



**RHONDDA CYNON TAF**

**Houses in Multiple Occupation  
Additional Licensing Scheme  
Review 2023**



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## **1. Background:**

- 1.1 In October 2013 Cabinet deliberated the report “Licensing of Houses in Multiple Occupation in Rhondda Cynon Taf”. This was considered in conjunction with the recommendations from the Environmental Services Committee from the 1<sup>st</sup> July 2013. Following this, the Council adopted an HMO Additional Licensing Scheme to “improve safety and management standards”.
- 1.2 The Additional Licensing Scheme (ALS) 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 had. It also included converted buildings
- 1.3 The 2014 Scheme was reviewed in 2018 whereby a decision was made to implement a further Additional Licensing Scheme which was came into effect on the 1<sup>st</sup> April 2019. The current scheme is due to lapse in 2024.

## **2. Purpose of Review:**

- 2.1 The Scheme was approved to run for a period of 5 years, and at the end of the period, the Council are obliged to undertake a review of the Scheme. The review should focus on determining whether the scheme is achieving its objectives within its current framework. The review should also 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. In summary, the review will:
  - 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.
  - Evaluate the possible effect on the housing market and housing standards in shared housing in RCT if the scheme is not continued after 2024.
  - Make recommendations on any changes or improvements that could be made to the existing scheme if it were to be continued.

### **3. The Private Rented Sector in Rhondda Cynon Taf:**

- 3.1 Between the 2011 and the 2021 National Census, the percentage of privately rented properties within Rhondda Cynon Taf rose from 13.7% to 17.6%. This represented the second highest percentage rise in Wales. There is now an estimated 18,180 private rented properties in the Borough which is an increase from 14,353 as on April 2018; of these 3.02% (549) are Houses in Multiple Occupation. The last review reported that 3.86% of rental properties were HMOs and this reduction is due in large part to the combined effects of an increase in rental properties overall and a decrease in the number of licensed HMOs.
- 3.2 These statistics confirm that the private rented sector is increasingly relied upon to provide a wide range of housing options within RCT not readily available through the owner-occupier and social housing sectors. According to the most recent Local Housing Market Assessment (July 2022) this trend is set to continue. The LHMA projection indicates that the population of Rhondda Cynon Taf will grow to over 250,000 by 2035 and that the biggest rise will be amongst people aged between 20-29. This age group will be predominately single and will be effected exponentially by the lack of affordable housing. Traditionally, this is the age group most associated with HMOs.
- 3.3 Enabling and fostering a functional and balanced local housing market is fundamental to nurturing social inclusion, health and wellbeing and ensuring robust and prosperous communities within Rhondda Cynon Taf.
- 3.4 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 in the Treforest ward.
- 3.5 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. Therefore, they are turning to the non-student single person demand and this trend is likely

to continue going forward.

3.6 The above is evidenced by the RCT Local Housing Market Assessment (LHMA) 2022 and via empirical knowledge, gained through interaction with landlords via the Landlord Forum. The University has also built 1,200 dedicated purpose built units of accommodation that has had an obvious effect on demand for student private rentals.

#### **4. Legislative Context:**

4.1 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 legislation provided a detailed definition of what constitutes a HMO, whilst also setting out standards of management for these types of properties. The UK Mandatory Licensing Scheme came into force on 1st June 2006.

4.2 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. Each local authority can decide to implement an Additional Licensing Scheme to bring more HMOs within the scope of the licensing regime.

4.3 HMOs have been subject to proactive regulation in Rhondda Cynon Taf for the last 17 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.

4.4 Currently, the RCT 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 that 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.
- It is important to note that 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.

4.5 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.

4.6 Whilst there are currently 549 licensed HMOs in RCT (Mandatory and Additional), the potential number of HMOs is higher than this at 654. 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.

4.7 Currently, there are 71 premises classed as "query licensable HMOs" and 34 classed as vacant HMOs. 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 could then potentially encompass enforcement action.

