensing Authorities to include discretionary conditions which it considers appropriate for regulating the management, use and occupation of the HMO its condition and contents.
- 4.2 The main purpose of licensing conditions is to protect the safety and well-being of tenants living in HMOs in relation to hazards such as fire safety or overcrowding and ensure the properties are effectively managed by persons assessed as being fit and proper.
- 4.3 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 together with the maintenance of properties, gardens and the prevention of anti-social behaviour by tenants. The licence conditions have allowed the Council to intervene early and work more intensively with landlords to help and support them to meet their responsibilities.
- 4.4 For the minority of landlords who wilfully fail to meet the conditions, the Council can use its enforcement powers, including prosecution through the courts, to remedy breaches and address the negative impact caused to both tenants and the community.

5.0 Other HMO Regulations

- 5.1 In addition to the requirements of Part 2 of the Act there are three sets of management regulations which govern the management of HMOs. The

Licensing and Management of Houses in Multiple Occupation (Additional Provision) (Wales) Regulations 2007 regulates self-contained flats (Section 257 HMOs) and The Management of Houses in Multiple Occupation (Wales) Regulations 2006 regulates all other types of HMO (Section 254 HMOs). Both sets of regulations contain broadly similar requirements in respect of keeping the accommodation clean safe and in a good state of repair.

- 5.2 In addition Schedule 3 of The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) Wales Regulations 2006 prescribe standards for deciding the suitability for occupation of an HMO by a particular maximum number of household or persons.

5.3 Housing Health & Safety Rating System

In addition to the requirements of the Management Regulations, HMOs must also comply with the Housing Health and Safety Rating System (HHSRS). HHSRS applies to all housing including HMOs regardless of type or tenure. It involves a risk assessment of the effect of housing conditions on the health of occupiers and an assessment of 29 potential hazards. If Category 1 hazards (i.e. the more serious hazards) are found the Council has a duty to require the owner to take appropriate action. If Category 2 hazards (i.e. less serious hazards) are found the Council may take appropriate action as provided for within its enforcement policies. Councils are required to assess licensable HMOs to ensure that there are no functions under Part 1 of the Act (HHSRS) that ought to be exercised by them. This has to be done within five years of a licence being issued and in practice requires an inspection to be carried out.

6.0 Impact of the HMO Additional Licence Scheme since 2014

- 6.1 Between April 2014 and April 2018 544 licenses have been issued under the Additional Licensing Scheme with an additional 21 properties pending

approval. The table in Appendix 2 shows the type and size of HMOs in RCT that have received a licence under the Additional Licensing Scheme.

6.2 Standard of properties at point of application

At the point of application 527 (97%) of properties were non-compliant with the conditions of the HMO Additional Licence Scheme and required works to achieve a status of compliance.

6.3 Of the total number of applications received under the current Additional Licensing Scheme, 297 were renewal applications, meaning that they had been licensed under the 2009 Additional Licensing Scheme. Of these 79% were non-compliant. The Council has received 7 licensing applications for converted buildings (Section 257 HMOs). These were brought into licensing for the first time in 2014. 100% of these HMOs were non-compliant at the point of application.

6.4 Outcome of inspections and enforcement of the Additional Licensing Scheme

HMOs are inspected by Environmental Health Officers before licenses are issued to ensure that they meet licensing standards and conditions; during the licence period and on renewal. If a property is not at the required standard, landlords are advised of the work required and given a timescale for the work to be completed.

6.5 The percentages of properties that meet licensing standards at the point of application are quite low and the data also indicates that there is a decline in standards in terms of property conditions and management arrangements for new applications being presented to the Council for licensing.

6.6 Over the last two years Environmental Health Officers have been undertaking

proactive inspections of licensed HMOs, usually at around year 2 after licensing. This provides assurance to residents and tenants that HMO standards are maintained for the life of the 5-year license and enables the Council to intervene earlier when issues are identified, rather than waiting for a complaint from tenants or other residents. Annual programmed inspections carried out in academic year 2016/2018 identified that only 255 of all licensed HMOs were found to still be fully compliant.

6.7 Some licenses that were issued under the 2009 Additional Licensing Scheme and had not yet expired, were 'passport' onto the 2014 Additional licensing Scheme. Subsequently they were required to be relicensed between 2014 and 2018. The percentage compliance at initial visit for HMO renewal applications is also low, as shown by the data below:

2014/2015	11%
2015/2016	13%
2016/2017	3%
2017/2018	26%

6.8 Since the commencement of the new scheme 60 licenses have received reduced license terms (less than maximum 5-year license term) in response to failures by the license holders in carrying out works in a reasonable time period to meet licensing conditions.

6.9 Proactive occupancy checks which have also been carried out from 2016 to date have led to a 23 HMOs applications (previously unlicensed) being received and brought into the licensing regime

6.10 The Housing Standards Team is currently looking to instigate legal

proceedings against two landlords for failure to license a licensable HMO in accordance with the Council's Additional Licensing Scheme.

- 6.11 Non-compliance issues related predominantly to deterioration in property appearance and environmental conditions; deficiencies in fire safety provisions, damp and mould and disrepair of property internals due to general wear and tear.
- 6.12 All hazards or non-compliance issues identified through the proactive inspections have been reduced to an acceptable standard as a consequence of Council intervention to ensure these properties were again compliant with licensing conditions. Hazards identified and removed from HMOs are detailed in Appendix 3. A total of 796 Category 1 and 2 Hazards were removed from within 346 Licensed HMOs since the introduction of the Additional License scheme.
- 6.13 This demonstrates that without continued regulation of smaller HMOs and converted buildings, there is a high risk that they would either be let in a low standard or would quickly deteriorate in standard and present hazards for occupants over time once the requirement for licensing ceased.

7.0 Anti-Social Behaviour

- 7.1 Anti-social behaviour is a broad term used to describe the day to day incidents of crime, nuisance and disorder that can have a dramatic negative impact on the lives of people in the community. It covers such things as litter and vandalism, public drunkenness or aggressive dogs, to noisy and abusive neighbours. Such a wide range of behaviour means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the Police, local authorities and social landlords.

7.2 Areas in which high densities of HMOs are located can be susceptible to increases in crime and anti-social behaviour and act as a barrier to social cohesion within the community.

7.3 The Treforest Ward of RCT has the highest number of both Mandatory and Additional licensed HMOs in RCT. The following table presents the reported annual incidents of anti-social behaviour in the Treforest ward. At first glance there appears to have been little change in the incidence of anti-social behaviour since the introduction of the ALS. However, the methods of reporting have changed during this period and the range of anti-social behaviour has been extended in regards to what is reported under the category of ASB. Effectively the incidence of anti-social behaviour has actually been reduced overall in comparison to the smaller range of ASB that was originally reported prior to the introduction of the ALS.

Treforest Ward	Period	Number of Reported ASB Incidents
	April 1 st 2013 to March 31 st 2014	650
	April 1 st 2014 to March 31 st 2015	775
	April 1 st 2015 to March 31 st 2016	565
	April 1 st 2016 to March 31 st 2017	695
	April 1 st 2017 to March 31 st 2018	680

8.0 Planning

8.1 Prior to 2016, the use of a building as a dwelling house was defined by Class C3 of the Town and Country Planning Use Classes Order 1987, as follows:

Use as a dwelling House (Whether or not as a sole of main residence) –

By a single person or by people living together as a family, or

By not more than 6 residents living together as a single household (including a household where care is provided for residents).

8.2 The effect of this was that planning permission was not required to use a family house as a HMO as long as there were no more than 6 residents. Therefore, in the example of Treforest since most houses are terraced houses of modest size, historically few needed planning permissions for use as a multiple occupancy dwelling.

8.3 New legislation was introduced in Wales in February 2016 which included the division of class C3 into new use classes C3 and C4:

Class C3 Dwelling Houses

Use as a dwelling house (whether or not as a sole or main residence) by –

A single person or by people to be regarded as forming a single household:

Not more than 6 residents living together as a single household where care is provided for residents; or

Not more than 6 residents living together as a single household where no care is provided to residents (other than to a Use within class C4).

Class C4. Houses in Multiple Occupation

Use of a dwelling house by not more than 6 residents as a house in multiple occupation

8.4 The change means that planning permission is now required to change from a house in single occupation to a HMO for up to 6 residents. These are now referred to as either 'small HMO' or 'Class C4 HMO'. Planning permission is needed now, as before February 2016, to change from a house in single occupation to a HMO for more than 6 residents. These are now referred to as

either 'large HMO' or 'sui generis HMO' (sui generis use: a use of its own kind, i.e. not in a use class).

- 8.5 Since the licensing and planning systems operate on different criteria under separate legislation, it is possible to gain a licence and not planning permission for the same property, or planning permission and not a licence. The granting of one is no indication that the other will be granted. However, since March 2016, 146 planning permission checks have been carried out by Environmental Health Officers. Properties which are suspected to require planning permission in accordance with a change of Class use from C3 to C4 have been referred to the Planning Authority for their investigation.

