



RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2018-19

**HEALTH & WELLBEING SCRUTINY
COMMITTEE 9th OCTOBER 2018**

**REPORT OF THE DIRECTOR, PUBLIC
HEALTH, PROTECTION & COMMUNITY
SERVICES**

Agenda Item No. 2

**REVIEW OF THE 2014 ADDITIONAL
LICENSING SCHEME FOR HOUSES
IN MULTIPLE OCCUPATION AND
THE PROPOSAL TO DECLARE A
NEW SCHEME IN 2019**

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1. PURPOSE OF THE REPORT

- 1.1 To allow members to scrutinise the effectiveness of the 2014 Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) and, subject to those findings, to scrutinise the proposal to 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 Committee:

- 2.1 Scrutinise the findings of the Evaluation of the 2014 Additional HMO Licensing Scheme in Rhondda Cynon Taf.
- 2.2 Subject to the review of the evaluation of the 2104 scheme, scrutinise the evidence for the proposal to declare a New Additional Licensing Scheme for HMOs in Rhondda Cynon Taf, in accordance with the provisions of the Housing Act 2004.

- 2.3 Subject to recommendation 2.2 above, make recommendations in respect of the licensing conditions to be placed on all HMO licenses granted by the Council under both the Mandatory Licensing Scheme, and the proposed new Additional Licensing Scheme from April 2019.
- 2.4 Make recommendations to the Cabinet in respect of future additional licensing requirements for HMOs in Rhondda Cynon Taf from April 2019.

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 availability of housing benefit and the demand for smaller accommodation including shared housing is increasing.
- 3.3 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. HMOs in particular are now seen as a housing choice by young professionals, new to the employment market.
- 3.4 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.
- 3.5 Since 2006, the Council has operated successive Additional Licensing Schemes, the most recent Scheme of which was introduced in 2014 and regulated all types of HMO including small 2 storey properties with three people living as two households and certain buildings converted 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. The standard conditions currently placed on HMO licences are attached as Appendix 1.

- 3.6 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, 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 2.

- 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 the 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 is not 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, students, letting agents and other stakeholders
 - Targeted engagement with Local members, Treforest Residents Association and Treforest PACT
- 5.2 The full Consultation feedback report is produced as Appendix 3. The key findings were as follows:
- 146 responses were received to the consultation. The majority of these identified Treforest as their place of residence.
 - 54% of respondents were owner occupiers, 14% were landlords and 26% were tenants.
 - 43% of respondents had concerns about HMOs in their area, with 49% saying anti social behaviour was the main cause for concern, followed by 25% saying it was disrepair.
 - 60% of respondents believed HMO licensing can improve the quality and appearance of HMOs.
 - 64% of respondents believed HMO licensing can improve the safety and security of HMOs.
 - 61% of respondents believed HMO licensing can be an effective way of preventing anti social behaviour, with a further 61% believing it can improve the management of HMOs.
 - 65% of respondents said they want to see the Additional Licensing Scheme continue. Only 11% of respondents said they did not want it to continue
- 5.3 Many respondents provided comments to illustrate their opinion and these are reproduced in full from Page 20 of 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: increase controls especially in relation to appearance of HMOs, desire for higher quality HMOs, focus on poor landlords.
 - 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.

6 FINANCIAL IMPLICATION(S)

- 6.1 The Housing Act 2004 allows local authorities to recover the cost of administering licensing scheme from application and other associated fees. The basis of the fees charged includes 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 and proportionate. The implementation costs of any licensing scheme should be wholly recovered from fees.

7 CONCLUSION

- 7.1 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.
- 7.2 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 (Section 56) as follows:
- The exercise of the power is in accordance with the Council's Housing Strategy. 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 the 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 and will ensure that the risks associated with shared housing continue to be appropriately managed.

HMO Licensing Conditions

(Housing Act 2004 Section 67)

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. The condition of the property and associated facilities.

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

Implementation date: July 2014

1.8 If gas is provided to the house, with reference to the gas appliance, boilers and flues (the 'gas appliances etc.'): -

- I. The licence holder must ensure that at all times the gas appliances etc. provided as part of the tenancy are in a safe condition.
- II. A certificate from a CORGI registered engineer concerning the condition of the gas appliances etc. shall be provided to the Council with each application for a licence. A copy of this certificate must also be provided to each tenant upon the start of a tenancy agreement and annually thereafter.
- III. On each occasion that the gas appliances etc. are altered in any way, the licence holder must produce to the Council a further certificate from a CORGI registered engineer concerning the condition of the gas appliances etc.
- IV. The licence holder must produce to the Council annually for their inspection a gas safety certificate obtained in respect of the house within the last 12 months.