4.8 Online applications were introduced in 2019 and this has led to an improved processing time for licenses. Applications are now complete at the point of submission, including payments and supplementary information. Improved processing time can be shown, in so far that:

- Part 1 payment must be made prior to application submission.
- No delays in application being made via postal service
- No excuses in terms of late submissions, or arguments that discount should apply because application was posted prior to expiry but delayed due to postal delivery
- No submission of incomplete forms (as was sometimes the case with paper forms which then necessitated the case officer having to return paper applications to applicants to be fully completed / signed etc.)
- In time of the Covid pandemic there was a reduced risk of spread of disease due to no paper handling of applications and certificates
- Furthermore, in time of the Covid pandemic the electronic application system proved invaluable in terms of continued service delivery; it supported hybrid-working arrangements and reduced filing requirements.

4.9 The number and location of HMOs currently licensed under both the Mandatory and Additional Licensing Schemes in RCT is shown in Appendix 1.

## **5.0 Licence Conditions:**

5.1 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. The current Licensing conditions applicable to HMOs in Rhondda Cynon Taf are presented in Appendix 4.

5.2 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 persons assessed as being fit and proper effectively manage the properties.

People who hold a license to operate a HMO must comply with the Council's HMO Licensing conditions; some of these are Mandatory and are imposed on all HMO Licenses in the UK, in accordance with the Housing Act (2004). Others are local conditions that will be imposed on HMOs in Rhondda Cynon Taf.

- 5.3 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.
- 5.4 For the small 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.

## **6.0 Other Regulations that effect HMOs:**

- 6.1 In addition to the requirements of Part 2 of the Housing Act (2004) there are two other 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.
- 6.2 Moreover 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.



### 6.3 Housing Health & Safety Rating System

Additional 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.

### 6.4 Summary of New Regulations

Since the last review, the following new legislation either has come into force or has continued to affect the way that HMOs are managed:

- **BS5839 (Part 6)** – A new code of practice for enforcing Authorities and others responsible for implementing fire precautions in non-domestic buildings including HMOs.
- **Fire Safety Act (2021)** – amends the Regulatory Reform (Fire Safety) Order 2005 (the FSO) with the intention of improving fire safety in multi-occupancy domestic premises. Crucially, the external walls of a building and the fire doors to individual flats must now be assessed as part of the requirement for a fire risk assessment. This can be seen as a reaction to the Grenfell Tower disaster of 2017.
- **Renting Homes (Wales) Act 2016** – this came into effect on 1<sup>st</sup> December 2022. For landlords, this should mean a simpler system, with two types of contracts: “secure” for the social rented sector and “standard” for the private rented sector. Landlords will need to ensure homes are fit for human habitation and this will include, electrical safety testing and ensuring that smoke alarms and carbon monoxide detectors are fitted.
- **Proposed implementation of the Building Safety Regime** – Welsh government is proposing to introduce new regulation to improve the safety of multi occupied

residential buildings at the design, construction and occupational phase of a building's lifecycle. It is proposed that Local Authorities will take the lead role as the Regulator and collaborate with residents and responsible persons to ensure compliance with the proposed new legal duties. It is currently proposed that the new regime will cover two categories of multi occupied residential buildings –

**Category 1:** Buildings that are 18 metres or more and comprising of (a) 2 or more residential units or (b) one residential unit if that unit is occupied by more than one household as their only or main residence

**Category 2:** Buildings less than 18m in height comprising of (a) 2 or more residential units or (b) one residential unit if that unit is occupied by more than one household as their only or main residence.