9.0 Treforest Property Accreditation Scheme

- 9.1 The Treforest Property Accreditation Scheme (TPAS) was implemented November 2016 with the objective of raising the quality, amenity and management of the general private rented housing stock in the Treforest area of Rhondda Cynon Taf. The scheme serves to raise the profile of good landlords and recognises high standard of management where provided.
- 9.2 The TPAS is a voluntary scheme that is open to landlords and letting agents of all types of private rented property, including HMOs. There is no charge for joining the scheme. Properties are assessed in accordance with agreed standards and the information is available to prospective tenants seeking rented accommodation in the Treforest area. There are 4 levels of accreditation to reflect the quality of the property and its compliance with legislative requirements, together with the quality of housing management and the administrative processes utilised.
- 9.3 The Scheme includes all types of rented properties and not just HMOs, however it is complementary to the ALS as it encourages landlords to raise their standards above the licensing standard on a voluntary basis.

10.0 Rent Smart Wales

10.1 The Housing (Wales) Act 2014 became effective on 23rd November 2015 and is ensuring that a comprehensive register is established of the private rented sector in Wales. In addition, those persons who are directly involved in letting and managing rental properties are required to become suitably trained and be 'fit and proper' to deliver those activities. A licence may be revoked if a landlord fails to comply with the Code of Conduct and they may no longer be able to directly manage rented accommodation as a result.

11.0 The Domestic Private Rented Property Minimum Standard of Energy Efficiency

11.1 Guidance for landlords and local authorities on the minimum level of energy efficiency required to let domestic property under the *Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015*.

From the 1st April 2018, landlords of relevant domestic private rented properties may not grant a tenancy to new or existing tenants if their property has an EPC rating of band F or G (as shown on a valid Energy Performance Certificate for the property).

11.2 From the 1st April 2020, landlords must not continue letting a relevant domestic property which is already let if that property has an EPC rating of band F or G (as shown on a valid Energy Performance Certificate for the property). Currently there is no requirement within the Additional Licensing Scheme for landlords to commission an EPC for a HMO

12.0 Conclusion

12.1 Since the introduction of the Additional Licensing scheme on the 1st of April 2014, 544 HMO properties have been brought under the umbrella of

regulation in addition to the 89 HMOs that were subject to Mandatory Licensing requirements. The Additional Licensing Scheme has enabled the removal of 796 Category 1 and 2 hazards from 346 properties designated as HMOs. Landlords have been supported to raise the standards of management within the sector and robust monitoring and enforcement has served to identify and prosecute wilfully non-compliant landlords.

13.0 Recommendations

- 13.1 Changes in the rental market and the supply and demand factors associated with the introduction of welfare benefit reform will see an increasing demand for affordable single person housing options. Conversely a reduction in the numbers of students and an associated fall in demand for student accommodation is impacting on the Treforest Housing market which represents the highest number of licensed HMOs in the borough. These changes will bring new challenges in addressing issues of quality and the detrimental effects associated with HMOs.
- 13.2 HMOs provide an invaluable source of affordable accommodation in a time of high demand and cater to a diverse range of tenants. Well managed and maintained HMOs provide a valuable asset as an essential part of RCT the housing stock. However, without the means to monitor, govern and enforce acceptable standards there is a risk that the sector will deteriorate and in-turn present a blight on the community in which they are located and a risk to the safety and well-being of the residents who depend on them most.
- 13.3 Whilst this report has identified other methods of helping to raise standards such as the TPAS and Rent Smart Wales, these are either voluntary and not borough wide or do not deal directly with the standard and safety of the actual property. TPAS is a voluntary scheme and also the costs of administering it are not covered as it is free to landlords. As such, beyond 2019 when current funding for the TPAS ends, it is not clear if this scheme can continue. Although the Rent Smart Wales registration and licensing process is able to provide tangible benefits to tenants and landlords in regards to the status of

“Fit and Proper” landlords, the quality and amenity of the property they manage is not a consideration in the landlord registration and licensing process, and does not therefore control the risk of poor quality accommodation being let and the associated risk to both tenants and the community.

- 13.4 It is therefore recommended that the Council continues to operate an Additional Landlord Scheme and that the new Scheme should continue to license all types of HMO throughout the County Borough.
- 13.5 There is also the opportunity to improve the quality and amenity of HMOs through energy efficiency measures which contributes both to the well-being of tenants and the environment. Whilst there is now a legal requirement for all rental properties to achieve an energy performance higher than an F or G rating, the introduction of a specific licensing condition stipulating that HMOs have to commission an EPC under the ALS will serve to raise the energy efficiency of the HMO stock. It is therefore recommended that this condition is introduced.
- 13.6 Finally, it is recommended that the administration of the Scheme is reviewed. This includes a review of the fee structure to ensure that it is fit for purpose and also that it continues to cover the costs of administering the Scheme. It is also recommended that the application process is reviewed with the opportunity to move from a paper based system to an on line application process. The aim of this is to speed up the process and encourage a more business focused approach.

Appendix 1

Address	Mandatory Licence Application	Additional Licence Applications	Total Number of Applications
Aberaman		1	1
Abercwmbai		1	1
Aberdare	1		1
Blaenllechau		1	1
Cwmparc	1		1
Gadlys		1	1
Glyntaff		7	7
Godreaman		1	1
Graig	4	4	8
Hopkinstown		1	1
Llanharan		2	2
Llantwit Fardre		1	1
Pentre	1		1
Pontyclun		2	2
Pontygwaith		1	1
Pontypridd	5	4	9
Rhydyfelin		2	2
Taffs Well		2	2
Talbot Green		1	1

Tonyrefail		1	1
Trecynon		1	1
Treforest	76	505	581
Tylorstown		2	2
Upper Boat		1	1
Wattstown	1		1
Ynyshir		1	1
Ynysybwl		1	1
Total	89	544	633
New Applications	39	283	322
Licence Renewal	50	260	310
Licence Variation		1	1

Appendix 2

Additional Licensed HMOs by Number of Bedrooms	
Number of Bedrooms	Number of Properties
1 Bedroom	2
2 Bedroom	8
3 Bedroom	79
4 Bedroom	248
5 Bedroom	160
6 Bedroom	35
7 Bedroom	3
8 Bedroom	3
9 Bedroom	1
10 Bedroom	2
12 Bedroom	1
14 Bedroom	2
Total	544

Appendix 3

Hazards removed from Licensed HMOs		
Damp and Mould	Cat 1	17
Excess Cold	Cat 1	15
Un-combusted Fuel Gas	Cat 1	3
Entry By Intruder	Cat 1	9
Domestic Hygiene Pests and Refuse	Cat 1	1
Food Safety	Cat 1	6
Personal Hygiene/Sanitation/Drainage	Cat 1	9
Falls associated with baths	Cat 1	7
Falling/level surface	Cat 1	10
Falling on Stairs	Cat 1	25
Falling Between Levels	Cat 1	27
Electrical Hazards	Cat 1	8
Fire	Cat 1	47
Risk of Explosion	Cat 1	1
Total Number of Category 1 Hazards removed		185
Damp and Mould	Cat 2	117
Excess Cold	Cat 2	18
Excess Heat	Cat 2	1
Un-combusted Fuel Gas	Cat 2	3

Entry by Intruders	Cat 2	19
Lighting	Cat 2	4
Domestic Hygiene / Pest & Refuse	Cat 2	13
Food Safety	Cat 2	10
Personal Hygiene / Sanitation/Drainage	Cat 2	33
Falls Associated to Baths	Cat 2	6
Falling /Level Surface	Cat 2	28
Falling on Stairs	Cat 2	36
Falling between levels	Cat 2	46
Electrical Hazard	Cat 2	28
Fire	Cat 2	221
Flames Hot Surfaces	Cat 2	1
Collision / Entrapment	Cat 2	2
Position and operability of Amenities	Cat 2	1
Structural Collapse and Falling Elements	Cat 2	24
Total Number of Hazards Removed		611

Appendix 4

Existing HMO Licensing Conditions

- 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 GAS-SAFE 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 arrest-able 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.

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.

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 - 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 arrest-able 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.
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Reference and Further Information

Welsh Government: HOUSES IN MULTIPLE OCCUPATION; Practice Guidance, Feb 2016

Cardiff City Council: Evaluation of Cathays Additional Licensing Scheme 2010 -2015

Rent Smart Wales: www.rentsmart.gov.wales/en/

Treforest Property Accreditation Scheme

<https://www.rctcbc.gov.uk/EN/Business/LandlordGuidance/PropertyAccreditationScheme.aspx>

Licensing of Houses in Multiple Occupation (HMO) Landlord Handbook V2

<https://www.rctcbc.gov.uk/EN/Resident/Housing/RelatedDocuments/LicenceHandbook2014AdditionalLicensingSchemeVersion2March2017.pdf>

Department for Business, Energy & Industrial Strategy—*The Domestic PRS Property Minimum Standard*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/698541/Domestic_Private_Rented_Landlord_Guidance_-_March_18.pdf

**Houses of Multiple Occupation (HMO)
Additional Licence Scheme Review
Consultation Report
October 2018**

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1. Summary:

The Rhondda Cynon Taff County Borough Council Additional Licensing (Houses in Multiple Occupation) Scheme came into force on the 1st of April 2014 and extended the scope of Mandatory licensing to cover most rented property with 3 or more occupiers who form 2 or more households regardless of how many storeys the property has.

