



**PLANNING AND PUBLIC PROTECTION SERVICE**

**PROPOSAL**

**Proposed designation of an Additional Licensing scheme for Houses in Multiple Occupation (HMOs) within Rhyl**

**Denbighshire County Council Additional Licensing Scheme (Houses in Multiple Occupation) Scheme 2014**

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## **Proposed designation of an additional licensing scheme for Houses in Multiple Occupation in Rhyl**

### **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 33 HMO properties were 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 1.4 % of this stock are HMO properties (44714 total stock, 624 HMO's stock - source Housing Enforcement database and DMaps). Of the total housing stock the highest of HMO stock are in town of Rhyl (2.85%). The area with the second and third largest of HMO dwellings are Llangollen (2.56%) and Prestatyn (1.56%). (Table 1 & 2)

Of the total known HMO's in Denbighshire the highest concentration of HMO are within Rhyl which equates to 58% of the total HMO stock, with Prestatyn with next highest with 20% of HMO stock and all other Denbighshire towns with less than 22% between them. (Table 2)

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 smaller HMO not covered by the mandatory scheme 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 8<sup>th</sup> 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.

The current Houses in Multiple Occupation (HMO) Additional licensing scheme is due to expire on the 31<sup>st</sup> December 2014. The report outlines proposal to re-designate Additional Licensing scheme within a specified geographical area, the types of HMO to be included in the scheme and the Licensing Standard and Fees applicable to the scheme.

It is one of our aims 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 our goal to ensure 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.

### **Legal requirements**

Section 56 Housing Act 2004 gives power to council 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 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.

## How does Additional Licensing Work?

### Application process and Licensing Conditions

The scheme involved sending out Application Packs consisting of an application form and covering letter. Landlords were given 8 weeks to fully complete the forms and provide all necessary documentation and fee. The licensing procedure would not commence until a full and complete application was received.

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

- It is occupied by only two people
- It is occupied by the owner and their family and one or two lodgers
- 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 part of a guest house or hotel
- The property is in single occupation etc

Once licensed, all properties must have an inspection under the Housing Health and Safety Rating System within 5 years, although Denbighshire County Council Public Protection (Environmental Health) aim to carry out the inspection within 12 months of granting each licence. To date, **100%** of all licensed properties have had a HHSRS inspection within the first 12 months of a licence.

Failure to apply for a licence for a licensable house is an offence liable on summary conviction to a fine not exceeding £20,000 and breaking any of the licence conditions can result in fines of up to £5,000

Additional 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 provide information regarding any unspent convictions
- the proposed manager, if there is one, is a fit and proper person to be the manager
- the management arrangements are satisfactory
- the financial structure for the management are suitable

The licence is subject to conditions relating to its management, use, occupation, content and condition.

- The licence specifies the maximum number of people who may live in the HMO.

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.
- Proof that all electrical appliances and furniture are kept in a safe condition.
- Proof that all smoke alarms 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.

Denbighshire County Council may also apply the following conditions.

- Restrictions or prohibitions on the use of parts of the HMO by occupants.
- A requirement that the condition of the property, its contents, such as furniture and all facilities and amenities, bathroom and toilets, for example, are in good working order.
- A requirement for specified works or repairs to be carried out within a particular timeframe, these will need to be carried out as outlined in your licence
- A requirement that the responsible person attends an approved training course.

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 must also require local connection i.e. be locally based or within one hour travelling distance of the licensed house (unless it can be demonstrated that adequate provisions are in place to deal with urgent repair / management issues)

Imposing these additional standards and conditions not only allows for additional 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.

Since the introduction of these standards, initially as part of the introduction of the Mandatory Scheme back in 2007, these standard Conditions have now been reviewed and updated. See Appendix 2 for the standard Denbighshire County Council HMO Licence Conditions.

## The Current Additional Licensing Scheme

### Scope of scheme

In 2009 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 (Houses in Multiple Occupation) Scheme 2009** which came into force on the 1<sup>st</sup> January 2010 and is due to expire on the 31<sup>st</sup> December 2014. 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 included properties that meet all of the criteria, within either one of the following categories:

3 or more storeys, which is occupied by 3 or more persons who form 2 or more separate households, where at least 1 of the households is not fully self-contained (where there may be sharing of facilities), or

3 or more storeys, which is occupied by 3 or more persons who form 2 or more separate households, which are fully self-contained, but do not meet the 1991 Building Regulations and where less than two-thirds of the self-contained flats are owner occupied.

Much work has been undertaken within the scope of this Additional licensing scheme to licence properties which fell within the scope of this scheme, as of the 31<sup>st</sup> March 2014, just over 4 years into the life of the scheme, 95 HMO have been licensed. Of these HMO 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.

Research carried out in 2009 from data held by the Housing Enforcement service resulted in the additional licensing designation being introduced to cover properties of 3 or more storeys occupied by 3 more persons forming 2 or more households. The research revealed that the majority of private rented two storey properties were occupied by single households across the authority. The evidence available at the time did not support the need for Additional Licensing of two storey properties.

The research revealed a significant number of 3 storeys buildings of which more than half consisted of self-contained flats and which were not covered by Housing Act 2004 Mandatory Licensing Scheme. It is these properties which could be identified in the Housing Act as poorly converted dwellings and therefore came under the definition of section 257 HMOs' and consequently could be subject to Additional Licensing. Poorly converted properties are those that have not been converted in accordance with Building Regulations 1991. Of these 3 storeys properties known to the authority almost two thirds were located in Rhyl, with Prestatyn, St Aspah, Llangollen, Ruthin and Dyserth making up the remaining third.

The estimated number of 3 storey dwellings in Rhyl potentially requiring Additional Licensing was in the region of 325. Since the first Designation, 25 three storey dwellings have been demolished under the West Rhyl Housing Improvement Programme. This gave a total of 300 HMOs which potentially required licensing. Not all properties would have been subject to licensing as exemptions exist for example properties converted under Building Regulation after 1991, single occupation use, social housing stock etc

The table below shows the number of application packs sent out over the last 4 years and the number of licenses, exempt properties and properties held with Denbighshire County Council's Planning section for further investigation.