1.9 The licence holder must keep electrical appliances and furniture made available by him in the house in a safe condition. In particular, the licence holder must ensure that all upholstered furniture and furnishing provided as part of the tenancy comply with the standards required in the Furniture and Furnishings (Fire Safety) Regulations 1988 as amended and any other statutory instrument or other enactment which may, after the date of licensing, directly or indirectly replace them, with or without amendment. On demand, the licence holder must supply the council with a declaration by him as to the safety of these appliances and furniture.

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

- I. The licence holder must ensure that all lighting to the common parts is sustained in good working order.
- II. The licence holder must ensure that at all times the electrical wiring to the lighting and power circuits, and the circuits to the fire alarm and emergency lighting systems and all electrical appliances (the 'circuits and/or appliances') provided as part of the tenancy arrangements are in a safe condition.
- III. Prior to licensing, the licence holder must produce to the Council, a certificate from a qualified electrician confirming the satisfactory condition of the circuits and/or installation.
- IV. On each occasion that the circuits and/or installation are altered in any way, the licence holder must produce to the Council, a further certificate from a qualified electrician confirming the satisfactory condition of the circuits and/or installation.
- V. For the purposes of this condition, a 'qualified electrician' means a member of the Electrical Contractors Association (ECA), the National Inspection Council for Electrical Installation and Contracting (NICEIC) or the Institute of Electrical Engineers (MIEE).

Implementation date: July 2014

1.11 With reference to the fire alarm and detection system in the house, the licence holder must: -

- I. In relation to houses of more than 2 storeys, produce to the Council every 5 years, a certificate from a qualified electrician concerning the condition of the electrical wiring and circuits to the system.
- II. On each occasion that the system and/or installation are altered in any way, the licence holder must produce to the Council, a further certificate from a qualified electrician concerning the condition of the circuits and/or installation.
- III. Carry out such other steps as necessary to ensure the fire alarm and detection system is maintained in good, operative order. This should include the testing of the alarm system by operating all alarm sounders in the dwelling at least once every month, annually testing each smoke detector for response to smoke, cleaning of the smoke detectors periodically in accordance with the manufacturer's instruction, or such other measures as may be deemed appropriate to the circumstances.
- IV. Keep a written record of testing and maintenance of the alarm system, for example in the form of a log book. This record must be made available for inspection upon demand.

2. Community and Environmental Matters.

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

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

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

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

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

2.2 The licence holder must take all reasonable steps to co-operate with the Council over any action or investigation they may undertake in respect of

Implementation date: July 2014

anti-social behaviour arising in connection with the occupiers of (or visitors to) the licensed HMO.

- 2.3 The licence holder must ensure that the external structures, gardens and yards of the house are maintained in satisfactory repair (including decorative repair), clean condition and good order so as not to be detrimental to the amenity of the locality or neighbourhood. The terms 'structures' includes windows, doors, roof, fascia and soffit boards, rainwater goods and boundary walls, gates and fences.
- 2.4 The licence holder must ensure that adequate and suitable refuse storage receptacles are provided for the exclusive use of the occupiers of the property.
- 2.5 The licence holder shall ensure that the occupiers of the house have written notification of the relevant collection and disposal arrangements for refuse arising from the property. The written notification shall include a statement that it is an offence to place refuse for collection on the public highway, public footpath or other designated collection point earlier than 12 hours before the scheduled time of collection. The licence holder must notify the occupiers of the HMO that they shall not permit litter or refuse to spread from the house onto the street or other land outside the curtilage of the house.
- 2.6 The licence holder must ensure so far as practicable that the external areas within the curtilage of the property are kept clean, are free of accumulations of waste and are free from rodent infestations.