The Scheme was initially intended to run for a period of 5 years, at the end of which, the Council are then obliged to undertake a review as to whether it has achieved its objectives, it is still fit for purpose and whether it should be extended for a further 5 years.

As part of the review process there is a requirement for the council to undertake a consultation with key stake-holders to ascertain as to whether there is support for the scheme to be extended.

2. Purpose of this Report

The purpose of this report is to provide a record of the HMO Additional Licensing Scheme consultation process in respect of the methods and mechanisms of consultation, the numbers of stake-holders consulted and the content of the representations received.

3. Introduction

As of May 2018 there were an estimated 14,353 private rented properties in Rhondda Cynon Taff which represented approximately 13.35% of the RCT Housing stock. The private rented sector is increasingly relied upon to provide a wide range of housing options within the borough not currently available through the owner occupied and social housing sectors.

Historically HMO's in RCT have been the domain of students and this associated demand have seen the highest concentrations developed in areas adjacent to the university, predominantly the Treforest ward.

Since 2009 and the phased implementation of Welfare Benefit reforms, there has been a growing demand for affordable accommodation options for single person households restricted to the cost of a room in a shared house. Conversely, reductions in student numbers has been instrumental in a significant change in the use of HMO's in the Treforest ward and HMO landlords have had to adapt to this change in the market to negate the inability to let their properties and in-turn cater to the non-student single person demand accordingly.

RCT Additional licensing scheme serves a dual purpose, both to protect the safety of tenants living in HMOs and also to minimise the impact of shared housing on the

character and amenity of the surrounding area. Changes in the market, as currently in operation in Treforest, present a prime example of how the RCT HMO licensing Scheme can be utilised in tandem with additional council initiatives to govern, monitor and enhance the quality of both the property and its management. The ALS ultimately serves to mitigate the negative impacts associated with high densities of HMO's and effectively manages the changes in the dynamics of the housing market, that, if left un-checked, could have an adverse impact on the desirability of an area, a rise in anti-social behaviour and a breakdown of social cohesion.

4. Record of Consultation

The consultation process was opened to stake-holders as of the 6th of August 2018 and ran up until the 15th of September 2018 a period of 6-weeks.

Key Stakeholders identified for engagement were:

- ✓ University of South Wales & Students Union
- ✓ Students
- ✓ Tenants
- ✓ Landlords
- ✓ Letting Agents
- ✓ Local Residents

The primary mechanism for recording representations was by means of an on line Survey.

4.1 SNAP Survey

SNAP is an on-line system providing a digital mechanism for the collation of consultation responses. Interested parties are able to access the system via hyperlinks set within a range of media designed to enable a fast and efficient means of engagement.

4.2 Means of Delivery.

- An email database of 972 landlord's agents and associated services were emailed and provided with details of the consultation and hyperlinks to the SNAP survey.
- The Landlords Newsletter was circulated to a mailing list of 972 landlords and agents providing notification of the consultation and hyperlink to the survey.

- RCTCBC social media carried posts of the consultation and provided links to the SNAP survey. A total 40 posts were delivered via Facebook and Twitter to potentially 151187 people and was shared 117 times
- The University of South Wales and Students Union notified students via their internal emailing system and provided the link to the SNAP Survey.
- Face to face consultation was held on the University campus.
- The RCTCBC website provided details of the consultation via the Current Consultation and Houses of Multiple Occupation web pages.
- Door to door surveys were conducted in Treforest, Aberdare, Pentre with approx. 500 properties knocked.
- The Treforest Resident association and PACT provided with hard copies of the survey and individual collection arrangements agreed.

5. Survey Responses.

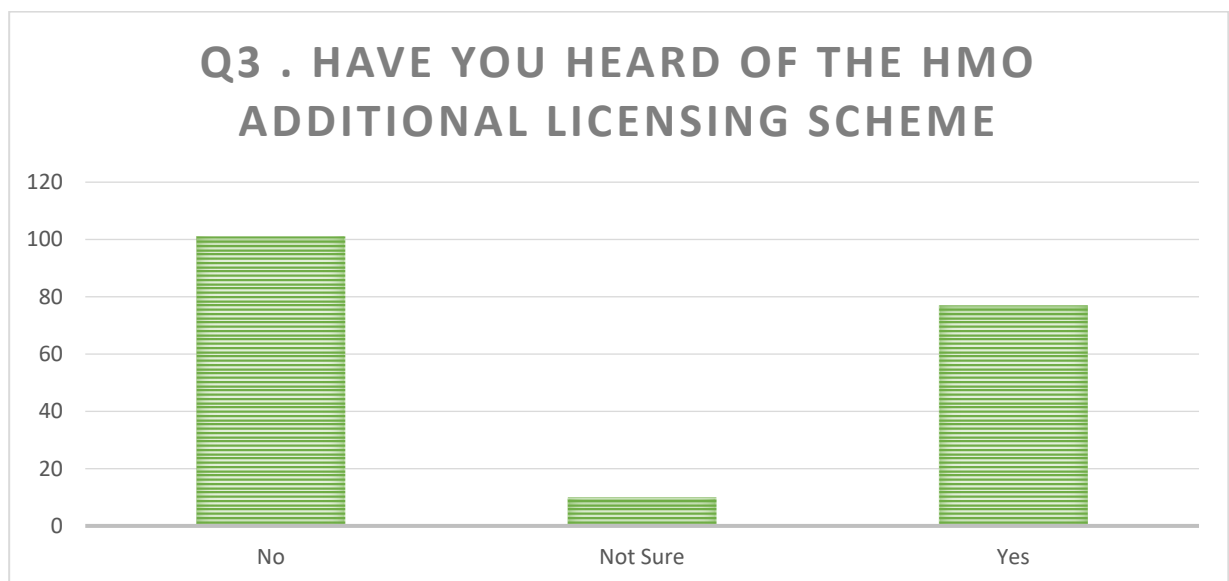
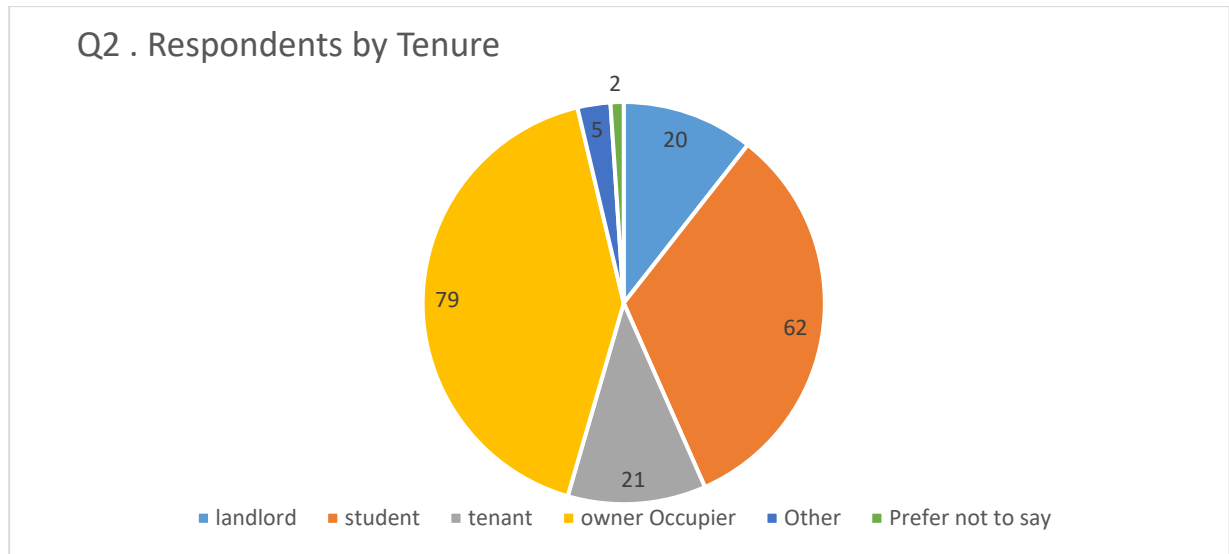
During the period of the consultation there were a total of **192 respondents**.

