

To: Members of the Cabinet

Date: 22 July 2020

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Dear Councillor

You are invited to attend a remote meeting of the **CABINET** to be held at **10.00 am** on **TUESDAY, 28 JULY 2020**.

PLEASE NOTE: DUE TO THE CURRENT RESTRICTIONS ON TRAVEL AND THE REQUIREMENT FOR SOCIAL DISTANCING THIS MEETING WILL NOT BE HELD AT ITS USUAL LOCATION. THIS WILL BE A REMOTE MEETING BY VIDEO CONFERENCE AND NOT OPEN TO THE PUBLIC.

Yours sincerely

G. Williams
Head of Legal, HR and Democratic Services

AGENDA

1 APOLOGIES

2 DECLARATION OF INTERESTS

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

3 URGENT MATTERS

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

4 MINUTES (Pages 5 - 10)

To receive the minutes of the Cabinet meeting held on 30 June 2020 (copy enclosed).

5 ADDITIONAL LICENSING FOR HOUSES IN MULTIPLE OCCUPATION (HMO) (Pages 11 - 106)

To consider a report by Councillor Tony Thomas, Lead Member for Housing and Communities (copy enclosed) seeking Cabinet approval on re-designating an Additional Licensing Scheme for Houses in Multiple Occupation within Rhyl and extending the designation to Prestatyn, Denbigh and Llangollen.

6 TEST, TRACE AND PROTECT - INTER AUTHORITY AGREEMENT (Pages 107 - 112)

To consider a report by Councillor Mark Young, Lead Member for Planning, Public Protection and Safer Communities (copy enclosed) seeking Cabinet approval to delegate authority to the Head of Planning, Public Protection and Countryside Services to enter into the agreement.

7 FINANCE REPORT (Pages 113 - 134)

To consider a report by Councillor Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets (copy enclosed) detailing the latest financial position and progress against the agreed budget strategy.

8 CABINET FORWARD WORK PROGRAMME (Pages 135 - 138)

To receive the enclosed Cabinet Forward Work Programme and note the contents.

MEMBERSHIP

Councillor Hugh Evans
Councillor Bobby Feeley
Councillor Huw Hilditch-Roberts
Councillor Richard Mainon

Councillor Tony Thomas
Councillor Julian Thompson-Hill
Councillor Brian Jones
Councillor Mark Young

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LOCAL GOVERNMENT ACT 2000

Code of Conduct for Members

DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a *member/co-opted member of
*(*please delete as appropriate)*

Denbighshire County Council

CONFIRM that I have declared a ***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-
*(*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)**

Signed

Date

*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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CABINET

Minutes of a remote meeting of the Cabinet held on Tuesday, 30 June 2020 at 10.00 am.

PRESENT

Councillors Hugh Evans, Leader and Lead Member for the Economy and Corporate Governance; Bobby Feeley, Lead Member for Well-being and Independence; Huw Hilditch-Roberts, Lead Member for Education, Children's Services and Public Engagement; Brian Jones, Lead Member for Waste, Transport and the Environment; Richard Mainon, Lead Member for Corporate Services and Strategic Direction; Tony Thomas, Lead Member for Housing and Communities; Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets, and Mark Young, Lead Member for Planning, Public Protection and Safer Communities

Observers: Councillors Joan Butterfield, Ellie Chard, Jeanette Chamberlain-Jones, Ann Davies, Meirick Davies, Martyn Holland, Hugh Irving, Alan James, Barry Mellor, Peter Scott, Rhys Thomas, Graham Timms, and Emrys Wynne

ALSO PRESENT

Chief Executive (JG); Corporate Directors: Communities (NS) and Economy and Public Realm (GB); Heads of Service: Legal, HR and Democratic Services (GW) & Finance and Property (SG), Democratic Services Manager (SP) and Committee Administrator (KEJ)

The Local Democracy Reporter was also in remote attendance to observe proceedings.

POINT OF NOTICE

Due to the current restrictions on travel and requirement for social distancing as a result of the coronavirus pandemic the meeting was held remotely by video conference and not open to the general public. All members had been given the opportunity to attend as observers and the Local Democracy Reporter had also been invited to observe.

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

No declaration of interest had been raised.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 26 May 2020 were submitted.

Matters Arising – Page 6, Item No. 4 Minutes: – Following issues raised by Councillor Peter Scott regarding recent storm damage in the county Councillor Brian Jones advised that a response had yet to be received from the Welsh Government regarding funding for specific projects. The Corporate Director Economy and Public Realm added that a report was being produced to review issues arising from the recent storms which would be circulated to members to consider how to proceed.

RESOLVED that the minutes of the meeting held on 26 May 2020 be received and confirmed as a correct record.

5 DENBIGHSHIRE COUNTY COUNCIL CORONAVIRUS RESPONSE

Councillor Hugh Evans introduced the report updating Cabinet on the management of the impacts of the coronavirus pandemic in Denbighshire and North Wales and seeking agreement on the process for managing recovery as set out in the report.

The Leader highlighted the united and innovative approach taken in responding to coronavirus. He paid tribute to all those involved in working collaboratively in the face of difficult challenges in order to achieve the best outcomes, the adaptation of democratic and governance arrangements, and to ensure quick decision making and timely responses to ministerial announcements. In looking forward to recovery a number of broad themes had been proposed together with measures to secure members' engagement in the formation and delivery of the recovery plan and subsequent re-establishment of more usual democratic processes such as scrutiny.

The Chief Executive also paid tribute to staff and members for their work and support in recent times. She guided members through the report detail as follows –

- outlined the emergency planning arrangements and role of the Strategic Emergency Management Team in tackling both strategic and operational issues and the development of new services and approaches to service delivery
- detailed the regional response overseen by the Strategic Command Group
- advised that the nature of the pandemic meant that the response phase was likely to continue for some time alongside the recovery phase
- explained the recovery phase would involve restarting services safety and collaborating regionally on planning future recovery of the impact of Covid-19
- proposed that internal governance around recovery would focus on a number of key themes each with a designated lead officer and lead member
- confirmed that regionally the recovery process would be led by a multi-agency Recovery Co-ordination Group around key regional recovery themes, and
- provided details of the financial impact of Covid-19 which had already been significant and confirmed regular updates would be provided to members.

Councillor Richard Mainon referred to his report to Group Leaders (Appendix 3 to the report) detailing proposed interim arrangements for involving the wider council membership in the recovery response, with an emphasis on inclusion, taking into account both the need for effective challenge and quick and efficient decision making. He had been heartened by the response to the proposals which had been

well received by members and Group Leaders as they looked to work collectively and flexibly to address different circumstances and the need for urgent decisions.

The following issues were raised during the ensuing debate –

- Councillor Bobby Feeley highlighted the valued work of Denbighshire Leisure Limited (DLL) during lockdown, including the redeployment of staff to help other service areas, and paid tribute to their hard work during a difficult time for the service. Cabinet acknowledged and appreciated the part played by DLL staff
- Councillor Mark Young thanked those staff from Planning and Public Protection for all their hard work, dedication and professionalism in carrying out the Test, Track and Protect (TTP) Programme and their other duties. The valuable advice and support provided had also been recognised regionally in their response to the cluster of cases in Anglesey and Wrexham. Given the obvious importance of the TTP Programme he asked for a commitment to help ensure sufficient funding for the department to continue that work. The Leader acknowledged the key role of the TTP Programme and expressed his appreciation for the work undertaken by officers in that regard which was over and above their usual duties. Given the future uncertainties in terms of resource required and potential impact on other services there would likely be challenges in delivering that regional priority. The Chief Executive added that the regional group had re-evaluated the level of funding required for the TTP Programme to provide for additional staff over an eighteen month contract which should enable existing staff to return to their normal roles in a phased way. Due to future uncertainties the situation would be closely monitored. Councillor Bobby Feeley expressed her disappointment that Public Health Wales had not instigated the TTP Programme at an earlier stage
- Councillor Huw Hilditch-Roberts paid tribute to all staff who had gone above and beyond to support residents, particularly those on the frontline. As Lead Member for Education he thanked all those staff for their efforts in making it possible to re-open schools over the next three weeks and benefits that would bring. In considering the recovery response and members' involvement he expressed concern that a number of recent projects, which had come about because of Covid-19, had not been subject to the usual democratic process and level of scrutiny. He referred to the funding secured through the Local Sustainable Transport Covid Response Fund as an illustrative example. The Leader accepted the point made and explained that the Council had been required to react very quickly to ministerial statements in order to secure funding for specific Covid projects as a consequence of the current circumstances. Given those circumstances and the need for quick decisions, there had not been time to go through the usual processes in scrutinising effectiveness, and it was also accepted that in some cases the approach may create problems but in others would be really effective such as the business grant funding. In responding specifically to the Local Sustainable Transport funding secured Councillor Brian Jones had been supportive of the project and reported upon how some of the project proposals had been communicated with local members, predominately through the Member Area Groups, together with engagement of the wider business community. Other members also confirmed the nature and outcome of the consultations on the proposals in their local areas

- Councillor Graham Timms referred to the climate and ecological emergency agenda and hoped that there would be some provision for that in the recovery plan. The Leader and Chief Executive acknowledged that adapting to different ways of working as a result of the pandemic had provided opportunities in progressing that agenda, with a positive effect on carbon reduction, which would be embedded in future practice. Monitoring carbon emissions and working to meet those targets would be carried out through the recovery process
- in response to Councillor Martyn Holland's request for data on coronavirus hotspots within North Wales, the Chief Executive confirmed that some information had been received that morning from Betsi Cadwaladr University Health Board in that regard which would be discussed with the Lead Member prior to circulation of a briefing note to all members thereon.

RESOLVED that Cabinet note the contents of the report, support the actions taken and agree the next steps as set out within the report.

6 FINANCE REPORT (2019/20 FINANCIAL OUTTURN)

Councillor Julian Thompson-Hill presented the report on the final revenue outturn position for 2019/20 and proposed treatment of reserves and balances.

Members were guided through the detail of the report and appendices. In brief the final outturn position on service and corporate budgets (including schools) was an overspend of £0.928m (0.46% of the net revenue budget). The majority of service positions and reasons for variances had been highlighted. Other areas to note included 89% of assumed savings in 2019/20 had been achieved with an approved allocation to offset non-achieved savings equating to 11% together with an overall school deficit balance of £1.388m to be carried forward. Reference was made to the transfers to and from earmarked reserves and planned use of funds which had been budgeted for or approved previously. Underspends relating to corporate budgets (£2.401) had also been reported together with the Budget Mitigation Reserve (£1.426m) to further mitigate the budget position. Given the overall position within services and the availability of corporate funds, it was proposed that services carry forward the net underspends listed as committed service balances to help deliver the 2020/21 budget strategy and meet existing commitments.

During consideration of the report it was noted that given UK lockdown had been imposed mid-March there had been no significant financial impact on the outturn position for 2019/20. Cabinet discussed the increase in schools deficit balances and assurances were provided regarding the established process for dealing with schools in financial difficulty with individual recovery plans in place. Past experience had demonstrated that the current practices worked and there was confidence within those processes. An update was also provided on the work carried out with those individual schools projecting deficits. In terms of the financial impact of Covid-19 on schools, there was no proposal to take savings from schools with regard to reductions in NDR charges which would remain in schools delegated budgets, and it was anticipated that grant funding would be claimable to recover other relatable costs incurred. Whilst not strictly related to the current report the Lead Member responded to a question from Councillor Bobby Feeley regarding Council Tax, advising that a sympathetic view had been taken in terms of those

residents in Council Tax arrears but there was a clear expectation from the Welsh Government that the arrears be collected over the remainder of the year. The possibility of a reduction in Council Tax for residents had not been considered given that a lesser income would involve cuts to services and a realignment of budgets.

RESOLVED that Cabinet –

- (a) notes the final revenue outturn position for 2019/20;
- (b) approves the proposed treatment of reserves and balances as described in the report and detailed in Appendices 1, 2 and 3, and
- (c) notes the details of transfers to and from Earmarked Reserves as set out in Appendix 4.

7 FINANCE REPORT

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and progress against the agreed budget strategy as outlined below –

- the net revenue budget for 2020/21 was £208.302m (£198.538m in 2019/20)
- an overspend of £7.393m was forecast for service and corporate budgets (the overspend did not assume any ‘income loss’ grant that may be received)
- highlighted current risks and assumptions relating to individual service areas together with the financial impact of coronavirus and Leisure ADM budgets
- detailed required savings and efficiencies of £4.448m to be identified and agreed including corporate savings relating to triennial actuarial review of Clwyd Pension Fund (£2m); 1% school savings (£0.692m); service savings (£1.756m)
- provided a general update on the Capital Plan, Housing Revenue Account and Housing Capital Plan.

The Lead Member elaborated upon the latest financial position taking into account the financial impact of Covid-19 but it was noted that the significant uncertainties made it extremely difficult in terms of financial planning. In highlighting the projected overspend it was hoped that the figure would reduce during the course of the year following confirmation of grant allocations and as lockdown restrictions eased and a number of other measures were also actively being considered.

The Head of Finance stressed that it remained a fast changing situation. Up to £78m had been announced in the supplementary budget for losses of income in Quarter 1 against which a ‘dummy claim’ totalling £68m had been prepared for submission by local authorities across Wales (reductions in expenditure had to be offset against loss of income reducing the overall claim amount). No formal announcement had been made regarding losses of income in Quarter 2. It was also reported that the social care grant had been formally extended to June 2020.

Cabinet discussed the following matters in further detail –

- with regard to the £78m announced in the supplementary budget for losses of income in Quarter 1, Councillor Mark Young expressed his disappointment that

the full amount would not now be available with Welsh Government using some of that funding for other purposes. The Lead Member and Head of Finance explained how the estimated level of income loss for local authorities had been calculated and highlighted the various changes made to those calculations since the original estimations which had resulted in a reduced 'dummy' claim of approximately £68m. It was understood that a proportion of the £78m would be allocated for other recovery purposes and a decision was awaited on whether the local authorities' claim for loss of income would be paid in full

- the Leader referred to the work undertaken and financial pressures faced by local authorities which had been acknowledged by the Minister for Local Government. He also highlighted the need for appropriate financial support to deliver Welsh Government initiatives, such as the Track, Trace and Protect (TTP) Programme, which had also been raised with the Minister via the Welsh Local Government Association. The Minister had provided some assurance that local authorities would be fully reimbursed for delivering those new initiatives.

In response to a question from Councillor Barry Mellor regarding the process for signing off the statement of accounts, the Head of Legal, HR and Democratic Services confirmed that the usual process would be followed. The draft statement of accounts would be considered by Corporate Governance Committee in July and again in September for final approval.

RESOLVED that Cabinet notes the budgets set for 2020/21 and progress against the agreed budget strategy.

8 CABINET FORWARD WORK PROGRAMME

The Cabinet forward work programme was presented for consideration and members noted the items scheduled for forthcoming meetings.

RESOLVED that Cabinet's forward work programme be noted.

The meeting concluded at 11.40 hrs.

Report to	Cabinet
Date of meeting	28th July 2020
Lead Member / Officer	Lead Member for Housing and Communities
Report author	Built Environment and Public Protection Manager
Title	Additional Licensing for HMO's

1. What is the report about?

- 1.1 The report is about seeking Members' approval on re-designating an Additional Licensing Scheme for Houses in Multiple Occupation (HMO) within Rhyl and extending the designation to Prestatyn, Denbigh and Llangollen.

2. What is the reason for making this report?

- 2.1. The Council has been operating an Additional Licensing Scheme for HMO's in Rhyl for nearly 10 years. The Housing Act 2004 requires us to review the Additional Licensing scheme designation every 5 years.

3. What are the Recommendations?

- 3.1. Officers are seeking approval from Members on re-designating the Additional Licensing Scheme in Rhyl and also on the proposal to extend the designation to Prestatyn, Denbigh and Llangollen.

4. Report details

Background

- 4.1. The Housing Act 2004 introduced a duty for local authorities to operate a Mandatory Licensing Scheme for certain types of HMO's which consist of:

- 3 or more storeys, with 5 or more occupants and forming 2 or more households

- 4.2. The aim of the Mandatory Licensing Scheme is to ensure that HMO's are properly managed by fit and proper people; that the premises are suitably equipped with adequate amenities and facilities and that fire safety arrangements are acceptable. However, only a small number of HMOs in Denbighshire fall within the Mandatory Licensing criteria laid down by the Act.
- 4.3. The Housing Act 2004 also contains provisions enabling local authorities to extend a licensing scheme to other categories of HMO to address particular problems not covered by the Mandatory Scheme. This is called Additional Licensing.
- 4.4. On the 8th September 2009 Cabinet approved an Additional Licensing for Rhyl. This Scheme came into force on the 1st January 2010. The scheme was reviewed by Cabinet in December 2014 and extended for another 5 years.
- 4.5. As of the 27th January 2020, 145 HMO's have been licensed through the Additional Licensing Scheme and 33 Licensed through the Mandatory Scheme, i.e. 178 in total.

Elements for Consideration:

The geographical area Covered by "Additional Licensing".

- 4.6. Currently, the Additional Licensing scheme only applies to relevant properties in Rhyl. Officers recommend that the scheme is expanded to include HMO's in Prestatyn, Denbigh and Llangollen.

The type of HMO to be covered by "Additional Licensing"

- any type of HMO as defined by Section 254 of the Housing Act 2004 which does not fall within the mandatory licensing scheme, occupied by three or more persons, forming two or more households.
- HMO properties which are defined within the scope of Section 257 of the Housing Act; HMO's created by converting buildings into flats, but do not meet the 1991 Building Regulations and they have not been subsequently brought up to the relevant standards

Justification & evidence for re-designating an Additional Licensing scheme

4.7. In order to designate an Additional Licensing Scheme, the Housing Act 2004 states that the Local Authority **must be satisfied** that certain criteria is met. **(Appendices 1, 3, 4 & 5)** of this report provides letters of support for the extension of Additional Licensing from NWP and NWFRS together with more evidence to support the extension of the scheme.

The Conditions to be imposed as part of an Additional Licensing scheme

4.8. The Licensing Conditions and Standards have been reviewed and updated as the current standards were originally adopted back in 2010. The proposed conditions have been outlined in **Appendix 2**. The main changes are:

- Amending the **room space standards** slightly to be in line with England.
- **Energy Efficiency Conditions** amended to be in line with the new Energy Efficiency (private Rented Property) (England and Wales) Regulations 2015
- More detailed conditions on **storage and Disposal of Refuse**
- **Anti-social behavior** amendments
- **Gas Safety** – A carbon monoxide (CO) alarm must be fitted to any room that is used as living accommodation and contains any gas appliance.

Fees to be applied to an Additional Licensing scheme

4.9. The Licensing fees have also been reviewed. We propose to adopt the existing Fee Structure with additional incentives and discounts to landlords for good compliance and management. Fees and charges are attached in **Appendix 6**.

The comments received from formal consultation

4.10. A summary of the comments received from the consultation exercise can be found in **Appendix 8** and any changes made as a result of comments have been highlighted in red on the relevant documents.

Consideration of when the scheme should be introduced

4.11. During the current Covid-19 pandemic, WG non-statutory guidance was issued suggesting that Local Authorities consider pausing the introduction of non-mandatory licensing schemes which we have done so for the last 2 months. However, we consider that the benefits of introducing the scheme to the community and also the safety of tenants should now take priority over a further

delay. If Cabinet approve the Additional Licensing Scheme, then this will commence in 3 months' time in accordance with Statute.

5. How does the decision contribute to the Corporate Priorities?

- 5.1. It is recognised that there is a need to ensure housing is available to meet the needs of Denbighshire residents and that this is an important factor in retaining or attracting young people to live in the area. The effective and efficient management of the private rented sector specifically HMO properties being key to ensuring this objective is achieved for tenants, residents and landlords.
- 5.2. Controlling HMO also contributes towards the provision of a wide range of accommodation available to suit different needs and contributes to one of the actions of supporting young people to access suitable homes they can afford.
- 5.3. In the West Rhyl Regeneration Area, we are trying to create an attractive neighbourhood where working people will want to live and the remaining HMO need to be proportionately regulated to achieve this.

6. What will it cost and how will it affect other services?

- 6.1. Costs will be contained within service budgets and it is proposed that the existing licensing fees are retained.

7. What are the main conclusions of the Well-being Impact Assessment?

- 7.1. The main conclusion from the Well-being Impact Assessment is that the result contributes positively overall to the wellbeing goals. A housing licensing scheme such as this can have wide-ranging positive impacts for social wellbeing, environmental impact and on economic improvements to the wider area. The report has highlighted that a real focus needs to be made on social inclusion and development. **See Appendix 7 for a copy of the Well-Being Impact Assessment.**

8. What consultations have been carried out with Scrutiny and others?

8.1 Formal consultation has been carried out with Partnerships Scrutiny, the relevant MAGs, the Lead Member & other DCC services and Partners, and by formal consultation on the DCC Consultation Portal for 10 weeks. Generally, the comments received were in support of the introduction of an Additional Licensing Scheme for HMOs, but one formal challenge was received from the National Residential Landlord's Association (NRLA). A summary of the responses received can be found in Appendix 8.

9. Chief Finance Officer Statement

9.1. Any costs associated with this scheme should be contained within existing budgets and therefore there are no obvious financial implications contained in the report.

10. What risks are there and is there anything we can do to reduce them?

10.1. Capacity to administer & enforce the scheme could be a risk. We do however consider existing staff resources should be sufficient. However, should we identify the need, then income generated from the scheme could be used to offset the costs of employing additional staff on a temporary basis.

11. Power to make the decision

11.1. Section 56 of the Housing Act 2004 (the Act) gives the local authority the power to either designate the area of their district or an area in their district as subject to additional licensing in relation to a description of HMO specified in the designation.

Section 65 (2) of the Act gives the local authority power to set higher local standards over and above what are the prescribed standards set by legislation.

Section 63(3) of the Act states that the local authority may require a licensing application to be accompanied by a fee, fixed by the local authority.

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PLANNING, PUBLIC PROTECTION AND COUNTRYSIDE SERVICES

PROPOSAL

Proposed designation of an Additional Licensing scheme for Houses in Multiple Occupation (HMOs) within the four wards of Rhyl, Prestatyn, Llangollen and Denbigh

Denbighshire County Council Additional Licensing Scheme (Houses in Multiple Occupation) Scheme 2020

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Appendix 2 – HMO Licence Conditions

Appendix 3 - North Wales Fire & Rescue Supporting Document

Appendix 4 - North Wales Police Supporting Document

Appendix 5 - Waste Enforcement Supporting Document

Appendix 6 – HMO Licensing Fees

Appendix 7 – Wellbeing Impact Assessment

Proposed designation of an Additional Licensing scheme for Houses in Multiple Occupation (HMOs) within the four wards of Rhyl, Prestatyn, Llangollen and Denbigh

1. Introduction

The Housing Act 2004 changed and improved the way in which Houses in Multiple Occupation (HMO's) are regulated. The Act introduced a new duty for Local Authorities to operate a mandatory licensing scheme for certain types of HMO's which consist of three or more storeys and with five or more occupants, forming two or more households.

The aim of the licensing scheme is to ensure that HMO's are properly managed by 'fit and proper' people; that the premises are suitably equipped with adequate amenities and facilities and that fire safety arrangements are acceptable. A licence will also specify the maximum number of people who may live in the HMO and includes specific standard licence conditions.

Denbighshire only had a small number of HMOs in Denbighshire that fell within the criteria laid down by the Act that are subject to the mandatory scheme. A total of 29 HMO properties are subject to this scheme and have since been licensed. All these properties are in Rhyl.

Out of the total number of housing stock in Denbighshire up to 3.1% of this stock are estimated to be HMO properties. There is 43,400 total stock, 7,157 of these are privately rented (Source - The Welsh Government Stats Wales). Of these 1,333 are HMO stock (Source - Housing Enforcement database). Of the total housing stock the highest of HMO stock are in town of Rhyl (1.9%), followed by Prestatyn (0.37%), Llangollen (0.28%), Denbigh (0.19%), St Asaph (0.11%), Ruthin (0.1%) Corwen (0.05%). **(Tables 1&2)**

Of the total known HMO's in Denbighshire the highest concentration of HMO are within Rhyl which equates to 63% of the total HMO stock, with Prestatyn with next highest with 12% of HMO stock, 9.1% in Llangollen, 6.3% in Denbigh, 3.7% in St Asaph, 3.4% in Ruthin 1.73% in Corwen, and all other Denbighshire towns combined with less than 0.77%.

The Housing Act 2004 also contains provisions enabling local authorities to extend to other categories of HMO to address particular problems that may exist in HMO not covered by the mandatory scheme due to the number of persons / households in occupation and also in sub-standard, converted, self-contained flats.

To deal with these types of HMO the Council took up these discretionary powers and on the 8th September 2009, the Council's Cabinet approved the "designation" of an "Additional Licensing" scheme in Denbighshire. This meant that many more HMOs were "captured" by a licensing regime that can seek to deliver improving living conditions within HMOs and limit the impact HMOs might have on the wider community. This Scheme was for a 5 year period and expired on 31st December 2014.

On 16th December 2014, The Council's Cabinet again approved the "designation" of an "Additional Licensing" scheme in Denbighshire. The current Houses in Multiple Occupation (HMO) Additional licensing scheme is due to expire on the 31st March 2020.

The report outlines the proposal to re-designate Additional Licensing scheme within four specified geographical areas, the types of HMO to be included in the scheme and the Licensing Standard and Fees applicable to the scheme.

It is our aim to ensure that all tenants are safe from the risk of fire and other potential hazards and that multi occupied housing is of a high standard with regards to their general facilities, amenities and living conditions. The private rented sector has an increasingly important role in the provision of housing options for those who are either not able to consider home ownership, or for whom social housing is not a viable option and also for work opportunities which is seasonal in nature. It is therefore imperative that the achievements already attained to date are built upon in the coming years by re-designating the Additional Licensing Scheme to include all houses in Multiple Occupation within the town of Rhyl and to introduce this for the first time to Prestatyn, Llangollen and Denbigh.

2. Legal Requirements

Section 56 Housing Act 2004 gives power to Local Authorities to designate areas, or the whole of the area, within their district, as subject to additional licensing in respect of some or all of the HMOs in its area that are not already subject to mandatory licensing.

The Housing Act 2004 states that before making an Additional HMO licensing designation for a particular type of HMO, or for a particular area, a Local Authority must be satisfied that the following criteria are met:

Criteria 1: Consider that a significant proportion of the HMOs of that description in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public, and, have regard to any information regarding the extent to which any codes of practice approved under section 233 have been complied with by persons managing HMOs in the area in question.

Criteria 2: Consult persons likely to be affected by the designation and consider any representations made.

Criteria 3: Ensure that the exercise of the power is consistent with their overall housing strategy;

Criteria 4: Seek to adopt a coordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector as regards combining licensing with other action taken by them or others;

Criteria 5: Consider whether there are any other courses of action available to them (of whatever nature) that might provide an effective method of dealing with the problem or problems in question, and;

Criteria 6: That making the designation will significantly assist them to deal with the problem or problems (whether or not they take any other course of action as well).

In meeting the above Criteria, evidence is contained within this report supporting the re-designation of an Additional HMO Licensing Scheme. In meeting Criteria 2 in particular, views of the public will be taken into consideration on the proposed designation as contained within the report. This report forms part of the Consultation process.

3. How Does Additional Licensing Work?

Application Process and Licensing Conditions

The scheme involves sending out Application Packs consisting of an application form and covering letter. Landlords are given 4 weeks to complete the forms and provide all necessary documentation and fee. The licensing procedure does not commence until a complete application is received.