	<b>Total</b>
<b>Additional Licensing forms sent out</b>	<b>255</b>
<b>Applications deal with</b>	<b>100%</b>
<b>Licenses Issued</b>	<b>95</b>
<b>Properties Exempt</b>	<b>154</b>
<b>Properties Currently Held with Planning</b>	<b>36</b>

In order to establish the use of the property and to ensure the correct legislative route was being taken, in October 2012, 116 HMO property addresses were sent to the Council's Planning Section for their attention. The properties were only licensed once a decision was given as to their use. To date, 36 properties are currently being held and are awaiting a decision.

### **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 and failure in Management to the lack of amenities and lack of or inadequate fire detection. HHSRS assessments are completed following a property being licensed, multi-agency inspection or a programmed HMO inspection.



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 (the potential effect of conditions) the form of construction and the type and age of a dwelling do not affect the assessment.

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 1224** hazards have been identified within properties in the private housing sector.

Of the total high risk hazards (Category 1) identified **60% (262)** were from HMO properties with the remaining **40% (175)** from single occupied properties.

Of the Category 2 hazard identified **56% were from HMO** properties which equates to 439 identified hazards, the remaining 348 hazards were from single occupied properties.

Of all the Hazards identified (cat 1 & 2) 701 were from HMO properties with 523 from single occupied properties, this equates to **57% within HMO properties**.

According to Denbighshire County Council statistics the five wards in Rhyl have a total housing stock of 12676 of which 361 have been identified as HMOs from Housing Enforcement data. **(Table 2)**

Since January 2010, 1071 housing related service request have been received, 770 of these complaints were from Rhyl equating to 72% of all complaints, second highest was Prestatyn with 122 complaints which only equating to 11% . **(Table 3)**

Out of the 770 complaints in Rhyl, 406 of these were related to HMOs, this equates to over half (53%) of all Rhyl complaints despite HMOs only representing 2.85% of the total housing stock in Rhyl. **(Table 1 & 3)**

**Table 4** illustrates the type of HMO relate complaints received over the last 4 years, in the main they relate to general issues affecting the whole property rather than individual items.

**From the above it is evident that a disproportionate number of complaints are from HMOs.**

### **Enforcement Action**

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

- **Verbal advice and letters** advising of the hazard and what remedial action is required
- **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)

Since January 2010, 594 types of enforcement action were taken across the county. A total of 455 were taken in Rhyl, of this 312 enforcement actions were served on HMOs. Of the enforcement action taken on HMO's 200 actions related to Licensed HMO's. During 2012, 67% of all enforcement action was taken within licensed HMO's. There has been 100% compliance in relation to all the action taken. **(Table 5 & 6)**

The results of enforcement action taken have resulted in the removal of Category 1 and Category 2 Hazards. See **Table 7 & 8**.

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.

Since the implementation of the Additional Licensing Scheme in January 2010, the Authority have made **2** Interim Management Orders, each lasting a period of 12 months. Denbighshire County Council was the second only Council in Wales to have served an IMO. Only a handful of English Authorities have served IMO's.

One IMO was made due to the proposed licence holder not being a fit and proper person and the second was due to the failure to provide a complete application form (property could therefore not be licensed)

Both these properties have subsequently been handed back to the relevant persons.

### **Fire Related Complaints and Incidents in Denbighshire**

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

Since the start of the Additional Licensing scheme in January 2010, data from the Council's database system shows that 48 out of 54 fire related request for service or fire related incidents, were from Rhyl which equates to 89% **(Table 9 & graph)**

From evidence provided by North Wales Fire & Rescue Service relating to reported fires in dwellings during the period 2009 to 2013, there were 87 reported fires in dwelling throughout Denbighshire, 59 related to reports of fire from the town of Rhyl, which is logical when this in Denbighshire largest town. The Fire Service data has been cross referencing against the Council's HMO database and it was identified that of the 59 incidents in Rhyl, 46 related to HMO, which accounts for a staggering 78% of all reported dwelling fires in Rhyl and 60% of all countywide reported fires. **(Table 10)**

### **Landlord Engagement and Training**

As part of the Additional Licensing Scheme, the Council was keen to promote high standards of management and encourage good well intentioned landlords through the **All Wales Accreditation Scheme** and the **Landlords Forum**

The Landlord Accreditation Wales scheme applies to individual landlords in Wales as well as agents and companies. To become accredited, landlords must attend a training course. The course covers landlords legal rights, responsibilities and obligations regarding the maintenance and management of their properties as well as their tenants' rights. There is an expectation for landlords to develop their knowledge and understanding by means of regular continued training.

In addition to the Landlord Accreditation Scheme the Council established a private Landlords Forum back in 2002. This forum is held twice a year and provides an opportunity for regular legislative updates, training events and networking opportunities for landlords, agents, managers and relevant partners. The forum is also used as a formal means of consolation on council policy and strategies.

The licence holder is required to provide a record of training attendances when applying for renewal of a licence. Attendance at the Landlord's Forum is taken into account when assessing the level of training completed over a licence period.

Denbighshire currently has **109 accredited members** of the All Wales Accreditation Scheme. Out of 22 Welsh Councils, Denbighshire County Council are listed 8<sup>th</sup> in Accreditation Statistics. There are 1131 Accredited Landlords throughout Wales, with DCC making up 10% of this number. **Of the accredited members almost 60% own or manage HMOs in Rhyl**

The Landlord Forum currently has a mailing list of 320 landlords, managing agents etc all of whom receive Bi annual Housing Update Newsletter produced by the Authority. In the early days of the Forum attendance was around 20 landlords, however since the implementation of the Additional Licensing Scheme there has been a steady increase in attendance which are illustrated in **Table 11**

### **Pollution related complaints in Rhyl and other towns**

Public Protection also deal with pollution related service request and complaint which relate to the follow type of issues: drainage, filthy and verminous, domestic noise, accumulation/rubbish nuisance, fumes or gases nuisance, nuisance premises and odour.