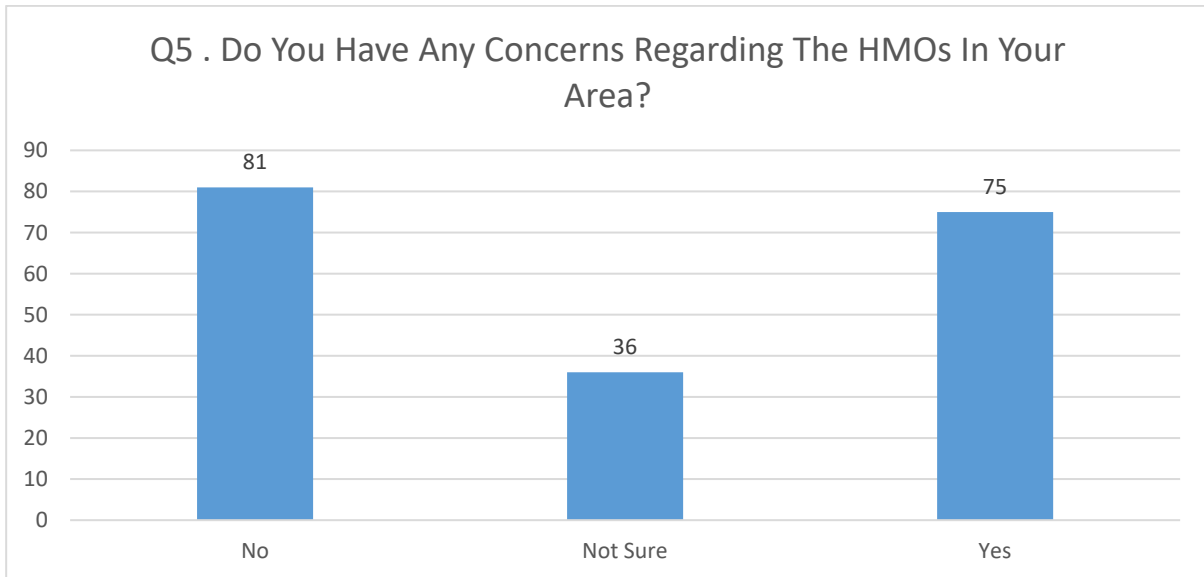
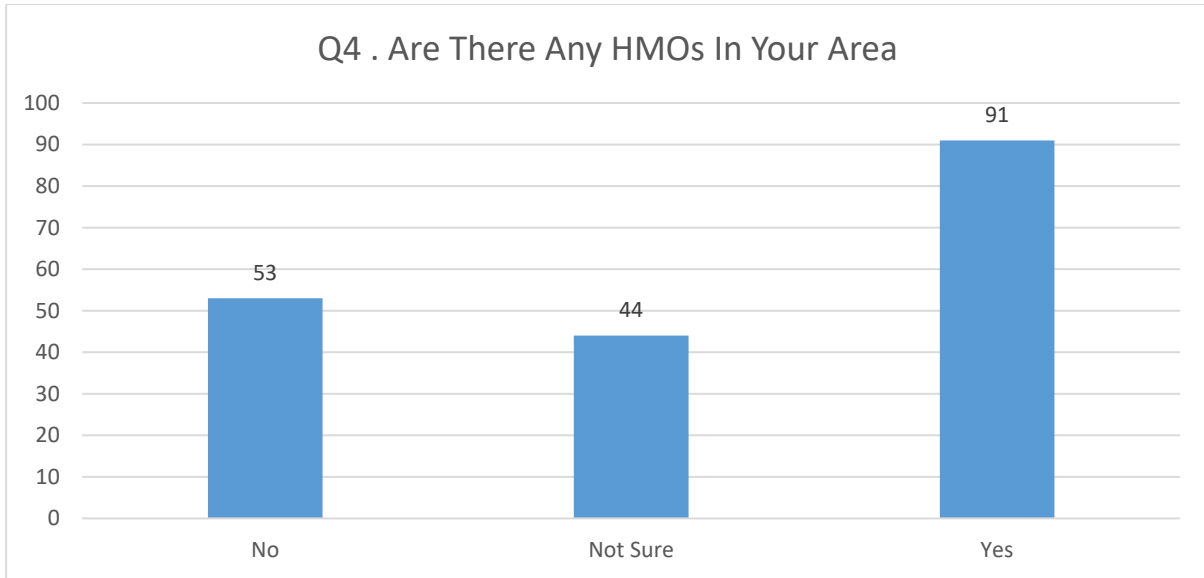
Q1 Respondents Identified Place of Residence

Abertillery	3
Cardiff	10
Cwmbran	2
Llanaran	1
Merthyr	3
Mountain Ash	1
Newport	1
Pentre	6
Pontyclun	2
Pontypridd	4
RCT	2
Reading	1
Rhondda	1
Rhondda Cynon Taff	1
Rhydyfelin	1
Ton Pentre	7
Treforest	95
Vale of Glamorgan	1
Ynysboeth	1

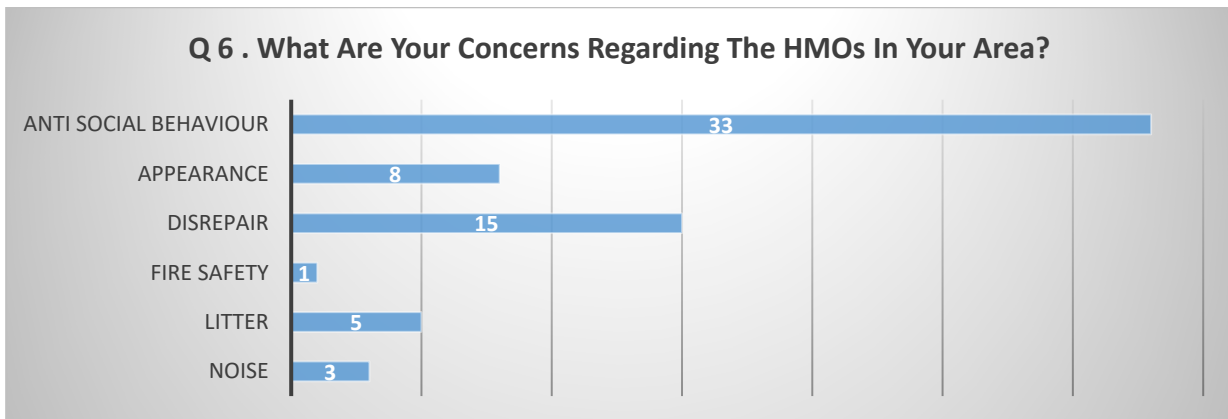
Ystrad Mynach	1
Ystrad	1
Ystrad	1
Total	146

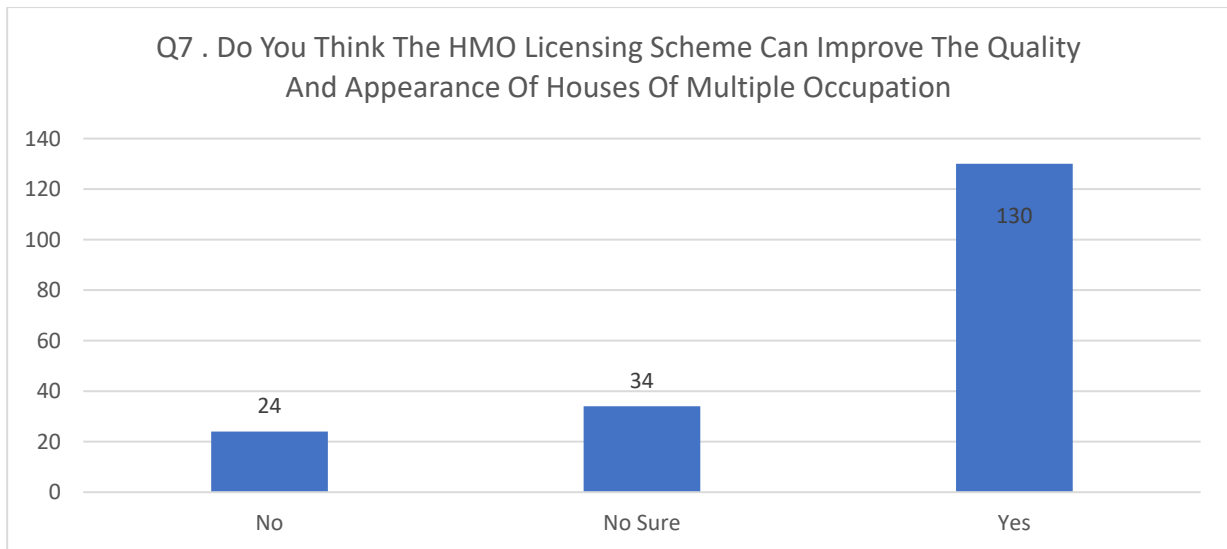
Of the 192 respondents 46 did not complete their place of residence