Following receipt of a completed application form, properties are then either licensed or exempted from the scheme. The following are some reasons why properties may be **exempt** from the Denbighshire County Council's Additional Licensing Scheme:

- the number of occupants in the property is below the threshold for licensing
- It is a building which consists of self-contained flats where two thirds or more are owner occupied
- Where the owner or manager is a public body
- The property is a guest house or hotel
- The property is in single occupation etc.

Prior to licensing, all properties will have an inspection under the Housing Health and Safety Rating System (HHSRS) and any enforcement action required to remedy hazards identified will be carried out. At the same time, all licensed properties are risk rated which determines the next date for future inspection. All licensed properties will be revisited and a full inspection carried out at least once during the 5 year licence period.

Failure to apply for a HMO licence where required and breaking any of the licensing conditions are criminal offences and as such penalties are issued in accordance with the statutory levels.

Additional HMO Licensing allows for extra conditions and additional measures of control to be applied to the licence which would not be dealt with under the reactive inspections under the Housing Health and Safety Rating System (HHSRS).

The Authority must grant a licence if it is satisfied that:

- The HMO is reasonably suitable for occupation by the number of people allowed under the licence.
- The proposed licensed holder is **a fit and proper person** and the most appropriate person to hold the licence. This means that the licence holder has to declare any unspent convictions.
- The proposed manager, is a fit and proper person
- The management arrangements are satisfactory.
- It is satisfied that the property is Registered and the managing agent is Licensed with Rent Smart Wales.

A licence also includes the following conditions, which apply to every licence.

- A valid current gas safety certificate, which is renewed annually, must be provided upon request.
- Proof that all electrical appliances and furniture are kept in a safe condition.
- Proof that all smoke alarms/emergency lighting are correctly positioned and installed.
- Each occupier must have a written statement of the terms on which they occupy the property, for example, a tenancy agreement.

- The licence also specifies the maximum number of persons and households who may live in the HMO.
- Restrictions or prohibitions on the use of parts of the HMO by occupants may also be made.

In addition, the licence holder must not only satisfy to the authority that reasonable procedures are in place with regards to anti-social behaviour, **but that they also have robust management arrangements in place throughout the period of the licence to deal with emergencies as they arise.**

Imposing these additional standards and conditions not only allows for extra powers to ensure good living conditions for tenants in the private rented sector, but also ensures that poor landlords who provide badly managed accommodation can no longer compete unfairly by undercutting the majority of landlords who are responsible and provide reasonable conditions for their tenants.

See **Appendix 2** for the proposed Denbighshire County Council HMO Licence Conditions.

4. The Current Additional Licensing Scheme

Scope of Scheme

In 2014 Denbighshire County Council designated the five electoral wards of **Rhyl** as subject to Additional Licensing. The Scheme is known as **Denbighshire County Council Additional Licensing Scheme for Houses in Multiple Occupation (Rhyl) 2015** which came into force on the 1st April 2015 and is due to expire on the 31st March 2020. The Designation is in accordance with the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006.

This scheme was introduced to capture certain types of HMO properties within the settlement limits of Rhyl. The scheme also set out the fees which would apply for licensing those HMO's and to cover administration of the scheme for the period of the licence, which was for a maximum of 5 years. The scheme also has in place specific standard licensing conditions which were also adopted by the Council at the time of the designation, these standards would apply across the board to any HMO licensed under the scheme.

Evidence obtained during the consultation period prior to the scheme supported the need for HMO Additional Licensing within the Rhyl wards. The scheme includes properties that meet one of the following criteria:

- any type of HMO as defined by Section 254 of the Housing Act 2004 which does not fall within the mandatory licensing scheme, occupied by three or more persons, forming two or more households
- HMO properties which are defined within the scope of Section 257 of the Housing Act; HMO's created by converting buildings into flats, but do not meet the 1991 Building Regulations and they have not been subsequently brought up to the relevant standards

Much work has been undertaken within the scope of this Additional HMO Licensing scheme to ensure that any eligible properties were licensed. As of the 31st March 2019, just over 4 years into the life of the scheme, 144 HMO properties have been licensed. Of these HMOs all have

been inspected to assess them against the standard licensing Conditions and all have been inspected in accordance with the Housing Health and Safety Rating Scheme inspection system.

5. Supporting Evidence for the Scheme

Complaints and Housing Health & Safety Rating System (HHSRS)

The Public Protection (Environmental Health) Service receive complaints from tenants of private rented properties. These complaints may relate to: general disrepair, failure in Management, the lack of amenities or lack of, or inadequate fire detection.

Following receipt of a complaint, each property is visited and a full HHSRS inspection is carried out. The HHSRS is the means of evaluating the potential risks to health and safety from any deficiencies in the dwellings. The Rating System is about the assessment of 29 hazards and their potential effects on the condition of the property.

Once a deficiency is identified during an inspection, the likelihood of a member of the vulnerable age group suffering a potentially harmful occurrence in the next 12 months is assessed. Finally, the possible harm outcomes that could result from such an occurrence is judged. This scoring procedure is repeated for all 29 hazards that are considered to be worse than average for the housing stock. Hazards can be scored as **Category 1** or **Category 2** hazards (A hazard band for all scored hazards are recorded Category 1 (A-C) and Category 2 (D-J)). Local Authorities have a duty to deal with Category 1 hazards and discretion to deal with Category 2 hazards. The following are examples of a few of the 29 Hazards:

- Damp and Mould Growth
- Excess Cold
- Food Safety
- Falling on Level Surfaces
- Fire

Over the last 4 years, 1,567 Housing Health & Safety Rating Scheme Assessments have been carried by the Housing Enforcement Team in Denbighshire. Of those assessments, 1004 (64%) were of HMO properties and the remainder, 563 (36%) were single occupancy rented properties. **(See Tables 3 and 4)**

61% of the HMOs inspected contained a Category 1 Hazard (406) compared to only 39% in non-HMOs. Additionally, 61% of the HMOs inspected also contained a Category 2 Hazard (778) compare to only 39% (491) in single occupancy properties.

Over the last **4 years 3561** hazards have been identified within properties in the private housing sector. **(See Tables 5 & 6)**

Of the total high risk hazards (Category 1) identified **56% (579)** were from HMO properties with the remaining **44% (463)** from single occupancy properties.

Of the Category 2 hazard identified **53%** were from HMO properties which equates to **1193** identified hazards, the remaining **47% (1326)** hazards were from single occupied properties.

Of all the Hazards identified (Cat 1 & 2) **1905** were from HMO properties with **1656** from single occupied properties, this equates to **53%** within HMO properties.

According to Denbighshire County Council statistics the total number of Private Rented Dwellings within Denbighshire is 7157. The total number of HMOs is 1,333 (19%) and the total number of single dwellings is 5,819 (81%). **(See Table 7)**

Since 2015, the total number of Housing related complaints received by Public Protection Housing Enforcement was 939, of which 475 (50.6%) were from HMO Properties and 464 (49.4%) were from single dwellings. **(See Table 8)**.

475 Complaints were received from 36% of the total HMO Stock **(See Table 9)** compared to only 464 complaints which equates to 8% of the total single dwelling stock **(See Table 10)**. We are therefore 4 times more likely to receive a complaint about a HMO property than we are a Single Occupied rented dwelling.

Enforcement Action

Following the HHSRS assessment stage, **enforcement action** is taken by means of one of the following:

- **Hazard Awareness Notices** (This notice advises the person on whom it is served of the existence of hazards on the residential premises concerned which arises as a result of the deficiency on the premises)
- **Improvement Notices** (stating the deficiency giving rise to the hazard which remedial action to be taken and time for taking such action)
- **Prohibition Orders** (An order imposing such prohibitions on the use of the premises)

Another form of enforcement action which is specific to HMO are:

- **Interim and Final Management Orders** (Interim Management Orders transfers the management of a residential property to the Local Authority for a period of up to twelve months. A local authority must take enforcement action in respect of a licensable property by making an Interim Management Order (IMO) if the property ought to be licensed, but is not, and the Local Authority considers there is no reasonable prospect of it granting a licence in the near future.

The procurement of a third Management Order Contract with an external agent / manager is currently being undertaken.

Since April 2015, 1,483 types of enforcement action were taken across the county. The results of enforcement action taken have resulted in Category 1 hazards being removed from 445 properties within Denbighshire. **(See Table 11)**

Fire Related Complaints and Incidents in Denbighshire

In collating fire related data evidence were gathered from our own database, but also evidence was provided by North Wales Fire & Rescue Service.

From evidence provided by North Wales Fire & Rescue Service relating to reported dwelling fires in Denbighshire during the period 2010 to 2019, there were a total 703 incidents of which 178 (25%) occurred in flats or HMO properties. **(See Tables 12 -15)**

Of the 178 reports of fires which relate to flats or HMOs throughout Denbighshire, 102 (57%) related to reports of fire from the town of Rhyl **(see Tables 16-17)**, which is logical when this is Denbighshire largest town and contains the most HMOs; this results in 76 (43%) reported fires elsewhere over Denbighshire.

In addition, **Appendix 3** is a letter from North Wales Fire and Rescue Service which supports the need for the continuation of an Additional Licensing Scheme in Rhyl and its expansion to other areas within Denbighshire.

Additional Supporting Information

In October 2012, a Fire Resulting in 5 fatalities occurred in Prestatyn which is currently outside the remit of HMO Additional Licensing. This property was a Section 257 HMO consisting of 2 Poorly Converted Flats over 3 Storeys. This tragic incident may have been prevented had the Licensing Scheme been widened to other wards within Denbighshire.

HMO Proactive Fire Risk Assessment Project

Between November 2017 and March 2018, Officers carried out proactive Fire Safety Inspections of 135 (91%) out of 149 Licensed HMO properties within Rhyl that were eligible for an inspection. In total 621 individual flats / dwellings were inspected. Note: All properties are risk rated for inspection when a license is issued and this determines the next date for inspection; therefore not all licensed properties were due an inspection.

This was a scheme which was carried out in conjunction with guidance from the North Wales Fire Service. Visits were carried out to ensure that the properties were being adequately managed for fire safety. Landlords are required to have an update when required a fire safety risk assessment of their properties. In addition to ensuring this was in place, each visit also involved inspection of communal areas, including all fire doors, Automatic Fire Detection systems (to ensure they were in proper working order) and all had current Fire Safety and Emergency Lighting Certification. The visits revealed the following:

- 86% of properties had a suitable fire risk assessment.
- 424 of fire doors were defective in 79% of the properties inspected e.g. damaged or missing intumescent strips / seals, inadequate lock, holed etc. – These required either replacing or repairing.
- 13% of properties had means of escape issues identified during the inspection e.g. objects causing obstruction, defective emergency lighting etc.
- 4% of properties with fire detection panels were found to be defective.
- In total 74% of the properties inspected required formal enforcement action being taken in relation to fire safety issues identified. **(See Tables 18-22)**

In conjunction with the North Wales Fire and Rescue Service data, these statistics demonstrate that although there has been a general reduction in the number of fires in HMOs over the last 5 years, there is still a need to inspect and regulate HMOs on a regular basis; this can be achieved through the re-designation of the Additional Licensing Scheme for Rhyl and the other areas proposed.

Police Related Statistics – Anti Social Behaviour

Anti-social behaviour is a broad term used to describe the day-to-day incidents of crime, nuisance and disorder that make many people's lives a misery – from litter and vandalism, to public drunkenness or aggressive dogs, to noisy or abusive neighbours. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords.

There have been a total of 6,407 ASB incidents in Denbighshire from the 1st April 2016 until the 31st August 2019. (See Table 23)

From the wards within Denbighshire, the majority of the incidents have occurred in Rhyl, specifically Rhyl West.

Between the dates 1st April 2016 until the 31st August 2019, Rhyl as a whole had 2903 ASB incidents, making up 45% of all incidents in Denbighshire.

Rhyl West specifically consisted of 1530 ASB incidents, making up 24% of all ASB incidents in Denbighshire.

It is clear that in the whole of Denbighshire between the dates of 1st April 2016 until the 31st August 2019, the ASB incidents over the period have decreased in total from 1835 to 1213. This is a decrease of 34%. The majority of wards have decreased in number of ASB incidents, with exception to a few. Rhyl's ASB incidents have shown a clear decrease from 839 to 558. This was a decrease of 33%.

It is evident that ASB incidents are more prominent not only in Rhyl, but in the following wards:

- 1) **Prestatyn – 1051 incidents** between the dates 1st April 2016 until the 31st August 2019
- 2) **Denbigh - 713 incidents** between the dates 1st April 2016 until the 31st August 2019
- 3) **Llangollen – 319 incidents** between the dates 1st April 2016 until the 31st August 2019

Overall, there has been a steady decrease in the number of ASB incidents over Denbighshire as a whole, although Rhyl continues to have the highest total number of ASB incidents, the above three wards have been identified with the second, third and fourth highest number of ASB incidents within the County.

The Additional Licensing Scheme applies conditions which aim to tackle antisocial behaviour within HMO properties.

Appendix 4 Is a letter from North Wales Police which supports the need for the continuation of an Additional Licensing Scheme.

The above figures, and attached supporting letter demonstrates the ongoing need for an Additional Licensing not only in Rhyl but to other areas within the County.

Waste Enforcement

Evidence obtained from the Waste and Recycling Manager and the Senior Environmental Crime officer of Denbighshire County Council's Environmental Services, see **Appendix 5**, shows there is a correlation between areas with a large HMO concentration and the amount of fly-tipping in those areas.

Fly tipping is often accumulations of black waste sacks (presented on other days to the designated collection day) and bulky waste.

The statistics below show the disproportionate number of formal requests we have received to respond to fly tipping in the West Rhyl area (Around 30% in the last two months) compared to the County monthly total.

<u>Month</u>	<u>No. of Incidents in W. Rhyl</u>	<u>Total for Month Denbighshire</u>
May 2019	10	60
June 2019	15	71
July 2019	24	106
August 2109	19	107
September 2019	26	63
October 2109	21	67

There is also a correlation with the amount of fly-tipping associated with HMO's in other areas i.e. Prestatyn, Denbigh, Ruthin and Llangollen. The problem is not confined to West Rhyl. However, data for this area is more readily available due to this area being a Council priority.

The Additional Licensing Scheme allows for conditions on waste management to be imposed e.g. provision and adequate number of suitable recycling and waste containers

The evidence provided indicates the need to continue with the Additional Scheme so as to ensure that waste issues in areas with HMO properties are addressed and improved.

Welsh Index of Multiple Deprivation 2019 (WIMD)

The Welsh Index of Multiple Deprivation (**WIMD**) is the Welsh Government's official measure of relative deprivation for small areas in Wales. It identifies areas with the highest concentrations of several different types of deprivation. WIMD ranks all small areas in Wales from 1 (most deprived) to 1,909 (least deprived).

Table 24 identifies the 10 most deprived areas in Wales. Wards in Rhyl are identified as numbers 1 and 2 most deprived areas.

Table 25 however shows the detailed comparison of the Housing Domain WMID figures for Denbighshire in 2014 and 2019.

The Housing Domain identifies inadequate housing in terms of the presence of physical hazards such as excess cold and specifically the proportion of people living in overcrowded houses.

These results show that although the two wards highlighted in Table 24 Rhyl West 1 and Rhyl West 2 have deteriorated overall on WIMD, for the Housing Domain this has improved. These wards are areas of high HMO concentration and Additional Licensing has contributed to this improvement in standards not only for here but for other areas within Rhyl.

Additional Licensing requires a pre licence inspection which ensures any hazards identified are remediated and also this is followed up by further risk based inspections throughout the five year period of the licence. Overcrowding has been prevented through Additional Licensing by ensuring strict room space standards are adhered to. The re designation of Licensing in Rhyl will ensure the current standards are maintained and improved.

However other areas within Denbighshire appear to have declined in in the Housing Domain which supports the need for Additional Licensing to be expanded to other areas e.g. Llangollen and Denbigh.

Energy Efficiency

A recent change is the introduction of the Energy Efficiency (Private Rented Property) (England & Wales) Regulations 2015. An Energy Performance Certificate (EPC) is required, under the Energy Performance of Buildings (England and Wales) Regulations 2012, whenever a property is built, sold or rented. The certificate contains information about the property's energy use, typical energy costs and provides recommendations about how to reduce energy use and save money. The energy performance of a building is rated on a scale of A to G, A being highly efficient, G being low efficiency.

These regulations phase in obligations for landlords of private rented domestic properties in relation to their energy performance. The Regulations set the minimum energy efficiency rating for all private rented properties and make it unlawful for properties with an energy performance rating of F or G to be let. Essentially a landlord who rents a property with an EPC rating below an E will be required to undertake work to improve its energy performance.

Additional Licensing as stated above, imposes conditions which will ensure HMO properties which are licensed meet these new legal requirements on Energy Efficiency, ensuring that all tenants live in warmer and more energy efficient homes.

6. Landlord Obligation

Rent Smart Wales

As part of the Additional Licensing Scheme, the Council is keen to promote high standards of management and encourage good well intentioned landlords through the requirements of **Rent Smart Wales** and the **Landlords Roadshow**.

Under the Housing (Wales) Act 2014, there are legal obligations on landlords who have rental property in Wales. Any landlord who has a rental property in Wales which is rented on an assured, assured shorthold or regulated tenancy is required to Register with Rent Smart Wales. Additionally, whoever manages the property must also be Licensed.

As part of the Additional Licensing Scheme, the requirements of Rent Smart Wales must be adhered prior to the application being accepted.

Landlord Roadshow

The Council established a private Landlords Roadshow back in 2002. This Roadshow is held at least once a year and provides an opportunity for regular legislative updates, training events and networking opportunities for landlords, agents, managers and relevant partners.

7. HMO Additional Licensing Scheme Proposal

Area to be covered

It is proposed that Additional Licensing should be re-designated and should cover not only the town of Rhyl, but should also be expanded to the areas of Prestatyn, Llangollen and Denbigh.

Which properties will require licensing?

It is proposed that the new Additional Scheme will continue to deal with properties that meet one of the following criteria:

- any type of HMO as defined by Section 254 of the Housing Act 2004 which does not fall within the mandatory licensing scheme, occupied by three or more persons, forming two or more households
- HMO properties which are defined within the scope of Section 257 of the Housing Act; HMO's created by converting buildings into flats, but do not meet the 1991 Building Regulations and they have not been subsequently brought up to the relevant standards

The power within the Act to designate Additional Licensing does not permit the Council to require buildings listed or referred to in Schedule 14 of the Housing Act 2004 to be subject to Additional Licensing e.g. local housing authority / social housing.

All landlords who own a property that fall under either one of the above criteria and located within the areas of Rhyl, Prestatyn, Llangollen and Denbigh will need to apply for a licence.

The Licensing Conditions and Standards have been reviewed and updated as the current standard where originally adopted back in 2007, the proposed Conditions have been outlined in **Appendix 2**.

The Licensing fees have also been reviewed, however there has been little change in overall costs since the initial fees were set and we therefore propose to adopt the existing Fee Structure as adopted by the Mandatory and current Additional Licensing scheme (**See Appendix 6**). We further propose to continue with additional incentives and discounts where a full application is received on time; late applications will be charged the full application fee without discount.

8. Conclusion:

Benefits of Additional Licensing

- Reduces the risk of fire and other hazards in all types of HMOs.
- Improves standards of HMOs relating to amenities and repair.
- Existing legislation (HHSRS) allows us to deal with reactive complaints from residents whereas Licensing allows us to proactively inspect and improve conditions within the whole property.
- All licensed HMO properties are subject to a programmed HHSRS inspection as well as a risk based assessment throughout the life of the licence. Proactive risk based inspections can be carried out targeting resources to those properties in poor conditions with poor management. Properties of high standards and good management are subject to less frequent inspections.
- Additional requirements are imposed, which include the requirement to provide certification: Fire Safety, Electrical Safety, Emergency Lighting, Gas Safety, Energy Performance Certificates, in addition to meeting Anti-Social Behaviour and Rent Smart Wales requirements.
- Allows for conditions on waste management to be imposed e.g. provision and adequate number of suitable recycling and waste containers.
- Ensures overcrowding is prevented due to strict conditions on room standards.
- The Licence / holder or Manager has to ensure that the property is sufficiently managed and also has to be a “fit and proper person.”
- Information and support is available to landlords/ managers at all times and access to relevant information and changes in legislation is made available through the Landlord Roadshow.
- Improving the standard of accommodation through Licensing contributes to more sustainable tenancies, less void properties and a reduction in fly tipping, which are positive benefits to the wider community.
- Not only does Additional Licensing identify the whereabouts of HMO properties within the selected areas, but it also ensure a level playing field across the tenure by ensuring all HMOs meet the same standards and conditions.
- The WIMD 2019 report recognises that housing conditions have improved in areas where we have HMO Additional Licensing is enforced.
- The HMO Proactive Fire Risk Assessment Project demonstrates that although the majority of HMOs inspected have suitable fire risk assessments and precautions in place, there were still a significant number of fire related hazards identified. This highlights that there is a need to continue with the current Licensing Scheme and subsequent proactive inspections.

- The evidence obtained in this report and attached supporting letters from North Wales Fire and Rescue Service, North Wales Police and Denbighshire County Council's Environmental Service demonstrates the ongoing need for an Additional Licensing not only in Rhyl but to other areas within Denbighshire.
- As outlined in this report the Council receive numerous complaints in relation to housing conditions, landlord and tenants disputes, harassment and illegal eviction including noise nuisance, accumulation of refuse and general anti-social behaviour. Complaints are generally received from tenants, members of the public and other statutory bodies. The complaints generally related to all types of HMO's and the Council considers the re-designation of Additional Licensing within the areas of Rhyl, Prestatyn, Llangollen and Denbigh would greatly increase the Council's ability to continue with all the work which has already been done to regulate and improve the management and condition of these properties.
- One of Denbighshire's Corporate Priorities is to ensure that "everyone is supported to live in homes that meet their needs." Introducing an Additional HMO Licensing Scheme will contribute towards this priority by ensuring the effective and efficient management of our private rented sector HMO properties.
- A further priority is that "the Council works with people and communities to build independence and resilience." Vulnerable people are protected and are able to live as independently as possible if they so choose to live in the private rented sector, with better regulated rented accommodation with better managements in place and fit and proper persons running those accommodations.
- The Additional Licensing Scheme is consistent with the Council's Local Housing Strategy and Links to its Empty Property Strategy and Homelessness initiatives, to engage with private landlords to provide better quality of accommodation for those residents unable to access home ownership or social housing.

9. Consultation and Publication

In proposing the re-designation of Additional Licensing to cover 3 storey HMOs which do not fall within the remit of Mandatory Licensing within the towns of Rhyl, Prestatyn, Llangollen and Denbigh the Council aims to:

- **Engage with landlords to assist them with improving their management arrangements and improving general standards**

The Council invites comments in response to this consultation from all landlords, agents, tenants and all other interested parties. Please either use the reply form included with this consultation report and send it back to the address provided below:

Planning, Public Protection & Countryside Services,
Caledfryn, Smithfield Road,
Denbigh, Denbighshire,
LL16 3RJ,
Or e-mail: envhealth@denbighshire.gov.uk

10. Statistics & Tables

Table 1 – Showing the Dwelling Stock Type in Denbighshire

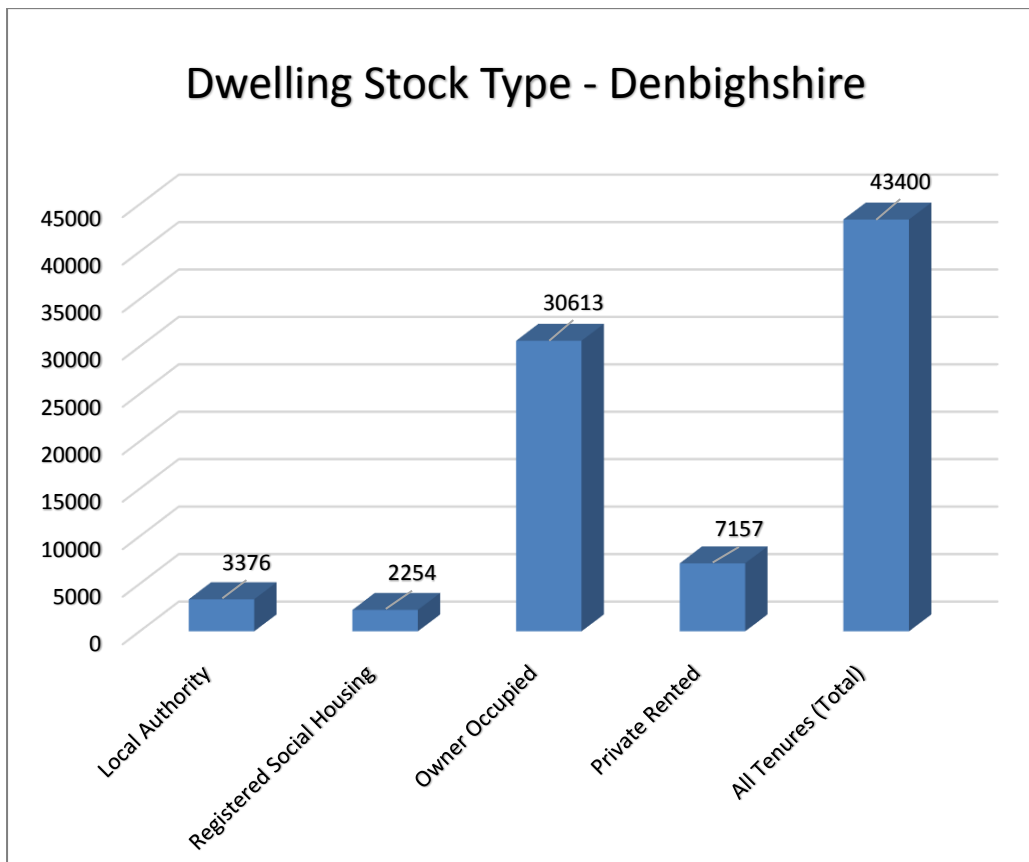


Table 2 – Showing the Stock HMO in % within Denbighshire

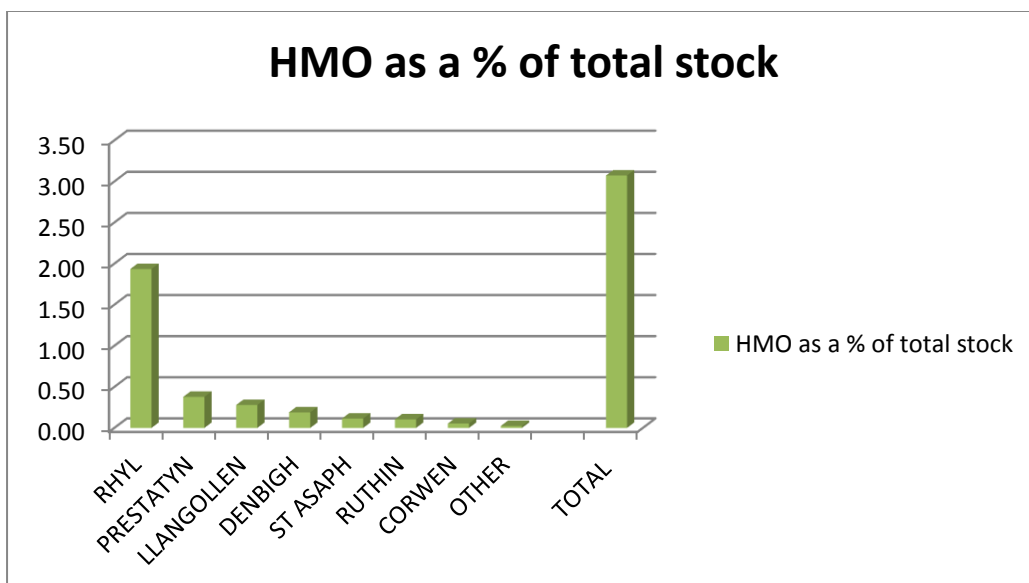


Table 2 clearly shows that the majority of DCC’s HMO stock are in Rhyl (1.9%). The area with the second and third largest of HMO dwellings are Prestatyn (0.37%), Llangollen (0.28%) and the fourth largest is Denbigh (0.19%)

