



## **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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## **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 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. This Scheme was for a 5 year period and expired on 31<sup>st</sup> December 2014.

On 16<sup>th</sup> 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 31<sup>st</sup> April 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 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 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 1<sup>st</sup> April 2015 and is due to expire on the 31<sup>st</sup> 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 31<sup>st</sup> 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 1<sup>st</sup> April 2016 until the 31<sup>st</sup> 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 1<sup>st</sup> April 2016 until the 31<sup>st</sup> 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 1<sup>st</sup> April 2016 until the 31<sup>st</sup> 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 1<sup>st</sup> April 2016 until the 31<sup>st</sup> August 2019
- 2) **Denbigh - 713 incidents** between the dates 1<sup>st</sup> April 2016 until the 31<sup>st</sup> August 2019
- 3) **Llangollen – 319 incidents** between the dates 1<sup>st</sup> April 2016 until the 31<sup>st</sup> 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.

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

### **Welsh Index of Multiple Deprivation 2019 (WIMD)**

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.

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:

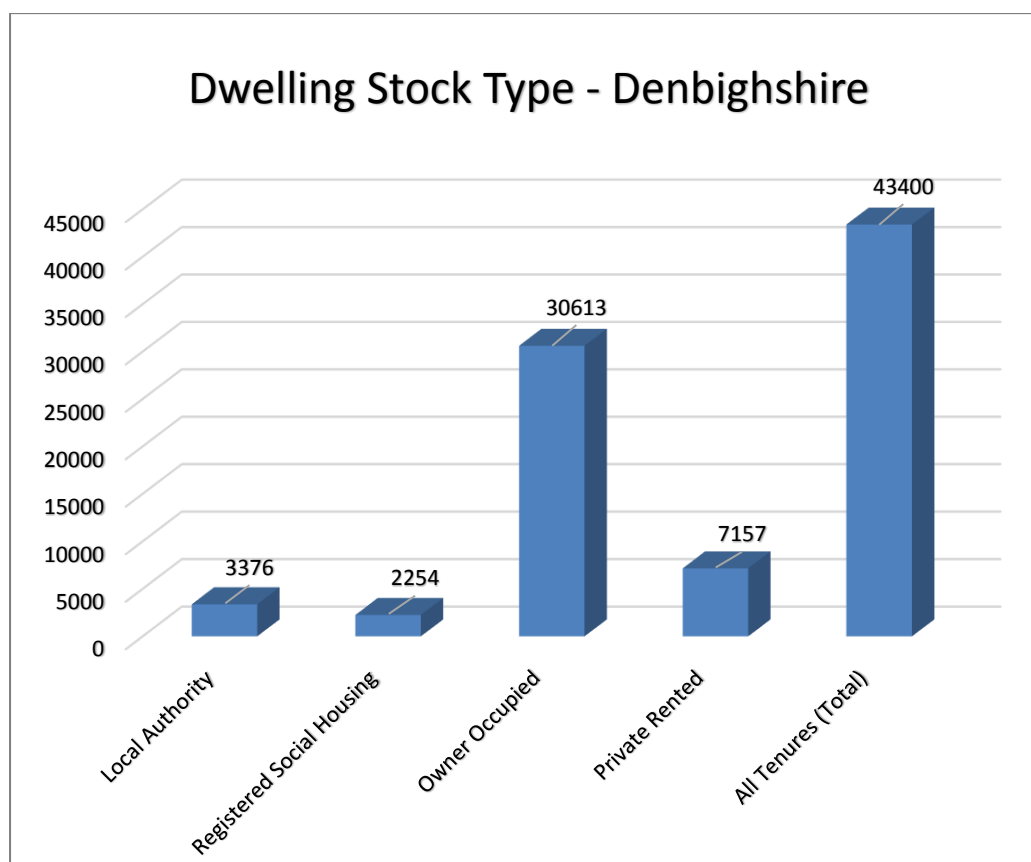
- **Engage with landlords to assist them with improving their management arrangements and improving general standards**

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](mailto: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**