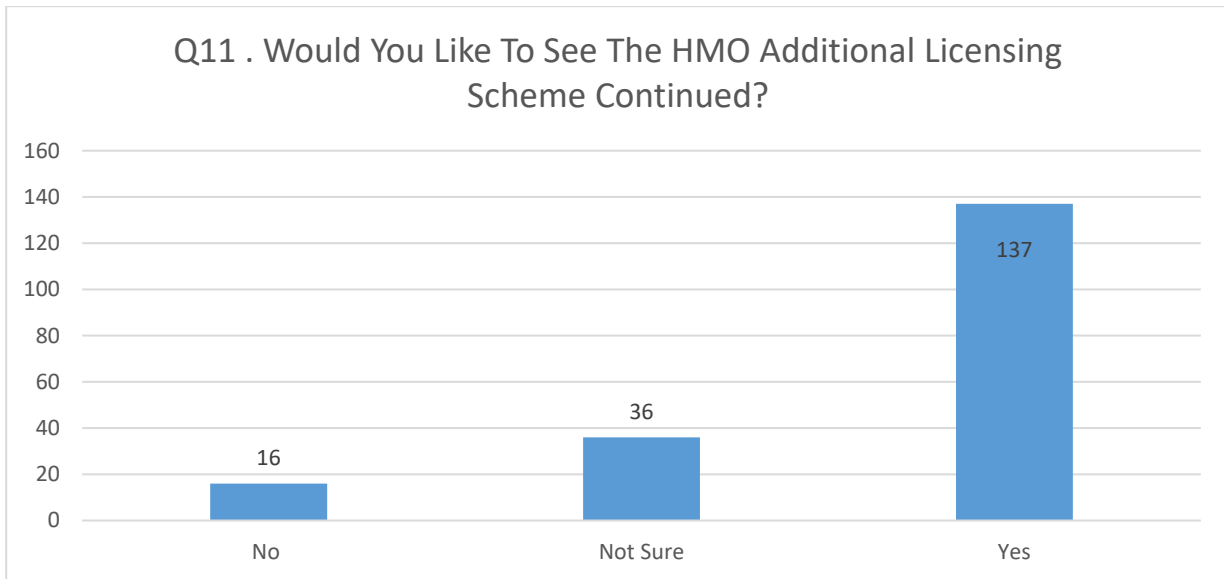
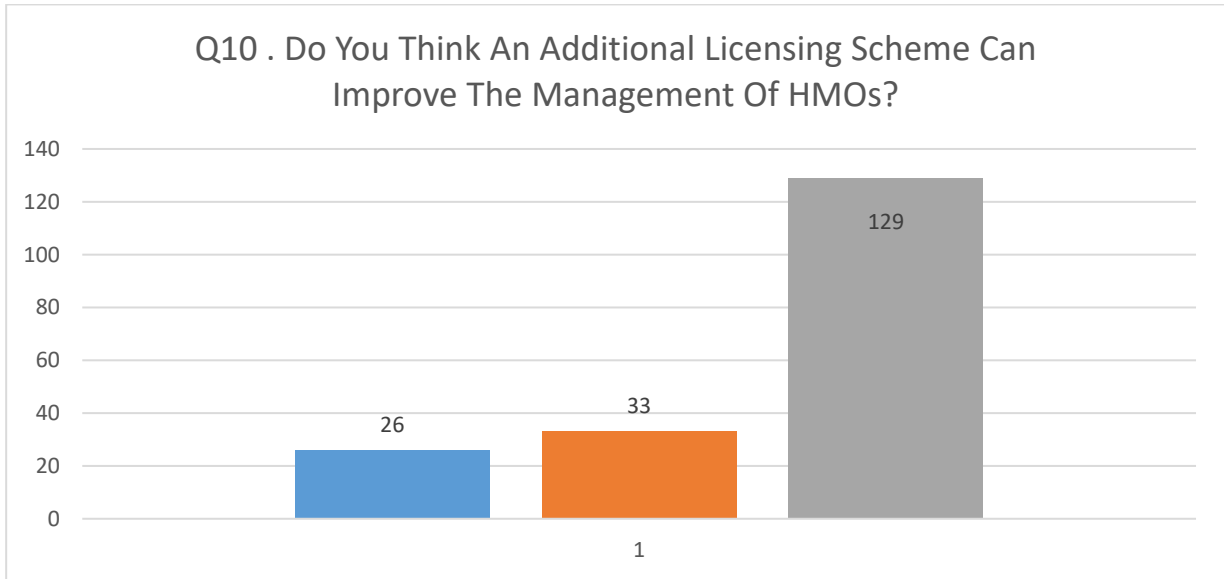




Q.6 Where a concern was raised regarding HMO the respondent was able to choose one lead reason from a list of 6 examples: -







6.

Survey Analysis

Q1 Place of Residence?

There was an overall total of 192 respondents to the HMO Additional Licence consultation.

Of the 192 respondents 146 confirmed their place of residence. 65% of respondents that confirmed their place of residents were from the Treforest area.

Q2 Respondent by Tenure?

- 41% owner occupiers
- 11% Tenant
- 10% Landlord
- 33% Student
- 3% Other
- 1% Prefer Not to Say

Q3 Have You Heard of the HMO Additional Licence Scheme?

- 53% of respondents confirmed that they had not heard of the ALS
- 40% had heard of the ALS
- 5% were unsure.

Q4 Are There Any HMOs in Your Area?

- 47% stated there were HMOs in their area
- 23% were unsure
- 28% stated there were no HMOs in their area

Q5 Do You Have Any Concerns About The HMOs in Your Area?

- 39% confirmed they had concerns about the HMOs in their area
- 42% had no concerns
- 19% were unsure whether there were concerns regarding HMOs in their area

Q6 What are your concerns regarding the HMOs in Your Area?

A total of 65 respondent stated they had concerns regarding the HMOs in their area, they were then requested to confirm a lead issue.

- 51% raised concerns in regards to anti-social behaviour in general
- 23% raised concerns in regards to Disrepair of properties
- 12% raised concerns in regards to the appearance of the properties
- 8% raised concerns regarding litter
- 5% raised concerns in regards to Noise Nuisance
- 2% raised concerns in regards to fire safety.

Q7 Do You Think The HMO Licence Scheme Can Improve the Quality and Appearance of Houses of Multiple Occupation?

- 68% confirmed yes

13% said No

18% were unsure as to whether the Additional Licence scheme served to improve the quality and appearance of HMOs

Q8 Do You Think the Additional Licensing Scheme Can Serve to Improve the Safety and Security of HMOs?

69% thought the ALS could serve to improve Safety and security of HMOs

18% were unsure

11% Did not think the ALS could serve to improve Safety and security of HMOs

Q9 Do You Think Additional Licensing Can Provide an Effective Way of Preventing Anti-Social Behaviour?

54% agreed that ALS was an effective way of preventing ASB

24% Were unsure

20% did not think ALS did not provide a means for preventing ASB

Q10 Do You Think Additional Licensing Can Improve the Management of HMOs?

67% stated an ALS could serve to improve the management of HMOs

17% were unsure

14% felt that an ALS did not serve to improve the management of HMOs

Q11 Would You Like to See the Additional Licensing Scheme Continued?

71% of respondents confirmed they would like the Additional Licensing Scheme to continue

19% were unsure

8% did not want the Additional Licence Scheme to continue.

Over 60% of respondents confirmed their support for the objectives of the HMO Additional Licensing Scheme as a means of monitoring and raising the standards of HMO accommodation and its effective management.

The main benefit of the ALS was as a means of reducing incidents of anti-social behaviour in all its forms.

71% of all respondents were in agreement with continuing with the HMO Additional Licensing Scheme as opposed to just 11% of respondents who did not want the scheme to continue.

7. Survey Comments:

All respondents were provided with the opportunity to comment on the HMO Additional Licence Scheme.

A total of 37 respondents provided a comment (See Appendix 2)

Of the 37 respondent comments there were:

8	Landlords
2	Students
3	Tenants
24	Owner Occupiers

Landlord Comments.

The main theme of comment from landlords was that the ADLS presented an additional form of taxation and that further costs and enforcement were not required. There was a feeling that the ADLS focused on compliant landlords and detracted from the ability to enforce standards and did not effectively address non-compliant properties and or landlords.

Student Comments.

The theme of the student comments was that was need for stricter control and the ADLS acted as a means to prevent Anti-social behaviour and raise the quality of the HMO stock.

Tenant Comment.

The emphasis was on the need and responsibility to raise the quality of rented accommodation to maintain a viable rental market and social cohesion.

Owner Occupier Comment.

Although identifying as owner occupiers there were several comments that related specifically to the development, rental and management of HMO properties and the effects the ADLS had on their rental business and future investment options.

There was a high proportion of comment in regards to anti-social behaviour and a lack of enforcement in the Treforest area and the negative impact this is having on the community. The general theme was the perception that there were too many HMOs in Treforest and there was a need to monitor and ameliorate the negative impacts on the community through tighter enforcement of the HMO Additional Licensing Scheme.

Owner Occupiers were in agreement with the aims, objectives and continuation of the ADLS so long as it was fully enforced.

Comment Summary

Respondent comments identified the potentially negative impact HMOs could have on a community if left unchecked. There was support for the concept of additional licensing so long as it was fully enforced and provided a means to target and address non-compliant landlords and raise the quality of property and tenant management.

Landlords presented a negative perception of Additional licensing as a means of taxation and an additional burden on the effective management of their property and their business. Concerns were raised that good landlords were being targeted and a lack of enforcement overlooked non-compliant landlords and poor quality properties.

Owner Occupiers and tenants presented the ADLS in a positive light and supported the aims and objectives of the scheme so long as it was fully enforced and due action was taken to address breaches quickly and effectively.