Table 3 – Number of Housing Health & Safety Rating Scheme Assessments Carried Out Where Hazards Found (2015 to 2019):

	HMO	Non-HMO
Total Number of Assessments Carried out	1004 (64%)	563 (36%)
Contained Category 1 Hazards	406 (61%)	261 (39%)
Contained Category 2 Hazards	778 (61%)	491 (39%)
Total No of Properties Where Cat 1 & Cat 2 Hazards identified	1184 (61%)	752 (39%)

Table 4 – Number of Housing Health & Safety Rating Scheme Assessments Carried Out Where Hazards Found (2015 to 2019)

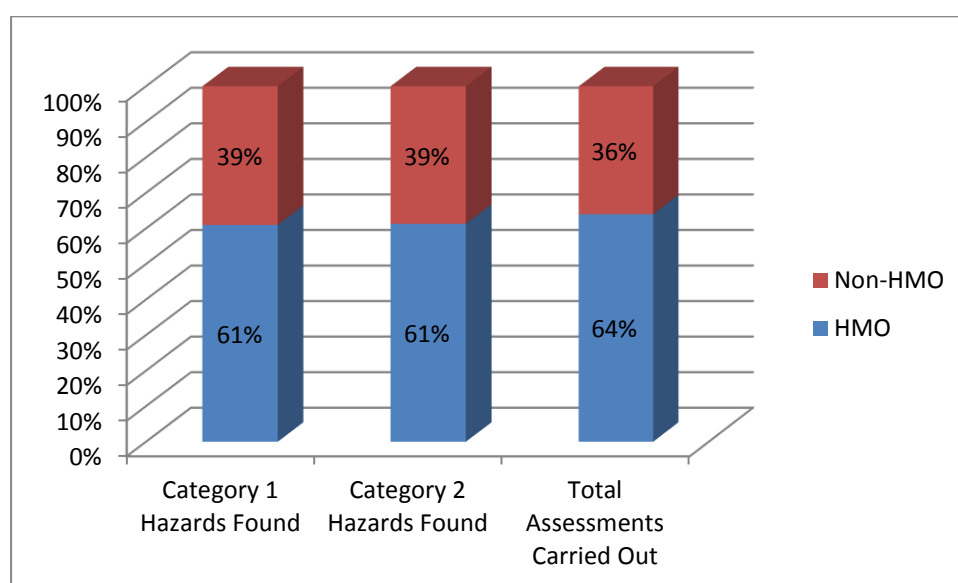


Table 5 – Housing Health & Safety Rating Scheme identified hazards

	HMO	Non-HMO
Category 1	579 (56%)	463 (44%)
Category 2	1193 (53%)	1326 (47%)
Total Hazards identified	1905 (53%)	1656 (47%)

Table 6 – Total Hazards Identified from 2015 to 2019

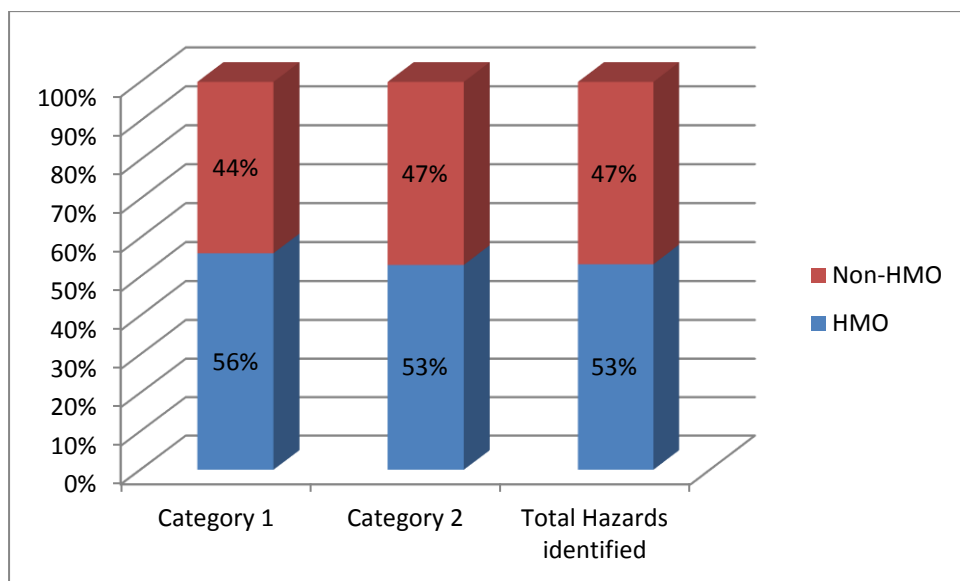


Table 7 – Showing the ratio of HMO to single dwelling stock

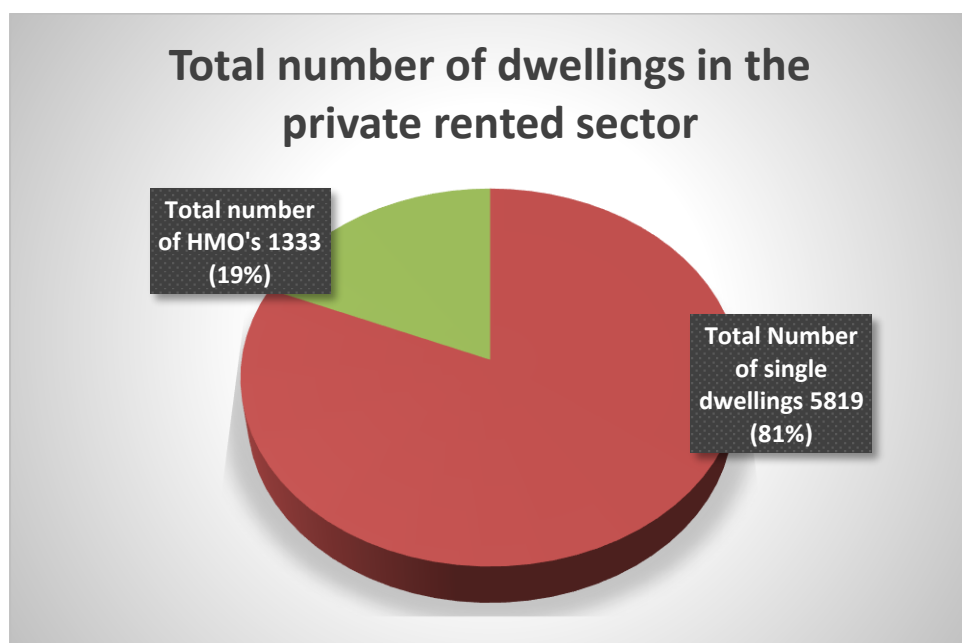


Table 8 – Showing the total number of Housing Related Complaints

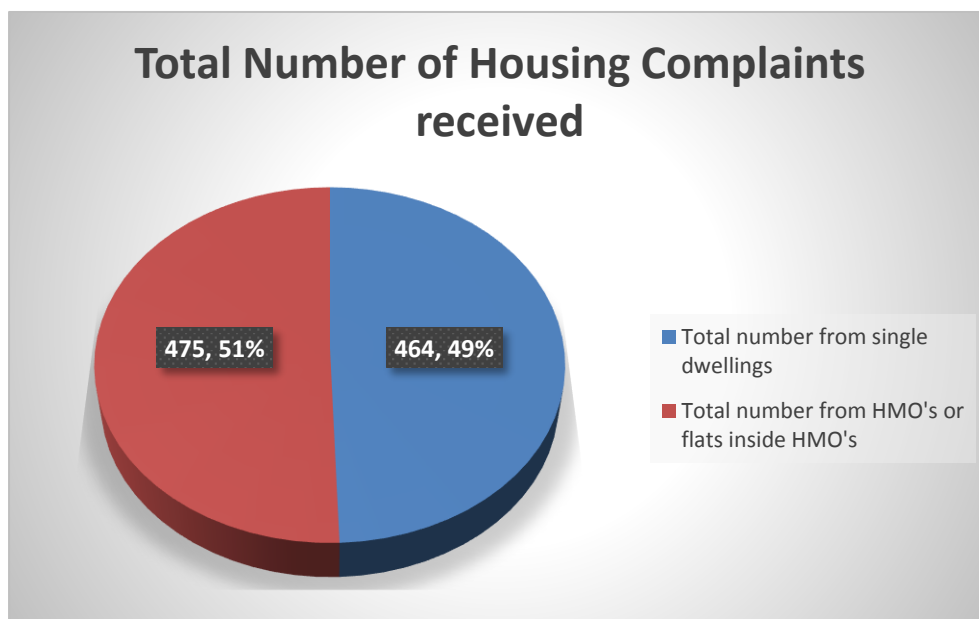


Table 9 - Showing the total number of complaints received from the HMO Stock as a whole

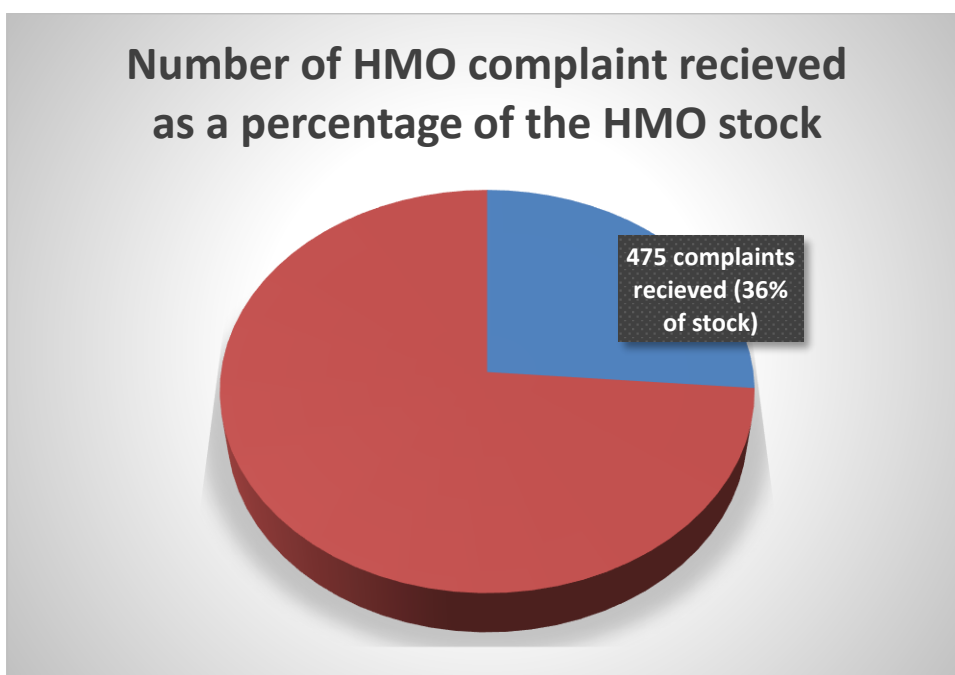


Table 10 - Showing the total number of complaints received from the Single Private Rented Stock as a whole

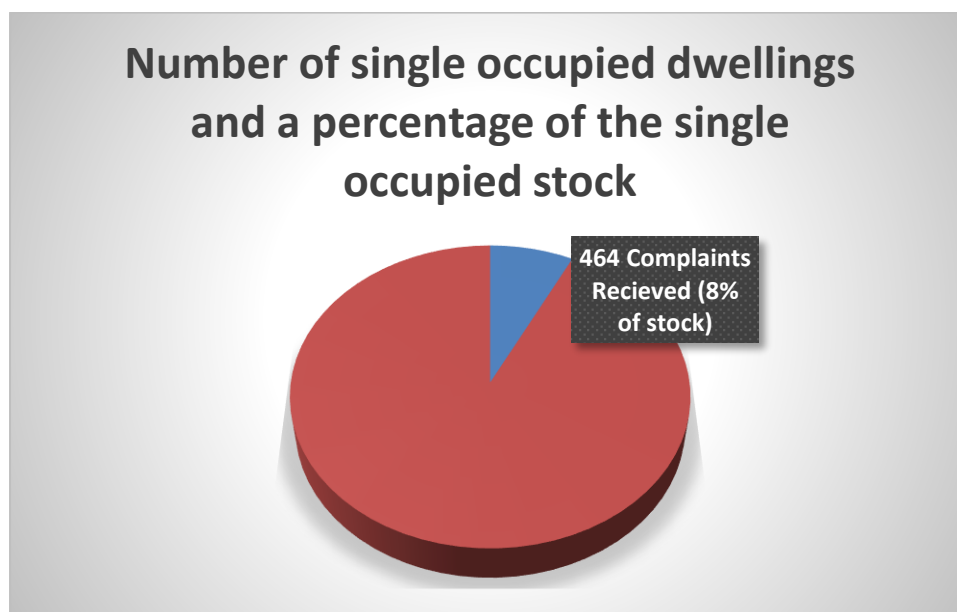


Table 11 - Enforcement action (*all properties*) which has been taken by the Housing Enforcement Team since April 2015 to April 2019:

	Calendar Years					Total
	2015/16	2016/17	2017/18	2018/19	April - Nov19	
Improvement Notices	34	11	15	17	9	86
Prohibition /Emergency Prohibition Orders	3	4	1	1	5	14
Hazard Awareness Notices	243	264	377	214	134	1232
Emergency Remedial	0	0	2	1	0	3
IMO	0	0	0	0	0	0
Total Action	280	279	393	232	148	1483
Number of Dwellings where Category 1 hazards have been remediated	89	117	87	81	71	445

Table 12 - The number of Dwelling fires which have occurred in Denbighshire over the last ten years

Fire Cause	FinancialYear									
	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Accidental	88	59	58	79	68	48	45	61	64	43
Deliberate - others property	3	7	6	4	4	3	4	5	6	1
Deliberate - own property	2	1	5		1	1	4	2	2	3
Deliberate - unknown owner	4	5	1	1			1	1	1	1
Not known		1	3	1			1	1	2	2
Grand Total	97	73	73	85	73	52	55	70	75	50

Table 13 - The number of dwelling fires which have occurred in Denbighshire between 2010 and 2019

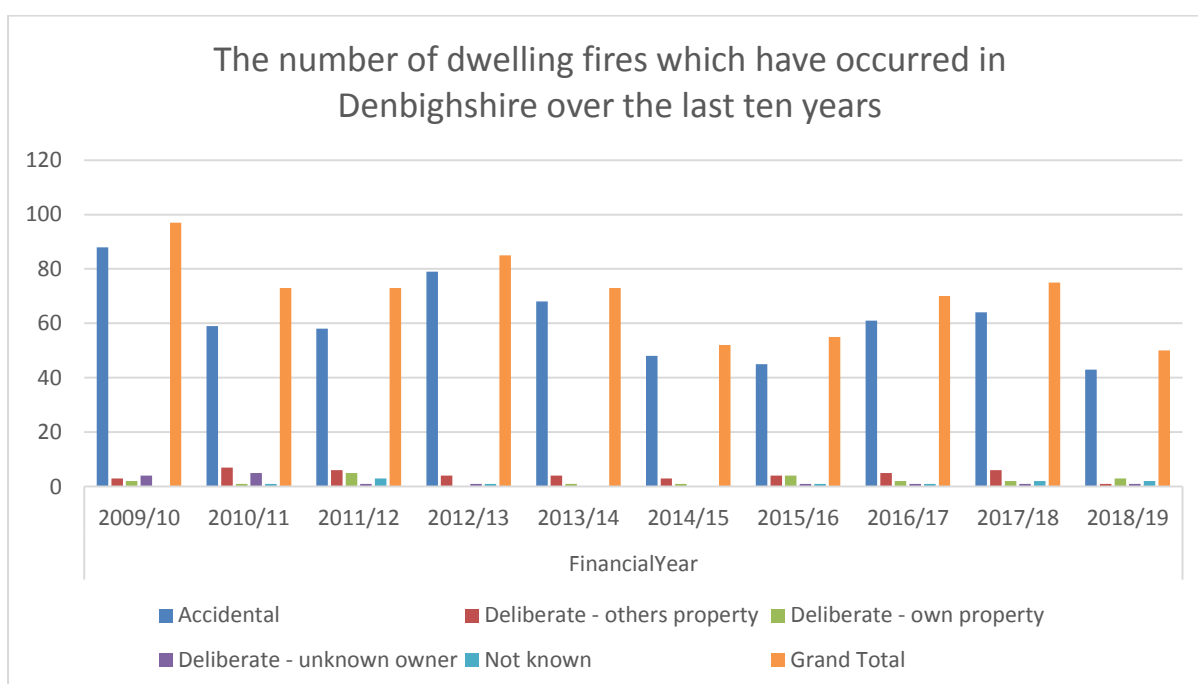


Table 14 - The number of dwelling fires in Denbighshire which related to Flats or HMO

Property Type	FinancialYear									
	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Converted Flat/Maisonette - n	7	10	9	8	6	7	6	8	7	3
Licensed HMO	2			3		1				
Purpose Built Flat/Maisonette	14	11	7	13	5	7	11	9	11	8
Unknown if licensed HMO		2								
Unlicensed HMO		1				1			1	
Grand Total	23	24	16	24	11	16	17	17	19	11

Table 15 - The number of dwelling fires which have occurred in Denbighshire between 2010 and 2019 (Flats or HMOs)

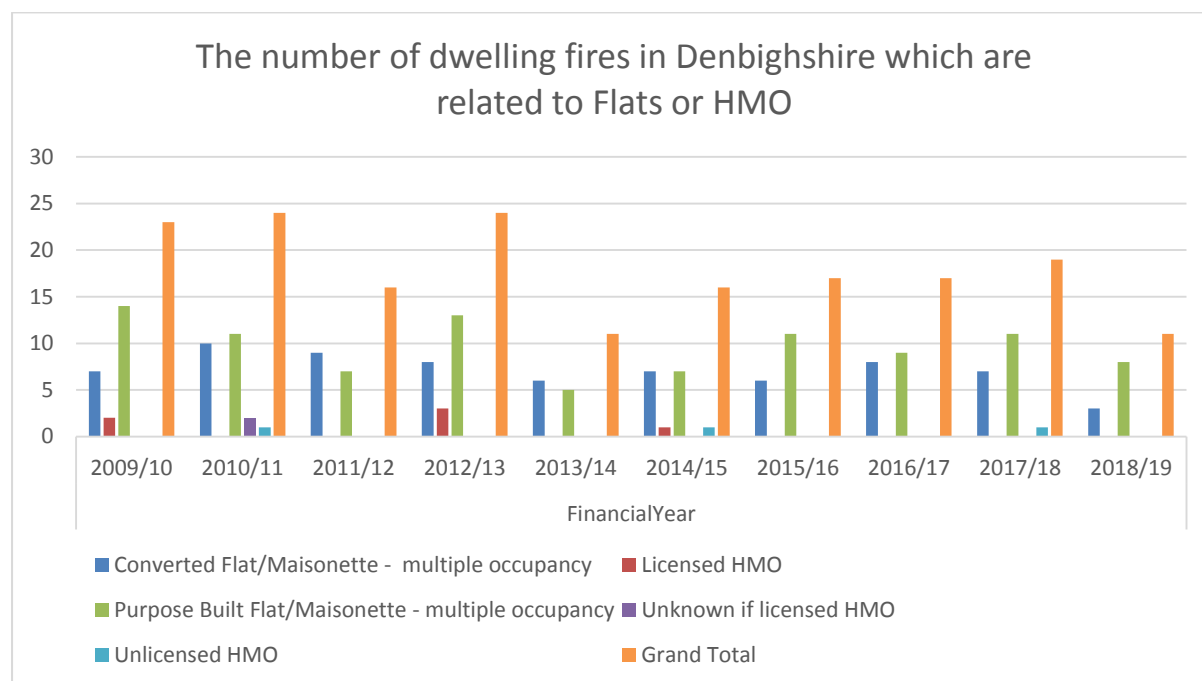


Table 16 - The number of dwelling fires in Rhyl which related to Flats or HMO

Property Type	Financial Year									
	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Converted Flat/Maisonette - n	4	6	9	5	4	4	3	7	3	2
Licensed HMO	2			3		1				
Purpose Built Flat/Maisonette	8	7	6	6	2	3	5	4	2	2
Unknown if licensed HMO		2								
Unlicensed HMO		1				1				
Grand Total	14	16	15	14	6	9	8	11	5	4

**Data is based on incidents attended within the station ground area of Rhyl fire station*

Table 17 - The number of dwelling fires which have occurred in Rhyl between 2010 and 2019 (Flats or HMOs)

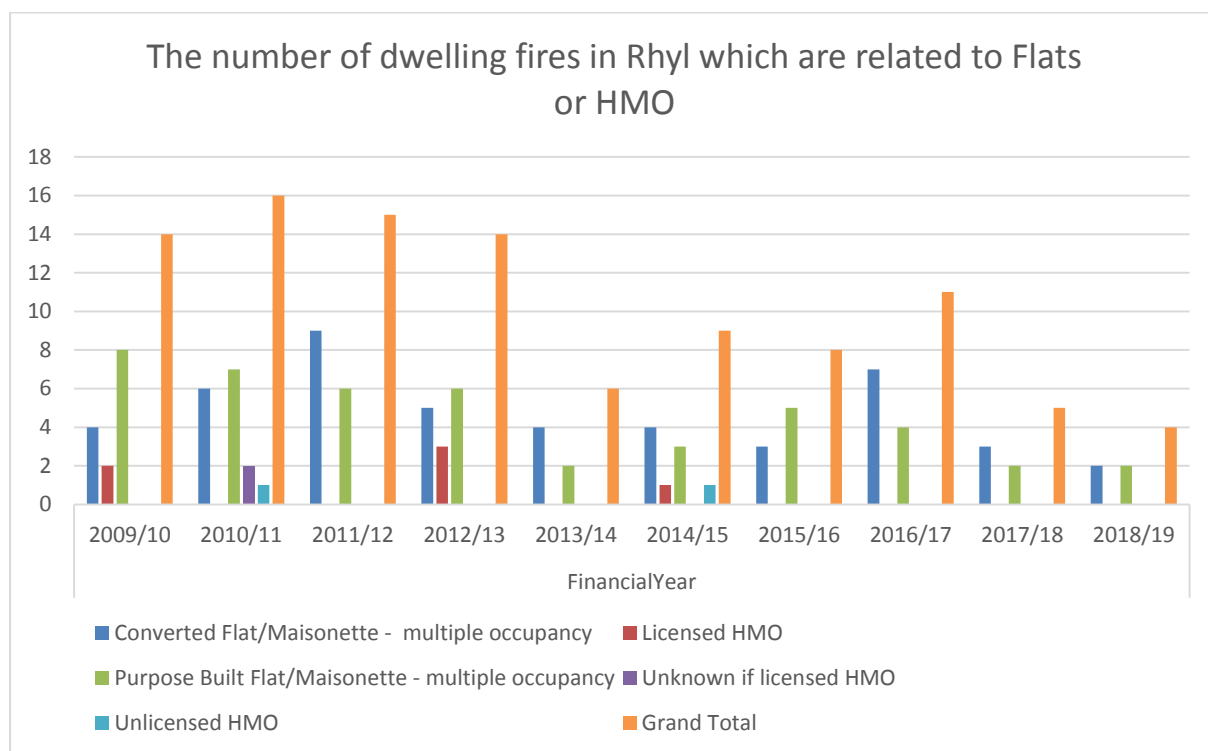


Table 18 – DCC Proactive Fire Safety Inspections in HMO licensed properties – Presence of suitable Fire Risk Assessment



Table 19 – DCC Proactive Fire Safety Inspections in HMO licensed properties – Fire Door Condition

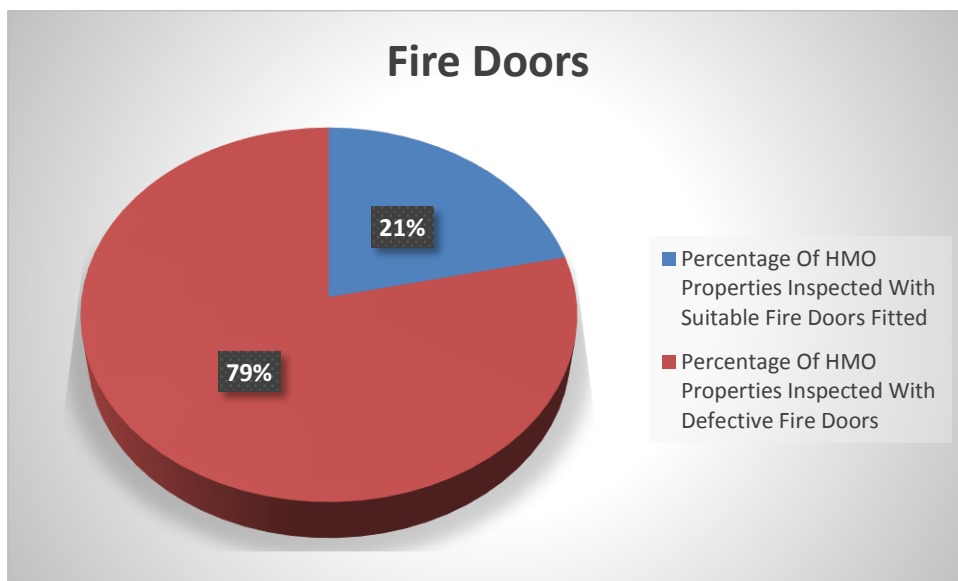


Table 20 – DCC Proactive Fire Safety Inspections in HMO licensed properties – Means of Escape

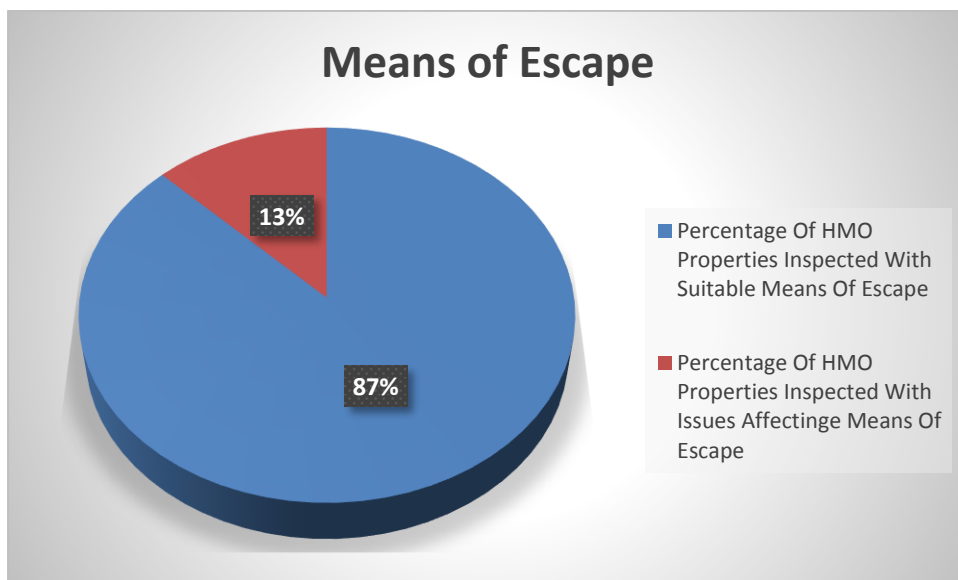


Table 21 – DCC Proactive Fire Safety Inspections in HMO licensed properties – Fire Panel Condition