3. Provision of satisfactory management arrangements

- 3.1 The licence holder must ensure that the HMO is properly managed at all times. In particular he must ensure compliance with the Management of Houses in Multiple Occupation (Wales) Regulations 2006 and ensure that the property is appropriately managed or supervised for the purpose of ascertaining whether there are contraventions of the management regulations.
- 3.2 The licence holder must provide all tenants with a written statement of the terms on which they occupy the premises.
- 3.3 The licence holder must ensure that any persons involved with the management of the HMO are to the best of their knowledge "fit and proper persons" for the purposes of the Housing Act 2004.
- 3.4 The licence holder must ensure that there are adequate arrangements in place for dealing with emergency occurrences at or in connection with the property and must take suitable steps to ensure that all occupiers of the property are aware of the arrangements.

Implementation date: July 2014

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).

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 'passported' 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
Abercwmboui		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
September 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.
- 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.

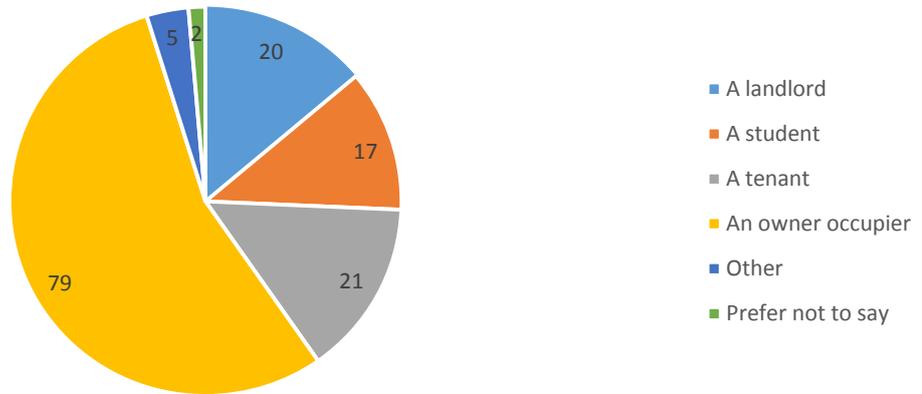
During the period of the consultation there were a total of **146 respondents**.

Q1 Respondents Place of Residence

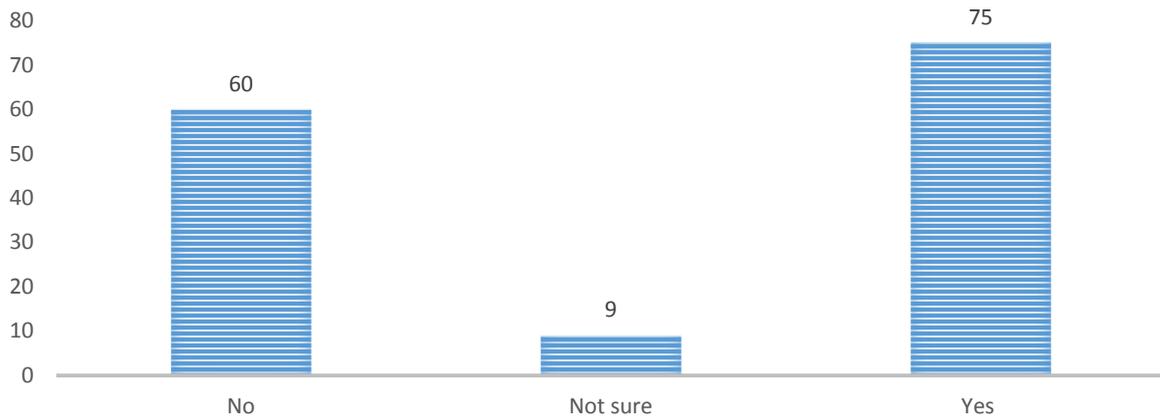
Pentre	6
Pontyclun	2
Pontypridd	3
RCT	2
Reading	1
Rhondda	1
Rhondda Cynon Taff	1
Rhydyfelin	1
Ton Pentre	7
Treforest	77
Vale of Glamorgan	1
Ystrad	1
Total	103