**Tables 12 & 13** show that the majority of Pollution related complaints were received from the towns Rhyl (2005-2009 – 44% , 2010 -2014 – 46%) and Prestatyn both pre and post Additional licensing scheme. The highest types of Pollution complaints related to domestic noise nuisance, with 341 incidents in Rhyl during 2005-2009 and 243 during 2010-2014

### **Police Related Statistics**

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 11,510 ASB incidents in Denbighshire from the 1<sup>st</sup> April 2011 until the 28<sup>th</sup> August 2013, with the majority being made up of ASB Nuisance namely 59.5%. **(Table 14)**

From the 15 wards within Denbighshire, the majority of the incidents have occurred in Rhyl, specifically Rhyl West. **(Table 15)**

Between the dates 1<sup>st</sup> April 2011 – 28<sup>th</sup> August 2013, Rhyl as a whole had 5912 ASB incidents, making up 51.4% of all incidents in Denbighshire. **(Table 15)**

Rhyl West specifically consisted of 3467 ASB incidents, making up 30% of all ASB incidents in Denbighshire. **(Table 15)**

It is clear that between the dates of 1<sup>ST</sup> April 2011 – 31<sup>ST</sup> March 2012 and 1<sup>st</sup> April 2012 – 31<sup>st</sup> March 2013, the ASB incidents have decreased in total from 4987 to 4468. This is a decrease of 10%. 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 2458 to 2153. This was a decrease of 12.4%.

## **Proposal for Re-designation of Additional Licensing**

### **Area to be covered**

From the evidence outlined in this report it is not necessary to ensure all HMOs in Denbighshire are "captured" by "Additional Licensing" and so a set of criteria for the type of HMOs and the locality to be covered by "Additional Licensing" is required. It is to focus resources in an area where there is a high concentration of problematic HMO properties.

It is proposed that Additional Licensing should be re-designated and should cover the town of Rhyl. From the evidence presented in this reports there is currently do clear evidence to support the designation of Additional Licensing across a wider area of the county.

### **Which properties require licensing?**

It is proposed that the new Additional Scheme should include all types of HMO. It is recommended that the scheme will include properties that meet all of the criteria within either one of the following two categories:

- a) 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
- b) HMO properties which are defined within the scope of Section 257 of the Housing Act 2004; 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 Act to be subject to Additional Licensing.

All landlords who own a property that fall under either one of the above criteria and located within the town of Rhyl 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**, which details a summary of the amendments to the Conditions

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. We further propose to provide additional incentives and discounts to good compliance and managements, fully details of these are outlined in **Appendix 3**

### **Benefits of Additional Licensing**

As outlined in this report the Council receive numerous complaints relation to physical 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 Rhyl would greatly increase the Council's ability to continue with all the work which has already been done to regulate these types of properties

Additional licensing would allow the Council to specify the maximum number of persons who can occupy the houses and attach conditions relating to the managements. Much work has already been done in this area to regulate the occupancy levels within the licensed HMO's.

All licensed HMO have been inspected in accordance with the HHSRS standards and against the Licensing Conditions. It must be said that much work has been undertaken by Denbighshire's landlords over the last 4 years to improve the quality of the accommodation available for rent. With the re-designation this would allow the Council to continue with this work to license the remaining HMO properties which are currently not licensed, and work with those landlords to improve the standards within these properties.

The Welsh Government National Statistics for Wales First Release report dated 10<sup>th</sup> April 2014 gives the annual statistical release for Dwelling Stock Estimates for Wales 2012 – 2013. This report presents an estimate of the number of dwellings in Wales by tenure and for each Local Authority as at 31<sup>st</sup> March 2013.

The number of homes rented from private landlords has increased significantly in Denbighshire. This sector represents 15.9% of all housing (Census 2011). A more proactive approach to working with private landlords and empty home owners is required.

Due to the disproportionate levels of HMO properties with the town of Rhyl and the general national increase in private rented stock, we need to ensure that no further HMO properties are created within the town which are substandard. Work is already

underway to work with the other sections and services in the Council to ensure that HMO properties have the correct permission in place to operate as HMO properties.

The provision of ensuring good quality housing is a corporate priority with the effective and efficient management of the our private rented sector specifically HMO properties being key to ensuring this objective is achieved for tenants, residents and landlords. (2012-2017 Corporate Priority Number 6 “Ensuring Access to Good Quality Housing”).

Controlling HMO also contributes towards the Council’s priority to “developing the local economy” by supporting a better and flourishing private rented sector, provide work for the building industry, provide good quality accommodation for seasonal workers.

That 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.

In the West Rhyl Regeneration Area we are trying to create an attractive neighbourhood where working people will want to live, and to create a balanced housing market which is not dominated by one type of housing or by one type of tenure. Much work has been undertaken to deal with numerous problematic HMO properties, however the remaining HMO need to be well regulated to support the Regeneration of the area.

The additional Licensing Scheme is consistent with the Council’s draft 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.

As outlined above engagement with private landlord has improved significantly over the lifetime of the current Additional Licence, with more landlords becoming accredited year on year and the increase in attendance to the Landlord Forum.

Over the past decade there have been several changes to legislation relating to Housing such as the introduction of the Housing Act 2004. A recent change however, is the introduction of the Housing (Wales) Bill. This Bill was introduced on 18 November 2013 by the Minister for Housing and Regeneration and is due to receive Royal Assent this autumn

This Bill will sit alongside a wide range of other scheme and initiatives and will work in conjunction with the Additional Licensing scheme. These new measures include:

- improved standards and management in the private rented sector by the introduction of a mandatory registration and licensing scheme.

- reduced levels of homelessness by placing its prevention at the centre of local authority duties to help people at risk.
- fewer long term empty properties by encouraging owners to sell or rent them – thereby helping to increase housing supply

## **Conclusion**

In proposing the re-designation of Additional Licensing to cover all type of HMO within the town of Rhyl, the Council aims to:

- **Engage with landlords to assist them with improving their management arrangements and improving general standards**
- **Reduce the risk of fire and other hazards in all types of HMO's and improve standards of HMO's relating to amenities and repair**
- **Ensure our HMO properties and run by fit and proper people**
- **Support inexperienced landlords and make all landlords/agents more accountable for the behaviour of their tenants and tackle anti-social behaviour.**
- **Create a fairer and more equitable situation where landlords of all HMO's invest in better standards.**
- **Improve the quality of housing to benefit both the tenants and the wider community**