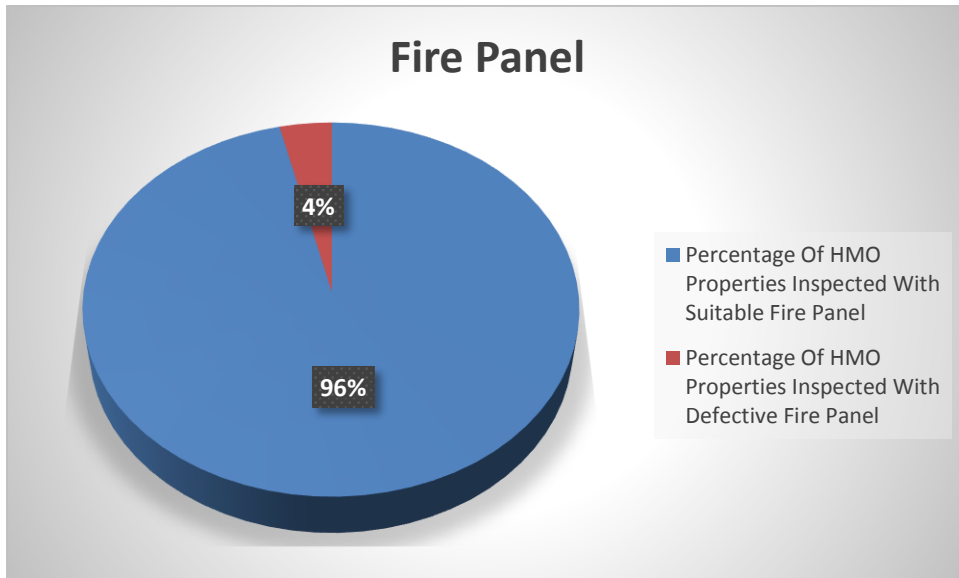


Table 22 – DCC Proactive Fire Safety Inspections in HMO licensed properties – Enforcement action Taken for fire safety matters

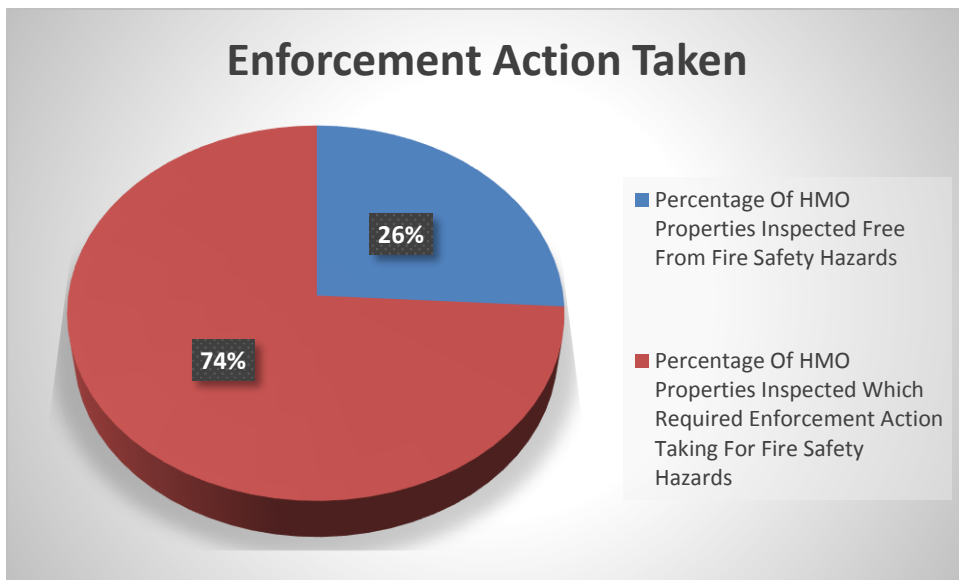


Table 23 - North Wales Police Incidents In Denbighshire (2016 – 2020)

Denbighshire - ASB Incidents (YTD = 1 st April – 31 st August)					
Ward Code – Ward Name	2016/17 (YTD)	2017/18 (YTD)	2018/19 (YTD)	2019/20 (YTD)	Total
CRW03 - Trefnant	7	18	15	15	55
CRW04 - St. Asaph West	19	27	16	18	80
CRW05 - St. Asaph East	11	14	32	28	85
CRW06 - Tremeirchion	8	8	8	3	27
CRW07 - Denbigh Upper/Henllan	106	117	88	39	350
CRW08 - Denbigh Central	58	70	58	56	242
CRW09 - Denbigh Lower	55	21	26	19	121
CRW10 - Llandyrnog	8	11	10	9	38
CRW11 - Ruthin	88	101	66	34	289
CRW12 - Llanbedr DC/Llangynhafal	1	4	3	3	11
CRW13 - Llanarmon-yn-Ial/Llandegla	19	28	12	16	75
CRW14 - Llangollen	102	76	92	49	319
CRW15 - Llanfair DC/Gwyddelwern	30	15	12	7	64
CRW16 - Corwen	30	21	13	14	78
CRW17 - Llandrillo	11	6	5	5	27
CRW18 - Efenechtyd	12	17	17	8	54
CRW19 - Llanrhaeadr-Yng_Nghinmeirch	8	11	5	7	31
DCW06 - Bodelwyddan	35	39	41	45	160
DCW07 - Rhuddlan	46	44	33	40	163
DCW08 - Rhyl South	58	52	23	26	159
DCW09 - Rhyl South West	150	169	139	125	583
DCW10 - Rhyl West	439	471	350	270	1530
DCW11 - Rhyl East	84	69	78	60	291
DCW12 - Rhyl South East	108	90	65	77	340
DCW13 - Dyserth	23	26	23	17	89
DCW14 - Prestatyn Meliden	14	26	31	24	95
DCW15 - Prestatyn South West	36	43	26	14	119
DCW16 - Prestatyn North	78	106	73	83	340
DCW17 - Prestatyn Central	93	67	51	40	251
DCW18 - Prestatyn East	98	98	83	62	341
Total	1835	1865	1494	1213	6407

Table 24 - The ten most deprived areas in Wales, together with three areas that were ranked between 1 and 10 in WIMD 2014, but have moved out of that group

LSOA	Local authority	LSOA name	WIMD 2014 Rank	WIMD 2019 Rank
W01000240	Denbighshire	Rhyl West 2	2	1
W01000239	Denbighshire	Rhyl West 1	11	2
W01001421	Caerphilly	St. James 3	1	3
W01001274	Rhondda Cynon Taf	Tylorstown 1	5	4
W01000991	Bridgend	Caerau (Bridgend) 1	6	5
W01001209	Rhondda Cynon Taf	Penrhiwceiber 1	15	6
W01001308	Merthyr Tydfil	Penydarren 1	14	7
W01001428	Caerphilly	Twyn Camo 1	7	8
W01000413	Wrexham	Queensway 1	3	9
W01001662	Newport	Pillgwenlly 4	10	10
W01001874	Cardiff	Splott 6	4	12
W01001303	Merthyr Tydfil	Merthyr Vale 2	8	34
W01001222	Rhondda Cynon Taf	Pen-y-waun 2	9	15

Table 25 – Comparison of WIMD Housing Domain in 2014 and 2019

WARDS	WIMD 2014	WIMD 2019	HOUSING 2014	HOUSING 2019
Bodelwyddan	898	1002	328	875
Corwen 1	1002	953	357	97
Corwen 2	846	700	973	472
Denbigh Central	701	602	453	278
Denbigh Lower 1	1780	1870	1644	1777
Denbigh Lower 2	1718	1730	1190	1089
Denbigh Lower 3	1620	1581	1559	1511
Denbigh Upper/Henllan 1	163	170	105	876
Denbigh Upper/Henllan 2	720	519	396	271
Dyserth 1	1484	1471	986	423
Dyserth 2	751	779	696	1035
Efenechtyd	1518	1334	1129	189
Llanarmon-yn-Ial/Llandegla	1578	1508	1224	676
Llanbedr Dyffryn Clwyd/Llangynhafal	1663	1607	1196	647
Llandrillo	869	1192	780	637

Llandyrnog	1387	1253	867	150
Llanfair Dyffryn Clwyd/Gwyddelwern	1511	1155	721	56
Llangollen 1	862	625	220	39
Llangollen 2	1071	1058	488	926
Llangollen 3	1587	1318	1332	1067
Llanrhaeadr-yng-Nghinmeirch	1341	1123	729	58
Prestatyn Central 1	1543	1591	1483	1537
Prestatyn Central 2	288	400	94	522
Prestatyn East 1	458	389	341	313
Prestatyn East 2	1779	1764	1757	1490
Prestatyn East 3	652	572	693	919
Prestatyn Meliden	808	845	258	599
Prestatyn North 1	786	592	514	966
Prestatyn North 2	959	836	997	916
Prestatyn North 3	647	780	1081	1419
Prestatyn South West 1	633	646	588	1236
Prestatyn South West 2	1039	1025	1158	1357
Rhuddlan 1	1522	1369	1402	1792
Rhuddlan 2	1332	1329	505	1029
Rhuddlan 3	1164	1210	1203	1293
Rhyl East 1	389	351	436	1005
Rhyl East 2	1234	973	727	795
Rhyl East 3	99	133	537	581
Rhyl South 1	549	587	1425	1498
Rhyl South 2	1343	1327	1050	1205
Rhyl South East 1	894	782	697	870
Rhyl South East 2	1066	1152	1029	1593
Rhyl South East 3	1157	917	1058	944
Rhyl South East 4	182	192	253	1159
Rhyl South East 5	1527	1453	1355	1824
Rhyl South West 1	100	57	20	300
Rhyl South West 2	20	19	80	340
Rhyl South West 3	655	651	147	268
Rhyl West 1	11	2	57	174
Rhyl West 2	2	1	5	52
Rhyl West 3	19	11	130	233
Ruthin 1	1060	1041	755	798
Ruthin 2	1593	1447	1178	862
Ruthin 3	1850	1887	1623	1750
St. Asaph East	1631	1556	1340	1298
St. Asaph West	783	1020	628	1177
Trefnant	1146	1114	1152	799
Tremeirchion	1340	1243	725	138



LICENSING CONDITIONS

Minimum Licensing Standards for Houses in Multiple Occupation

In accordance with Section 65, Part 2 of the Housing Act 2004, these are the Authority's Standards for deciding the suitability for occupation of a House in Multiple Occupation (HMO).

The licence holder/manager is required to comply with these Standards together with the Housing Health and Safety Rating System (HHSRS) Operating Guidance, the Management of Houses in Multiple Occupation (Wales) Regulations 2006, the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (Wales) Regulations 2007 and the Housing (Wales) Act 2014 (Rent Smart Wales).

Certain HMOs will require planning consent depending on the number of residents and the nature of the works carried out to convert the property. You are therefore advised to contact the Authority's Planning Department prior to carrying out any improvement works to meet these Standards.

If the property is deemed unsuitable for the number of occupiers occupying the property at the time of the licence application, the Authority may require work to be carried out to comply with the Standards and/or impose restrictions or prohibition on the use or occupation of particular parts of the HMO. In all cases, properties will be required to meet minimum levels of safety and repair and comply with Building Regulations.

If you are in any doubt about any of these Standards, please contact the Public Protection (Environmental Health) Department of the Authority for clarification.

1) SPACE STANDARDS

These Standards detail three types of premises, namely bedsit rooms, self-contained flats and shared accommodation.

Reductions to the specified standard may be treated as meeting the standard where the Authority considers the room adequately meets the occupier's needs, that the reduction in size is not more than 5% of the full floor standard.

The location/absence of internal obstructions such as chimney breasts will be a key factor in deciding whether a room of lower floor area is acceptable.

Any room less than 4.64 m² cannot be used as sleeping accommodation and the licence holder will be required to notify the local authority of any room in the HMO with a floor space of less than 4.64m².

When determining the area of the room, any part of the room where the height of the ceiling is less than 1.5 meters will not be taken into account.

The obligate sharing of rooms by persons of the opposite sex over the age of 10 and who do not live as partners shall not be permitted.

Bedsit Room

One room unit of accommodation with cooking, living and sleeping facilities:

- One room for one person – 14 m²
- One room for 2 persons – 20.5 m²

Self-contained flats

Two or more room units with cooking, living and sleeping facilities.

- Each single bedroom – 6.51m² for persons over 10 years of age or not less than 4.64 m² for one person aged under 10 years.
- Each double bedroom not less than 10.22 m² for two persons over 10 years of age.
- Each living room, single person units not less than 9m²
- Each living room, two persons units not less than 12m²
- Each living/kitchen, or living/bedroom, single person unit not less than 11.5m²
- Each living/kitchen, or living/bedroom, two person unit 14m²

Shared Accommodation

- Single Bedroom (without separate living room) not less than 10 m²
- Double Bedroom (without separate living room) not less than 15 m²
- Single Bedroom (with separate living room) not less than 6.51m²
- Double Bedroom (with separate living room) not less than 10.22 m²
- Living room/dining room not less than 8.5 m² for 1-3 persons and not less than 11 m² for 4-6 persons.
- Kitchens not less than 5m² for 1-3 persons, not less than 6m² for 4 persons, not less than 7 m² for 5 persons, not less than 9 m² for 6 persons.

Bathrooms and Separate Water Closet (WC) Compartment Standards

- All bathrooms and separate WC compartments should be of an adequate size and layout. There must be sufficient functional space for the occupier to use the facilities provided.

2) NATURAL LIGHTING

All habitable rooms shall have an adequate level of natural lighting provided via a clear glazed window or windows and/or doors. The glazed area is to be equivalent to at least 1/10th of the floor area and to extend normally to a point 1.75m above floor level.

Basement rooms used as habitable rooms, kitchens, bathrooms and WC compartments should comply with above. Where this is not practicable, adequate artificial lighting shall be provided in accordance with Section 3 – Artificial Lighting.

All glazing to windows in bathrooms and WC compartments shall be of obscured glass.

All staircases, landings and passages shall be provided with an area of clear glazing in a window. Where this is not practicable, adequate artificial lighting shall be provided in accordance with Section 3.0 – Artificial Lighting.

3) ARTIFICIAL LIGHTING

All rooms and circulation areas within the property shall be adequately lighted by electricity.

Time switches will only be allowed to common landings, passages and staircases and should stay on for an adequate time to allow a person to climb the stairs, etc., and enter a room. There should be sufficient switches to operate the artificial lighting on each landing corridor or passage and each switch should allow adequate lengths of corridors, passages and stairways to be illuminated at the same time.

All lighting to the common parts must be provided, maintained and paid for by the landlord (or their agent). The supply shall be via a landlord's supply and not a card meter.

4) VENTILATION

All habitable rooms, kitchens, bathrooms and WC compartments require suitable and adequate floor to ceiling height to allow proper circulation of air and shall have a minimum floor to ceiling height of 2.14m, except in the case of existing underground and attic rooms, which shall have a minimum height of 2.14m over an area of the floor equal to not less than three-quarters of the area of the room, measured on a plane 1.5m above the floor.

All habitable rooms shall be ventilated directly to the external air by a window which has an openable area not less than 1/20th of the floor area of the room. Neither an openable door giving access directly to the external air, nor a louvered opening in such a door will be acceptable for the purpose of this requirement.

All kitchens, bathrooms and WC compartments shall comply with above, but where this is not practicable, suitably sited mechanical ventilation providing a minimum of three air changes per hour shall be provided. Such an installation shall be fitted with an overrun device for a minimum of 15 minutes and be operated from the lighting circuit of the room. For kitchens, mechanical ventilation providing one air change per hour will be deemed sufficient.

Basement rooms used as habitable rooms should be provided with natural ventilation direct to the external air. In addition, there should generally be an unobstructed space immediately outside the window opening which extends the entire width of the window or more and has a depth of not less than 0.6m measured from the external wall or not less than 0.3m in the case of a bay window with side lights.

Suitable and sufficient permanent means of ventilation shall be provided and-maintained in any room in which there is a gas heating appliance.

A suitable permanent means of ventilation in the form of a flue, airbrick, hit and miss ventilator or louvered window shall be provided in all kitchens, dining/kitchens, bathrooms, WC compartments and any other room containing either cooking and/or washing facilities

5) WATER SUPPLY

Each separate occupancy shall be provided with an adequate supply of hot and cold running water suitable for drinking and food preparation purposes.

The cold water supply to wash hand basins should normally be supplied from the rising main, or by such other means as are acceptable to the Water Authority.

The hot water supply must be of sufficient capacity, temperature and flow for any wash hand basin, bath or shower and be available at all times.

Hot water may be provided by any of the following methods:-

- a) Piped from storage and boiler, e.g. condensing boiler
- b) Immersion heater
- c) Fixed gas appliance, e.g. multipoint or combination boiler
- d) Instantaneous heaters (only to wash hand basins and electric showers) having a minimum rating of 6KW and 9KW respectively.

The cold and hot water supplies are to be sited over a sink or wash-hand basin.

A turn off valve should be provided in the rising main for each letting.

The water pressure to all fittings shall comply with the minimum requirements laid down by the relevant Water Authority at all times.

All water supplies shall, where necessary, be protected from frost damage.

6) PERSONAL WASHING FACILITIES

Each occupancy shall be provided with its own bath or shower in a separate room. Where this is not practicable, a readily accessible bath, of minimum dimensions 1700mm x 760mm, in a bathroom, or a shower of minimum dimensions 800mm x 800mm, in a suitable shower room with adequate drying and changing space shall be provided not more than one floor in distance from any user in the following ratios -

1 - 4 persons	At least 1 bathroom and 1 WC (the bathroom and WC may be combined). A wash hand basin is required in the bathroom and in separate WC if provided)
5 persons	1 bathroom AND 1 separate WC with WHB (but the WC and wash hand basin can be contained within a second bathroom).
6 – 10 persons	2 bathrooms AND 2 separate WCs with wash hand basins (but one of the WCs can be contained within one of the bathrooms).
11-15 persons	3 bathrooms AND 3 separate WCs with wash hand basins (but two of the WCs can be contained within 2 of the bathrooms).

A two course tiled splash back to the bath and wash hand basin are to be provided. All joints should have an adequate waterproof seal. Any shower cubicles provided should have fully tiled walls or be complete self-standing cubicles.

Baths and showers shall not be provided in kitchens and external WCs shall not be considered.

All bathrooms, shower rooms and separate WC compartments must be suitably and adequately heated and ventilated.

The walls and floor of any bathroom, shower room or separate WC compartments should be reasonably smooth, non-absorbent and capable of being easily cleaned.

A privacy lock must be provided to all bathrooms, shower rooms and separate WC compartments.

7) DRAINAGE

The HMO shall be provided with an effective system, both above and below ground for the drainage of foul, waste and surface water.

8) FACILITIES FOR STORAGE, PREPARATION AND COOKING OF FOOD AND FOR THE DISPOSAL OF WATER

Each household shall have a kitchen for its own exclusive use. Where this is not practicable, a shared kitchen may be provided.

The design and layout of the shared kitchen and of the facilities provided must permit the safe storage and preparation of food and hot drinks and make it relatively easy to maintain clean and hygienic conditions.

Whether for the occupier's exclusive use or if it is shared, the kitchen must be equipped with the following, which must be fit for purpose and supplied in a sufficient quantity for the number of those sharing the facilities:-

Facility	Standard Required	Up to and including 5 Persons	6 – 10 Persons
Worktop or table for the preparation of food	Worktop or table should be securely fixed, of an impervious material and capable of being readily cleansed and maintained in a hygienic condition.	1000mm (length) x 500mm (depth)	Additional 500mm length per user
A sink with an adequate supply of cold and constant hot water supplied to each sink	A metal or ceramic sink which is fixed on a stable base, impervious and of minimum dimension 500mm x 600mm with a drainer. The sink should be provided with an adequate and	One sink unit with draining board	Two sink units (or double bowl sink with drainer)

	wholesome (potable) supply of cold water and an adequate supply of constant hot water which is connected to the drainage system via a suitable trap		
Installation or equipment for the cooking of food in shared kitchens	A cooker with three or four rings or hot plates together with grill and a full sized oven	One full size cooker	Two full size cookers
Cupboards for the storage of food or kitchen and cooking utensils	Single cupboard (wall or floor mounted) of minimum capacity 0.16m ³ . This excludes the space in a base unit below the sink)		Capacity to be increased proportionately for each additional occupant
In shared kitchens, refrigerator with an adequate freezer compartment (or, where the freezer compartment is not adequate, provide a suitable separate freezer) The cold water supply to wash hand basins must be potable (drinking water quality).	A refrigerator with a minimum capacity of 0.15m ³	One standard sized combined refrigerator / freezer	Two standard sized combined refrigerator / freezer

Kitchen floors must be water resistant, impervious and easily cleansable. Kitchen walls adjacent to cookers, sinks and food preparation areas should be provided with impervious splash backs, and all joints shall be adequately sealed.

9) ENERGY EFFICIENCY

The requirements of The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 must be met.

- Properties with an energy performance rating of F or G should not be let for private rental

- A landlord who rents a property with an EPC rating below an E will be required to undertake work to improve its energy performance. (Unless an exemption has been granted)

The licence holder/manager must provide a copy of the most recent Energy Performance Certificate for the HMO, including the recommendation report with suggestions on how to reduce energy use and carbon dioxide emissions.

For further information on Energy Efficiency see:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/824037/Domestic_Private_Rented_Property_Minimum_Standard_-_Landlord_Guidance.pdf

10) SPACE HEATING

Each unit of living accommodation in a HMO must be equipped with an adequate means of space heating. Heating must be safely and properly installed and maintained, and be provided with controls to allow the occupants to regulate the temperature.

The heating should be appropriate to the design, layout and construction, such that the whole of the dwelling can be adequately and efficiently heated.

Heating should be provided in every habitable room and bathroom. All appliances should be of a sufficient output so as to adequately heat the rooms they serve. The recommended room temperatures are 19 degrees centigrade generally, in all habitable rooms and bathrooms, regardless of the weather conditions.

The heating may be by means of:-

- a) Central heating; OR
- b) Gas heaters which are connected to a suitable flue and terminal outlet; OR
- c) Oil heaters which are connected to a suitable flue and terminal outlet, OR
- d) Electrical heaters which must be a fixed installation and if new or replacement, must be Lot 20 compliant, OR
- e) Solid fuel in the form of an authorized smokeless fuel or alternatively solid fuel burnt in a smokeless appliance. If solid fuel is used, proper fuel storage facilities shall be provided outside the building in a readily accessible position for each unit of accommodation.

All heating appliances shall be fixed and positioned so as to direct heat towards the centre of the room.

The use of portable paraffin or oil filled heaters and liquefied petroleum gas heaters (LPG Bottled Gas heaters) shall not be acceptable under any circumstances, whether provided by the landlord or tenant.

11) ELECTRICITY SUPPLY

The minimum requirement for the provision of electrical socket outlets shall be as follows:-

Kitchen / kitchen areas

Two, two gang power sockets or four one gang sockets are to be provided and located above the work top for the use of portable appliances (in addition to those serving large kitchen appliances such as fridge, washing machine etc).

Electric cookers shall be provided with a dedicated cooker point outlet suitable for the rating of the cooker and which is positioned immediately adjacent to the work top, or a suitable gas point.

Living room

Two, two gang sockets or four, one gang sockets.

Bedroom

One, two gang socket or two, one gang sockets

Bedroom / living room area

Where the living and bedroom areas are combined, three two gang sockets or six one gang sockets shall be provided.

In addition to the above, all habitable rooms which are provided with a fixed electrical heating appliance shall be provided with a dedicated socket outlet with a suitable fuse rating.

All electrical sockets shall be located in positions which permit their safe, convenient and proper use at all times, having regard to likely room layout. They shall not be positioned where vulnerable to damage, likely to be obstructed or where the resulting appliance cables are likely to pose a safety hazard.

Earth Bonding (kitchens / kitchen areas / bathrooms)

Where there is an increased risk of electric shock due to likely contact between substantial areas of the body and earth potential, these locations should be earth bonded in accordance with the current wiring Regulations.

12) STORAGE & DISPOSAL OF REFUSE

Cleanliness

The Authority requires that refuse is not allowed to accumulate in either individual rooms or common parts of the HMO, including the outside areas within the curtilage of the entire property.

Waste Receptacles

The Local Authority will only service waste containers that are provided by Denbighshire County Council. The licence holder / manager must provide a full set of Authorised containers for each address, on a scale adequate to the requirements of the occupiers, to a maximum capacity permitted by the Local Authority (The Local Authority will confirm this).

It is the responsibility of the licence holder / manager to ensure that Council owned containers are present and serviceable at the beginning of each tenancy in the property.

Additional containers may be provided by the licence holder / manager at their discretion and emptied at their own expense through a commercial arrangement with the Council or private registered waste carrier.

All containers should be situated on an external hard standing area with suitable and convenient access by occupants for cleansing of the area and removal/ presentation of containers for collection (Where a kerbside presentation point is designated). The waste storage area must be within the curtilage of the property. Waste containers must not be stored on the public highway at any time.

If there is no adequate space to store refuse within the boundaries of the property from week to week and no way of providing extra space, the licence holder / manager shall be required to make arrangements for additional collections at their own expense.

Where there is adequate space, individual waste containers for separate tenancies are required, as opposed to the sharing of containers. The licence holder/manager should take all reasonable steps to ensure that tenants only use containers allocated to them. This may include providing lockable containers (unlocked on collection day for access by waste collection operatives).

Designated Collection points

Waste receptacles must be placed out at the designated collection point on the waste collection day and taken back onto the property as soon as possible after collection. Where tenants share communal waste containers, it is the responsibility of the licence holder / manager to agree (and enforce) with their tenants how their waste containers are presented and return to the curtilage of the property; where the tenants have their own dedicated bins, it is their responsibility.

In order to reduce the amount of waste escaping into the locality, and to reduce contamination of recycling bins/ fly tipping, the Council will agree to the collection of waste containers from the external storage area of the property wherever practicable and where access is granted by the licence holder / manager.

Where access to the external waste container storage area is agreed, the council require the following:

- Uninhibited access to all waste containers to be emptied
- Waste to be fully contained within the bin and not overfilled (bin lids should be able to fully close).

Information to HMO occupants

The occupants must be informed in writing at the beginning of their tenancy on which days refuse and recycling collections take place. Occupants must also be notified where their designated waste collection point is. This information should be provided in their tenancy information pack/agreements. This information should also be permanently displayed in a prominent position within the HMO (Foamex durable signage (A3 size) available free of charge from the Council's Waste and Recycling Service.

13) MEANS OF ESCAPE IN EVENT OF A FIRE/FIRE SAFETY STANDARDS

The property must be provided with an adequate means of escape from fire, together with adequate automatic fire detection and other fire precaution measures in accordance with the HHSRS Operating Guidance and the Local Government Regulation publication: Local Authorities Coordinators of Regulatory Services (LACORS) Housing - Fire Safety Guide.