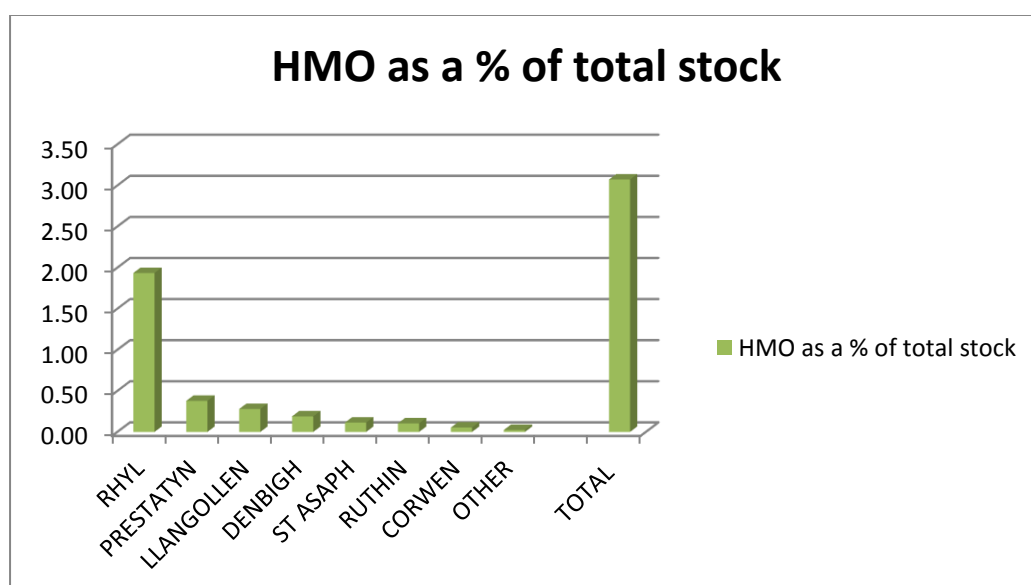


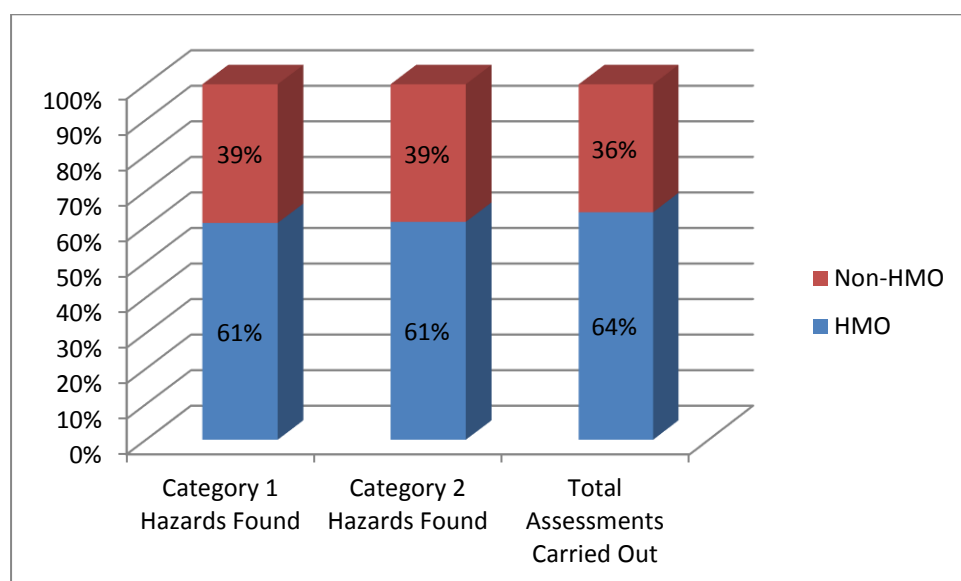
Table 2 clearly shows that the majority of DCC's HMO stock are in Rhyl (1.9%). The area with the second and third largest of HMO dwellings are Prestatyn (0.37%), Llangollen (0.28%) and the fourth largest is Denbigh (0.19%)