## **Consultation**

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

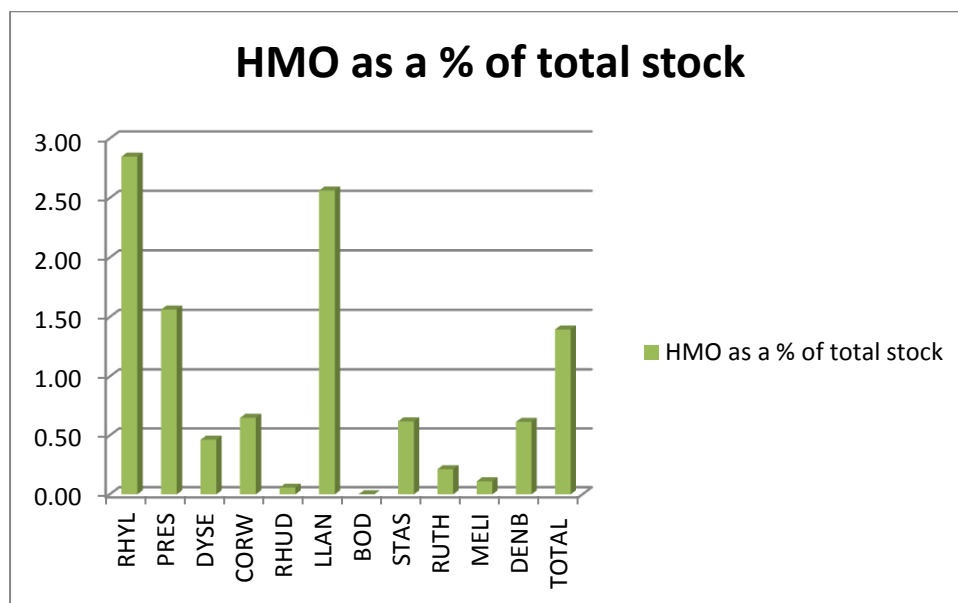
Public Protection  
Russell House  
Churton Road  
Rhyl  
LL18 3DP

Or e-mail: [housing.enforcement @denbighshire.gov.uk](mailto:housing.enforcement@denbighshire.gov.uk)



## Statistics & Tables

**Table 1 – Showing the Stock HMO in % within Denbighshire**



The above table clearly shows that the majority of DCC's HMO stock are in Rhyl (2.85%). The area with the second and third largest of HMO dwellings are Llangollen (2.56%) and Prestatyn (1.56%)

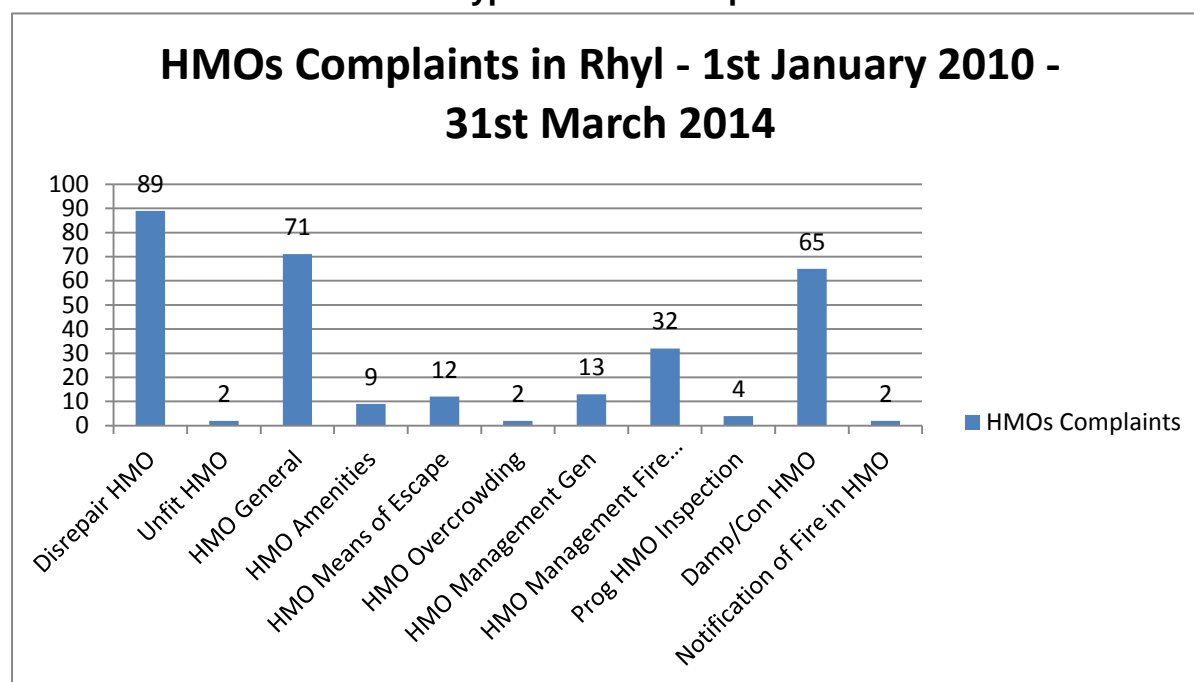
**Table 2 – Stock Total and HMO per Town / Area**

Number of HMO's	stock total	HMO as a % of total stock	
RHYL	361	12676	<b>2.85</b>
PRES	125	8001	<b>1.56</b>
DYSE	5	1079	<b>0.46</b>
CORW	11	1695	<b>0.65</b>
RHUD	1	1769	<b>0.06</b>
LLAN	53	2068	<b>2.56</b>
BOD	0	1051	<b>0.00</b>
STAS	14	2261	<b>0.62</b>
RUTH	15	7025	<b>0.21</b>
MELI	1	905	<b>0.11</b>
DENB	38	6184	<b>0.61</b>
TOTAL	624	44714	<b>1.40</b>