The licence holder/manager must ensure that a fire risk assessment is carried out. This is a legal requirement, enforced by the Fire Authority, under the Regulatory Reform (Fire Safety) Order 2005.

14) TESTING OF FIRE ALARMS AND EMERGENCY LIGHTING

The licence holder/manager must provide a logbook of the testing of the fire alarm and emergency lighting for inspection by the Authority. The logbook will need to demonstrate that correct maintenance of the systems have been carried out which Fire Alarm maintenance should now be carried out every 6 months and certificates provided, in accordance with British Standard 5839 Part 6 and 1.

The Licence Holder/manager must ensure that inspection and servicing of the emergency lighting system, where fitted, should be carried out in at least 12 monthly intervals by a competent person (a person with relevant current training and experience, and with access to the requisite tools, equipment and information, and capable of carrying out the defined task) and a log kept of the inspection/servicing details.

15) ANTI-SOCIAL BEHAVIOUR

The licence holder / manager shall take all reasonable and practicable steps to prevent or reduce anti-social behaviour by occupiers of or visitors to the property. This shall include:

- a) Setting out in writing to each occupier what is meant by anti-social behaviour;
- b) Explaining the impact of anti-social behaviour on others in the area;
- c) Recording details of all complaints received directly in respect of anti-social behaviour;
- d) Invoking appropriate tenancy sanctions where necessary.

The licence holder / manager shall ensure that the property is inspected on a regular basis to assess if there is evidence of anti-social behaviour; this should be at least quarterly, but more frequently if anti-social behaviour has been established. Records should be kept of such inspections and any action taken.

The licence holder / manager will provide the names of the current occupiers to the Council on demand and will co-operate with the Council in order to eradicate problems relating to noise or anti-social behaviour.

The licence holder / manager will, on request, demonstrate that they have taken reasonable and practicable steps to manage the problem including evidence of verbal or written warnings that they have issued in connection with the problem.

Where the licence holder / manager has reason to believe that criminal activity is taking place at the property, they must ensure that the appropriate authorities are informed.

16) GAS SAFETY

If gas is supplied to the property, the licence holder/manager must provide the Authority with a copy of the current gas safety certificate(s) for the common parts and all rented parts of the property. The certificate(s) should state that the full gas installation covering the supply pipes, flues and gas appliances are safe for operation.

The annual inspection should be carried out by a Gas Safe registered engineer.

The licence holder/manager will ensure that a gas safety certificate of not more than twelve months old is produced to the Authority within seven days of a request being made.

The gas safety certificate(s) must be retained for at least two years following its issue.

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

17) ELECTRICAL SAFETY

All electrical appliances made available by the licence holder/manager must be in a safe condition.

The licence holder/manager must provide the Authority with a copy of a periodic inspection report based in line with British Standard 7671 which is used when carrying out routine periodic inspection and testing of existing electrical installations. The report must cover the entire installation.

The inspection must be carried out and certified by a qualified electrical engineer, which can include the Electrical Contractors Association (ECA), the National Inspection Council for Electrical Installation and Contracting (NICEIC), National Association of Professional Inspectors & Testers (NAPIT) or the Institute of Electrical Engineers (MIEE) to show that the installation is safe and satisfactory and has been commissioned within the last five years or as recommended by the engineer.

As a minimum requirement, the licence holder/manager must carry out all work required to rectify recommendations by the inspection report classified as C1 – 'Danger Present' and C2 – 'Potentially Dangerous'.

18) FURNISHINGS

All upholstered furniture, whether new or second-hand, supplied by the landlord to tenants as part of their tenancy agreement for agreements must comply with the safety requirements of the Furniture and Furnishings (Fire)(Safety) Regulations 1988 (as amended) there are some exemptions.

Responsibility to comply with the Regulations rests with the licence holder/manager.

A fact sheet on your responsibility can be obtained from the Housing Enforcement Section Public Protection (Environmental Health) Department of the Authority or the Trading Standards Section.

19) PROPERTY SECURITY

In order to assist crime prevention, the following security measures should be provided to the HMO:

- The main entrance door of the premises should be fitted with a surface or flush mounted night latch lock release mechanism (e.g. Yale lock), or for a higher standard an electromagnetic lock.
- Other external doors and frames should be fitted with secure locking systems.
- Ground floor windows and other accessible windows should be fitted with security locks.
- The licence holder / manager shall ensure that the system and locks are maintained in good repair and working order at all times.
- Glass situated close to the entrance door locking mechanism should be Georgian wired, toughened or laminated glass.
- All entrances to the property should be well lit, especially ground floor/basement rooms and external staircases.

20) REQUIREMENT TO KEEP RECORDS

The licence holder/manager should keep up to date copies of the following:

- a) Copy of HMO Standards;
- b) Gas safety certificate(s);
- c) Fire alarm inspection/emergency lighting certificate(s);
- d) Fire Risk Assessment;
- e) Fire alarm and emergency lighting logbook;
- f) Electrical system periodic inspection certificates;
- g) Documentation relating to the safety of electrical appliances provided by the licence holder (including PAT testing);
- h) Energy Performance Certificates;
- i) Anti-social behaviour procedures and records of complaints received;
- j) Records of periodic inspections carried out

A copy of the above records should be made available to the Local Authority within seven days of such a request being made.

21) DISPLAY OF LICENCE AND RELEVANT INFORMATION

A copy of the licence shall be clearly displayed in a prominent position in the communal hallway of the property.

A notice containing the contact details of the licence holder and/or manager which includes an emergency contact number must be displayed in the communal hallway of the property. Ensure that any necessary amendments are made to this notice.

Other relevant information which must be displayed include:

- Building floorplans
- Copies of Anti-Social Behavior Procedure
- Dates of refuse and recycling collections

The above should be ideally protected with a perspex cover or similar material.

22) ASBESTOS

Any asbestos in the property must be adequately protected against damage and dispersal of fibres into the air. Particular care must be taken when contractors are on site as their work may disturb asbestos. Please ensure that all works regarding asbestos conform to the requirements of the Control of Asbestos Regulations 2012.

23) EQUALITY

The licence holder / manager has legal responsibility under the Equality Act 2010 to take reasonable steps to ensure that people within the protected characteristics (which are age; disability; gender-reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation) are not discriminated against directly or indirectly.

Licence holders / managers must demonstrate their knowledge of equality responsibilities. This can be achieved through attending Council run or equivalent training events on Equality. Regular attendance of the Landlord Roadshows also satisfies this requirement if equality issues are discussed during the meetings.

The Equality Act 2010

This firstly extends the pre-existing duty of landlords and property managers to make 'reasonable adjustments' if disabled tenants or other occupiers of their premises would otherwise be placed at a substantial disadvantage. The duty applies irrespective of the type of property involved.

Under the extended duties landlords and managers must:

- a) Change processes that create a substantial disadvantage - for example, by requiring information to be given to disabled tenants in a different, more accessible format.
- b) Change physical features – for example, by altering access.
- c) Provide auxiliary aid – for example, by installing a hearing loop for tenants who are hard of hearing.
- d) Failure to comply is discrimination – and the landlord or manager is not allowed to charge the disabled tenant.

Second, a new rule introduced by the Act says that disabled tenants (or other occupiers) of premises that are their "only or main home" can ask their landlord or property manager to take reasonable steps to change physical features of common areas that mean the tenant suffers a disadvantage. For example, a disabled tenant might ask that a stair lift be installed if they live on the first or a higher floor, and the premises have stairs but no lift. The right applies only to residential or mixed-use properties.

The landlord or property manager needs to decide if the steps proposed are reasonable. The landlord or property manager must consult with everyone he or she thinks may be affected by the changes, which usually means every other tenant or occupier in the building.

The Disability Discrimination Act

The Disability Discrimination Act (DDA) makes it unlawful to discriminate against a disabled person for a reason related to their disability in relation to disposal and management of premises and the withholding of licence or consent. More detailed explanations of the requirements relating to disability discrimination are available in a Code of Practice on the Disability Discrimination Act, produced by the Disability Rights Commission. Chapters 13 to 18 explain in more detail the duties of providers of premises, including landlords.

The Race Relations Act (RRA)

The Race Relations Act (RRA) defines discrimination on racial grounds as including race, colour, nationality (including citizenship) or ethnic or national origins. All racial groups are protected from unlawful racial discrimination or harassment under the RRA. The RRA applies to landlords, agents and property managers and other service providers including contractors.

Under section 21 of the RRA, it is unlawful for all landlords, private or social, including landlords of leasehold properties, to discriminate against a person, or harass them, on racial grounds, in either the management or letting of premises.

24) GENERAL

The number of persons and households residing at the property shall not exceed the maximum number stated on the licence.

The use and level of occupancy of each room shall not be changed without the approval of the Authority.

Any material change of circumstances in respect of the licence holder, manager or anyone else involved with the property or its management must be notified to the Authority within seven days of such a change occurring.

The licence holder/manager must ensure that the exterior of a property is kept in such a condition so as not to distract from the amenity or appearance of the locality of which it is situated.

25) FURTHER INFORMATION

If you require any further information or wish to view this document in another language or format, please contact:-

Planning, Public Protection and Countryside Services
Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
Denbighshire
LL16 3RJ

Telephone: 01824 706389

E-mail: envhealth@denbighshire.gov.uk

Website: www.denbighshire.gov.uk



**Gwasanaeth Tân ac Achub
Fire and Rescue Service**

Simon A. Smith
Prif Swyddog Tân / Chief Fire Officer

Miriam Evans
Public Protection Officer (Environmental
Health)
Planning and Public Protection Services
Denbighshire County Council
PO Box 62
Ruthin
LL15 9AZ
e-mail miriam.evans@denbighshire.gov.uk

Ein Cyf/Our Ref: DWR
Dyddiad/Date: 13th July 2019
Gofynner am/Ask for: David Roberts
Rhif Union/Direct Dial: 01745 352777

Statement in support of additional licensing.

"The risk of fire deaths and injuries in the county's HMO/bed-sit properties could be reduced by an additional licensing scheme which would assist in tackling rogue and/or absentee landlords.

It is noted that the current licencing scheme for HMO in Rhyl has been running for ten years. During this period North Wales Fire & Rescue Service have experienced a reduction in fires and complaints in relation to HMO in the Rhyl area. Previously these premises posed a potentially high fire and risk to life due to the combination of poor management and lack of maintenance/fire safety provision. We wish to express our support for the scheme and encourage the scheme to be widened to include the whole of Denbighshire.

Under existing legislation, problem landlords of HMO's are sometimes hard to target, despite the best efforts of the fire service and Denbighshire County Council's enforcement team, who work closely together as part of the forward work programme, where a dedicated team has been set up to tackle the problems within these type of premises and carry out joint enforcement and visits.

High risk premises are targeted and many issues are discovered on the visits – Absentee landlords with little or no management on the premises, inadequately maintained fire safety systems or provisions, combustible materials on the means of escape, insecure premises increasing the risk of arson within the premises.

Despite the extensive combined efforts of the HMO enforcement group, problems are still being discovered within HMO's.

Yours faithfully

Compliance Manager

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HEDDLU GOGLEDD CYMRU
Gogledd Cymru diogelach

NORTH WALES POLICE
A safer North Wales

Police Constable 2373 Edwards
Partnership Officer Denbighshire
Rhyl Police Wellington Road
Rhyl, Denbighshire
LL18 1BA

Mobile 07896171482

Stephen.Edwards@nthwales.pnn.police.uk

Friday 10th January 2020

I am Police Constable Steve Edwards and I am employed by North Wales Police as an Operational Partnership Officer, my last 13 years' service has been spent in Rhyl, Denbighshire as a community Beat Manager covering Rhyl West Ward which has a great deal of HMO type accommodation.

North Wales Police receive a great deal of demand from HMO tenants and landlords. The type of incidents reported include anti-social behaviour, criminal damage to properties, theft/burglary and violent crime. In a lot of cases, these incidents need some partnership work, where the police will work with Denbighshire Housing Enforcement Officers to deal with a wide range of housing enforcement issues. In each case, the person involved can be the victim, the offender or even in some cases the Landlord.

The Police, in partnership with the HMO Housing Enforcement Team, have had and again will continue to have a good working relationship. Information has been successfully shared and many joint visits have taken place in order to address these issues directly with the landlords/managers of the HMO's. This type of partnership working has encouraged landlords to improve their properties.

In addition to the above, the Local Neighbourhood Policing Team and Housing Enforcement Officers have jointly worked together after attending meetings with a group called the West Rhyl Neighbourhood Management Group. The aims of this group is to address environmental issues including fly tipping and accumulations of rubbish that is often left behind from HMO's or rented family homes.

As the Partnership Officer for Denbighshire, I welcome this joined up working with the Council's Housing Enforcement Team. I would encourage and like to see the Additional Licensing Scheme continue within Rhyl but also be extended and rolled out to other towns and wards throughout the County of Denbighshire.

I believe that the joint working we do helps to address many issues within HMO's and that many people have been supported and helped along the way.

Yours faithfully

Steve Edwards

PC 2373 Steve Edwards

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Storage and Disposal of Refuse – HMO Properties and evidence to support additional licencing conditions.

It is widely recognised and accepted that the Local Environmental Quality in the West Area of Rhyl is adversely affected by waste related issues and that these issues are compounded by the high concentration of HMO's in the area. We estimate that approximately 30% of in-field officer time (Enforcement officers x 2 and Recycling technical Officers/ advisors x 5) is spent in the area of West Rhyl alone, in an attempt to resolve fly tipping and non-compliant waste behaviours amongst residents). The number of occupiers in HMO properties is often higher than in individual properties, and the transient nature of the tenancies means that the management of household waste can be more challenging. It is proposed that the current licencing conditions are enhanced to encourage greater compliance and accountability for waste management at HMO properties so that the Council are able to deliver an effective waste management service. The proposals seek to improve local environmental quality in the area, which has recently been defined as the most deprived area in Wales.

Evidence to support the inclusion of additional requirements from HMO landlords/ property Management companies:

Fly Tipping

Analysis of the Council's data sources shows a correlation between areas with a large HMO concentration and the amount of fly-tipping in those areas. Fly tipping is often accumulations of black waste sacks (presented on other days to the designated collection day) and bulky waste.

The statistics below show the disproportionate number of formal requests we have received to respond to fly tipping in the West Rhyl area (Around 30% in the last two months) compared to the County monthly total.

<u>Month</u>	<u>No. of Incidents re W. Rhyl</u>	<u>Total for Month Denbighshire</u>
May 2019	10	60
June 2019	15	71
July 2019	24	106
August 2109	19	107
September 2019	26	63
October 2109	21	67

There is also a correlation with the amount of fly-tipping associated with HMO's in other areas i.e. Prestatyn, Denbigh, Ruthin and Llangollen. The problem is not confined to West Rhyl. However, data for this area is more readily available due to this area being a Council priority.

It is well known that fly-tippers tend not to travel too far from source, especially where car ownership is low. Areas of West Rhyl, in particular, John Street, River Street & Butterson Road seem to be the focus of the problem, although there are frequent calls to Sussex Lane where properties on Water Street and Queen Street back onto and which also has a high HMO concentration.

Several other problems also contribute to the levels of unauthorised waste being left out on the highways (Which is also a major source of litter as seagulls tear apart unauthorised waste sacks).

Limitations of Enforcement Powers to occupants of HMO properties.

For the Council to be able to take enforcement action (Under Section 46 of the EPA) against an occupier who fails to manage their waste correctly, it is necessary for each family/individual to have their own waste container, and for them to be able to prevent others sharing the property from using their container. Where occupiers of HMO's share communal waste receptacles, the receptacles are often contaminated with the wrong materials. The Council is unable follow through on its four stage education/enforcement policy as we are unable to issue a fixed penalty (stage 4) unless there is evidence relating to a specific individual. This means our whole process is undermined as residents learn that they cannot be individually be held to account. This issue is commonplace across the UK. It is therefore extremely important that additional measures are put in place by the landlords of HMO properties to encourage good waste management behaviours of their tenants, and that they co-operate fully with the Council in managing waste issues relating to their properties. The Council is able to reach stage three of its enforcement procedure and reserve the right not to collect waste from a property unless it is presented as prescribed in a legal notice. At this stage it is important that the Council and Landlord take all necessary steps to prevent waste from accumulating on the property (Landlord responsibility) or being fly tipped on the adopted highway (Council responsibility).

The transient nature of HMO properties means that information available to the Council on property occupancy is not always up to date. This means that it is not always possible for us to service enforcement notices on all occupiers of a property in a timely manner. HMOs on Bodfor Street in Rhyl is a prime example of this. An enforcement officer found that at just one location he was able to only serve 1 out of 16 notices due to inaccurate information, and the people residing in the properties, in the main were not those listed on the Council's Council Tax System (Acadmi).

Additional steps are therefore required to ensure that the Council can be proactive in contacting new tenants about the waste collection service within the confines of GDPR requirements (**Appendix A**).

Abuse of free wheeled bin replacement service

The Council have evidence to demonstrate that the high turnover of occupants in HMO's, and the lack of ownership over individual waste containers leads to an excessive demand on the Council's free container replacement service. The cost of supplying containers in 2018/19 across the County was £86547. There is a proportionally high percentage of replacement bins issued by the Council in areas close to high concentrations of HMO properties for the following reasons:

- Tenants are not made aware of the Council’s waste collection requirements so blue bins are contaminated and abandoned.
- Bins are frequently reported as stolen in areas where HMO’s are in high concentrations, as tenants attempt to acquire more residual bin capacity than their entitlement to avoid having to recycle.
- Bins are left unemptied within the private curtilage of HMO properties as new bins are requested

Contamination of Recycling / Failure to recycle

Tonnage data available to the Council indicates that the percentage of waste recycled in West Rhyl is lower than in any other part of the County. It is the only area where we have to operate a scheduled collection of unauthorised non-recyclable waste on a weekly basis, due to the amount of unsegregated waste being put out by residents living in the area (including those in HMOs and other tenanted properties. There is a lack of knowledge and understanding about the service amongst residents and it is more challenging for the Council to make sure direct mailshots get to each tenant in HMO’s, compared to individual households. Therefore compliance amongst HMO tenants as to how to segregate and present their waste is low, requiring additional steps to be put in place to help signpost residents to the Council services and instruct them how, where and when to present their waste. Information displayed at the property will help overcome this issue, especially as some tenants may be unwilling to contact the Council.

The Council has a team of Technical Recycling Officers, which has been boosted by 2 FTE’s since July 2019 to focus on enhancing the engagement and enforcement of our waste collection requirements in West Rhyl and other areas where tenants are often on a sack collection service due to a lack of outside storage space for bins. At least every two weeks, the Council now carry out enforcement events on waste collection day in West Rhyl to identify people who are not presenting their waste correctly – either by dumping black sacks (unauthorised waste) or by not separating out recyclables. Officers have found that many residents who are “caught” claim they are unaware of the correct council procedures and have had no information supplied by their landlords.

Below, provides an example of additional work that has been carried out in West Rhyl in just one day, in order to manage abandoned and contaminated wheeled bins.

Location of bin	Bin type	Date for collection	Reason for abandonment
Aquarium street	blue-240	03/12/2019	not Known
Coast Road	green	03/12/2019	not Known
alley by mill bank pub	x2 green	03/12/2019	not Known
alley by mill bank pub	blue -240	03/12/2019	owner deceased

Proposed Licencing Conditions for HMO’s in relation to the “Storage and Disposal of Refuse”

Cleanliness

The Authority requires that refuse is not allowed to accumulate in either individual rooms or common parts of the HMO, including the outside areas within the curtilage of the entire property

Waste Receptacles

The Local Authority must provide all containers that are to be serviced by the local authority. The landlord must provide a full set of Authorised containers for each address, on a scale adequate to the requirements of the occupiers, to a maximum capacity permitted by the local authority (The local authority will confirm this). There is a delivery charge to the landlord for all new and replacement containers/ sacks required at the start of a new tenancy. The charge for replacing containers during a tenancy is the responsibility of the tenant only if the tenant (or tenants "family" have sole use of the container. It is the responsibility of the landlord to ensure that Council owned containers are present and serviceable at the end of each tenancy in the property and that disposable pink/clear sacks are provided to new tenants where the property is on a sack collection service.

By 31st July 2020 all re-useable waste containers at each property must be registered to the Landlord through the Council's Microchipping Service. The Council will retrofit all microchips to existing waste containers free of charge. The Landlord is responsible for arranging for waste containers to be microchipped by completing the relevant microchipping request form. All new containers supplied after from 1st August 2020 will be automatically be registered. This will assist both the Council and the monitor the tenants use of the service (recover stolen or abandoned bins, identify contaminated bins etc.). Microchips must not be removed from the waste container. The landlord is responsible for booking a visit to their property to have all waste containers microchipped by the 31st July 2020 (**Appendix B** Booking Form).

Council owned reusable waste containers must be empty, clean and serviceable at each change of tenancy.

Additional containers may be provided by the Landlord at their discretion and emptied at their own expense through a commercial arrangement with the council or private registered waste carrier.

All containers should be situated on an external hard standing area with suitable and convenient access by occupants for cleansing of the area and removal/ presentation of containers for collection (Where a kerbside presentation point is designated). The waste storage area must be within the curtilage of the property. Waste containers must not be stored on the public highway at any time.

If there is no adequate space to store refuse within the boundaries of the property from week to week and no way of providing extra space, the license holder/manager shall be required to make arrangements for additional collections at their own expense.

Where there is adequate space, individual waste containers for separate tenancies are required, as opposed to the sharing of containers. The landlord should take all reasonable steps to ensure that tenants only use containers allocated to them. This may include providing lockable containers (unlocked on collection day for access by waste collection operatives), use of CCTV, for example, should non-compliance amongst tenants result in regular rejection of waste containers by the Council.

Designated Collection points

Waste receptacles must be placed out at the designated collection point on the designated waste collection day and taken back onto the property as soon as possible after collection. This is the responsibility of the tenants, where individual tenancies have designated bins. Where tenants share communal waste containers, this is the responsibility of the Landlord to agree (and enforce) with their tenants how their waste containers are presented and return to the curtilage of the property.

In order to reduce the amount of waste escaping into the locality, and to reduce contamination of recycling bins/ fly tipping, the Council will agree to the collection of waste containers from the external storage area of the property wherever practicable and where access is granted by the landlord (through open access or key code entry) **Appendix C** can be completed by the landlord to arrange a review of designated collection point.

Where access to the external waste container storage area is agreed, the council require the following:

- Access uninhibited to all waste containers to be emptied
- All waste types to be contained within the correct waste containers provided as prescribed by the Council to the tenants through a legal notice (Section 46 of the Environmental protection Act, 1990).
- Waste to be fully contained within the bin and not overfilled (Bin lids should be able to fully close).

Information to HMO occupants

The occupants must be informed in writing at the beginning of their tenancy on which days refuse and recycling collections take place. Occupants must also be notified where their designated waste collection point is. This information should be provided in their tenancy information pack/agreements. This information should also be permanently displayed in a prominent position within the HMO (Foamex durable signage (A3 size) available free of charge from the Council's Waste and Recycling Service from 1st February 2020). Should the agreed waste collection point be changed by the Council, this signage must be updated by the Landlord within 14 days of the Council notifying the Landlord.

The Landlord should notify the Council Waste and Recycling Service every time there is a change of tenancy to a property to enable all occupiers to be served a Waste Compliance Notice (Section 46 Notice). The personal details of the tenant is not required (In order to be GDPR compliant). The form on which to complete the required information is detailed in **Appendix A**.

Appendix A (DRAFT)



Please complete in BLOCK CAPITALS and black ink

Change of Tenancy Notification (HMO Licencing requirement)				
Name of landlord				
Tel:				
Email:				
Mailing address of Landlord incl. postcode				
HMO Property Address incl. postcode				
Please circle the tenancy relevant information	Property is now empty		A new tenant (s)	
How many tenants are in your property?	Adults (18+)		Children / or depend ants up to age 18)	
Please sign and date the following 3 statements:				
I confirm that I have provided the new tenant aware of the waste management arrangements at the property				
	Name Printed	Name Signed	Date	
I confirm I have supplied the new tenants with access to a full set of operable waste receptacles at the property				
	Name Printed	Name Signed	Date	
I confirm that permanent signage is displayed at the property to inform the tenant about the waste collection arrangements				
	Name Printed	Name Signed	Date	
Please state here if you or your tenant(s) require any support from the Council in relation to Waste Management				

Please return this form to: FAO: Waste and Recycling Team, Kinmel Park Depot, Bodelwyddan, Denbighshire, LL18 5UX **OR** email it to XXXXXXXXXXXXXXXX. You will receive an email acknowledgement with 10 working days.

Appendix B (Draft)



Please complete in BLOCK CAPITALS and black ink

Booking Form: Microchip Containers (Please complete for each individual property)			
Name of landlord			
Tel:			
Email:			
Mailing address of Landlord incl. postcode			
HMO Property Address incl. postcode			
How many separate tenancies are active at your property			
How many tenants are in your property in total?	Adults (18+)		Children/ or dependants up to age 18)
Current Waste Container provision – please state number of each container			
	Blue bins	Black bins	Food waste caddies
Do you think have enough bin capacity for all your occupants?	Yes	No	Unsure
Do your separate tenancies have their own waste containers, or are they shared?	Own	Shared	Both / unsure
Can the Council gain access to the containers to microchip the containers?	YES (provide details)		NO
Please list here all Flat / bedsit numbers that should be registered to individual sets of bins, e.g. 13a only. If bins are shared, please indicate which flats/bedsits share bins (e.g. 13a,b,c; 13d,e,f;)			
Please state here if you or your tenant(s) require any other support from the Council in relation to Waste Management			

Please return this form to: FAO: Waste and Recycling Team, Kinmel Park Depot, Bodelywyddan, Denbighshire, LL18 5UX **OR** email it to XXXXXXXXXXXXXXXX. You will receive an email acknowledgement with 10 working days. A recycling advisor will contact you directly to arrange the bins at your property to be microchipped. All additional or replacement containers supplied through the microchipping process will be delivered free of charge.

Appendix C (DRAFT)



Please complete in **BLOCK CAPITALS** and black ink

Waste and Recycling Collection Point Review request Form			
Name of landlord			
Tel:			
Email:			
Mailing address of Landlord incl. postcode			
HMO Property Address incl. postcode			
How many separate tenancies are active at your property	A new tenant (s)		
How many tenants are in your property in total?	Adults (18+)		Children/ or dependants up to age 18)
Current Waste Container provision – please state number of each container			
	Blue bins	Black bins	Food waste caddies
Do you think have enough bin capacity for all your occupants?	Yes	No	Unsure
Do your separate tenancies have their own waste containers, or are they shared?	Own	Shared	Both / unsure
Who puts out the waste containers for collection?	Tenants		Landlord or appointed person
Whereabouts are the waste containers currently presented/ emptied on collection day?			
Where are the waste containers stored when they are not presented for collection?			
Would you be prepared to leave your bin storage area accessible to the waste and recycling collection crews on the designated collection day (from 6.30am)?			
Please state how you propose to make the bin storage area accessible (e.g. leave gate unlocked/ provide a key code / agree to supply a master key etc...			

Please return this form to: FAO: Waste and Recycling Team, Kinmel Park Depot, Bodelwyddan, Denbighshire, LL18 5UX **OR** email it to XXXXXXXXXXXXXXXX. You will receive an email acknowledgement with 10 working days. A recycling advisor will contact you directly about your application.