## **7.0 Covid19 - Impact and Implications for HMOs:**

- 7.1 The Covid19 pandemic has fundamentally changed the way that people are choosing to live and work. There has been concern that the impact of Covid19 will or has, disproportionately affected private rented housing standards. Houses in multiple occupation form a vital part of this sector, often providing cheaper accommodation for people whose housing options are more limited.
- 7.2 The period of the Covid pandemic also proved to be detrimental in terms of the administration and enforcement of HMO licensing. During this time, HMO licence application visits and HMO annual inspections could not be carried out. Where there was a high degree of confidence in management, licenses were issued with standard conditions. Equally, where HMO application visits had been carried out prior to Covid restrictions and works were required to be completed by the property owner but could not be visually checked because of the Covid restrictions, such applications were processed by the issue of licenses with time limited property specific conditions attached.
- 7.3 The Covid pandemic also imposed huge difficulties on landlords being able to carry out repairs and maintenance because it was problematic to obtain building services, materials, and access to internal elements of properties. Material costs associated with repairs and maintenance also increased significantly.

## **8.0 Benefits of the Additional Licence Scheme since 2018:**

8.1 Between April 1<sup>st</sup> 2018 and March 31<sup>st</sup> 2022, 549 HMO licenses were issued within RCT. This compares with 622 for the period of the last review, April 1<sup>st</sup> 2014 and March 31<sup>st</sup> 2018. In addition, there are currently a further 33 premises classed as “licensable HMO/under review”, ten of which are pending approval. Once approved, classification will change to HMO. There are also 71 premises classed as “Query Licensable” HMO and 34 premises classed as Vacant HMO. Normally, upon completion, these premises would be re-classed as normal or domestic/owner-occupied and not HMO’s. Appendix 2 shows the type and size of HMOs in RCT that have received a licence under the Additional Licensing Scheme.

8.2 Of the total number of applications received under the current Additional Licensing Scheme, 350 were renewal applications, meaning that they had been licensed under the 2014 Additional Licensing Scheme. Of these 87% were non-compliant at the point of application, which demonstrates the benefits of having an ALS for HMO’s. In addition, the Council has received 20 licensing applications for converted buildings (Section 257 HMOs). These were brought into licensing for the first time in 2018 and 100% of these HMOs were non-compliant at the point of application.

### **8.3 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. It should be noted that during the pandemic this activity was severely curtailed and it is not relevant to compare inspections for this review to the last review.

8.4 However, the percentages of properties that meet licensing standards at the point of application remains quite low and the data also indicates that there is still a drop in standards in terms of property conditions and management arrangement for new applications being presented to the Council for licensing.

8.5 Environmental Health Officers continue to undertake proactive inspections of licensed HMOs, usually at around year 2 after licensing and then on an annual basis. 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.

Table 1 below provides a breakdown of all inspections carried out between 2018-2022 and property compliance figures at the point of inspection. The table also includes the number of inspections with undetermined compliance due to incomplete record keeping regarding compliance. The data clearly shows the effect that the Covid restrictions had on the inspection regime during the years 2020-2021 and 2021-2022. It is therefore difficult to draw evaluations with the previous review period when concluding on the data.

**Table 1: HMO Inspection figures 2018-2022:**

Type of Inspection	Year 2018- 2019	Year 2019- 2020	Year 2020- 2021	Year 2021- 2022	Total
HMO Annual Inspection/Compliant	120	121	33	51	325
HMO Annual Inspection/Non-compliant	288	364	53	164	869
Compliance undetermined	60	81	18	21	180
<b>Total</b>	<b>468</b>	<b>566</b>	<b>104</b>	<b>236</b>	<b>1374</b>

8.6 Since the commencement of the 2018 scheme 39 licenses have received reduced license terms (less than maximum 5-year license term) in response to failures by the license holders to carry out works in a reasonable time scale to meet licensing conditions. Proactive occupancy checks, which have also been carried out from 2019 to date, have led to one landlord being prosecuted for exceeding the number of persons permitted to occupy a HMO contrary to the conditions imposed within the license. In addition, there is one further case pending for the same offence.

8.7 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.