Of the 144 respondents 43 did not complete their place of residence

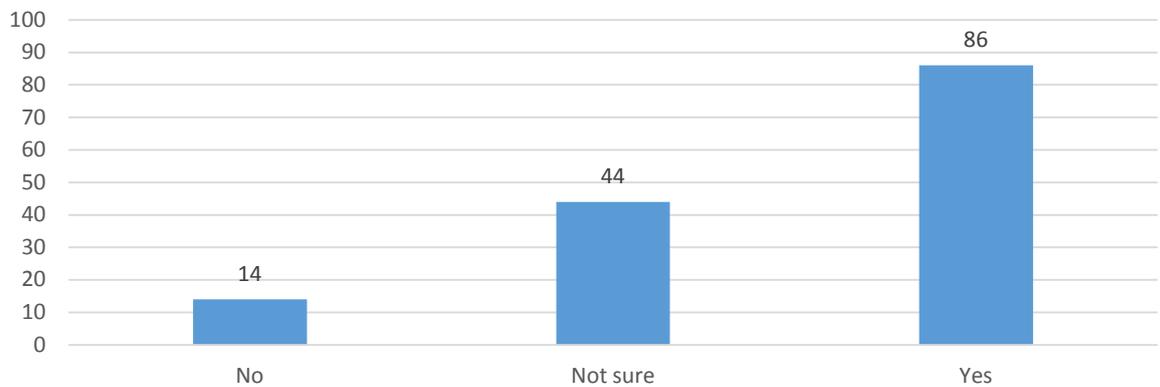
Q2 . Respondent by Tenure

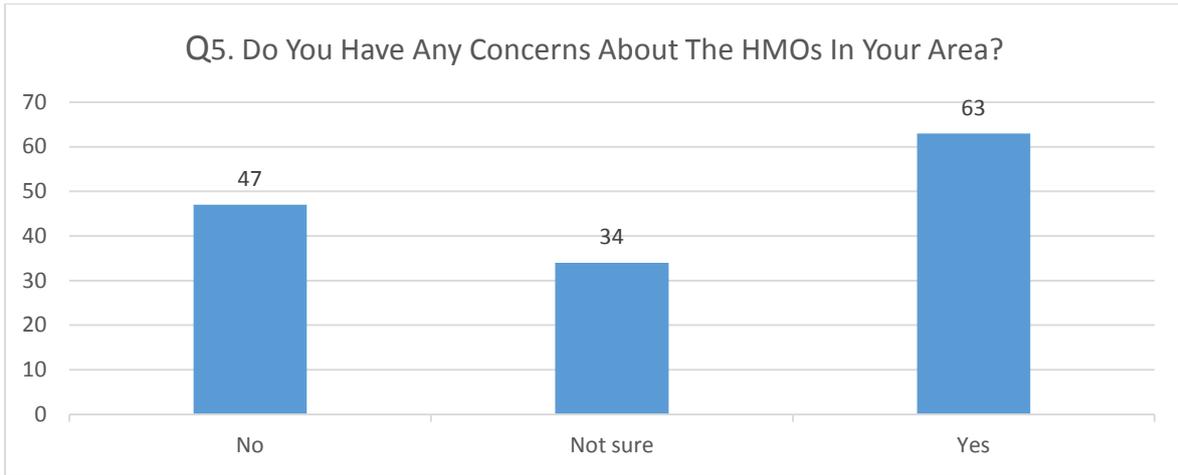


Q3.HAVE YOU HEARD OF THE HMO ADDITIONAL LICENCE SCHEME?