Review of HMO Licence Fees

The Act allows the Council to fix fees for licensing HMO properties, which covers all costs associated with carrying out their functions in relation to HMO Licensing, which includes recovering costs incurred in enforcing the Conditions and Standards

Fees must be transparent, accountable and reflect the actual cost of licensing. It is proposed that the existing licensing fees, discounts and incentives for Mandatory Licensing and the current Additional Licensing are retained with a minor change; i.e. it is proposed to reduce the cost of licensing for single and two storey properties to take into account the reduced likelihood of hazards and associated level of enforcement action required.

Many local authorities have adopted differing fee levels to provide a financial incentive to reward good practice and deter poor management.

Table of Licensing Fees Charged and Incentives Offered by a Sample of Local Authorities

Name of Local Authority	Fees Charged/Conditions Imposed	Any Incentives/discounts Offered
Bristol City Council	Full cost for application paid upfront if no application is made (unlicensed property) - £1450 Total cost: £1255 (in two payments)	Discount of £50 if landlord has accredited membership of "Rent With Confidence Scheme" £150 discount for provision of gas safety certificates, EPC and EICR report within timeframe specified
Wrexham County Borough Council	£816 to licence a Mandatory of Additional HMO Licence. (2 payments)	Renewal (Mandatory Licence Only) £497
Cardiff Council	Mandatory Licence Grant of Licence - £620 Duration 5 years. Additional Licence Grant of Licence - £550.00. Duration 5 years. . HMO fee varies according to the condition of the property and is determined on receipt of a correct application. Current fees are £50 where records show that the property is fully up to standard and no inspection is required, and £330 if our records show that the property is not up to standard and an inspection is deemed necessary.	Mandatory Renewal: £515. Duration 5 years. Additional : Grant of Licence to accredited landlords £475.00. Duration 5 years

APPENDIX 6

Conwy County Borough Council	£595 for up to 8 lettings, £20 per let thereafter. Condition of licence is to attend LAW training within 1 year of receiving licence	There are no incentives/discounts offered for landlords
Bournemouth	The cost of a new licence is £695 for a property up to 10 units. There is an additional charge of £15 per unit above 10. If applications are returned incomplete or additional works are undertaken to investigate unlicensed Houses in Multiple Occupation, additional costs will be charged at an hourly rate to recover all reasonable expenses incurred by the authority. If a DBS check is requested, this will incur an additional fee of approximately £60 .	The renewal of an existing licence is charged at the rate of £595, assuming there are no major changes to the property or its occupancy.
Rhonda Cynnon Taff	New Application = £420 plus £170 per household up to 12 units, then £50 per unit thereafter.	Renewal = £400 plus £140* per household unit up to 12 units then £35* per unit thereafter 10% discount if property is accredited as part of Tre-forest Property Accreditation Scheme
Powys	Basic fee for 3 storey £750 and an additional fee of £100 per flat for larger HMOs over 3 storeys	
Swansea Council	Swansea charge on a sliding scale depending on number of occupiers. New licence application £714 for 3 or 4 occupiers Each additional occupier +£51 5 occupiers = £765 6 occupiers = £816 7 occupiers = £867 8 occupiers = £918 9 occupiers = £969 10 occupiers = £1,020 Application to renew an existing licence by the same applicant submitted after the existing licence has expired £714 for 3 or 4 occupiers Each additional occupier +£51 5 occupiers = £765 6 occupiers = £816 7 occupiers = £867 8 occupiers = £918 9 occupiers = £969 10 occupiers = £1,020 ... There is no fee for administrative changes when varying a licence (e.g. for change of licence holder's address), but any application to increase the maximum number of occupiers under the licence requires the licence holder to	Application to renew an existing licence by the same applicant submitted within the two months prior to the expiry of the existing licence £644 for 3 or 4 occupiers Each additional occupier +£51 5 occupiers = £695 6 occupiers = £746 7 occupiers = £797 8 occupiers = £848 9 occupiers = £899 10 occupiers = £950....

	pay a fee of £51 for each additional occupier of the property.	
Gwynedd Council	Additional HMO licensing fee is £140 per unit of accommodation.	There are no incentives/discounts offered for landlords

The fee charged for renewal is generally lower, representing the anticipated lower resource implications required for a second application.

Recommendations:-

A standard fee should be charged to those who delay in complying with their licensing obligations, and an 'early bird' discounted fee should apply to those who apply promptly. Prompt applicants, i.e. applicants are likely to manage their HMOs to a higher standard, resulting in a lesser demand on the Authority's resources.

HMO Licensing Fee Structure

Fee Structure 1 – New Applications

The basic fee to be £820 based on **5 habitable rooms** which is a **bedsit, separate living room or bedroom** in a **3 storey or greater building**.

For properties with between 6 and 10 habitable rooms there is additional charge of £30 for each habitable room. Properties with 11 or more habitable rooms the charge will be £40 per habitable room over and above 11 habitable rooms.

In summary the proposed fees for HMO licensing are as follows:

Habitable rooms (bedsit, living room or bedroom)	Total fee of licence for 5 years (3 storey or more Building)	Total fee of licence for 5 years (2 storey Building)	Total fee of licence for 5 years (Single storey Building)
5 or less	£820	£620	£420
6*	£850	£650	£450
7*	£880	£680	£480
8*	£910	£710	£510
9*	£940	£740	£540
10*	£970	£770	£570
11#	£1,010	£810	£610
12#	£1,050	£850	£650
13#	£1,090	£890	£690
14#	£1,130	£930	£730
15#	£1,170	£970	£770
16#	£1,210	£1,010	£810
17#	£1,250	£1,050	£650
18#	£1,290	£1,090	£690
19#	£1,330	£1,130	£730
20#	£1,370	£1,170	£770

Example:

A 3 storey property consisting of 5 habitable rooms with a fee of £820 for five years will cost:

- £164 per habitable room for 5 years
- £32.80 per habitable room a year
- 63 pence a week for each habitable room

Additional Discounts Available on First Application	Total Discount
Full application received within 8 weeks of notification of Licensing requirement.	£200
For Charitable Organisations, the fee is 50% of the original fee.	50%

Fee Structure 2 – Renewal of Licence

Renewal of an existing Licence will attract a 50% discount on the fees detailed in Fee Structure 1 provided a “Full” application (see check list on page 2) is received 8 weeks prior to the date the existing licence expires. Renewals will not be subject to “additional discounts”.

Fee Structure 3 – Change of HMO Ownership

Licenses are non transferable to another person or property and fees are not refundable. If the property were sold on as a HMO, the new landlord would need to apply for a new license, the fee structure remain unchanged given such circumstances.

Fee Structure 4 - Enforcement Activities

Enforcement action is based on application forms being completed and no further action being required. But some time has been added for the occasions when enforcement action is required, such as, Incomplete Applications, Minded to Refuse Licence and Consider & Respond To Representations.

In addition to the fee outlined above additional charges will be payable for Enforcement Activities carried out at the time of the activity:

- Appeals to Residential Property Tribunal (RPT)
- Variations To Licence
- Revocation of Licence
- Interim Management Orders
- Final Management Orders
- Rent Repayment Orders
- HMO Declarations
- Prosecutions

These will be charged at £50 per hour of work. As some of the functions listed above will depend on the complexity of the case it is difficult to judge the total cost per function.

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Additional Licensing Scheme

Well-being Impact Assessment Report


This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	736
Brief description:	Identify and assess any impacts (both positive and negative) that may have occurred in respect of the implementation of the additional HMO licensing scheme in 2015. In addition to assessing the re-designation of the scheme to the extended wards.
Date Completed:	30/01/2020 15:16:00 Version: 2
Completed by:	Miriam Evans
Responsible Service:	Planning & Public Protection
Localities affected by the proposal:	Denbigh, Prestatyn, Rhyl, Llangollen,
Who will be affected by the proposal?	Tenants, landlords, managing agents, rent smart wales, local community, emergency services, NHS, Department of Works & Pension (universal credit), construction workers, local council services e.g. social services, waste management, council tax
Was this impact assessment completed as a group?	Yes

IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

Score for the sustainability of the approach

 (3 out of 4 stars) Actual score : 24 / 30.

Implications of the score

Ensure that any short term need is addressed and that the long term need is subsequently achieved.

The introduction of the additional licensing scheme will improve standards and conditions in HMOs and people's wellbeing, thereby it is anticipated that the burden on the emergency services, NHS and other services will decrease.

Proactive licensing inspections and improvements can increase tenant's sense of pride in accommodation and they are therefore more likely to want to stay in accommodation. The landlords are happier that communal areas and properties are being kept better. Current tenants in certain HMOs have created support/social networks and take pride in their environment.

Additional licensing assists in identifying and remedying hazards e.g. fire safety, damp & mould, electrical safety, gas safety and overall improves property management thereby preventing harm to occupiers and the extended community.

Summary of impact

Well-being Goals

A prosperous Denbighshire

A resilient Denbighshire

A healthier Denbighshire

A more equal Denbighshire

A Denbighshire of cohesive communities

A Denbighshire of vibrant culture and thriving Welsh language

A globally responsible Denbighshire

Positive

Positive

Positive

Positive

Positive

Neutral

Positive



Main conclusions

The main conclusion from the Well-being Impact Assessment is that the result contributes positively overall to the wellbeing goals. A housing licensing scheme such as this can have wide-ranging positive impacts for social wellbeing, environmental impact and on economic improvements to the wider area. The report has highlighted that a real focus needs to be made on social inclusion and development.

- We have consulted published research or guides that inform us about the likely impact of the proposal
- We have involved an expert / consulted a group who represent those who may affected by the proposal
- We have engaged with people who will be affected by the proposal

THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

A prosperous Denbighshire

Overall Impact	Positive
Justification for impact	The introduction of a HMO additional licensing scheme is seen as having a 'positive' impact overall for Denbighshire as its aims and objectives are to improve housing quality which can have a positive effect on education, health, wellbeing and the economy (a prosperous Denbighshire)
Further actions required	By identifying any negative impact and taking steps to address them we can ensure that any negatives are minimised as much as possible. In identifying the positives we can take steps to ensure the maximum impact of the scheme is realised.

Positive impacts identified:

A low carbon society	Improvement in the minimum energy efficiency of properties.
Quality communications, infrastructure and transport	Increase in coverage could give a greater choice of better living accommodation through improving property standards and utilities such as gas, electrics & water therefore encouraging more sustainable tenancies
Economic development	<p>Better housing with lower living costs could see an increase in more disposable income which could encourage people to spend more in their local community e.g. shops, restaurants, etc.</p> <p>No evidence that rents have increased significantly</p> <p>Better living conditions may support improved prospects for individuals. If individuals feel better mentally and in their wellbeing they may make other improvements and feel more confident to seek employment.</p> <p>Building works employing local tradesmen</p> <p>Opportunities for tenants employment ie to manage property on behalf of an absent landlord</p> <p>Some employed as caretakers/handyperson</p>
Quality skills for the long term	Improved housing can lead to better educational opportunities and improved work
Quality jobs for the long term	Better living conditions may support improved prospects for individuals. If individuals feel better both mentally and physically they may make other improvements to their overall wellbeing and feel more confident to seek employment. There is evidence that improved housing conditions can result in increased concentration levels of occupants and improved morale to seek employment
Childcare	Increase of occupants in employment can result in an increase need for childcare.

Negative impacts identified:

A low carbon society	Upgrading properties will have a short term impact on the carbon footprint.
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Quality communications, infrastructure and transport	Increase burden on transport system as a result of people commuting to and from work.
Economic development	Additional licensing may discourage landlords from buying properties due to fees etc. NB : There has been no evidence to suggest this with the current scheme There may be less work undertaken by local tradesmen and subsequently less support for local trade if management within HMOs are not up to standard.
Quality skills for the long term	N/A
Quality jobs for the long term	N/A
Childcare	Lack of childcare facilities and affordable childcare in particular areas.

A resilient Denbighshire

Overall Impact	Positive
Justification for impact	The introduction of a HMOs additional licensing scheme overall will have a 'positive' impact for Denbighshire because there is a problem with waste storage in HMOs and the greater education and the inclusion of specific licensing conditions can only improve the situation.
Further actions required	By identifying the negatives and taking steps to address them we can ensure that any negatives are minimised as much as possible. In identifying the positives we can take steps to ensure the maximum impact of the scheme is realised.

Positive impacts identified:

Biodiversity and the natural environment	N/A
Biodiversity in the built environment	N/A
Reducing waste, reusing and recycling	Licence can ask for provision of waste management system through recycling facilities and education of occupants
Reduced energy/fuel consumption	Licensing Scheme includes conditions regarding the minimum standards for provision of heating and energy efficiency
People's awareness of the environment and biodiversity	Increase in awareness in recycling, re use and reduction in carbon
Flood risk management	N/A

Negative impacts identified:

Biodiversity and the natural environment	N/A
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Biodiversity in the built environment	N/A
Reducing waste, reusing and recycling	Managing waste system can be difficult even after provision of bins. Lack of tenant responsibility/abuse of system and there is no system in place re who enforces. Communal areas - no recognised responsibility for placing out bins or waste is mixed up leading to refuse collectors refusing to collect. Therefore, this continues the waste issue. Made worse in certain areas/streets due to lack of space for appropriate receptacles Waste provision- no place in certain properties to put waste out have to store inside 2 weekly collection and this causes problems
Reduced energy/fuel consumption	Affordable warmth dilemma - requirements to improve provision and have been made to improve heating. However, the tenant has not able to afford to use it Licensing cannot ask for central heating only minimum heating system
People's awareness of the environment and biodiversity	N/A
Flood risk management	N/A

A healthier Denbighshire

Overall Impact	Positive
Justification for impact	Overall it is perceived a `positive' impact as improved housing conditions can lead to an improvement in both psychological wellbeing and physical wellbeing of the occupants.
Further actions required	By identifying the negatives and taking steps to address them we can ensure that any negatives are minimised as much as possible. In identifying the positives we can take steps to ensure the maximum impact of the scheme is realised.

Positive impacts identified:

<p>A social and physical environment that encourage and support health and well-being</p>	<p>Licence identifies HMOs and improves conditions ie some landlords have improved significant conditions but not increased rents. Licensed properties are inspected and hazards highlighted and improvements are made Licensing Scheme includes conditions regarding the minimum standards for provision of heating, Community safety i.e. all ground floor window locks Landlords have to have procedures in place to manage ASB Reduction in noise nuisance Evidence (statistical) to show immense improvement in condition following implementation of licence Safety reduction in hazards - reduction in injuries/5 yr electrical safety check/fire regulations /gas checked annually or on change of tenancy Provision for PAT test in licence plus furnishing has to meet minimum requirements Decrease in homelessness presentations to Housing Department due to accommodation improvements. Can reduce over-crowding Fire regulations included in licence conditions Improves overall attractiveness of the area – contributes to Rhyl as a whole</p>
<p>Access to good quality, healthy food</p>	<p>The provision of better cooking facilities and more disposal money means healthier meals and less takeaways thereby increasing better health and less obesity</p>
<p>People’s emotional and mental well-being</p>	<p>Improved housing conditions can have a positive effect on physical and emotional health and wellbeing</p>
<p>Access to healthcare</p>	<p>N/A</p>
<p>Participation in leisure opportunities</p>	<p>Occupants living in improved homes can be likely to have the ability to participate in leisure opportunities due to improvements in their health and wellbeing</p>

Negative impacts identified:

<p>A social and physical environment that encourage and support health and well-being</p>	<p>Affordable warmth dilemma - requirements to improve provision and to improve heating. However, the tenant may not be able to afford to use it. Licensing cannot ask for central heating only minimum heating system i.e.electric heater and these are not the most cost effective measures. Tenants may require knowledge to challenge standards No tenants groups within private tenant’s accommodation. Difficult area for engagement</p>
<p>Access to good quality, healthy food</p>	<p>Increased in need for provision food waste recycling.</p>
<p>People’s emotional and mental well-being</p>	<p>N/A</p>
<p>Access to healthcare</p>	<p>N/A</p>
<p>Participation in leisure opportunities</p>	<p>N/A</p>

Overall Impact	Positive
Justification for impact	Overall a `positive' impact as access to better quality housing can be seen to reduce the gap between those people who are in poverty and those who are not, through improvements in living conditions and access to education and jobs.
Further actions required	By identifying the negative impacts an improvement to the housing stock can have on access to housing we can strive to reduce these barriers by reducing the negative impact to an acceptable level through effective policies and management.

Positive impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation	<p>Additional Licensing regulates overcrowding levels thereby reducing risk taking behaviour by tenants and potentially reducing sexual activity and sexual abuse of vulnerable groups</p> <p>A better relationship between tenant and landlord</p>
People who suffer discrimination or disadvantage	<p>Closely managed HMO's ensures discrimination is identified and addressed</p> <p>Anti social behaviour policies and procedures means safer homes for vulnerable persons</p> <p>Additional Licensing regulates overcrowding levels thereby reducing risk taking behaviour by tenants and potentially reducing sexual activity and sexual abuse of vulnerable groups</p>
Areas with poor economic, health or educational outcomes	<p>Access to better quality accommodation will reduce ill health resulting from hazards such as damp and mould. Increase in standards within wards of Denbighshire attracts more people into these areas</p>
People in poverty	<p>The introduction of a licensing scheme will address fuel poverty by introducing a minimum energy efficiency standard reducing outgoings</p>

Negative impacts identified:

Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation	N/A
People who suffer discrimination or disadvantage	An increase in regulation could deter landlords from offering accommodation to some vulnerable groups
Areas with poor economic, health or educational outcomes	Possible increase in overcrowding due to demand for better housing attracting more tenants to certain areas
People in poverty	Affordability may become an issue although minimum standards would improve conditions. An adverse effect may be that they are not the most cost effective therefore the dilemma of 'heat or eat'. Although facilities would be provided to promote better lifestyle behaviours, these may cost too much for tenants to utilise

A Denbighshire of cohesive communities

Overall Impact	Positive
Justification for impact	By identifying the positive impacts an improvement to the housing stock can have on access to housing we can strive to maximise the outcomes by improving the impact on social cohesion too a high level through effective policies and management.
Further actions required	By identifying the negative impacts an improvement to the housing stock can have on access to housing we can strive to reduce these barriers by reducing the negative impact to social cohesion too an acceptable level through effective policies and management.

Positive impacts identified:

Safe communities and individuals	<p>Landlords have to have procedures in place to manage ASB</p> <p>Reduction in noise nuisance</p> <p>Evidence (statistical) to show immense improvement in condition following implementation of licence</p> <p>Safety reduction in hazards - reduction in injuries/5 yr electrical safety check/fire regulations /gas checked annually or on change of tenancy</p> <p>Provision for PAT test in licence plus furnishing has to meet minimum requirements</p> <p>Decrease in homelessness presentations to Housing Department due to accommodation improvements</p> <p>Can reduce over-crowding</p> <p>Fire regulations included in licence conditions.</p>
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Community participation and resilience	Consultation is an integral stage of the licensing scheme. This includes determining the appropriate conditions to impose. Consultation will be available to all sectors of the community including the vulnerable groups
The attractiveness of the area	Improves overall attractiveness of the area – contributes to the wards as a whole Education for tenants needed re waste management
Connected communities	N/A
Rural resilience	The majority of HMOs will be concentrated in town centres as opposed to rural communities

Negative impacts identified:

Safe communities and individuals	N/A
Community participation and resilience	All comments can be considered but not all can be implemented
The attractiveness of the area	Managing waste system can be difficult even after provision of bins. Lack of tenant responsibility/abuse of system and there is no system in place re who enforces Communal areas - no recognised responsibility for placing out bins or waste is mixed up leading to refuse collectors refusing to collect. Therefore continues waste issue. Made worse in certain areas/streets due to lack of space for appropriate receptacles Waste provision- no place in certain properties to put waste out have to store inside 2 weekly collection and this causes problems
Connected communities	N/A
Rural resilience	N/A

A Denbighshire of vibrant culture and thriving Welsh language

Overall Impact	Neutral
Justification for impact	By identifying the positive impacts an improvement to the housing stock can have on access to housing we can strive to maximise the outcomes of a vibrant culture and thriving Welsh language to a high level through effective policies and management.
Further actions required	By identifying the negative impacts an improvement to the housing stock can have on access to housing we can strive to reduce the impacts on a vibrant culture and thriving Welsh language to an acceptable level through effective policies and management.

Positive impacts identified:

People using Welsh	Increase in better housing standards means tenant likely to stay in the area which also encourages sustainable employment. This empowers Welsh speakers to remain in the local area.
Promoting the Welsh language	All correspondence and documentation relating to this scheme, including the consultation will be bi lingual Welsh and English

Culture and heritage	N/A
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Negative impacts identified:

People using Welsh	N/A
Promoting the Welsh language	There will be an increase cost for translation services but this is accounted for within the corporate budget
Culture and heritage	N/A

A globally responsible Denbighshire

Overall Impact	Positive
Justification for impact	By identifying the negative impacts and carrying out improvements to the housing stock, we can can strive to ensure Denbighshire is globally responsible through effective policies and management.
Further actions required	By identifying the negative impacts and carrying out improvements to the housing stock, we can can strive to ensure Denbighshire is globally responsible through effective policies and management.

Positive impacts identified:

Local, national, international supply chains	A better standard of housing and the introduction of the Licensing ASB conditions will have a positive effect on the community
Human rights	Reduces Anti Social Behaviour (ASB) – documented through Police Pathway close monitoring of ASB Potential to enhance relationships between owner/occupier and social tenants/vulnerable tenants due to physical improvements Landlords of licensed properties are given support on dealing with incidents of ASB and crime and procedures are in place as a condition of licensing (training is required as part of licensing conditions)
Broader service provision in the local area or the region	Close working relationship with partner agencies such the Fire Service, the Police and Homeless Prevention allows collaborative thinking and working Fits in with the Homeless and Vulnerable Groups Health Action Plan/strategy

Negative impacts identified:

Local, national, international supply chains	N/A
Human rights	N/A
Broader service provision in the local area or the region	N/A

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Consultation Responses

As part of the 10 week consultation exercise the relevant documents were placed on Denbighshire County Council's on-line consultation portal and hard copies placed in each of the libraries affected by the scheme – Rhyl, Prestatyn, Llangollen and Denbigh. All County Councillors and the relevant Community Councils were also informed of the consultation exercise along with Rent Smart Wales mailshot going out to 1276 landlords in Denbighshire. We also contacted local letting agencies, trade associations, and existing HMO Licence Holders. The majority of the responses received were in favour of the scheme and a summary of the responses along with our comments can be found below:

	National Residential Landlords Association (NRLA) - Response	LA Comments
Opening Statement	Thank you for the opportunity to respond to this consultation. The National Residential Landlords Association (NRLA) is grateful for this chance to give our views as an organisation on Denbighshire Council's proposal to re-declare Rhyl as an additional licensing area, and extending the Scheme to Prestatyn, Denbigh, and Llangollen. We have read through your consultation documents, and though we appreciate the issues that the Council have mentioned, the NRLA is opposed to the proposed Additional Licensing Scheme. Our reasons are explained below.	No comment
1.1 Effectiveness of the Scheme	The consistent problem that runs throughout the proposal document is that it has not been evidenced that the scheme has hitherto been a success, nor why it should be expanded to three different towns. In the section that details the number of Housing Health & Safety Rating System faults found in Homes of Multiple Occupation (HMOs), the Council has not mentioned how many of these were rectified as a result of the Scheme. The Council has identified correlation, but not causation	Part way through the previous HMO Additional Licensing scheme a decision was made to change our Public Protection software provider which resulted in us not having accurate housing data for 2016-17. However, the data for the remaining 4 years is accurate and over 1000 inspections were carried out in HMOs. 579 Category 1 hazards and 1193 Category 2 hazards were identified. Most of these hazards have since been remediated or reduced in severity with over 193 units of HMO accommodation having all of their Category 1 hazards resolved as a result of Local Authority action.