8.8 All hazards or non-compliance issues identified through the proactive inspections have been reduced to an acceptable standard because of Council intervention to ensure these properties were again compliant with licensing conditions. Hazards identified and removed from HMOs are detailed in Appendix 3. There were 1050 Category 1 and 2 Hazards removed from within 360 Licensed HMOs since the commencement of the 2018 Additional License scheme. 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.

## **9.0 Anti-Social Behaviour:**

9.1 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.

9.2 Anti-social behaviour is a broad term used to describe day-to-day incidents of crime, nuisance and disorder that can have a dramatically negative impact on the lives of people in the community. It covers such things as:

- Dog fouling, uncontrolled and noisy pets, inconsiderate or dangerous parking and abandoned cars.
- Noise nuisance and alcohol related nuisance.
- Environmental health issues such as fly tipping or general rubbish dumping.
- Vandalism and graffiti.
- Drug misuse.
- Acts of violence.
- Harassment, including verbal or physical abuse and threats.
- Hate crime, including incidents motivated by someone's age, disability, faith, sexuality or race.

- 9.3 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.
- 9.4 The Treforest Ward has by far the highest number of both Mandatory and Additional licensed HMOs in RCT. Table 2 below provides a breakdown of the reported annual incidents of anti-social behaviour in the ward and offers a comparison between the last set of three year periods. It shows a reduction in reported ASB incidents but it is difficult to gauge any meaningful trends from the data because of a number of factors; firstly, 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 overall incidences of anti-social behaviour have been reduced in comparison to the smaller range of ASB that was originally reported prior to the introduction of the 2019 ALS. The impact of the Covid pandemic could have also influenced the number/types of complaints received.

**Table 2: ASB Incidents in Treforest Ward 2017-2022.**

**NB: Figures are from 1<sup>st</sup> January and 31<sup>st</sup> December each year and 2022 does not include November and December data. The second reporting period covers the Covid pandemic and may have contributed to a reduction in the number/types of complaints received.**

Number of reported ASB Incidents		
	2017-2019	2020-2022
Environmental Calls	1234	230
Nuisance Calls	659	160
Personal	112	72
<b>Totals</b>	<b>2005</b>	<b>462</b>

## 10.0 Planning:

- 10.1 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 be 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).*

- 10.2 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.
- 10.3 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*

- 10.4 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'.
- 10.5 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. Since March 2016, Environmental Health Officers have carried out regular planning permission checks. Properties that are assumed to require planning permission in accordance with a change of Class use from C3 to C4 are referred to the Planning Department for their investigation.

### **10.6 HMO Supplementary Planning Guidance**

In May 2018 the Council introduced Supplementary Planning Guidance (SPG) in

relation to Houses in Multiple Occupation. The SPG serves to provide detailed guidance on how the Council assesses and decides applications to create new HMOs within the County. In order to manage the concentration levels of HMOs a 20% on threshold has been introduced within the Treforest area. If an application will increase the concentration of HMOs within a 50 metre radius of the planning application address, the application would be deemed unacceptable in principle. For all other areas, provided the application is unlikely to increase the concentration of HMO within a 50 metre radius of the application address, the application would be considered acceptable in principle. The implementation of the SPG has lowered the creation of new HMOs within the Treforest ward. Also, where existing HMOs have transitioned to C3 class use and are located in streets with high concentrations of HMOs, such properties would likely not receive permission to operate as C4 HMOs in the future.

## **11.0 Treforest Property Accreditation Scheme:**

- 11.1 In April 2016, the Council considered a report, which identified that Treforest required some interventions to improve the sustainability of the housing market, and to ensure that the condition of the housing stock and street scene is of a good standard overall. Whilst the Additional HMO Licensing scheme in Treforest is one of the most comprehensive in Wales, it was recognised that an increase in proactive work would bolster this further. The type of interventions recommended included implementing a Property Accreditation Scheme to complement the existing HMO Licensing scheme and encourage the driving up of standards in the private sector generally. This involved an increase in housing enforcement activity and regular street surveys, to proactively identify issues that were having a negative impact on the community or appearance of the area.
- 11.2 The Treforest Property Accreditation Scheme (TPAS) was implemented in November 2016 and 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.