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

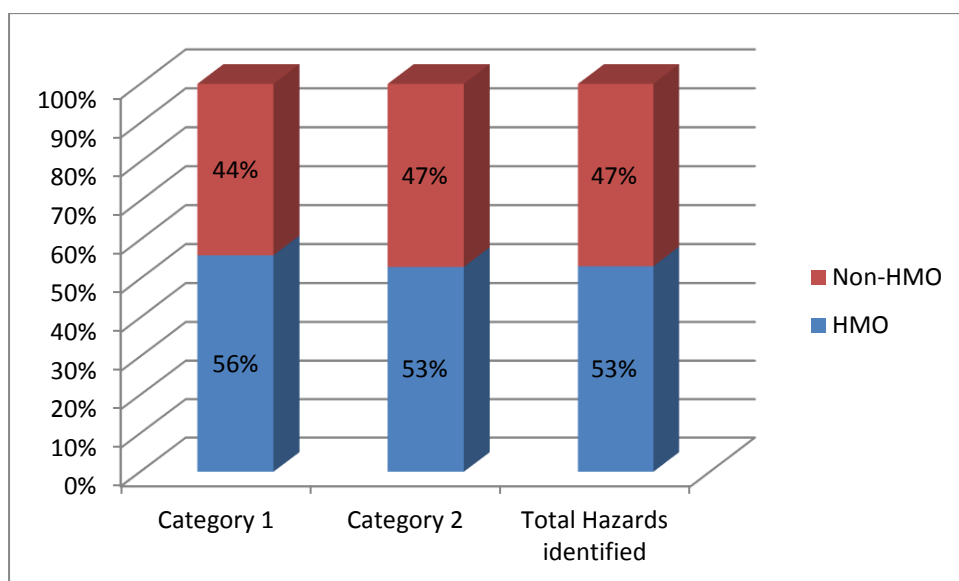
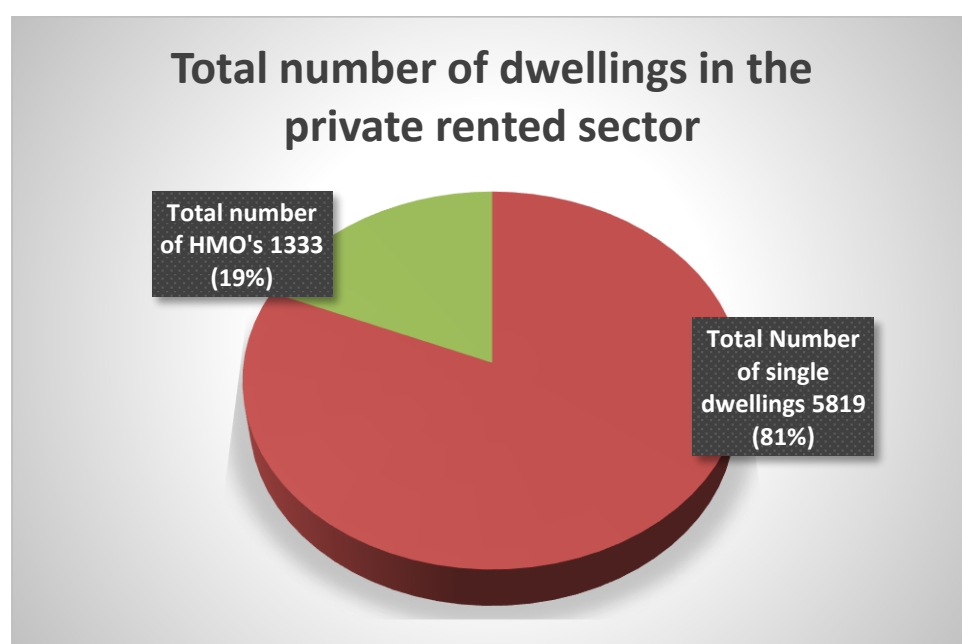
	<b>HMO</b>	<b>Non-HMO</b>
<b>Total Number of Assessments Carried out</b>	<b>1004 (64%)</b>	<b>563 (36%)</b>
Contained Category 1 Hazards	406 (61%)	261 (39%)
Contained Category 2 Hazards	778 (61%)	491 (39%)
<b>Total No of Properties Where Cat 1 &amp; Cat 2 Hazards identified</b>	<b>1184 (61%)</b>	<b>752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