**Table 3 - All types of complaints received by all towns in Denbighshire County Council**

**Disrepair Categories v Towns**

	Bod	Corw	Denb	Dyse	Llan	Meli	Pres	Rhud	Rhut	Rhyl	St Aspah
CH50 - Disrepair Priv Rentd	4	6	18	12	8	4	65	9	20	266	9
CH51 - Disrepair HMO	0	0	2	1	0	0	2	0	1	89	1
CH52 - Disrepair Owner Occup	0	1	0	0	0	0	1	0	0	3	0
CH53 - Disrepair Hous Assoc	1	0	2	0	0	0	3	0	0	8	0
CH54 - Disrepair Council	0	0	0	0	0	0	1	0	0	1	0
CH55 - Unfit Priv Rentd	0	0	0	0	0	0	0	0	0	1	0
CH56 - Unfit HMO	0	0	0	0	0	0	0	0	0	2	0
CH57 - Unfit Owner Occup	0	0	0	0	1	0	1	0	0	1	0
CH60 - HMO General	0	0	0	0	1	0	0	0	2	71	0
CH61 - HMO Amenities	0	0	0	0	0	0	0	0	0	9	0
CH62 - HMO Means of Escape	0	0	2	1	0	0	0	0	0	12	0
CH63 - HMO Overcrowding	0	0	0	0	0	0	1	0	0	2	0
CH67 - Damp/Con Priv Rentd	0	0	8	3	1	0	15	2	1	59	1
CH64 - HMO Management Gen	0	0	0	0	0	0	0	0	0	13	0
CH65 - HMO Management Fire Prec	0	0	1	0	0	0	0	0	0	32	0
CH66 - Prog HMO Inspection	0	0	2	0	0	0	1	0	2	4	0
CH68 - Damp/Con HMO	0	0	1	0	1	0	0	0	0	65	1
CH69 - Damp/Con Owner/Occup	0	1	2	0	0	0	0	0	0	1	0
CH71 - Damp/Con Hous Assoc	0	0	0	0	0	1	0	0	0	3	0
CH72 - Insecure Premises	0	2	8	0	0	1	11	1	0	29	1
CH73 - Nuisance Premises	0	1	0	0	0	1	0	0	0	2	0
CH74 - Unlawful Eviction	0	0	0	0	0	0	2	0	0	13	0
CH75 - Eviction/Harrass	0	0	1	0	0	0	0	0	1	13	0
CH76 - Enquiry Eviction/Harass	0	0	0	0	0	0	3	0	0	8	0
CH77 - Immigration Inspection	0	0	0	2	0	0	2	0	0	2	0
CH78 - Gas Safety	0	0	0	0	0	0	2	0	0	5	0
CH80 - Electric Disconnection	0	0	0	0	0	0	0	0	0	2	0
CH82 - General Enquiry	1	2	9	5	2	0	11	0	1	42	0
CH84 - Party Wall Enquiry	0	2	1	0	0	0	1	0	0	6	0
CH85 - Notification of Fire in HMO	0	0	0	0	0	0	0	0	1	2	0
CH88 - Anti-Social Behaviour	1	0	0	0	0	0	0	0	0	2	0
CH91 - Fire Safety	0	0	0	0	0	0	0	1	0	2	0
<b>Total</b>	<b>7</b>	<b>15</b>	<b>57</b>	<b>24</b>	<b>14</b>	<b>7</b>	<b>122</b>	<b>13</b>	<b>29</b>	<b>770</b>	<b>13</b>

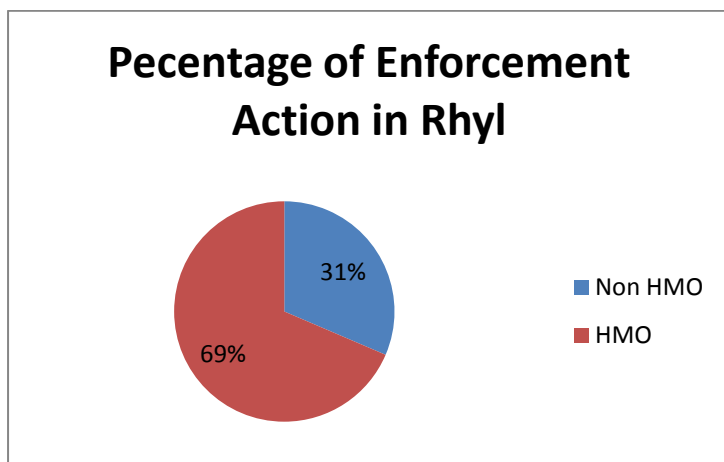
**Table 4 – Breakdown of the type of HMO Complaints****Table 5 - Enforcement action (all properties) which has been taken by the Housing Enforcement Team since 2010 to 31<sup>st</sup> March 2014:**

	Calendar Years					Total
	2014	2013	2012	2011	2010	
Improvement Notices	33 (2)	36 (16)	31(2)	53 (13)	69 (1)	222(34)
Prohibition Orders	0	1(1)	0	0	3	4 (1)
Hazard Awareness Notices	59 (8)	93(26)	56 (41)	6	17	231 (75)
Licensing Conditions	(8)	(34)	(46)	0	0	(88)
IMO	0	0	1	1	0	2 (2)
Other Actions *	2	15	8	9	13	47
<b>Total Action**</b>	102 (17)	181 (77)	140 (94)	69 (13)	102 (1)	594 (200)
<b>% Enforcement action taken on Licensed HMO's</b>	17%	43%	67%	19%	1%	
<b>% Action Completed</b>	73%	94%	100%	31% ** 9 Improvement Notices are still subject to Appeal	100%	

\*includes abatement, securing premises etc

**Figures in brackets relate to licensed HMOs**

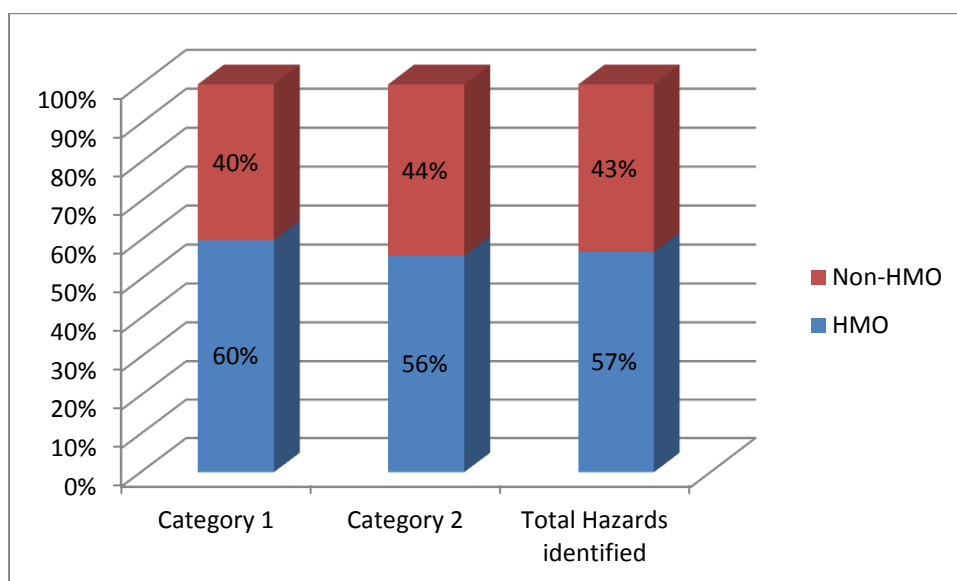
**Table 6 - The total number of enforcement action in Rhyl over the last 4 years is 455, of this 312 enforcement actions were served on HMOs. The graph below illustrates this figure in %**