		<p>We consider that the evidence provided in the proposal, and the supporting documentation from North Wales Police and North Wales Fire & Rescue Service, does suggest that the scheme has been successful and that this should be expanded. E.g. a quote from NWFRS “During this period, NWFRS have experienced a reduction in fires and complaints in relation to HMOs in the Rhyl area. Previously these premises posed a potentially high fire and risk to life due to the combination of poor management and lack of maintenance / fire safety provision. We wish to express our support for the scheme and encourage the scheme to be widened to include the whole of Denbighshire”.</p> <p>A fire which occurred in a town which wasn’t covered by Additional Licensing resulted in 5 deaths in 2012. This tragic incident may have been prevented had the Licensing Scheme been in place in other areas at this time.</p> <p>Finally, during the consultation exercise, none of the existing licence holders or landlords in Denbighshire made any representation for or against the scheme. The lack of interaction would suggest that people aren’t opposed to the renewal of the existing scheme nor to the expansion to other areas in Denbighshire which can only be seen as encouraging.</p>
1.2	Additional Licensing Schemes exist not only to identify low standards in HMOs but to correct them too. If it has not done so to a decent level, then the Scheme cannot be judged to be successful and should be replaced by more effective methods, which we outline near the end of our response.	We agree, there are other statutes and regulations available for dealing with HMOs, but we consider it more appropriate to use Additional Licensing to tackle property conditions, standards & management of the property:

	<p>In the Conclusion section of the proposal document, the Council asserts the following are benefits of additional licensing:</p> <ul style="list-style-type: none"> • Reduces the risk of fire and other hazards in all types of HMOs • Improves standards of HMOs relating to amenities and repair • Information and support are available to landlords at all times and access to relevant information, and changes in legislation are made available through the Landlord Roadshow. • Ensures overcrowding is prevented due to strict conditions on room standards. • The Licence holder or Manager has to ensure that the property is sufficiently managed and also has to be a “fit and proper person.” <p>The NRLA believes they can be dealt with outside a local licensing regime. Two examples: being a “fit and proper person” is already a part of Rent Smart Wales (RSW) and anyone can engage with the Landlord Roadshow, which has a duty to inform local landlords of legislative changes regardless.</p>	<p>Other statutes available include:</p> <ol style="list-style-type: none"> 1. Rent Smart Wales 2. HHSRS (Housing Act 2004) 3. Management Regulations <p><u>1. Rent Smart Wales</u></p> <p>Both Additional Licensing and Rent Smart Wales complement each other and should work hand in hand together.</p> <p>Rent Start Wales (RSW) is a national Welsh registration and licensing scheme introduced by Welsh Government in 2014. Its purpose is to:</p> <ul style="list-style-type: none"> • Secure improved management standards across the sector through training, information sharing and application of licence conditions and assessment of the fitness and Properties of licence applicants and people associated to them. • Collect information about the sector to provide strategic data that will allow national and local government to plan strategically and • Raise landlord and tenant awareness of their rights and responsibilities. <p>To achieve this the legislation requires that landlords register themselves and their properties and that any person involved in letting or managing property applies for a licence. The licence process involves submission of training evidence and a fitness and propriety assessment is completed as required by section 20 of the Housing (Wales) Act 2014. This is similar to the assessment</p>
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		<p>undertaken under the Housing Act 2004. If it is considered appropriate to award the licence, it is issued with conditions.</p> <p>The key difference between RSW and an Additional Licensing Scheme (ALS) is that its focus is the person managing, their competence and knowledge. Licence award does not involve a property inspection and conditions applied to the licence are rarely property specific. An ALS can assist the local authority with securing specific property standard improvement in an efficient way ensuring that standards are met when licence applications are made. Without ALS the LA relies on enforcement alone, this tends to be a reactive process (normally following tenant complaint) and is time-consuming due to access often being frustrated and administration burdens. Tenants are very often vulnerable, by the time they contact the LA the relationship with the landlord has often broken down and contact with the LA is the last resort. Consequently, securing improvement through licensing is more efficient because the landlord is arranging access and has requested LA involvement and has only a positive impact on the relationship between the landlord and tenant.</p> <p>Fit and Proper Person can be dealt with by both RSW and Licensing, however, for the reasons mentioned above, Licensing is still required as it is RSW does not deal with the property condition.</p> <p><u>2. Housing, Health & Safety Rating System (HHSRS)</u></p> <p>Action can be taken in accordance with the requirements of the</p>
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		<p>Housing Act 2004, however, this is a reactive process whereby properties are visited and full inspections undertaken after for example, the receipt of a complaint from the occupying tenant. The Licensing Scheme is proactive, properties identified are visited and action taken where necessary.</p> <p>Also, with Additional Licensing, each property is risk assessed at the commencement of the licensing procedure. This determines the need for further visits to the property over the course of the five years. All properties will require at least one further full visit during the duration of the licence, with higher risk rated properties which typically have a lower standard of management and / or conditions requiring more frequent inspections, which can be as often as 3 monthly.</p> <p><u>3. Management Regulations</u></p> <p>This is again reactive. This is ineffective for ensuring that any defects identified on an inspection are remediated. However, failure to comply with the Regulations can lead to a prosecution.</p>
<p>2.1 Fees</p>	<p>The proposed fee structure is excessively high for a landlord to pay, especially considering that they apply per property. Landlords will apply for licences and, likely, pass the cost on to tenants in the form of increased rents to cover the cost of applying for a licence, doing nothing to address affordability. In contrast, criminal landlords will simply ignore the scheme.</p>	<p>The existing Licensing Scheme has been operating for 10 years and the fees have not increased during this time despite operational costs increasing. Incentives and discounts for the fees payable were introduced in 2005 which we have continued with and a further reduction in fees has been introduced which takes into account the number of storeys the building has.</p> <p><u>Example costs:</u></p> <p>A 3 storey property consisting of 5 habitable rooms with a fee of £820 for five years will cost:</p>

		<ul style="list-style-type: none"> • 63 pence a week for each habitable room <p>For a 2 storey property consisting of 5 habitable rooms with a fee of £620 for five years will cost:</p> <ul style="list-style-type: none"> • 48 pence a week for each habitable room <p>The identification of “criminal” landlords will be addressed by a number of ways (see 2.4 below)</p>
2.2	<p>We would add that landlords are already in a position where they are under high financial pressure given Rent Smart Wales registration and licensing fees, the likely increase fees as a result of the Renting Homes (Fees, etc.) (Wales) Act, reduction in mortgage relief tax, and deal with rent arrears on their properties. Adding a layer of local licensing fees could force landlords to push costs onto tenants through higher rent.</p>	<p>We have taken into account the fees and costs resulting from other Legislation, including Rent Smart Wales. This is why we have not increased our fees over the past few schemes and have introduced further reductions.</p>
2.3	<p>The NRLA also has serious concerns regarding Fee Structure 4 in Appendix 6. Firstly, it is unlawful to charge to vary or revoke a licence. Secondly, we do not believe the Council is in a position to try to deter landlords from going to tribunal by threatening charges as, if it is successful at the tribunal, the enforcement authority will either secure costs or civil penalty. Therefore, Denbighshire Council could be accused of nudging landlords away from their right to have their say in court. Thirdly, councils can only recover costs from successful prosecutions, and only when they can demonstrate the costs. Therefore, a flat rate of £50 will not be judged acceptable to the court. Fourthly, we would remind the local authority that there is no mechanism for them to recover costs for Rent Repayment Orders, as such a decision is in the gift of the tribunal,</p>	<p>After comments received, we have reviewed “Fee Structure 4 – Enforcement Activities” from the Fees document and have now removed this section.</p>

	and it could recover costs from rent or sale of property if it imposes management orders.	
2.4	The proposal's conclusion also states: "Not only does Additional Licensing identify the whereabouts of HMO properties within the selected areas, but it also ensure "a level playing field across the tenure by ensuring all HMOs meet the same standards and conditions". This is incorrect – it only identifies the HMO landlords that volunteer to apply for a licence, leading to criminal landlords evading justice as the Council's priority becomes processing licenses rather than rooting out rogues.	There is a legal requirement for Landlords / Managing Agents to apply for a Licence and many do approach the Team voluntarily. However, more often than not, the Council are proactive in seeking out "rogue" landlords who try to evade the scheme by not applying. This is achieved by the Team carrying out on-site visits (in response to complaints), street surveys and desktop investigations e.g. Council Tax Checks and Estate Agent Property Website searches.
2.5	Although the NRLA welcomes the discount incentives proposed by the Council, the caveats that go along with them are counterintuitive. The 50% discount for renewing should not apply only if the application is received eight weeks before expiration, but any time until the expiration. We would note that the current wording in Fee Structure 2 in Appendix 6 means the discount only applies if the application is received precisely eight weeks before expiry.	After receiving comments, we have reworded this section in the fees document to explain the reason for the 8 weeks' timeframe. In order to allow sufficient time for a new application to be processed and that there isn't a break in licence from the old to the new, we need 8 weeks to do this. If the application is received with less than 8 weeks of the old licence to run, then the application will not be processed in time before old one runs out which could lead to complications, e.g. not being able to serve Section 21 eviction notice as the property will be unlicensed.
2.6	Gaskin v Richmond 2018 & Fees Mr Gaskin, a Landlord with a portfolio of HMO properties, refused to pay the £1,799 HMO licensing fees charged by Richmond Council in London. The fee was charged by the council upon Mr Gaskin applying to renew his licence and the council justified the charge by stating that it included both a charge for running the council's HMO scheme as well as the cost of processing his application. The High Court's decision when considering the validity of the fee was that it was indeed unlawful. It	We will be offering applicants the option of paying for the Licence in 2 instalments – the first, on initial application and the second, once licence has been granted. However, to clarify things we have introduced a new section into the fees document to confirm this. The discount provided for renewals is an incentive to ensure that fully completed applications with associated documents are received on-time so that the new licence can be processed and issued without a

	<p>found that the fee, including as it did an upfront charge for the administration of the scheme, breached European Union rules because Mr Gaskin, as someone engaged in a self-employed economic activity (i.e. controlling and managing the rental of properties), was a “service provider”. This meant that the fee for the administration of what amounted to an “authorisation” scheme was unlawful under the EU Services Directive (Directive 2006/123/EC).</p> <p>The council must take into consideration the court ruling of the above case, which states that councils split their licence fee into two parts: stage one for the processing costs of the licence, and stage two if the licence is granted which covers enforcement costs of the licence. Only if a licence has been granted can the council request the second part of the licence fee. For a renewal of a licence for existing licence holders, the council must charge less as the necessary stage one information has already been obtained.</p>	<p>break in licensing from the old to new scheme.</p> <p>Late, partially completed applications, or ones received with missing documentation take longer to administer and chase-up and therefore will be charged at the full cost and not the reduced rate unless there is a justifiable reason for doing so.</p>
<p>3.1 Licensing Conditions</p>	<p>The NRLA has concerns with the following <i>condition</i>: “<i>The licence holder must not only satisfy to the authority that reasonable procedures are in place with regards to ASB, but must also require a local connection, i.e. be locally based or within one-hour travelling distance of the licensed house.</i>”</p> <p>The Council has taken the position that it is the licensee’s responsibility to ensure their tenants do not exhibit ASB. It is why anti-ASB clauses are virtually always a part of a tenancy agreement and are often why PRS landlords would serve a Section 21 notice. The Council should instead be working closely with landlords to deal with problem tenants rather than make it a</p>	<p>Overall, there has been a steady decrease in the number of ASB incidents over Denbighshire as a whole, although Rhyl continues to have the highest total number of ASB incidents, the above three wards have been identified with the second, third and fourth highest number of ASB incidents within the County.</p> <p>The Additional Licensing Scheme applies conditions which aim to tackle antisocial behaviour within HMO properties.</p> <p>We work closely with landlords and are happy to assist them where necessary in dealing with problem tenants. The majority of landlords do</p>

	<p>licensing condition here. Otherwise, the message to landlords is that they will be punished with the revocation of a licence rather than the guilty tenant. It is not an equitable situation to force landlords who have invested in providing a home for those in Denbighshire, increasing local economic activity and housing provision for young people. Additionally, the local connection requirement is unreasonable, especially given this will be a retrospective change for those in Prestatyn, Denbigh, and Llangollen that might not satisfy these requirements at present yet are still good landlords. Also, the hour travelling distance rule is arbitrary – what if the landlord lives one hour and five minutes away? Does this make them less capable or less responsible than a bad landlord that lives nearby? Rent Smart Wales already has a 200-mile rule, so this condition will mean the Council contradicting another standard of Wales’ single licensing authority. This will be hugely problematic for landlords who will have two contradictory distance requirements causing confusion based on no empiric evidence. The NRLA would also argue that it infringes on Rent Smart Wales’ mandate and is an example of overreach by the local authority.</p>	<p>have procedures in place to deal with ASB incidents and such problematic tenants. We have however, also identified landlords who do not deal with anti-social behaviour and bad tenants and who don’t carry out the required necessary checks. In light of this, a tighter and more robust scheme with stricter ASB Conditions is required to deal with these minority landlords. This has been supported by North Wales Police.</p> <p>Agreed with NLRA response - LA to change the one-hour requirement rule to the same as Rent Smart Wales, i.e. the onus is put onto the licence holder to ensure that robust management arrangements are in place for the five-year duration of the licence. This includes regular visits to the property at appropriate intervals by the licence holder / manager.</p>
<p>4.1 Waste Management</p>	<p>It should be noted that the impact assessment published by the Council admits that <i>“Managing waste system can be difficult even after provision of bins. Lack of tenant responsibility/abuse of the system and there is no system in place re who enforces. Communal areas - no recognised responsibility for placing out bins or waste is mixed up, leading to refuse collectors refusing to collect. Therefore, this continues the waste issue.”</i> Given that better</p>	<p>We acknowledge that waste is an ongoing issue and a big challenge in the Rhyl area; Fly tipping in particular being a problem from HMO’s due to the transient population of the properties. We further acknowledge that the past two schemes have not fully addressed the waste problem. However, we have consulted with our Waste Team on what they recommended should be done to improve the situation. This is the reason the existing conditions on waste enforcement have been</p>

	<p>waste management is one of the main reasons given by local authorities to introduce additional licensing, admitting the issue continues years after implementation hugely undermines the Council's arguments in favour of renewal and expansion.</p> <p><i>Appendix 5 notes that the Council estimates that "approximately 30% of in-field officer time (Enforcement officers x 2 and Recycling technical Officers/ advisors x 5) is spent in the area of West Rhyl alone, in an attempt to resolve fly-tipping and non-compliant waste behaviours amongst residents)." Given this strain on Council staff to focus on one part of enforcement in one area where the scheme is already active, how can landlords and tenants have confidence in the Council's ability to implement the Scheme effectively elsewhere?</i></p>	<p>amended and strengthened to overcome the highlighted deficiencies.</p> <p>Through the introduction of a more proactive "prevention better than cure" approach, we anticipate the waste situation to improve with a reduced requirement for enforcement thereby increasing our capacity to cope with the problems.</p>
<p>5.1 General issues with local licensing schemes</p>	<p>There is little evidence that licensing schemes improve housing standards. The focus of staff becomes the processing and issue of licences, while prosecutions centre on whether a property is licensed or not, rather than improving management standards and property conditions. Furthermore, the Renting Homes (Wales) Act 2016 will introduce a new universal standard for renting. The use of further licensing schemes would be seen to undermine the Welsh Government's work as well as reducing the overall effectiveness of the provisions relating to Fitness for Human Habitation standards. There are over 140 Acts of Parliament that affect the PRS in Wales, and three significant pieces of housing legislation have passed through the Assembly since 2014, never mind countless regulations. When combined with RSW, there is plenty of information available to enforce correctly. Councils should</p>	<p>We disagree with this comment "There is little evidence that licensing schemes improve housing standards" - Please see previous response in section 1.1 above.</p> <p>Our priority is to ensure that the condition and standard of a property is improved and the health and safety of occupying tenants are protected. Prosecution is a last resort and mainly applies to those landlords who attempt to evade the scheme.</p> <p>We disagree with the comment "Councils should use the enforcement powers already granted to them to root out rogue landlords"</p> <p>LA's should make use of all available legislation in order to improve the management and condition of the properties. As stated in Section 1.2, all legislation, including that of RSW should work hand in hand together.</p>

	<p>use the enforcement powers already granted to them to root out rogue landlords.</p> <p>Landlords, especially those with properties outside the licence area will become risk-averse in terms of the tenants they let to. Tenant problems such as ASB are impossible for the landlord to address alone and they will not wish to risk a breach of licensing conditions that may affect their ability to let properties elsewhere. Some may seek to evict already challenging tenants, resulting in additional costs to other local authority services and further burden on local housing services.</p>	<p>The Renting Homes (Wales) Act 2016 is not yet in force and there is no clear date for implementation now due to delays that are inevitable given the Covid-19 pandemic.</p> <p>With regards to ASB, the LA has Full Support of North Wales Police. The LA can assist Landlords with problem tenants, guiding them on their legal responsibilities and advising them on the best course of action where necessary, including giving the Licence Holder advice on their anti-social behaviour policy or the eviction process. Hopefully with such assistance or advice from the LA, the need to always and immediately evict problem tenants can be avoided thereby avoiding further burden on the local housing services</p>
<p>6.1 Conclusion</p>	<p>In conclusion, the NRLA opposes the scheme as we do not believe it has evidenced that progress has been achieved because of additional licencing. There are plenty of less burdensome and more effective ways to improve standards in the PRS available. We all want to see bad landlords driven out of the PRS, but licensing is not the answer. All it does is identify and tax the good landlords who register. They do nothing to flush out criminals who stay under the radar. Instead, councils should use the wealth of data they can already access to find landlords to target resources to properly enforce the full range of powers they have to deal with unsafe and sub-standard rented housing.</p> <p>Rather than expanding an ineffective licensing scheme, the NRLA advocates Denbighshire Council use council tax records to identify private rented properties and landlords. Unlike licensing, this does not require self-identification by landlords, making it harder for the</p>	<p>We disagree with this comment - Please see comment response section 1.1 above</p> <p>The Licensing Scheme is proactive in that council tax records are checked prior to sending out application forms. In doing this, DCC is actively searching for and is identifying the whereabouts of HMOs which require licensing. Once identified, and whether owned by good or bad landlords, the same Licensing process is then followed to ensure the properties are in a safe sound condition for the occupying tenants. Failure to licence may result in the service of an Interim Management Order on the non-compliant / "rogue" landlord (DCC has served 2 IMOs and is in the process of procuring a third IMO Contract).</p>

	<p>small minority of criminals to operate under the radar. We understand this means giving up on a licensing scheme on which the Council has worked hard. However, using council tax records to identify criminals would allow a local authority to proactively tackle criminals quickly, instead of adding a layer of bureaucracy to good landlords.</p>	
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Other Consultation Responses:

	Consultee Response	LA Comments
Cllr Barry Mellor	<p>It would be good to know if the licensing we have in place has worked, is strong enough. We have some bad landlords in Rhyl the more we can tighten up the better. When planning comes in for a house to be changed into an HMO is it explained to the owners our licensing policy on HMOs?</p>	<p>See Appendix 3 - Letter from Fire Service for confirmation of success of the scheme with regards to Fire Safety. Conditions have been adapted where we are aware that they need to be improved. We have close working relations with Planning & so they are aware of the requirements for HMO Licensing.</p>
Cllr Joan Butterfield	<p>I'm very much in favour of this scheme being extended to the areas you have mentioned. It would be good before we proceed to the inclusion of other areas to give us the Information of how successful the licensing has been in the area it already serves. Have the number of licensed premises increased since the licensing regulations changed? E.g. Landlords with properties with over five flats have had to be Licensed, but this number has since been reduced.</p> <p>I wanted to know because as we are able to Licence premises with, (I think three flats), we might have increased the numbers of Licensable properties.</p>	<p>We have received positive letters of support from NWFRS and also NWP in favour of the existing scheme for Rhyl and they would like this expanding county wide. Over the 5-year period that the scheme has been in operation over 1000 inspections have been carried out in HMOs identifying 579 Cat 1 Hazards and 1193 Category 2 hazards. Most of these hazards have since been remediated with over 193¹ units of HMO accommodation having all of their Category 1 hazards resolved as a result of Local Authority action</p> <p>¹ This figure does not include statistics from 2016-17 when we changed databases.</p>

		The number of properties eligible for licensing has increased as a result of the introduction of HMO Additional licensing. Originally there were just 33 Mandatory HMO licenses, but with the introduction of Additional Licensing, this has increased to a total 178 Licensed properties in Denbighshire (which includes 145 Additional Licensed properties).
Cllr Jeanette Chamberlain Jones	I am happy with the new arrangement for Additional licensing as there are still far too many HMO's. The more properties licensed the better it will be to improve the areas of deprecation. I hope we can license as many as possible.	No comment
Cllr T Melvyn Mile	No, I'm fine with the HMO licensing proposal. It will help safeguard the vulnerable and put more responsibility on landlords.	No comment
Cllr Tony Thomas	Thank you for the email. As Lead Member you have my full support on this very comprehensive document building on the solid work that has been done on Licencing in Rhyl over the last 10 years.	No comment

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Report to	Cabinet
Date of meeting	28 th July 2020
Lead Member / Officer	Cllr Mark Young, Lead Member for Planning, Public Protection and Safer Communities
Report author	Emlyn Jones, Head of Planning, Public Protection and Countryside Services
Title	Test, Trace and Protect – Inter Authority Agreement

1. What is the report about?

- 1.1. On 13 May 2020 Welsh Government (WG) published a national strategy which included the requirement to track and trace the spread of Covid-19 in Wales. This would involve Council staff offering advice to those people who had been in contact with someone who had tested positive for the disease.
- 1.2. As lockdown measures are relaxed, this project will be critical in managing the rate of spread of Covid-19 and in providing a rapid response to help those who might be infected.
- 1.3. As part of the national strategy, the North Wales Local Authorities have established local contact tracing teams. Until now, this has been an interim measure as the staff currently undertaking this work have been redeployed from their substantive posts.
- 1.4. As the Council starts to resume more of its services, these staff members will need to return to their normal duties, so staffing the contact tracing teams will soon become a critical issue.
- 1.5. Welsh Government has approved the funding of this project in the sum of £11.2m for North Wales; this sum is for the remainder of this financial year.

- 1.6. Flintshire CC will employ all the additional staff which will ensure that there is no duplication of procedures or effort or unnecessary competition for workforce between Councils.
- 1.7. The relationship between Flintshire CC, as the employing Authority, and the other 5 Local Authorities will be set out in an Inter-Authority Agreement (IAA).
- 1.8. Approval is now sought to enter into this IAA

2. What is the reason for making this report?

- 2.1. To seek approval to enter into an Inter-Authority Agreement (IAA) with the other North Wales Local Authorities, to govern the recruitment and management of extra staff to operate the contact tracing element of the TTP project.

3. What are the Recommendations?

- 3.1. That delegated authority be given to the Head of Planning, Public Protection and Countryside Services following consultation with the Lead Member for Planning, Public Protection and Countryside Services, s151 Officer and Monitoring Officer to agree and sign the IAA to ensure that the Council supports the national and regional coordinated strategy to contain the spread of Covid-19

4. Report details

- 4.1. The TTP strategy is intended to enhance health surveillance in the community by undertaking effective and extensive contact tracing and by supporting affected people to self-isolate when required to do so.
- 4.2. It involves asking people to report symptoms, testing anyone in the community who has symptoms and tracing those with whom they have come into close contact. These contacts are then advised to self-isolate.
- 4.3. Contact tracing is a long established, effective, public health approach to containing the spread of infections and has proved effective in controlling Covid-19 in other countries.
- 4.4. The regional approach to implementing the plan has been undertaken via a regional project team led by PHW. It has been established with representation from BCUHB, PHW and each of the local authorities.

- 4.5. This regional project team has a number of work-streams, including workforce, governance, finance, communications, ICT, regional cell and data reporting. Each Authority is represented on these work-streams.
- 4.6. Since 1 June, the Council has been deploying existing resources (workforce, ICT, equipment, etc.) into these new roles. The clinical lead roles are being provided by BCUHB, to provide expert clinical knowledge to the contact tracing teams.
- 4.7. A list of confirmed Covid-19 cases is sent to the local contact team. The tracers then contact each case (via telephone) and give them advice around self-isolation. There is also a provision to escalate issues to clinical leads.
- 4.8. It is important to be aware that the TTP project may be required to operate for up to two years, and that our temporarily deployed workforce will soon need to return to their substantive roles.
- 4.9. Therefore, the North Wales councils have been working on a single employment model to recruit and manage new staff to fulfil these roles and have been granted funding from WG to fund this additional area of work.
- 4.10. Flintshire CC has volunteered to coordinate the recruitment model. The IAA is now being negotiated to govern these arrangements.
- 4.11. The advantages of this single employer model include:-
- 4.11.1. a common set of terms and conditions of employment and remuneration to avoid competition for recruitment;
 - 4.11.2. a single and high-profile recruitment exercise with no HR or Payroll duplication across Authorities;
 - 4.11.3. a bank of retained workers (without contracted hours) to draw on if there was a sudden and unexpected increase in demand. This would be a flexible resource and allocated out as needed, and
 - 4.11.4. that there would be a single partner for the administration of the WG grant.
- 4.12. The IAA will cover such matters as:

4.12.1. the term of the agreement and its funding;

4.12.2. an exit strategy in 18 months to two years for whenever TTP ends, is reduced or replaced, and

4.12.3. detailed issues around the employment provisions.

4.13. WG has confirmed that it will fund the employment model with sufficient resources for each Council to operate at least three cells/teams. Of course, the number of teams recruited will be managed flexibly to meet demand.

5. How does the decision contribute to the Corporate Priorities?

5.1. This key task, in supporting regional and national efforts to control/prevent the spread of Covid-19, affects all aspects of Council policy and practice, including the objectives and priorities contained in the Council Plan and other partnership and departmental plans.

6. What will it cost and how will it affect other services?

6.1. Welsh Government have confirmed that they will fully fund additional costs incurred in relation to the TTP project in the sum of £11.2 million across North Wales.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1. A well-being impact assessment has not been completed.

8. What consultations have been carried out with Scrutiny and others?

8.1. This report has not been the subject of specific consultation.

9. Chief Finance Officer Statement

9.1. It is welcome that funding has been secured for the project costs for the region for 2020/21 financial year. It is also welcome that there is an element of flexibility that would allow this to be reviewed if the costs increased in response to a worsening of the situation. However it is important to point out the following:

- No funding has yet been announced for 2021/22 financial year – this position will be monitored closely
- There are likely to be some costs that are not reclaimable from the grant – in particular exit costs at the end of the project. The IAA deals with this on an equitable basis.

Despite these issues the project is fully supported.

10. What risks are there and is there anything we can do to reduce them?

10.1. Failure to successfully to implement the plan and reduce the spread of Covid-19 will lead to further harm and excess deaths in our community.

11. Power to make the decision

11.1. The Council has a statutory duty under the Civil Contingencies Act to respond effectively in managing emergencies and has a statutory duty under the Public Health (Control of Disease) Act to manage communicable disease outbreaks.

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Report to	Cabinet
Date of meeting	28 th July 2020
Lead Member / Officer	Julian Thompson Hill
Report author	Steve Gadd, Head of Finance and Property
Title	Finance Report (June 2020/21)

1. What is the report about?

The report gives details of the council's revenue budget and savings as agreed for 2020/21. The report also provides a summary update of the Capital Plan as well as the Housing Revenue Account and Housing Capital Plan.

2. What is the reason for making this report?

The purpose of the report is to provide an update on the council's current financial position and confirm the agreed service budgets for 2020/21.

3. What are the Recommendations?

3.1 Members note the budgets set for 2020/21 and progress against the agreed strategy.

4. Report details

The report provides a summary of the council's revenue budget for 2020/21 detailed in Appendix 1. The council's net revenue budget is £208.302m (£198.538m in 19/20). The position on service and corporate budgets is a forecast overspend of £7.585m (£7.393m last month). This overspend does not assume any 'income loss' grant that may be received from Welsh Government as it is currently unknown how much grant is available, how the grant will be allocated and what categories of loss will be eligible. It is currently estimated that between £2-4m may be received by Denbighshire for Quarter 1 losses.

Narrative around the current risks and assumptions underlying this assessment are outlined in Section 6 and Appendix 2.

The 2020/21 budget required service savings and efficiencies of £4.448m to be identified and agreed as detailed below:

- Corporate savings identified relating to the triennial actuarial review of the Clwyd Pension Fund (£2m)
- Schools savings of 1% (£0.692m)
- Service efficiencies and savings (£1.756m) – see Appendix 3 for details

The corporate savings have already been achieved and the schools' savings are delegated to the governing bodies to monitor and deliver. On top of this £1.086m of the service savings had originally been designated as savings that have already been implemented. However under the current rapidly changing situation it is really important that we review and monitor achievement of these. A full analysis will be undertaken and reported to Cabinet in September.

5. How does the decision contribute to the Corporate Priorities?

Effective management of the council's revenue and capital budgets and delivery of the agreed budget strategy underpins activity in all areas, including corporate priorities.

6. What will it cost and how will it affect other services?

Significant service narratives explaining variances and risks are detailed in Appendix 2, however the following should also be noted:

Impact of Corona Virus - A full report has been presented to Cabinet last month which detailed the possible financial impact and the financial strategy setting out how the Council will cope with these pressures. The current short term strategy of working with Welsh Government has helped secure the following funding:

- Major Grants for Wales as a whole have been announced – all claimed through the same process:
 - £30m initial Hardship Fund – working well (for Q1)
 - £40m Social Care Grant (April, May and now June)
 - £33m additional Free School Meal Grant (to end of August)

The table below summarises the position of the claims for DCC. The 'Holding' column indicates items that WG are requesting further information on:

COVID19 REVENUE CLAIMS TO WG					
Month	Original total claim	Disallowed	Previous month adjustment	Holding	Net Claim paid to date
March 2020	£61,701	£0	£0	£0	£61,701
April 2020	£666,927	0	-£8,865	£0	£658,062
May 2020	£1,200,170	-£6,025	-£54,538	-£203,732	£935,875
Submitted to date	£1,928,798	-£6,025	-£63,403	-£203,732	£1,655,638
June 2020	£1,027,489				
Grand Total	£2,956,287				

- Up to £78m announced in Supplementary Budget for losses of income in Quarter 1. Not all this money will be available as WG want to use it for other things such as recovery. A 'dummy' claim has been submitted and we are still waiting for feedback from this which will hopefully give an indication of how much and which items will or will not be funded.
- DCC have also compiled and submitted a survey for Quarter 2 expenditure and income pressures. No funding has yet been announced for most of these pressures.

Leisure ADM – This budget line holds the residual budgets associated with Leisure including the management fee that pays for the services that would be provided in a normal year. The overspend reported here is based on the loss of income projected for quarters 1 and 2 with no significant relaxation of lockdown. It is hoped that WG announcements over the coming weeks may allow for some opening up of the sector, however if lockdown is maintained throughout the year then a further £1.9m shortfall may be seen. Denbighshire Leisure Limited (DLL) is reporting monthly to the Contract Management Board on the rapidly changing financial position in this area. The Council has approved arrangements to help with Cash Flow for the company pending WG announcements.