## **12.0 The Domestic Private Rented Property Minimum Standard of Energy Efficiency:**

- 12.1 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).
- 12.2 From the 1st April 2020, landlords could 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). The Council revised its HMO standard conditions in 2019 to require all License Holders to provide the Council with an EPC certificate to demonstrate that the licensed HMO attains a minimum EPC rating of E or better. To drive up Energy Efficiency Standards consideration should be given to revising this condition to a higher EPC rating.

## **13.0 Conclusion:**

- 13.1 The main aim of the Additional Licensing Scheme was to improve the standard of shared housing, paying particular attention to fire safety, amenity and space standards whilst also addressing issues of disrepair and Gas and Electrical safety. The Licence conditions also apply to external conditions such as boundary walls, outbuildings and gardens and the external decorative condition of the property.
- 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 and form an essential part of RCT's 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 communities in which they are located and a risk to the safety and well-being of the residents who depend on them most.
- 13.3 The 2019 Additional Licensing scheme has enabled RCTCBC to:
- Improve the condition and management of HMOs in the Borough.
  - Identify and inspect HMOs we would not otherwise have known about.

- Allocate resources to enable inspections and monitoring of HMOs that we would otherwise not be effectively regulated.

13.4 Currently, there are 460 HMO properties, which are under the authority of the ALS regulations, in addition to the 89 HMOs that are subject to Mandatory Licensing requirements. The Additional Licensing Scheme has enabled the removal of 1050 Category 1 and 2 hazards from properties designated as HMOs during the period since the last review. Landlords have been supported to raise the standards of management within the sector and robust monitoring, an annual inspection regime and enforcement where necessary, has served to identify and prosecute wilfully non-compliant landlords.

13.5 Whilst this report has identified other methods of helping to raise standards such as the TPAS and Rent Smart Wales legislation; TPAS is voluntary and not borough wide and Rent Smart Wales does not visually check the standard and safety of the actual property. Whereas the Rent Smart Wales registration and licensing process is able to provide tangible benefits to tenants and landlords in regard to the status of “*Fit and Proper*” landlords, it does not proactively audit the quality and amenity of the properties they manage. These arrangements do not therefore control the risk of poor quality accommodation being let and the associated risk to both tenants and the community.

13.6 The 2019- 2024 Additional Licensing Scheme has been unique because of the measures and restrictions which were necessary to protect public health during the Covid Pandemic. Despite this, the Council has been able to offer continued regulation of the HMO sector through its Additional Licensing Scheme and prescriptive licensing conditions. If the additional Licensing Scheme was not in place, HMO regulation during this difficult period would not have been possible.

## **14.0 Recommendations:**

14.1 It is clear the 2019 Additional Licensing Scheme has continued to have a positive impact on improving property and management standards within RCT. Selective licensing Schemes lead to a more proactive approach to housing inspections and often, to a better understanding of the Local Housing Market. It is therefore recommended that the Council continues to operate an Additional Licensing Scheme for a further 5 year period from 1<sup>st</sup> April 2024 and that the new Scheme should continue to license all types of HMO throughout the County Borough.