Treforest featured significantly in the responses and there was a recognition of the problems that could be derived from an over-supply and deterioration in the quality of HMOs.

Appendix 1

Copies of Media Utilised for Consultation

❖ Email Sent to 972 Landlords, Agents and Associated Services.

Dear Landlords,

Rhondda Cynon Taf County Borough Council are currently reviewing their HMO Additional Licence Scheme and would be grateful for your assistance.

For full details on Houses of Multiple Occupation please visit the councils web page

<https://www.rctcbc.gov.uk/EN/Business/LandlordGuidance/Housesinmultipleoccupation.aspx>

[Houses in multiple occupation | Rhondda Cynon Taf County ...](#)

www.rctcbc.gov.uk

Houses in multiple occupation information and advice in Rhondda Cynon Taf.

To complete the on-line survey

<https://www.snapsurveys.com/wh/s.asp?k=153270711302>

Please see attached Frequently Asked Questions

Thank you for your time and assistance in raising and maintaining the standards of rented accommodation in RCT.

❖ **SNAP Survey Content.**



HMO Licensing Scheme

Rhondda Cynon Taf CBC are reviewing their HMO Additional Licensing Scheme which was introduced on the 1st of April 2014 as a means of improving the quality and management of rented accommodation in Rhondda Cynon Taf.

Houses of Multiple Occupation provide an essential accommodation option for an increasing number of RCT residents. We would therefore be grateful if you could assist in reviewing the HMO Additional Licence Scheme by answering the following questions.

Q1 In which area do you live?

Q2 Are you...?

- An owner occupier
- A landlord
- A tenant
- A student
- Prefer not to say
- Other

Please specify

Q3 Have you Heard of the HMO Additional Licensing Scheme?

- Yes
- No
- Not sure

Q4 Are there any HMOs in your area?

- Yes
- No
- Not sure

Q5 Do you have any concerns about the HMO's in your area?

- Yes
- No
- Not sure

Q6 If yes, please confirm what your concerns are:

- Appearance
- Disrepair
- Fire safety
- Noise
- Litter
- Anti-social behaviour

Q7 Do you think the additional licensing scheme can improve the quality and appearance of Houses of multiple occupation?

- Yes
- No
- Not sure

Q8 Do you think Additional Licensing can serve to improve the Safety and security of Houses of Multiple Occupation?

- Yes
- No
- Not sure

Q9 Do you think additional licensing can provide an effective way of preventing Anti-social behaviour?

- Yes
- No
- Not sure

Q10 Do you think Additional licensing can serve improve the management of houses of multiple occupation?

- Yes
- No
- Not sure

Q11 Would you like to see the Additional Licensing Scheme continued?

- Yes
- No
- Not sure

Q12 Do you have any comments?

We would like to thank you for your time and the support you have provided.

Rhondda Cynon Taf County Borough Council will process the information you have provided in accordance with the General Data Protection Regulation (GDPR). The information may be used for statistical purposes but all personal details will be anonymous. For further information please view our consultation Privacy Notice, which will be available at www.rctcbc.gov.uk/serviceprivacynotice

❖ RCTCBC Current Consultations (Web Page)

Current Consultations



Traffic Consultations

Give your views on the design and implementation of new traffic and road safety schemes.



School Consultations

Give your views on school building and development in Rhondda Cynon Taf.



Strengthening Local Government: Delivering for people

The Welsh Government is consulting on options to create stronger, more powerful local government in Wales.



Public Rights of Way Improvement Plan Survey

ROWIPs are the prime means by which Rhondda Cynon Taf identify, prioritise, and plan for improvements to local rights of way and set out how we will approach our day to day management of the Rights of Way Network.



Resident Engagement 2018

We will be out and about in the local community talking to residents about a range of topics and to recruit new Citizens' Panel Members.



HMO Licensing Scheme

Rhondda Cynon Taf CBC are reviewing their HMO Additional Licensing Scheme which was introduced on the 1st of April 2014 as a means of improving the quality and management of rented accommodation in Rhondda Cynon Taf.



Cwm Taf Ageing Well Plan Consultation

We are interested in hearing your views on the 5 themes of the programme and what you feel we should be doing and what you could do to support:



Equality Objectives Consultation

Do you have views on equality? If so, we would like to hear them. We are consulting on our proposed equality objectives.

❖ RCTCBC Houses of Multiple Occupation Web page.

<https://www.rctcbc.gov.uk/EN/Business/LandlordGuidance/Housesinmultipleoccupation.aspx>



[Home](#) > [Business](#) > [Landlord Guidance](#)

Houses in multiple occupation

From the 30th June 2006, the Housing Act 2004 places a duty on local authorities in Wales to licence houses in multiple occupation (HMOs).

The council are currently undertaking a review of the Additional licensing scheme and would welcome your views. To complete the survey please visit [RCT HMO Additional Licensing Scheme survey](#)

A building, or part of a building, will be an HMO if:

- it is occupied by persons who do not form a single household; and
- it is occupied by those persons as their only or main residence and their occupation of the living accommodation constitutes the only use of that accommodation; and
- rent is payable by at least one of the occupiers; and
- two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities

Purpose built blocks of self contained flats are not HMOs, but houses or buildings which have been converted into a block of flats may be a HMO if:

- the standard of conversion does not comply with the 1991 Building Regulations; and
- less than two thirds of the flats are owner occupied.

[The full definition can be found in sections 254, 257 and 259 of the Housing Act 2004?](#)

Please note that the definition of a HMO for Council Tax purposes is different to that used for HMO licensing under the Housing Act 2004.

RELATED PAGES

- > [HMO FAQ](#)
- > [Property Accreditation Scheme](#)

❖ Frequently Asked Questions

Houses of Multiple Occupation Additional Licensing scheme.

Q. What is a House of Multiple Occupation?

A. A building, or part of a building, will be an HMO if:

- ✓ it is occupied by persons who do not form a single household; and
- ✓ it is occupied by those persons as their only or main residence and their occupation of the living accommodation constitutes the only use of that accommodation; and
- ✓ rent is payable by at least one of the occupiers; and
- ✓ two or more of the households who occupy the living accommodation share one or more basic amenities or the living accommodation is lacking in one or more basic amenities

Purpose built blocks of self-contained flats are not HMOs, but houses or buildings which have been converted into a block of flats may be a HMO if:

- the standard of conversion does not comply with the 1991 Building Regulations; and
- less than two thirds of the flats are owner occupied.

Q. What is HMO Additional Licensing?

A. The Housing Act 2004 allows local Authorities to specify that landlords of some or all Houses in Multiple Occupation (HMOs) must apply for a license if they want to let to tenants. A scheme can cover the whole of the Authority's area and all types of HMOs, or can be designed for a specific area and specific HMOs. An additional licensing scheme can last for a maximum of 5 years at which point it is reviewed to confirm it has achieved the desired outcomes and whether it should be extended or withdrawn.

Licensing gives The Council the power to require all landlords of HMOs (included in the scheme) to apply for a license and provide details of the management arrangements and the property. This will enable officers to know where these properties are and place conditions on the license holder to ensure minimum standards of safety, welfare and management are maintained.

License holders will have to be fit and proper persons and satisfactory management arrangements will have to be in place.

Landlords will have to pay a fee for each license application to cover the Council's costs of running the scheme.

The council will compile a register of licensed properties with landlords contact details and maximum occupancy and property details. The register of HMOs will be available to the public so they can find out who manages HMOs near them and are able to more quickly and easily report problems.

The council will be able to proactively inspect licensed properties to deal with any significant health and safety hazards and ensure they meet minimum management requirements.

Where landlords are unable to meet the licensing requirements the council can pursue the necessary sanctions against the landlord which could include prosecution and forcing a change of management of the property.

Operating a property covered by the designation without a license is an offence punishable by a fine up to £20,000.

Q. How many HMOs are there in RCT?

A. As of April 2018 there were 544 Licensed HMOs with another 22 properties pending completion of their license application.

❖ **RCTCBC Social Media**

Facebook

- The landlords of houses of multiple occupancy - such as student digs - have to meet additional licensing standards to protect tenants and the wider community - have your say here: <http://socsi.in/wbyi5>

Twitter

- Are you the landlord of a House of Multiple Occupation (HMO)? Have your say in our review of the Additional Licensing Scheme, introduced to further improve the quality and management of rented accommodation in RCT. <http://socsi.in/VBwvj>

❖ **Landlords Newsletter.**

An article relating to enforcement of the Additional Licencing Scheme was covered in the Landlords Newsletter circulated via email on the 30/08/18 to 972 Landlords, Agents and associated services. Hyperlinks to the survey were contained within the article.

RCT Landlord Prosecuted for Failing to license House of Multiple Occupation



A landlord from Cardiff has recently been convicted of a number of housing related offences in connection with a property he rented in Rhondda Cynon Taf.