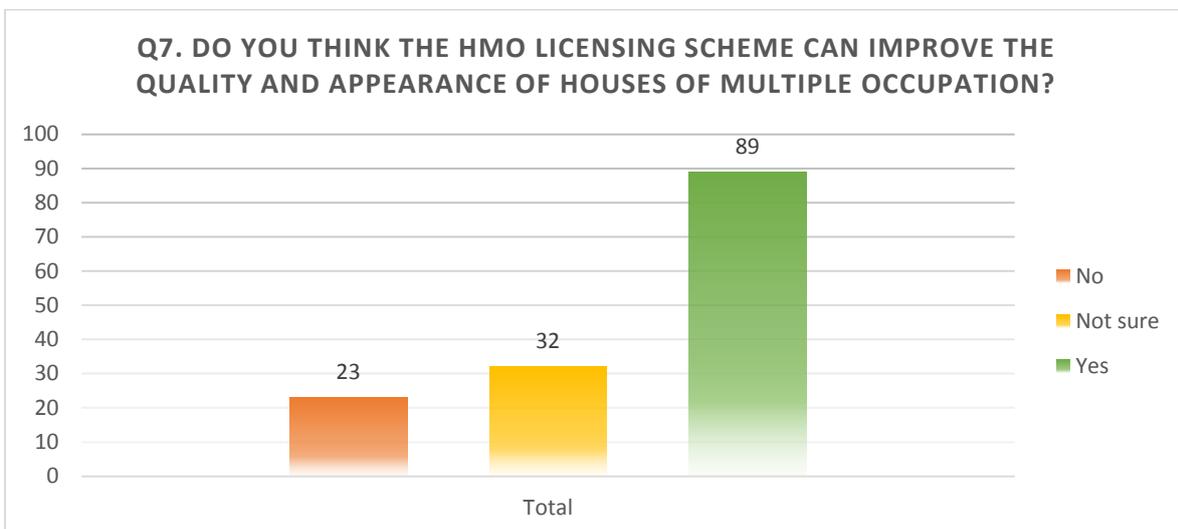
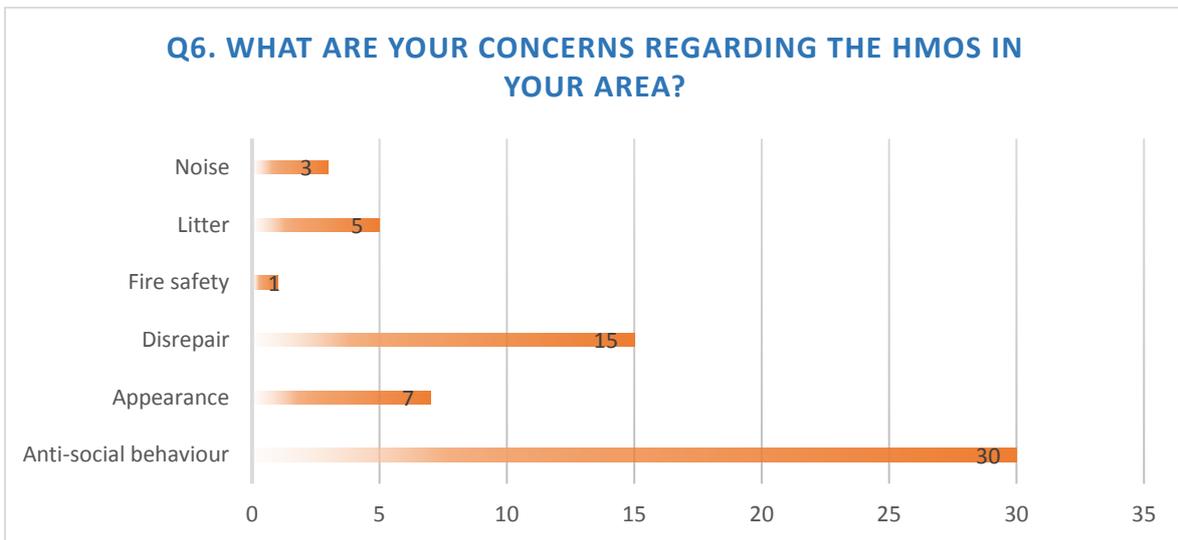


Q4. Are There Any HMOs In Your Area?