14.2 The ALS needs to continue to evolve and with this in mind, the following recommendations should be considered and or implemented, to make sure that the ALS continues to meet its stated aims and objectives:

- To assist owners of HMOs to focus on energy efficiency measures consideration could be given to revising the current EPC rating imposed within HMO licensing conditions to a higher standard. A referral system could be established, whereby Officers, after completion of inspections, could signpost owners to the Heat & Save Team to see if there are any grants or loans available and/or, to offer help and advice with energy efficiency measures and upgrades to the properties.
- We should develop a more robust monitoring scheme to ascertain the beneficial outcomes of the schemes. This should include collection of data on how housing conditions have been improved and what improvements have been made in management practices. This should be gathered to demonstrate what benefit this might have on the health and wellbeing of tenants.
- Commit to undertaking further research in our communities, to evaluate the effect that the Additional Licensing Scheme is having on residents with protected characteristics, who may need additional help and support to maintain their tenancies.
- Review the service to make sure that our service delivery is in accordance with the Welsh Language requirements, and to ensure that at all times the Welsh Language is promoted and that service users have the opportunity to receive information in their chosen Language. This should mean that the option to correspond in the Welsh Language is promoted first.
- Conduct a review of the license fees in accordance with best practice requirements and “benchmark” with other Local Authorities.
- Conduct a review of the Treforest Property Accreditation Scheme, to make sure that it is fit for purpose and that it underlines our aims of improving managerial and service standards.
- When HMOs are inspected, allow the opportunity for all residents to be involved in the process by notifying them of the visit. This will permit all interested parties the chance to make comments before a final license is issued.
- Develop an action plan to help monitor the effectiveness of the Additional Licensing Scheme, with regards to its strategic aims of improving management standards in the sector.

14.3 It should be further noted, that since the last review, the following two recommendations have been successfully implemented:

- It was recommended that the administration of the Scheme should be reviewed. This included a review of the fee structure to ensure that it was fit for purpose and that it continued to cover the costs of administering the Scheme. This was completed in 2019.
- The application process was reviewed, and the opportunity taken to move from a paper based system to an on line application process. The aim of this was to speed up the process and encourage a more business-focused approach.

## Appendix 1 - Mandatory & Additional Licence Applications by Location.

Location	Mandatory Licence Application & Type	Additional Licence Applications & Type	Total Number of Applications
Coed-y-Cwm		1 Renewal	1
Cwmparc	1 Renewal		1
Gadlys		1 Renewal	1
Glyntaff		1 Renewal	1
Graig	1 New 3 Renewal	1 Renewal	5
Llantwit Fardre		1 New	1
Llantrisant	1 New		1
Mountain Ash		1 New	1
Pentre		1 Renewal	1
Pontyclun		1 Renewal	1
Pontypridd	1 New 1 Renewal	1 New	3
Pwllgwaun		1 Renewal	1
Rhydyfelin		1 Renewal	1
Taffs Well		1 Renewal	1
Talbot Green		1 New	1
Trallwn	1 Renewal	1 Renewal	2

Trecynon	1 Renewal	1 Renewal	2
Treforest	55 Renewal 24 New	336 Renewal 105 New 1 Variation	521
Tylorstown		1 Renewal	1
Upper Boat		1 Renewal	1
Wattstown		1 Renewal	1
	MANDATORY	ADDITIONAL	
Total	89	460	549
New Applications	27	109	136
Licence Renewal	62	350	412
Licence Variation		1	1

## Appendix 2

<b>Additional Licensed HMOs by Number of Bedrooms</b>	
<b>2018 - 2022</b>	
<b>Number of Bedrooms</b>	<b>Number of Properties</b>
<b>2 Bedroom</b>	<b>2</b>
<b>3 Bedroom</b>	<b>69</b>
<b>4 Bedroom</b>	<b>231</b>
<b>5 Bedroom</b>	<b>112</b>
<b>6 Bedroom</b>	<b>29</b>
<b>7 Bedroom</b>	<b>2</b>
<b>8 Bedroom</b>	<b>1</b>
<b>9 Bedroom</b>	<b>2</b>
<b>10 Bedroom</b>	<b>2</b>
<b>12 Bedroom</b>	<b>1</b>
<b>14 Bedroom</b>	<b>1</b>
<b>16 Bedroom</b>	<b>1</b>
<b>17 Bedroom</b>	<b>1</b>