**Table 7 – Housing Health & Safety Rating Scheme identified hazards**

	<b>HMO</b>	<b>Non-HMO</b>
Category 1	262 (60%)	175 (40%)
Category 2	439 (56%)	348 (44%)
<b>Total Hazards identified</b>	<b>701 (57%)</b>	<b>523 (43%)</b>

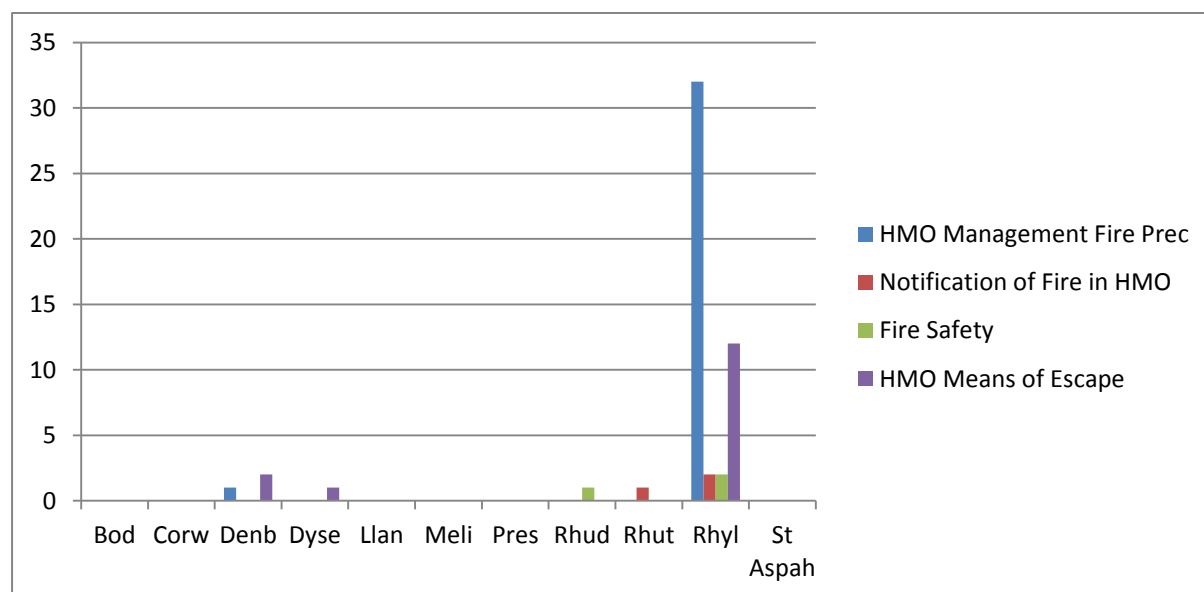
**Table 8 – Total Hazards Identified from 2010 to 2014**



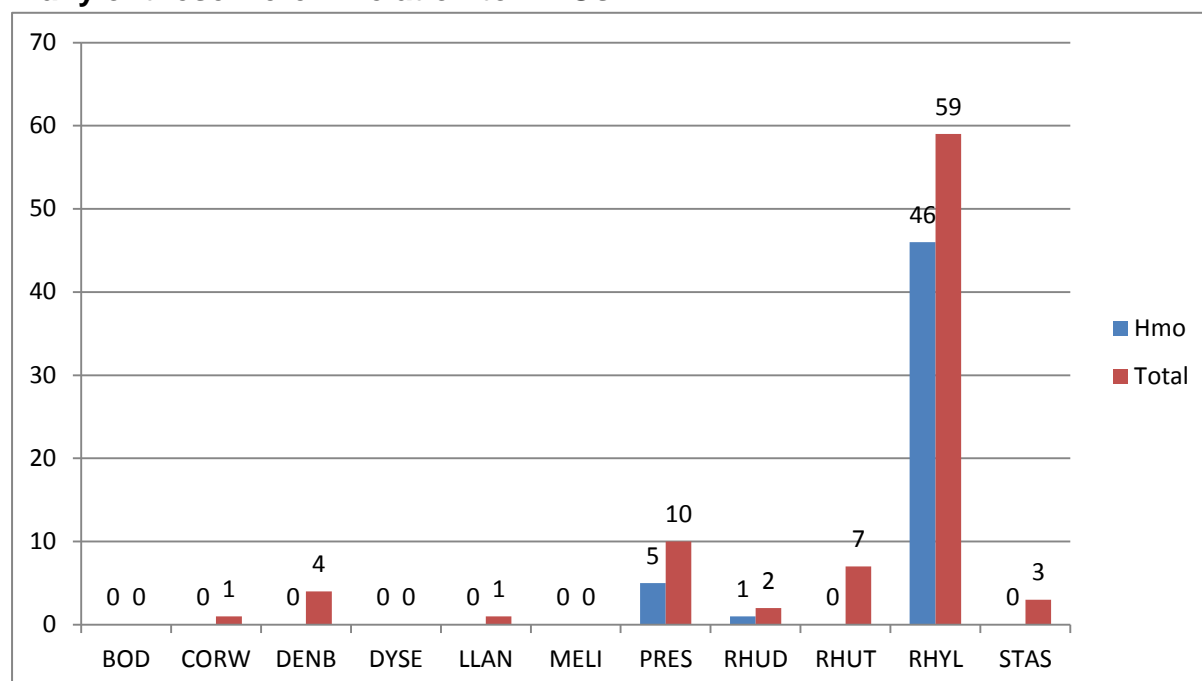
\*Excludes Suspended Improvement Notices

**Table 9 & Graph Statistics from the Council's database system showing fire related incidents in HMOs countywide from 1<sup>st</sup> January 2010 to 31<sup>st</sup> March 2014.**

	Bod	Corw	Denb	Dyse	Llan	Meli	Pres	Rhud	Rhut	Rhyl	St Aspah
HMO Management Fire Prec	0	0	1	0	0	0	0	0	0	32	0
Notification of Fire in HMO	0	0	0	0	0	0	0	0	1	2	0
Fire Safety	0	0	0	0	0	0	0	1	0	2	0
HMO Means of Escape	0	0	2	1	0	0	0	0	0	12	0
<b>Total</b>	0	0	3	1	0	0	0	1	1	48	0