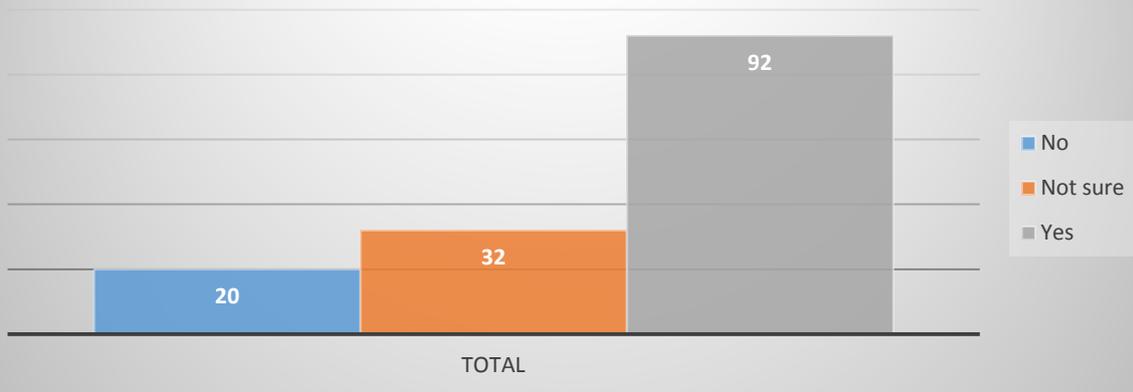




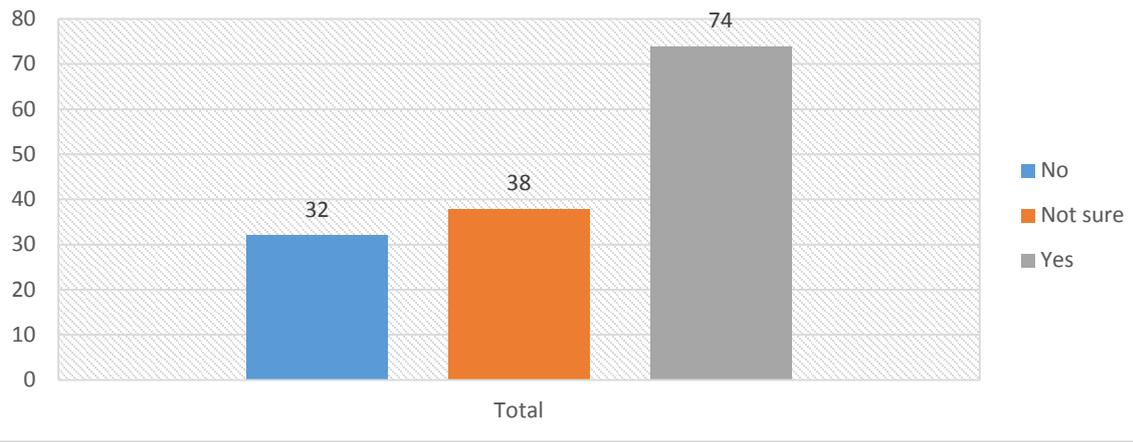
Q.6 Where a concern was raised regarding HMO the respondent was able to choose one lead reason from a list of 6 examples: -



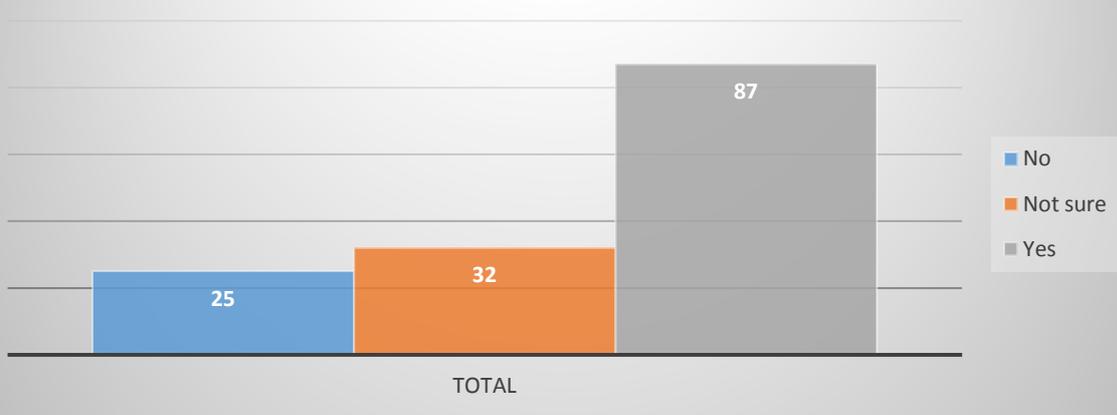
Q8. Do You Think The Additional Licensing Scheme Can Serve To Improve The Safety And Security Of HMOs