<b>20 Bedroom</b>	<b>1</b>
<b>29 Bedroom</b>	<b>1</b>
<b>Total</b>	<b>460</b>



## Appendix 3

Hazards removed from Licensed HMOs		
Damp and Mould	Cat 1	19
Excess Cold	Cat 1	10
Entry By Intruder	Cat 1	2
Electrical Hazards	Cat 1	2
Fire	Cat 1	13
Falling on Stairs	Cat 1	16
Falling between Levels	Cat 1	14
Total Number of Category 1 removed/Made Fit		76
Damp and Mould	Cat 2	129
Excess Cold	Cat 2	10
Excess Heat	Cat 2	1
Entry by Intruders	Cat 2	9
Lighting	Cat 2	3
Domestic Hygiene / Pest & Refuse	Cat 2	20
Food Safety	Cat 2	36
Personal Hygiene / Sanitation/Drainage	Cat 2	61
Falling /Level Surface	Cat 2	54
Falling on Stairs	Cat 2	125
Falling between levels	Cat 2	263
Electrical Hazard	Cat 2	52

Fire	Cat 2	281
Flames Hot Surfaces	Cat 2	1
Collision / Entrapment	Cat 2	2
Structural Collapse and Falling Elements	Cat 2	13
<b>Total Number of Hazards Removed/Made Fit</b>		<b>1050</b>

## **Appendix 4 - EXISTING LICENCE CONDITIONS:**

### **Rhondda Cynon Taff County Borough Council**

#### **Licensing Conditions for a House in Multiple Occupation**

(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. Number of persons/households permitted to occupy the property**

- 1.1 The licence holder must not permit the HMO to be occupied by more than the number of persons specified in the licence.
- 1.2 The use and level of occupancy of each room shall not be changed without the prior written approval of the Licensing Authority.

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

- 2.1 No alteration that may impact on the licence conditions will be made to the property without prior notification to the Licensing Authority
- 2.2 Any material change of circumstances in respect of the licence holder, manager or anyone else involved with the property itself or its management must be notified

to the Licensing Authority within seven days of such a change occurring. This will include any change of contact details.

### **3. Letting Arrangements**

3.1 The licence holder shall supply all occupiers of the house with a written statement of the terms on which they occupy it.

3.2 The licence holder will provide each new occupier at the start of their occupancy with:

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

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

### **4. The condition of the property and associated facilities**

4.1 The licence holder must ensure that the HMO has adequate means of escape and other fire precautions in case of fire in line with the Council's adopted standards and the requirements of the Fire and Rescue Service, and or the requirements of the Approved Document B of the Building Regulations currently in force, as applicable.

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

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

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

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

4.6 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.

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

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

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

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

## 5. Fire precautions

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

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

As a minimum, the alarm system should be tested by operating all alarm sounders in the dwelling at least once every month, annually testing each smoke detector for response to smoke, cleaning of the smoke detectors periodically in accordance with the manufacturer's instruction, or such other measures as may be deemed appropriate to the circumstances. Fire extinguishers should be visually checked monthly and annually serviced.

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

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

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

#### 5.5 Maintenance of Fire Sprinkler Systems (where installed)

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

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

- a) The system should be inspected to determine whether all components are functioning as designed.
- b) The system should be inspected for leaks.
- c) The system should be inspected to determine whether any or all modifications have been carried out in accordance with this standard.
- d) Where there has been a material alteration to the building, an increase in fire loading or a change to include vulnerable occupants, an assessment should be made as to whether the category of system is still appropriate.
- e) The sprinklers and cover plates should be inspected to determine whether

they have been tampered with or whether their spray pattern has been impeded.

f) Valves should be exercised to ensure free movement and any locking mechanism should be checked and reinstated.

g) The test valve should be operated to determine whether the system's design flow rate and pressure, as hydraulically calculated, is achieved.

h) Alarms should be tested to determine whether they function as designed.

i) Backflow prevention devices should be maintained in accordance with the manufacturer's recommendations or BS EN 806-5.

j) Any remote monitoring arrangements should be tested to determine whether they are being transmitted and received correctly.