Dean Leaman pleaded guilty on the 18th July 2018 at Merthyr Magistrates Court to operating a licensable House in Multiple Occupation (HMO) at 45 Oxford Street, Treforest without a licence. He also pleaded guilty to two other offences of failing to comply with a notice to produce documents and for failing to be licensed with Rent Smart Wales or appointing a licensed agent to act on his behalf. He has been fined and ordered to pay Council Costs as well as a victim surcharge.

The property was identified as being a potentially unlicensed HMO during routine street surveys carried out during November 2017. Further investigations confirmed that the property was indeed being occupied as a HMO with four persons occupying the house as four separate households, without a licence.

Despite being given a number of opportunities to submit a HMO licence application he failed to do so. A legal notice was served on Dean Leaman declaring the property as a HMO and a separate notice was served requiring him to produce documents. He failed to produce the documents as required and it was also identified that he was not licensed with Rent Smart Wales.

The Council licences HMO's to ensure that properties are free from serious hazards, have the appropriate facilities and fire precautions and are safe to live in.

It is unlikely that the landlord could become a licensed landlord with Rent Smart Wales now and will have to appoint a licensed agent to act on his behalf. In addition if he were to apply to

licence any of his properties as HMO's, Licensing Authorities would have to consider whether he is fit and proper to do so having regard to his conviction. On top of this his tenants can apply to a Residential Property Tribunal for a Rent Repayment Order. A Residential Property Tribunal could determine that he has to pay each tenant up to twelve months of their rent back.

Paul Mee, Service Director for Public Health, Protection and Community Services said "We have a licensing scheme in place to ensure all HMO's in our County Borough are well managed, safe and do not have a negative impact on the wider community.

"Treforest has been an area where residents have experienced problems as a result of the actions of a minority of irresponsible landlords and their tenants"

"Working with the majority of responsible landlords we have put in place the licensing scheme and a range of measures to ensure the HMO properties offered for rent in RCT, particularly to students, are run responsibly and legally".

Rhondda Cynon Taf Council is currently consulting on its additional licensing scheme, which came into force in 2014. You can find out more here <https://www.rctcbc.gov.uk/EN/Business/LandlordGuidance/Housesinmultipleoccupation.aspx>

You can share your views via the consultation here: <https://www.snapsurveys.com/wh/s.asp?k=153270711302>

Appendix 2

Survey Comments

Respondents were able to comment on aspects of the Additional licensing scheme and its objectives in regards to the curtailment of Anti-social behaviour and the accountability of landlords and their management practice.

Landlord Comments
The additional licensing scheme distracts EHO's from focusing on the really poor properties and landlords and they end up focusing on getting paperwork filled out. They have all the powers they need and this is a tax and bureaucratic system which slows down effective enforcement.
Another form of taxation by the local authority. RCT are doing their best to increase the overall number of residential houses in the Treforest area
I believe the present scheme is quite adequate for the people who register and comply with the regulations you already have in place. The problems you have are with the persons who do not register and comply with the safety regulations which are in place. Any changes you may in visage would once again be carried out by persons who are registered, and already comply with the rules and not by the people who are not registered
As a landlord I try my hardest to keep my HMO up to regulated standards at all times. In RCT I have found it increasingly difficult to get tenants since South Wales University seems to work more closely with student accommodations in Cardiff. Also I think that if a HMO is issued, landlords should be able to rent house at to family's if need be, I have been informed that this should not happen? Increased licensing will no doubt increase costs and overheads where rents have decreased and cost gone up!
Enough checks and balances and training together with sufficient enforcement and sanction options under the Rent Smart Wales legislation - further costs and enforcement not required.
Existing refuse storage and collection policies are not helpful or clear. Refuse regularly left uncollected.

Personally I don't see these schemes working, generally its more of a way of generating revenue for councils, some other councils are dropping the schemes or modifying them due a recent court case.....In a case between HMO landlord Peter Gaskin and The London Borough of Richmond Upon Thames, the administrative court ruled that HMO licence fees charged by local authorities can only cover the cost of the licencing scheme, not the cost of enforcing the scheme. HMO licenses have to be renewed every five years and when Gaskin came to renew his licence the council asked him to pay a fee covering not only the costs of processing his application, but the authority's costs of running the licensing scheme.

The Housing industry needs a shift and rejuvenation. But Additional HMO Rules is the wrong approach. It will drive house prices up. It will reduce the number of available single occupancy houses. It will penalise landlords. It will make the already short numbers of property even shorter. It will drive more landlords out of the business and create unemployment. It will see a rise in abandoned properties by landlords. It's just a badly thought idea. Cut the red tape in the buying process and there will be more housing. Regulate solicitor's exploitation of landlords and there will be more affordable houses hence reducing the need for having few badly behaved people in one HMO area. Regulate companies selling repossession properties and assist more properties available soon hence reducing the need for more HMOs. But let good landlords produce more HMOs. Just don't restrict them, but regulate the sizes of rooms and that shall be fine.

Students

Stricter Control

To prevent stuff including anti-social behaviour you need to higher the image of housing; such as higher the quality and focus on the appearance a bit more

Tenants

Treforest needs high quality HMO's to attract students to USW to help keep Treforest a busy vibrant village, as this would have a knock on effect to businesses and leave empty properties which could lead to other issues.

I live in a rent house but I keep my home inside and outside clean and tidy.

This scheme is a great start, but, there needs to be more emphasis on those landlords that do not keep their properties in good repair and also those who turn a blind eye to the tenants antisocial and illegal behaviour. This should then be extended to all private rented property.

Owner Occupier

I was intending to buy property for letting but have now shelved the idea.

I have rental properties in the Treforest area of which have HMO licences. I believe HMO licensing is a good idea and provided the scheme isn't restricted to allow a landlord to obtain a licence then I am a supporter. I believe a problem occurs under the additional licensing scheme where the local authority will not issue a licence even when a landlord has met all requirements.

I hope there that there won't be any more approval for his. There are lots of empty houses at present. There are problems with rubbish as not putting it out on correct day and being ripped apart. Hardly any recycling done. Parking problems as too many cars if too many HMO's. No respect for the properties and lots of unscrupulous landlords. They need to take responsibility for them. I.e. at end of term students have gone home and put rubbish out before they left. Land lords should visit and sort.

As it currently stands whatever process is in place doesn't seem to work, there is no effort from landlords or the tenants in question to maintain or look after the property or the area, lack of penalties and consequences makes the area a playground for thugs and disrespectful students to as they wish whenever they wish. There is a tremendous lack of housing across the whole of the UK and Treforest occupies a high unoccupied rate even during university term period. Landlord should have to show commitment to making a positive impact on the community as it's us the people who live here who have to deal with all the problems when the landlords and students can just up and leave whenever they please. Treforest is a tip there is no commitment from the council to actively maintain the area as they do places where all their residents pay council tax. It's a failing by the landlords, students and council and something needs to be done before the only people who contribute the area financially and by other means leave for good

Absent landlords are a major factor in Treforest, we have far too many HMO properties in Treforest, the culprit being University of Wales , which has now left Treforest an absolute disgrace

When I have spoken to the council about individuals specifically moved to HMO in Treforest, the council were not interested in dealing with it. My wife and children are exposed to some unsavoury characters bringing the area down. Known people also are dealing drugs out of some and incidents occur regularly! For a father, this is questioning whether I should move from my area if this is not addressed!

The scheme could improve anti-social behaviour, litter, appearance etc. but from walking around my area I don't see any evidence of it being enforced. Landlords appear to be able to do what they want e.g. put litter out on the street days before its due to be collected thus leaving the area dirty. We've had to call the council to deal with rats on our property due to the HMO residents next to us putting their food waste directly into their garden (they were observed doing this). Management company appeared to not care. It feels that as long as the landlord/management get their money they don't care.

My house was built in 1840 and originally had 7 occupants, fast forward 180 years and with HMOs nothing has changed apart from theme noise, the anti-social behaviour, the filth, nowhere to park HMOs are a blight on society, get rid.

There was only one choice regarding the impact of HMOs on the local community. Unfortunately, all of the above are a problem along with parking of cars

We have a lot of trouble with parking because student house Can have up to 4 or 5 cars per house

Treforest has become a right XXXX hole I pay my rates and bills .and I worked all my life. I love living in Treforest but it is not safe to walk the streets.

Fed up of seeing the houses in this area being left to rot!!