**Table 10 - North Wales Fire & Rescue Service Fire Incidents 2009 – 2013 how many of these were in relation to HMOs**

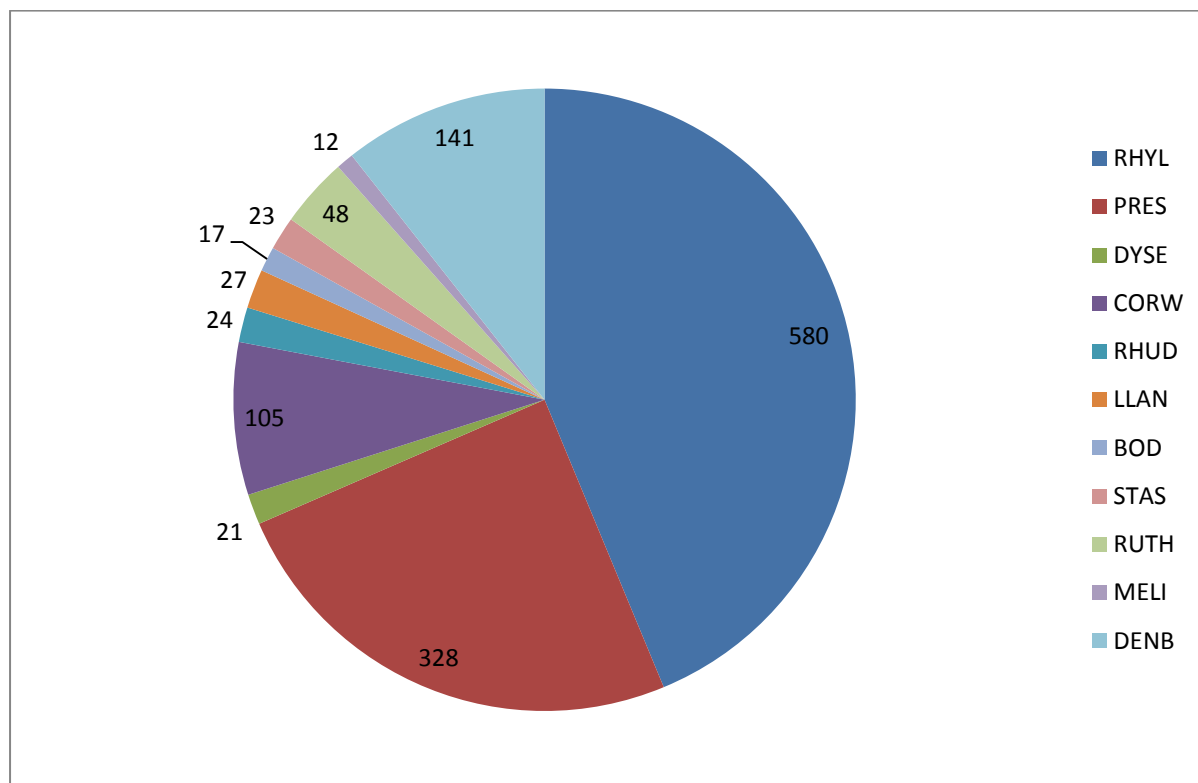


**Table 11** Below shows the number of Landlords who have attended the forums in the past 4 years. This shows a steady increase since the implementation of the Additional Licensing Scheme

	2010-2011	2011-2012	2012-2013	2013-2014	2014 (first quarter)*
<b>Number of Landlords attending landlords forum</b>	34	35	43	64	54

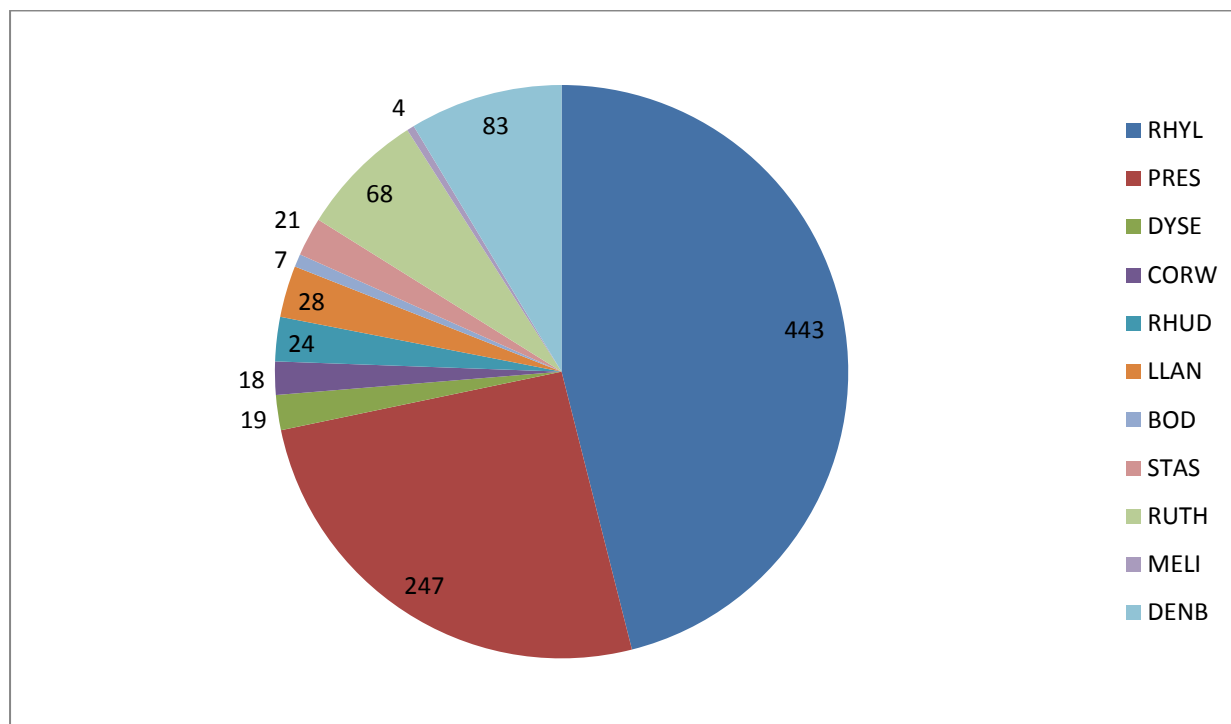
\*Landlords Forums are held twice yearly