*NOTE 2 It is essential that any alarm receiving centre to which alarm signals are relayed is notified before, and immediately after completion of, any tests that could result in an alarm signal.*

k) Where trace heating is installed, its operation should be checked.

## **6. Gas, Electrics and Furniture**

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

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

6.2 The licence holder must keep electrical appliances and furniture made available by him in the house in a safe condition. In particular, the licence holder must ensure that all upholstered furniture and furnishing provided as part of the tenancy comply with the standards required in the Furniture and Furnishings (Fire Safety) Regulations 1988 as amended and any other statutory instrument or other enactment which may, after the date of licensing, directly or indirectly

replace them, with or without amendment. On demand, the licence holder must supply the council with a declaration by him as to the safety of these appliances and furniture.

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

- I. The licence holder must ensure that all lighting to the common parts is kept in good working order.
- II. The licence holder must ensure that at all times the electrical wiring to the lighting and power circuits, and the circuits to the fire alarm and emergency lighting systems and all electrical appliances (the ‘circuits and/or appliances’) provided as part of the tenancy arrangements are in a safe condition.
- III. Prior to licensing, the proposed licence holder must produce to the Licensing Authority, an electrical certificate issued from a qualified electrician confirming the satisfactory condition of the circuits and/or installation. The electrical certificate must not be more than 5 years old.
- IV. On each occasion that the circuits and/or installation are altered in any way, the licence holder must produce to the Council, a further certificate from a qualified electrician confirming the satisfactory condition of the circuits and/or installation.
- V. For the purposes of this condition, a “qualified electrician” means a member of the Electrical Contractors Association (ECA), the National Inspection Council for Electrical Installation and Contracting (NICEIC), the Institute of Electrical Engineers (MIEE), or person qualified to the current IEE Wiring Regulations / British Standard ( BS 7671:2008(2015) 2382-15). The licence holder must ensure that the electrician is suitably qualified to provide an Electrical Installation Condition Report (EICR)

## 7. Community and Environmental Matters

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

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

- the playing of amplified (or other) music which is audible in the neighbouring properties or the streets;

- behaviour constituting breach of the peace or contravening the Public Order Act 1986, the Criminal Justice Act 1994 or other relevant enactment;

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

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

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

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

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

7.5 The licence holder shall ensure that the occupiers of the house have written notification of the relevant collection and disposal arrangements for refuse arising from the property. The written notification shall include a statement that it is an offence to place refuse for collection on the public highway, public footpath or other designated collection point earlier than 12 hours before the scheduled time of collection. The licence holder must notify the occupiers of the HMO that they shall not permit litter or refuse to spread from the house onto the street or other land outside the curtilage of the house.

## **7. Waste storage and disposal arrangements.**

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

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



## **8. Provision of satisfactory management arrangements**

8.1 The licence holder must ensure that the HMO is properly managed at all times. In particular the licence holder must ensure compliance with the Management of Houses in Multiple Occupation (Wales) Regulations 2006 and/ or The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales) Regulations 2007 and ensure that the property is appropriately managed or supervised for the purpose of ascertaining whether there are contraventions of the management regulations.

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

8.3 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.

8.4 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.

8.5 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).

## **Reference and Further Information:**

- Welsh Government: HOUSES IN MULTIPLE OCCUPATION; Practice Guidance, March 2020
- Rent Smart Wales:
- RCTCBC Local Housing Market Assessment 2022
- Treforest Property Accreditation Scheme
- Licensing of Houses in Multiple Occupation (HMO) Landlord Handbook April 2019
- Department for Business, Energy & Industrial Strategy—the Domestic PRS Property Minimum Standard
- Fee Policy for Licensing of Houses in Multiple Occupation – RCTCBC 2019