Corporate Budgets –Although currently showing a nil variance it is likely that all discretionary spend and contingencies will be released in order to help fund the position. However risks remain around the pay settlement for 2020/21, the Council Tax Yield and the Council Tax Reduction Scheme which could wipe out those underspends. Un-earmarked General Balances of £7.135m were carried forward into 2020/21, with prudent

minimum level of £5m or 2% of Net Revenue Budget (£4.2m) whichever is the highest. This may need to be reviewed on a short term basis if further Welsh Government funding is not announced.

Schools - The budget agreed by Council for 2020/21 included a total net additional investment (excluding increases in Welsh Government grants) in schools delegated budgets of just over £2.9m. The latest projection for school balances to be carried forward into 2021/22 is a net deficit balance of £1.876m, which represents an increase of £0.488m on the deficit balances brought forward into 2020/21 of £1.388m. There is a small underspend in non-delegated budget of £54k.

The Housing Revenue Account (HRA). The latest revenue position assumes a decrease in balances at year end of £1,090k which is £877k more than the budgeted decrease of £213k due to the revised plan to increase the revenue contribution to capital. HRA balances are therefore forecast to be £1.576m at the end of the year. The Capital budget of £19.2m is largely allocated between planned improvements to existing housings stock (£5.3m) and new build developments and acquisitions (£13.8m).

Treasury Management – At the end of June, the council’s borrowing totalled £246.8m at an average rate of 3.93%. Investment balances were £34.7m at an average rate of 0.02%.

A summary of the council’s **Capital Plan** is enclosed as Appendix 4. The approved capital plan is £47.23m with expenditure to date of £6.06m. Appendix 5 provides an update on the major projects included in the overall Capital Plan. Following discussions with Governors at Rhos Street School a proposal has emerged to increase the hardstanding at the Glasdir site for the school. The costs of the works, approximately £200k, can be absorbed from the overall allocation to the Ruthin projects in 2016 as part of Denbighshire’s contribution to the 21st Century Schools Programme. Further details are included in Appendix 5.

7. What are the main conclusions of the Well-being Impact Assessment?

A Well-being Impact Assessments for the Council Tax rise was presented to Council on 21 January.

8. What consultations have been carried out with Scrutiny and others?

In addition to regular reports to the Corporate Governance Committee, the budget process has been considered by CET, SLT, Cabinet Briefing and Council Briefing meetings. The School Budget Forum have been included in the proposals through-out the year. Trade Unions have been consulted through Local Joint Consultative Committee. This year also saw an engagement exercise with the public using social media, the experience of which will be built on in future years.

9. Chief Finance Officer Statement

Obviously the core focus at the moment is the financial response and recovery in recovery in relation to the Covid 19 pandemic. Although the pressures are very large the Council enters this period with the following advantages:

- A strong track record of financial management in response to over 10 years of real terms budget reductions. The systems and processes in place should help DCC in its response.
- The Council has relatively healthy financial reserves and balances of the Council.
- The Settlement and Budget set for 2020/21 allowed the Council to address a number of pressures in Social Care, Waste services, School Transport, Education and Schools. This does not mean that there are no ongoing business as usual pressures, however it does mean that we are in a better position than previous years.

The regular Finance Cabinet Report will keep members up to date and regular updates will continue to be provided to informal Cabinet.

Risk areas remain evident in social care budgets (both Adults' and Children's), School Transport and Waste services despite the investment included in the 2020/21 budget (totalling £6.1m). These areas will continue to be monitored closely throughout the year.

10. What risks are there and is there anything we can do to reduce them?

This is obviously the most challenging financial period DCC has faced. The Financial Strategy agreed by Cabinet in May aims to mitigate the following key risks:

- Failure to have a robust funding strategy could impact on the financial stability and sustainability of the Council.
- Impact on ability for the Council to deliver core services.
- Impact on capacity of the Council to achieve its priorities.

11. Power to make the decision

Local authorities are required under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of their financial affairs.

Appendix 1

DENBIGHSHIRE COUNTY COUNCIL REVENUE BUDGET 2020/21

Jun-20	Net Budget	Budget 2020/21			Projected Outturn							Variance
	2019/20	Expenditure	Income	Net	Expenditure	Income	Net	Expenditure	Income	Net	Net	Previous Report
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	%	£'000
Communities and Customers	3,339	4,345	-1,019	3,326	4,310	-971	3,339	-35	48	13	0.39%	0
Education and Children's Service	16,027	35,004	-17,945	17,059	21,206	-3,874	17,332	-13,798	14,071	273	1.60%	70
Business Improvement and Modernisation	4,501	5,330	-898	4,432	5,374	-983	4,391	44	-85	-41	-0.93%	-48
Legal, HR and Democratic Services	2,597	3,818	-1,350	2,468	3,593	-1,171	2,422	-225	179	-46	-1.86%	-40
Finance and Property	4,836	8,995	-4,389	4,606	8,614	-3,848	4,766	-381	541	160	3.47%	159
Highways, Facilities and Environmental Services	15,768	32,098	-15,079	17,019	27,750	-8,663	19,087	-4,348	6,416	2,068	12.15%	2,176
Planning and Public Protection	9,246	16,867	-7,133	9,734	16,091	-5,958	10,133	-776	1,175	399	4.10%	218
Community Support Services	35,775	55,534	-17,512	38,022	52,119	-13,217	38,902	-3,415	4,295	880	2.31%	979
Leisure - ADM	2,109	2,957	0	2,957	6,836	0	6,836	3,879	0	3,879	131.18%	3,879
Total Services	94,198	164,948	-65,325	99,623	145,893	-38,685	107,208	-19,055	26,640	7,585	7.61%	7,393
Corporate	16,888	45,943	-29,223	16,720	45,943	-29,223	16,720	0	0	0	0.00%	0
Precepts & Levies	4,806	4,899	0	4,899	4,899	0	4,899	0	0	0	0.00%	0
Capital Financing	13,652	13,724	0	13,724	13,724	0	13,724	0	0	0	0.00%	0
Total Corporate	35,346	64,566	-29,223	35,343	64,566	-29,223	35,343	0	0	0	0.00%	0
Council Services & Corporate Budget	129,544	229,514	-94,548	134,966	210,459	-67,908	142,551	-19,055	26,640	7,585	5.62%	7,393
Schools & Non-delegated School Budgets	68,994	81,604	-8,268	73,336	81,422	-7,652	73,770	-182	616	434	0.59%	210
Total Council Budget	198,538	311,118	-102,816	208,302	291,881	-75,560	216,321	-19,237	27,256	8,019	3.85%	7,603
Housing Revenue Account	157	16,833	-16,620	213	17,428	-16,337	1,091	595	283	878		878

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Appendix 2 - Service Variance Narrative

Service	Variance Last Month £000	Variance This Month £000	Movement £000	Description
Communities and Customers	0	13	13	
Education and Children's Service	70	273	203	This is despite new monies of £1.5M being allocated to Children's Services this financial year. The movement from last month largely relates to a new residential placement costing a projected additional £239k which is offset by additional grant income. No costs have been included for any new placements commencing throughout the year. The budget will obviously be monitored carefully over the coming months.
Business Improvement and Modernisation	-48	-41	7	Underspend due to a vacancy saving and one-off external income for a specific project.
Legal, HR and Democratic Services	-40	-46	-6	Underspends due to vacancy savings following delay due to Covid 19
Finance and Property	159	160	1	The overspend relates to the shortfall in income due to the decision to forego rents for industrial units for April to July in response to the Covid pandemic. These costs are offset by vacancy savings (Chief Accountant post) due to the lockdown and an overall cost reduction exercise in case WG help with income loss is not forthcoming.
Highways, Facilities and Environmental Services	2,176	2,068	-108	£1.25m of the overspend relates to the loss of income from schools meals - this projection assumes no income for term 3 and a reduced level for the beginning of term 1. £695k relates to the spend required on legacy tips - a lot of which was delayed from last year due to the lockdown restrictions at year end. A further £337k relates to Waste due to reduced income in quarter (green waste, trade waste etc). It is hoped that funding will be forthcoming for the reduction in income.
Planning and Public Protection	218	399	181	The overspend in car parking and planning fees is offset by a reduction in costs relating to school transport (75% contract payments). The movement from last month largely relates to changes in expected recovery in parking and enforcement income and school transport costs relating to the Hubs. The service is also holding some vacancies which have further mitigated the losses.
Community Support Services	979	880	-99	The project is due to additional costs over and above the £2.6m estimated and included in the budget for 2020/21. The main areas of concern are homelessness and Community Care packages. The projection assumes that the service will again receive the £800k Workforce & Sustainability Grant. No assumption has been made about grant funding for winter pressures which tend to be announced by WG in the autumn and during the winter itself.
Leisure - ADM	3,879	3,879	0	See body of report for details
Corporate & Miscellaneous	0	0	0	See body of report for details
Precepts & Levies	0	0	0	There are no risks in this area
Capital Financing	0	0	0	The position on capital financing is very much related to progress on capital projects and variances do not crystallise until later in the financial year.
Council Services & Corporate Budget	7,393	7,585	192	

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SERVICE EFFICIENCY SAVINGS 2020/21

Ref	SERVICE	TITLE	RAYG Status	2020/21 £000	Service Totals
SERVICE SAVINGS AND EFFICIENCIES THAT HAVE ALREADY BEEN IMPLEMENTED					
BIM001 to 4	Business Improvement and Modernisation	Non-filling of vacant post/hours	GREEN	100	110
BIM005	Business Improvement and Modernisation	Review of ICT training provision	GREEN	6	
BIM006	Business Improvement and Modernisation	Remove unrequired Corporate Plan production budget due to more efficient printing	GREEN	4	
C&C001 & 2	Communities and Customers	Non-filling of vacant post/hours	GREEN	35	91
C&C004	Communities and Customers	Reduce annual contribution to Major Events reserve - National and Urdd Eisteddfod will be funded - other events funded from corporate in-year contingencies	YELLOW	5	
C&C005	Communities and Customers	Website Income Target following successful pilot of advertising on the corporate website with no negative impact.	GREEN	2	
C&C007	Communities and Customers	Increased capacity to the Contact Centre team to be time-limited due to completion of project	YELLOW	30	
C&C008	Communities and Customers	Tourism blog to be produced in-house, rather than contracting out	GREEN	1	
C&C010	Communities and Customers	Youth Service - Reduce Programme Budget by sourcing other funding streams	GREEN	6	
C&C011	Communities and Customers	Oak Tree Centre - Increased Income - Increase room hire opportunity for external use, implement activity programmes that generate income	GREEN	5	
C&C012	Communities and Customers	Oak Tree Centre - Increased Income budget to match actual income received as Childcare take-up continues to increase (NB this relates to increase in numbers and not any increase in actual charge)	GREEN	3	
C&C013	Communities and Customers	Family Information Service - Budget Reduction by sourcing other funding streams	GREEN	4	
PPP002	Planning and Public Protection	Reduction in Head of Service contingency budget	GREEN	20	
PPP001,4 & 6	Planning and Public Protection	Non-filling of vacant post/hours	GREEN	74	
HES008	Highways and Environmental Services	Non-filling of vacant post/hours	GREEN	11	39
FAH010	Highways and Environmental Services	School Re-organisation savings - impact on catering provision	GREEN	18	
FAH014	Highways and Environmental Services	Office Accomodation - Civic Office Housekeeping	GREEN	10	
LHRDS001	Legal, HR and Democratic Services	Welsh Translation - increase in fees for grant funded translation to reimburse DCC administration costs	GREEN	6	65
LHRDS004	Legal, HR and Democratic Services	Adminstration Management - full cost recovery	GREEN	25	
LHRDS005	Legal, HR and Democratic Services	Civic Budget -remove regular surplus at year end	GREEN	2	
LHRDS007	Legal, HR and Democratic Services	Renegotiation of System Contracts	GREEN	12	
LHRDS008	Legal, HR and Democratic Services	HR Postage Savings as a result of implementing electronic recruitment process	YELLOW	5	
LHRDS010	Legal, HR and Democratic Services	Miscellaneous Surplus Budget following budget realignment exercise	GREEN	15	
FIN001	Finance	CIVICA Contract Savings - extension of contract agreed by Cabinet	GREEN	100	172
FIN002	Finance	Non-filling of vacant post/hours	GREEN	52	
FIN003	Finance	External income maximisation - regional grant funding	GREEN	20	
ECS001	Education and Children's Service	EAL Service - reinstatement of grant income	GREEN	60	180
ECS007	Education and Children's Service	Reprofiling of 21st century schools programme	GREEN	120	

Ref	SERVICE	TITLE	RAYG Status	2020/21 £000	Service Totals
CSS001	Community Support Services	Reduction in Voluntary Organisation Grants currently unallocated	GREEN	100	335
CSS002	Community Support Services	Removal of agency and professional fees budget across Workforce Development and Admin to reflect current underspend	GREEN	22	
CSS004	Community Support Services	Non-filling of vacant post/hours	GREEN	45	
CSS006, 7, 9 & 11	Community Support Services	Review of service requirements and restructure in line with Corporate Services Review	YELLOW	138	
CSS008	Community Support Services	Tighter Efficiency Controls / Virtual meetings - reduce travel / Pool Car Use / Personal Mobiles / Stationery & Printing	GREEN	30	
					1086

SERVICE SAVINGS AND EFFICIENCIES THAT HAVE NOT YET BEEN IMPLEMENTED

BIM007	Business Improvement and Modernisation	Reduce core budget in Programme Office - reduced capacity to provide unfunded projects	YELLOW	10	20
BIM008	Business Improvement and Modernisation	Increased income Generation by Records Bureau through expansion of box storage facility to external organisations	YELLOW	10	
C&C006	Communities and Customers	Non-filling of vacant post/hours	AMBER	54.3	54.3
PPP003	Planning and Public Protection	New income from Primary Authority partnerships in Public Protection - Income from new partnerships with businesses to provide regulatory advice.	YELLOW	10	30
PPP010	Planning and Public Protection	Countryside & Heritage budget reduction - various minor reduction in support budgets, charges etc	GREEN	20	
HES002	Highways and Environmental Services	Review charging and income policy for waste service	GREEN	100	123
HES007	Highways and Environmental Services	Increase Streetworks charges to utility companies for works on the highway	GREEN	5	
HES009	Highways and Environmental Services	Cemetery fees increase in line with Fees and Charges Policy	GREEN	5	
FAH007	Highways and Environmental Services	Community Buildings - Waste Management Contracts Review	GREEN	4	
FAH017	Highways and Environmental Services	Office Accommodation - Water Coolers	GREEN	9	
LHRDS003	Legal, HR and Democratic Services	Registration service - full cost recovery	GREEN	15	43
LHRDS006	Legal, HR and Democratic Services	Delaying recruitment for all posts within the service by 1 month	AMBER	25	
LHRDS009	Legal, HR and Democratic Services	Travel Cost Reductions	AMBER	3	
ECS002	Education and Children's Service	Non-filling of vacant post/hours	GREEN	89	366
ECS004	Education and Children's Service	Review of Recoupment Fees to ensure full cost recovery	AMBER	77	
ECS006	Education and Children's Service	Realignment of grant expenditure in line with regional practice	AMBER	200	
CSS003	Community Support Services	Maes y Felin Community Building lease arrangements	GREEN	5	34
CSS005	Community Support Services	Reduce Regional Emergency Duty Team Contribution	GREEN	20	
CSS013	Community Support Services	Local Authority community living schemes	AMBER	9	
					670

Denbighshire County Council - Capital Plan 2020/21 - 2023/24

APPENDIX 4

Position to end June 2020

Capital Expenditure

Total Estimated Payments - Other

Total Estimated Payments - Major Projects:

Housing Improvement Grants

Rhyl, New 3-16 Catholic School

Ysgol Llanfair, New School

Ysgol Carreg Emlyn, New School

Highways Maintenance

East Rhyl Coastal Defence Scheme

Rhyl Waterfront and Waterpark

Waste Service Remodelling

Contingency

Total

Capital Financing

External Funding

Receipts and Reserves

Prudential Borrowing

Unallocated Funding

Total Capital Financing

	2020/21 ORIGINAL ESTIMATE £000s	2020/21 LATEST ESTIMATE £000s	2021/22 LATEST ESTIMATE £000s	2022/23 LATEST ESTIMATE £000s	2023/24 LATEST ESTIMATE £000s
Total Estimated Payments - Other	13,293	24,741	690	350	350
Total Estimated Payments - Major Projects:					
Housing Improvement Grants	1,200	1,200			
Rhyl, New 3-16 Catholic School	1,010	1,422			
Ysgol Llanfair, New School	399	236			
Ysgol Carreg Emlyn, New School	822	812			
Highways Maintenance	3,253	5,294			
East Rhyl Coastal Defence Scheme	11,660	11,953	10,000	5,575	
Rhyl Waterfront and Waterpark	36	73			
Waste Service Remodelling	9,475	1,000	13,172		
Contingency	500	500	500	500	
Total	41,648	47,231	24,362	6,425	350
External Funding	18,163	23,256	11,009	4,809	4,809
Receipts and Reserves	3,874	7,046	1,000		
Prudential Borrowing	19,611	16,929	16,662	5,925	350
Unallocated Funding	0	0	(4,309)	(4,309)	(4,809)
Total Capital Financing	41,648	47,231	24,362	6,425	350

Note: 2020-21 Original Estimate is the position as approved by Council on 25th February 2020

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Appendix 5 - Major Capital Projects Update – June 2020

21st Century Schools Programme – Ysgol Llanfair	
Total Budget	£5.051m
Expenditure to date	£4.872m
Estimated remaining spend in 20/21	£0.179m
Future Years estimated spend	£0.000m
Funding	WG £0.180m; DCC £4.871m
Narrative:	
<p>This scheme is within the Band A proposals for 21st Century Schools Programme. The project has provided a new school building on a new site in Llanfair DC.</p> <p>The school Moved in to the new site in February this year. Due to the Coronavirus pandemic the settling in period for the school has been disrupted, however the school have settled in to the new site and are reaping the benefits of the new environment. The contractor has been very responsive where possible to any teething issues supporting the school to run with no disruptions.</p> <p>The Coronavirus pandemic has impacted on the decommissioning of the former site. Plans are now in place to resume the decommission process in the coming weeks, now that lockdown restrictions have been eased to allow work on site to resume with the correct social distancing controls in place.</p> <p>The swap in land whereby the Church in Wales St. Asaph Diocese will receive the footprint of the land at the new school site and the Council will receive ownership of the land in Diocese ownership at the former school site is currently still in progress. Negotiations are ongoing between the both parties and it is hoped that a completion can be reached shortly. Once the former site is in the Council's possession, discussions on the future use for the former school site will commence.</p>	
Forecast In Year Expenditure 20/21	£0.236m

21st Century Schools Programme – Glasdir

Total Budget	£11.714m
Expenditure to date	£11.514m
Estimated remaining spend in 20/21	£0.200m
Future Years estimated spend	£0.000m
Funding	DCC £3.066m; WG £8.648m

Narrative:

This project has delivered a new shared school building site for Rhos Street School and Ysgol Penbarras at Glasdir, Ruthin which has been used by the schools since April 2018.

The final account has now been settled.

Following discussions with Governors at Rhos Street School a proposal has emerged to increase the hardstanding at the Glasdir site for the school. The project delivered hard standing that met the overall size requirements but due to the topography and layout of the site this provision provided significant challenges for the school. Feasibility work has been undertaken on proposals to convert a grassed area near to Foundation Phase classrooms to hardstanding. This work has been mindful to ensure that this additional hardstanding complies with the overall flood risk measures developed as part of the project. The works will have to be commissioned separately as the main project has now been completed. The costs of the works, approximately £200k, can be absorbed from the overall allocation to the Ruthin projects in 2016 as part of Denbighshire's contribution to the 21st Century Schools Programme.

Forecast In Year Expenditure 20/21	£0.200m
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21st Century Schools Programme – Ysgol Carreg Emlyn

Total Budget	£4.357m
Expenditure to date	£3.545m
Estimated remaining spend in 20/21	£0.812
Future Years estimated spend	£0.000m
Funding	WG £0.221m; DCC £4.136m

Narrative:

This scheme is within the Band A proposals for 21st Century Schools Programme. The project has provided a new school building on a new site in Clocaenog to allow the two sites located in Cyffylliog and Clocaenog to be declared surplus.

The school successfully moved into the new building and opened on the 4th June 2019. Following the school taking occupancy of the site, any defects and teething issues have been logged via the defect recording process. The contractor has responded quickly to attempt to resolve any issues which has resulted in minimal disruption for the school. The Defect period has now finished and currently the contractor is completing any outstanding works. With the current restrictions in place with the Coronavirus pandemic, this has impacted on the completion of some aspects of this work, but DCC and the contractor are progressing the works where possible to ensure the safety of contractors, staff and pupils during the pandemic.

Work to decommission the old sites has now been completed. Over the coming months the sites will be declared surplus and considered as part of the corporate asset management strategy.

Forecast In Year Expenditure 20/21	£0.812m
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21st Century Schools Programme – Rhyl, Christ the Word School	
Total Budget	£23.558m
Expenditure to date	£22.403m
Estimated remaining spend in 20/21	£ 1.155m
Future Years estimated spend	£ 0.000m
Funding	WG £5.541m; DCC £18.017m
Narrative:	
<p>This scheme is within the Band A proposals for 21st Century Schools Programme.</p> <p>The external areas were handed over to the school on 16th June 2020.</p> <p>Officers continue to work alongside the Contractor and the school to deal with any snagging issues as they arise. Contractors will be working at the school over the summer holidays in order to complete the outstanding snags before the pupils return in September.</p>	
Forecast In Year Expenditure 20/21	£1.422m

Rhyl Queens Market Redevelopment	
Total Budget	£4.963m
Expenditure to date	£4.438m
Estimated remaining spend in 20/21	£0.525m
Future Years estimated spend	£0.000m
Funding	WG £2.811m (Additional £2.5m subject to formal confirmation. DCC Asbestos £0.252m. DCC £1.900m
Narrative:	
<p>The Council completed the acquisition of the former Savoy Hotel and the Queen's Market, Theatre and Hotel in Rhyl on 11th March 2019 after formally accepting a £2.5m grant from the Welsh Government.</p> <p>All existing tenants from the Market Hall have now vacated either to alternative premises or ceased trading, and it is not accessible by the public. All buildings will finish being cleared in the next few weeks. Asbestos has been removed from the Savoy and Queen's Hotel, but a substantial amount of sprayed asbestos has been identified above the Arcade. This will be very time consuming and costly to remove, which the asbestos team are working on options for currently. A number of updates took place during June with Cabinet Briefing, Rhyl MAG, the MP and AM, prior to commencing consultation with the public in August. Aiming to start demolition work on site before the turn of the year. There is currently a gap in the funding required which options being considered with various funders to fill.</p>	
Forecast In Year Expenditure 20/21	£1.072m

Waste Service Remodelling	
Total Budget	£16.430m
Expenditure to date	£2.375m
Estimated remaining spend in 20/21	£0.883m
Future Years estimated spend	£13.172m
Funding	WG £9.345m , DCC £7.085m
<p>Narrative:</p> <p>Work is ongoing in preparation for a change to the household waste collection model. The new service model will see a move to weekly collection of kerbside sorted recyclable material with a 4 weekly collection of residual/non-recyclable waste. Weekly food waste collection will continue as at present and additional services around collection of absorbent hygiene products (AHP), textiles, small electricals and batteries will also be available and will be introduced in the run up to or during the main roll out of the new service.</p> <p>A number of work streams are being taken forward to include:</p> <ul style="list-style-type: none"> • Development of a new single central waste transfer station depot on land adjacent to the Colomendy Industrial Estate in Denbigh. Purchase of the site was completed late March 2020 and Planning for the development was granted at Planning Committee on March 11th with issue of Decision Notice on May 18th following completion of S106 Agreement. Work is ongoing on detailed design with aim to issue a Tender for the works in Autumn 2020 with a site start in early 2021. • Specification of the new fleet required to support the new model is now completed following a number of trials/tests with the aim to undertake a procurement exercise for the new waste collection vehicles required towards the end of 2020 / early 2021 with delivery of the new fleet anticipated in the three months leading up to the planned new service roll out. • An Options Appraisal exercise with key stakeholders and interested parties on the detail of the new recycling container design is now due to be undertaken in Autumn 2020 prior to formal approval of a preferred option, followed by a subsequent tender and delivery schedule in time for roll out associated with proposed service change. A number of mobilisation and communication activities are ongoing to prepare for the service change and include developing the new collection routes; planning for any staffing changes/requirements and ongoing engagement and communication with stakeholders and residents. 	
Forecast In Year Expenditure 20/21	£1.000m

East Rhyl Coastal Defence Scheme	
Total Budget	£27.528m
Expenditure to date	£3.851m
Estimated remaining spend in 20/21	£8.102m
Future Years estimated spend	£15.575m
Funding	WG £23.400m; DCC £4.128m
Narrative:	
<p>This planned coastal defence scheme at East Rhyl will provide an appropriate standard of flood protection for around 1650 properties.</p> <p>Work on site is progressing well and is on time and within budget. The site perimeter fences have been set up and work is underway to construct a haul road on top of the existing promenade, which has been suitably protected. A diversion route for pedestrians and cyclists will be in place for the next 2 years while the promenade is closed. A Public Liaison Officer has been appointed, who will be based at the newly opened site visitor centre.</p>	
Forecast In Year Expenditure 20/21	£11.953m

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Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
22 Sept	1	Final draft Revised Housing & Homelessness Strategy & Action Plan	To seek Cabinet's support and recommendation that Council approve the document	Yes	Councillor Tony Thomas / Angela Loftus
	2	Annual Performance Review	To consider current performance against Corporate Plan priorities 2019-2020	Tbc	Councillor Julian Thompson-Hill / Iolo McGregor
	3	Proposed sale of land formerly part of Lodge Farm in Denbigh	To seek Cabinet's authorisation to the proposed sale.	Yes	Councillor Julian Thompson-Hill / Mair Jones
	4	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Steve Gadd
	5	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
20 Oct	1	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Steve Gadd
	2	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator

Cabinet Forward Work Plan

Meeting		Item (description / title)	Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
24 Nov	1	Corporate Plan Quarter 2 Performance Report	To monitor the Council's progress in delivering the Corporate Plan 2017-22	Tbc	Councillor Julian Thompson-Hill / Iolo McGregor
	2	Denbighshire and Flintshire Joint Archive Project	To approve the proposals and deliver a new building and commit to allocate match funding for the project	Yes	Councillor Tony Thomas / Alan Smith / Helen Vaughan-Evans
	3	North Wales Economic Ambition Board Growth Deal: Governance Agreement for relevant partners	To seek agreement to recommend the Governance Agreement 2 to full Council	Tbc	Councillor Hugh Evans / Graham Boase
	4	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Steve Gadd
	5	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator
15 Dec	1	Contract Procedure Rules	To consider the reviewed contract procedures rules which will require adoption and form part of the council constitution	Tbc	Councillor Julian Thompson-Hill / Lisa Jones / Helen Makin
	2	Finance Report	To update Cabinet on the	Tbc	Councillor Julian Thompson-

Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
			current financial position of the Council		Hill / Steve Gadd
	3	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator

Note for officers – Cabinet Report Deadlines

<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>
<i>September</i>	<i>8 September</i>	<i>October</i>	<i>6 October</i>	<i>November</i>	<i>10 November</i>

Updated 02/07/2020 - KEJ

Cabinet Forward Work Programme.doc

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