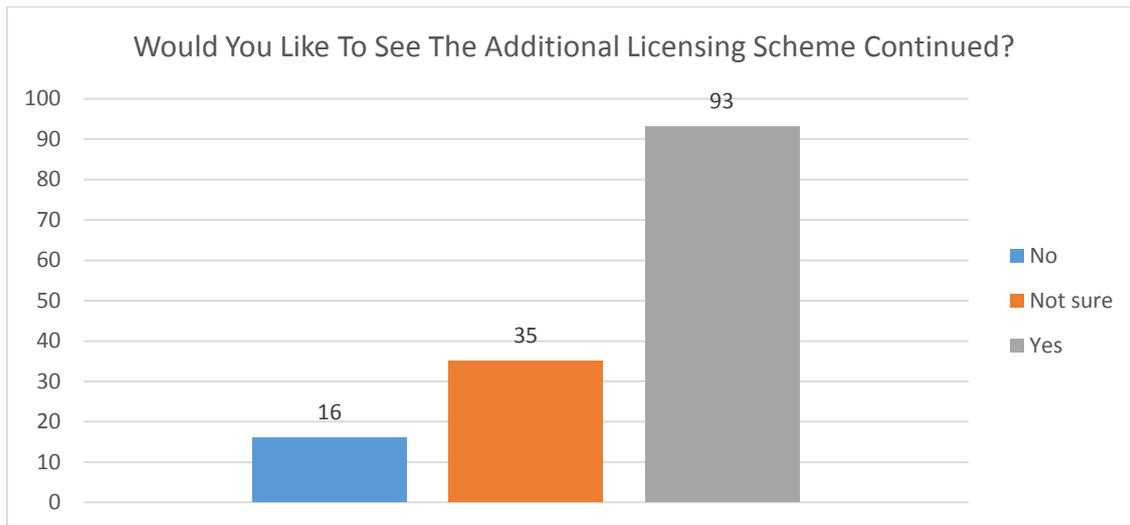


Q9. Do You Think Additional Licensing Can Provide An Effective Way Of Preventing Anti-Social Behaviour



Q10. Do You Think Additional Licensing Scheme Can Improve The Management of HMOs?





6.

Survey Analysis

Q1 Place of Residence

There were a total of 148 Respondents to the consultation held between the 6th of August and the 15th of September.

Of the 144 respondents 103 confirmed their place of residence. 72% of respondents that confirmed their place of residents were from the Treforest area.

Q2 Respondent by Tenure

55% owner occupiers

14% Tenant

13% Landlord

12% Student

4% Other

1% Prefer Not to Say

Q3 Have You Heard of the HMO Additional Licence Scheme.

52% of respondents confirmed that they had heard of the ALS

42% had not heard of the ALS

6% were unsure.

Q4 Are There Any HMOs in Your Area

60% stated there were HMOs in their area

31% were unsure

9% stated there were no HMOs in their area

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

44% confirmed they had concerns about the HMOs in their area

33% had no concerns

24% 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 61 respondent stated they had concerns regarding the HMOs in their area, they were then requested to confirm a lead issue.

49% raised concerns in regards to anti-social behaviour in general

25% raised concerns in regards to Disrepair of properties

11% 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

62% confirmed yes

22% said No

16% where 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

64% thought the ALS could serve to improve Safety and security of HMOs

22% were unsure

14% 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

61% agreed that ALS was an effective way of preventing ASB

21% Were unsure

17% did not think ALS did not provide a means for preventing ASB

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

61% stated an ALS could serve to improve the management of HMOs

22% were unsure

17% felt that an ALS did not serve to improve the management of HMOs

Q11 Would You Like to See the Additional Licensing Scheme Continued

65% of respondents confirmed they would like the Additional Licensing Scheme to continue

24% where unsure

11% 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.

65% 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.

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.



Myn Ddiwt Ta Dlaw

RCTCBC Houses of Multiple Occupation.

[https://www.rctcbc.gov.uk/EN/Business/LandlordGuidance/Housesinmultipleoccupati
on.aspx](https://www.rctcbc.gov.uk/EN/Business/LandlordGuidance/Housesinmultipleoccupati
on.aspx)



Search this site...



[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/VBwj>

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
<p>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.</p>
<p>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</p>
<p>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</p>
<p>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!</p>
<p>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.</p>
<p>Existing refuse storage and collection policies are not helpful or clear. Refuse regularly left uncollected.</p>

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. Its 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

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.

The whole of Treforest needs to be looked at, too many HMOs, no need for any more to be built.

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.

as far as I can see everyone looks the other way you don't follow it up

Far too many HMOs in Treforest should be limited to a percentage of each street or road

Without the Scheme Treforest community would be destroyed.

Make sure it's clean and tidy around the area.

Gives reassurance to permanent residents.

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.

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