**Table 12 - Number of pollution related complaints covering ALL wards / towns received by Public Protection during 2005 -2009**



	Drainage	Filthy and Verminous	Noise domestic	Nuisance - Accumulations/Rubbish	Nuisance - Fumes or Gases	Nuisance - premises	Odour - Other	total
<b>2005-2009</b>								
RHYL	159	13	341	15	15	9	28	580
PRES	122	5	159	4	12	8	18	328
DYSE	12	0	8	1	0	0	0	21
CORW	15	1	66	3	6	7	7	105
RHUD	9	0	13	0	0	1	1	24
LLAN	10	0	15	0	2	0	0	27
BOD	8	0	8	0	0	1	0	17
STAS	4	0	12	0	3	0	4	23
RUTH	16	1	27	0	3	0	1	48
MELI	1	3	6	0	1	1	0	12
DENB	51	1	66	3	6	7	7	141
							Total	1326

**Table 13 - Number of pollution related complaints covering ALL wards / towns received by Public Protection during January 2010 – 31<sup>st</sup> March 2014**



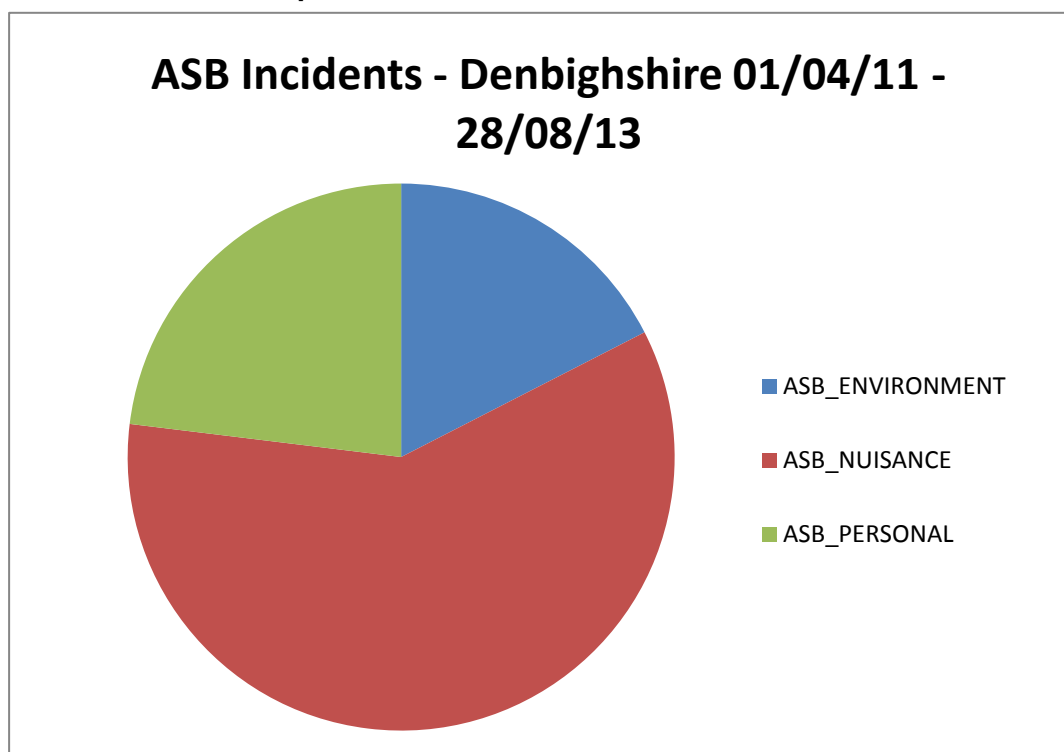
<b>2010-2014</b>	Drainage	Filthy and Verminous	Noise domestic	Nuisance - Accumulations/Rubbish	Nuisance - Fumes or Gases	Nuisance - premises	Odour - Other	total
RHYL	65	12	243	79	6	8	30	443
PRES	61	7	128	31	3	4	13	247
DYSE	6	2	7	3	1	0	0	19
CORW	4	0	7	3	1	1	2	18
RHUD	3	0	10	8	1	0	2	24
LLAN	6	0	13	2	2	0	5	28
BOD	5	1	1	0	0	0	0	7
STAS	7	0	5	5	0	2	2	21
RUTH	18	2	35	6	1	2	4	68
MELI	0	0	1	2	0	0	1	4
DENB	9	1	46	11	2	3	11	83
							Total	962



**Table 14 – Police data showing number of Anti Social Behaviour Incident 1<sup>st</sup> April 2011 until the 28<sup>th</sup> August 2013**

Incident Description	Total
ASB_ENVIRONMENT	2010
ASB_NUISANCE	6845
ASB_PERSONAL	2655
<b>Grand Total</b>	<b>11510</b>

**Graphical breakdown of incidents from Table 14 above**



**Table 15 - Police data showing number of Anti Social Behaviour Incident 1<sup>st</sup> April 2011 until the 28<sup>th</sup> August 2013 per**

Ward Name	2011/2012	2012/2013
Llanbedr Dyffryn Clwyd/Llangynhafal	4	4
Llandrillo	13	10
Trefnant	13	22
Llanrhaeadr-Yng-Nghinmeirch	19	23
Efenechtyd	20	30
Llandyrnog	31	26
Llanfair Dyffryn Clwyd/Gwyddelwern	25	30
Tremeirchion	46	29
Llanarmon-yn-Ial/Llandegla	37	39
St. Asaph East	48	45
Corwen	65	73
St. Asaph West	83	49
Dyserth	76	55
Prestatyn Meliden	91	72
Prestatyn South West	104	91
Bodelwyddan	104	97
Rhuddlan	123	93
Denbigh Lower	107	115
Rhyl South	134	110
Prestatyn Central	149	152
Denbigh Central	162	186
Prestatyn North	177	173
Denbigh Upper/Henllan	196	193
Ruthin	226	180
Prestatyn East	227	204
Llangollen	249	214
Rhyl East	239	224
Rhyl South East	258	283
Rhyl South West	424	308
Rhyl West	1537	1338
<b>Grand Total</b>	<b>4987</b>	<b>4468</b>

KEY	
	Increase in ASB
	Decrease in ASB