Good Job done by local Authority

There are too many HMO's in Treforest and something should be done to stop the greedy landlords from putting anyone in these houses just to get money most of landlords are fine and look after the properties but some don't care

<p>It's not a short term fix. The area has deteriorated over the last few decades and will take a long time to improve. There needs to be a focus on bringing families with children back into the area.</p>
<p>The whole of Treforest needs to be looked at, too many HMOs, no need for any more to be built.</p>
<p>The licensing scheme has been watered down over the years which has made it easier for people to rent properties as HMO's. The licensing process that I undertook to register my properties many years ago was much stricter.</p>
<p>as far as I can see everyone looks the other way you don't follow it up</p>
<p>Far too many HMOs in Treforest should be limited to a percentage of each street or road</p>
<p>Without the Scheme Treforest community would be destroyed.</p>
<p>Make sure it's clean and tidy around the area.</p>
<p>Gives reassurance to permanent residents.</p>
<p>The additional licensing scheme is absolutely necessary to ensure that houses of multiple occupation in Treforest are better managed as well as the associated issues such as anti-social behaviour. The demand for student accommodation in Treforest has changed in recent years as student numbers have decreased yet the standards in unlicensed accommodation particularly give cause for concern. Additional licensing helps to a certain degree as does enforcement and prosecution of unlicensed housing as it serves to discourage rogue landlords and promote compliance. I deal with community complaints as part of my job role and the public health and protection team have proved vital in terms of advising on licensed and unlicensed properties where (alleged) anti-social behaviour has occurred and of course in ensuring that standards are met. Students are vulnerable and without the safety net of additional licensing could be at further risk of exploitation by rogue landlords.</p>

There are concerns about every aspect of HMOs, but question 6 only allowed one choice. Treforest has the greatest number of HMOs in the borough and many of the HMOs are still not licensed. We have provided the Local Authority with a large list of potential HMOs that were not licensed. Treforest has been devastated by the high density of HMOs and if the community is to be regenerated, it is essential that the Additional Licensing Scheme continues. Respectfully, can you please continue with the Additional HMO Licensing scheme, without the scheme Treforest would be completely destroyed.

there are far too many student accommodations in Treforest and not enough affordable accommodation for single or small families of the community. which is destroying the community vibe

APPENDIX 3

PROPOSED 2019 LICENCE CONDITIONS Rhondda Cynon Taff County Borough Council

Licensing Conditions for a House in Multiple Occupation (Housing Act 2004 Section 67)

Premises:

Licence reference:

These conditions are mandatory and will be imposed by Rhondda Cynon Taf County Borough Council in all Houses of Multiple Occupation (HMOs) 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. Number of persons/households permitted to occupy the property

- 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 use and level of occupancy of each room shall not be changed without the prior written approval of the Licensing Authority.

2.Changes to the licensed property, licence holder or management arrangements

- 2.1 No alteration that may impact on the licence conditions will be made to the property without prior notification to the Licensing Authority
- 2.2 Any material change of circumstances in respect of the licence holder, manager or anyone else involved with the property itself or its management must be notified to the Licensing Authority within seven days of such a change occurring. This will include any change of contact details.

3. Letting Arrangements

- 3.1 The licence holder shall supply all occupiers of the house with a written statement of the terms on which they occupy it.
- 3.2 The licence holder will provide each new occupier at the start of their occupancy with:
 - (a) Written information on recycling and refuse storage, collection and disposal arrangements;

- (b) Written information on procedures for the escape from the building in case of fire, including, but not limited to, understanding the alarm, the importance of fire doors and protecting the escape, keeping the escape route free from obstruction and proper use of fire-fighting equipment provided. The licence holder shall ensure that all occupiers are fully aware of procedures for dealing with false fire alarms;
- (c) Written details of the arrangements that are in place for dealing with repairs and emergency situations at or in connection with the property. This should include names, telephone numbers and email addresses where available;
- (d) Written information about anti-social behaviours detailed in **condition 7** of this licence
- (e) Information is provided regarding the operation of the heating system and advice given in respect of minimising condensation dampness and mould growth

3.3 The Licence Holder or Manager shall ensure that all reasonable requests by an authorised Officer of the Council's HMO licensing Team to examine or survey the property are fulfilled and access is gained without unnecessary delay.

4. The condition of the property and associated facilities

4.1 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.

4.2 The licence holder must ensure that the HMO is maintained free from serious disrepair.

4.3 The licence holder must ensure that the HMO complies with the Council's adopted space and amenity standards.

4.3 The licence holder must ensure that adequate space heating is provided and maintained in each unit of living accommodation.

4.4 A working carbon monoxide alarm must be fitted to any room that is used partly or wholly as living accommodation and also contains any appliance which burns, or is capable of burning, solid fuel, mains gas or liquid petroleum gas fuel.

4.5 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.

4.6 The licence holder must ensure that the internal common parts, staircases and other communal areas are maintained on good order and that they are so far as practicable in a clean and tidy condition.

4.7 All licensable properties must attain a minimum “E” rating energy performance unless the premises is exempt in accordance with criteria specified with The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015

4.8 The Licence holder shall ensure that all portable electrical appliances provided by the landlord for use by the tenants occupying the property shall be kept in a safe condition. Upon request by the Council, an up to date annual Portable Appliance Testing (PAT) certificate shall be provided as evidence to satisfy this condition.

4.9 The Licence Holder shall ensure, as far as reasonably practicable, any waste arising from building work or improvements to the house is not stored or does not accumulate within the curtilage of the property. All accumulations shall be removed without delay to a licensed waste disposal facility.

5. Fire precautions

5.1 The licence holder must ensure that there are appropriate means of escape, fire precautions and equipment provided at the property in line with the Council’s adopted standard. The licence holder will provide the Council with a declaration, on demand, as to the design, installation and conditions of the system

5.2 The licence holder shall ensure that the fire alarm and detection system and fire extinguishers provided at the property are maintained in good working order; that the alarm system, including sounders and smoke detectors, are tested at appropriate intervals in accordance with the installer’s/manufacturer’s instructions and that any defects are remedied immediately.

As a minimum, the alarm system should be tested 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. Fire extinguishers should be visually checked monthly and annually serviced. 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 of the licensing authority.

5.3 The licence holder shall ensure that arrangements are in place for an appropriate person being available to attend the property at any time in the event of a false alarm to ensure that the fire alarm system is properly re-set. Contact details for this person shall be registered with the Council's Housing Standards Team, Ty Elai, Dinas Isaf East, Williamstown, Tonypanyd CF40 1NY. Email publichealthhousing@rctcbc.gov.uk

5.4 The Licence holder shall ensure that the fire alarm is tested by a suitable and competent contractor following all false alarms and fire occurrences to ensure the system is properly re-set. The licence holder shall ensure that the Council is informed of a fire occurrence at the property within 24 hours of the fire occurrence being notified to the licence holder or their nominated representative.

5.5 Maintenance of Fire Sprinkler Systems (where installed)

Written evidence should be provided to the Licensing Authority annually that any sprinkler system installed within a licensed property is maintained in accordance Section 7 of BS 9251:2014 : *Fire sprinkler system for domestic and residential occupancies - Code of practice*

The sprinkler system should be subject to an annual inspection and test by a competent person, as follows.

- a) The system should be inspected to determine whether all components are functioning as designed.
- b) The system should be inspected for leaks.
- c) The system should be inspected to determine whether any or all modifications have been carried out in accordance with this standard.
- d) Where there has been a material alteration to the building, an increase in fire loading or a change to include vulnerable occupants, an assessment should be made as to whether the category of system is still appropriate.
- e) The sprinklers and cover plates should be inspected to determine whether they have been tampered with or whether their spray pattern has been impeded.
- f) Valves should be exercised to ensure free movement and any locking mechanism should be checked and reinstated.
- g) The test valve should be operated to determine whether the system's design flow rate and pressure, as hydraulically calculated, is achieved.
- h) Alarms should be tested to determine whether they function as designed.
- i) Backflow prevention devices should be maintained in accordance with the manufacturer's recommendations or BS EN 806-5.
- j) Any remote monitoring arrangements should be tested to determine whether they are being transmitted and received correctly.
NOTE 2 It is essential that any alarm receiving centre to which alarm signals are relayed is notified before, and immediately after completion of, any tests that could result in an alarm signal.
- k) Where trace heating is installed, its operation should be checked.

6. Gas, Electrics and Furniture

6.1 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 Gas Safe 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 Gas Safe 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.

6.2 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.

6.3 With reference to the electrical installations in the house: -

- I. The licence holder must ensure that all lighting to the common parts is kept 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 proposed licence holder must produce to the Licensing Authority, an electrical certificate issued from a qualified electrician confirming the satisfactory condition of the circuits and/or installation. The electrical certificate must not be more than 5 years old.
- 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), the Institute of Electrical Engineers (MIEE), or person qualified to the current IEE Wiring Regulations / British Standard (BS 7671:2008(2015) 2382-15). The licence holder must ensure that the electrician is suitably qualified to provide an Electrical Installation Condition Report (EICR)

7. Community and Environmental Matters

7.1 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.

7.2 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.

7.3 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 occupying tenants, neighbours, surrounding community or neighbourhood. The terms ‘structures’ includes windows, doors, roof, fascia and soffit boards, rainwater goods and boundary walls, gates and fences.

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

7.5 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.

7. Waste storage and disposal arrangements

7.1 The licence holder shall ensure that suitable and sufficient storage facilities are provided for household waste and recycling to prevent animals and birds from access to the waste pending its disposal.

7.2 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.

8. Provision of satisfactory management arrangements

3.1 The licence holder must ensure that the HMO is properly managed at all times. In particular the licence holder must ensure compliance with the Management of Houses in Multiple Occupation (Wales) Regulations 2006 and/ or The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales) Regulations 2007 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).