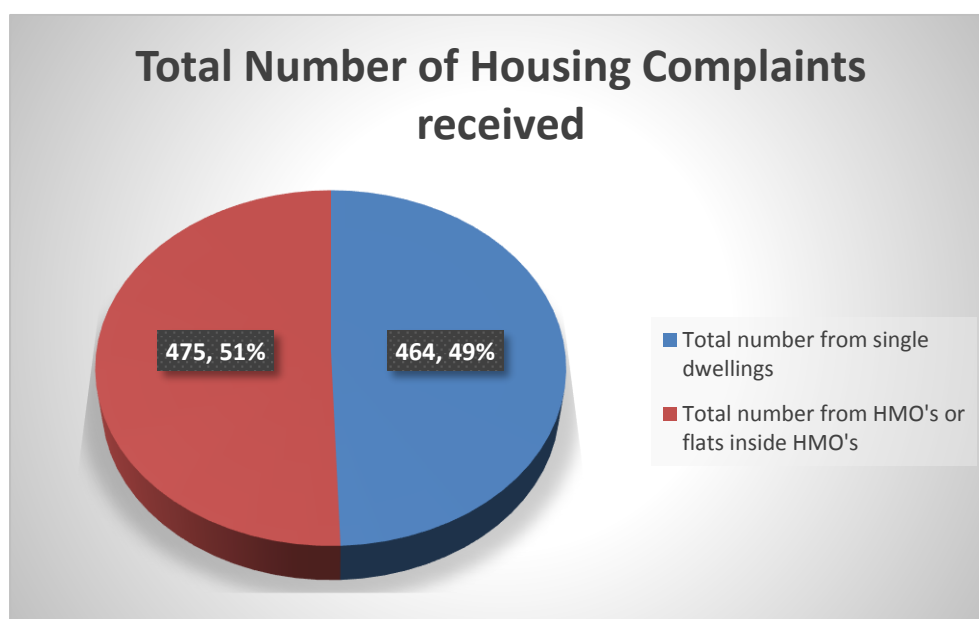
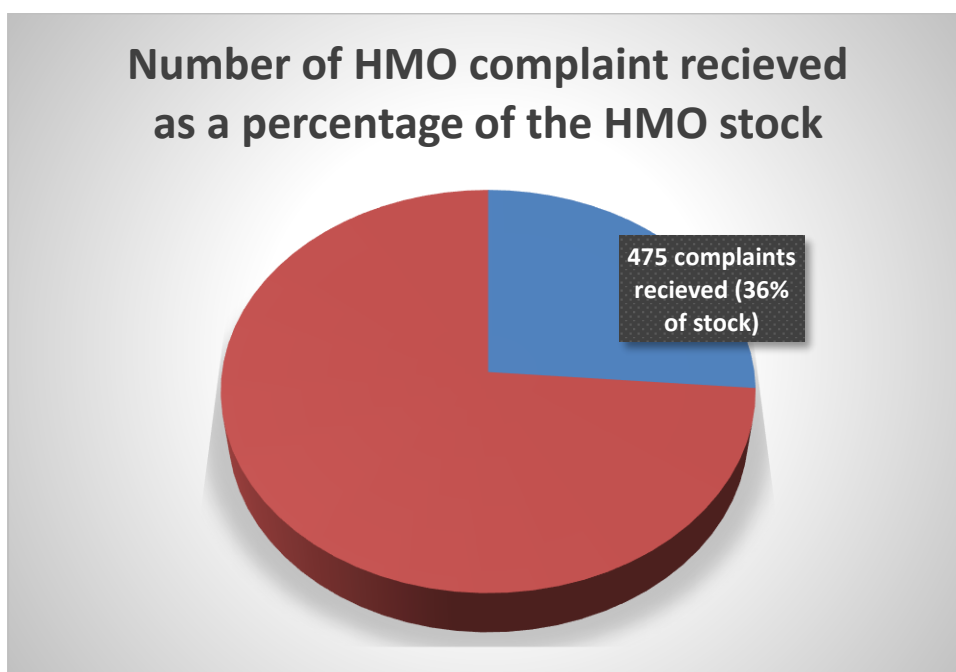
**Table 4 – Number of Housing Health & Safety Rating Scheme Assessments Carried Out Where Hazards Found (2015 to 2019)**



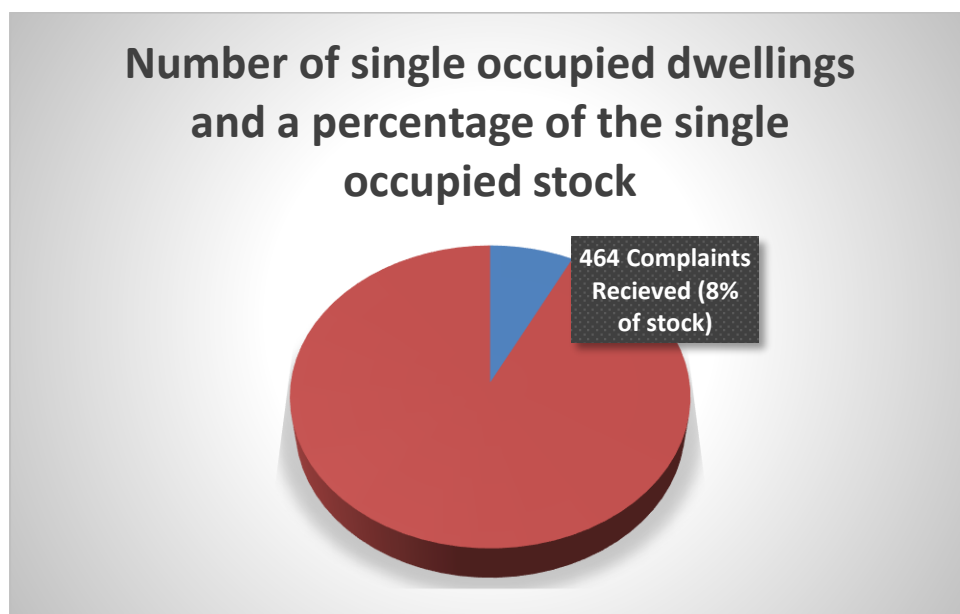
**Table 5 – Housing Health & Safety Rating Scheme identified hazards**

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

**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					
	2015/16	2016/17	2017/18	2018/19	April - Nov19	Total
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
<b>Total Action</b>	<b>280</b>	<b>279</b>	<b>393</b>	<b>232</b>	<b>148</b>	<b>1483</b>
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

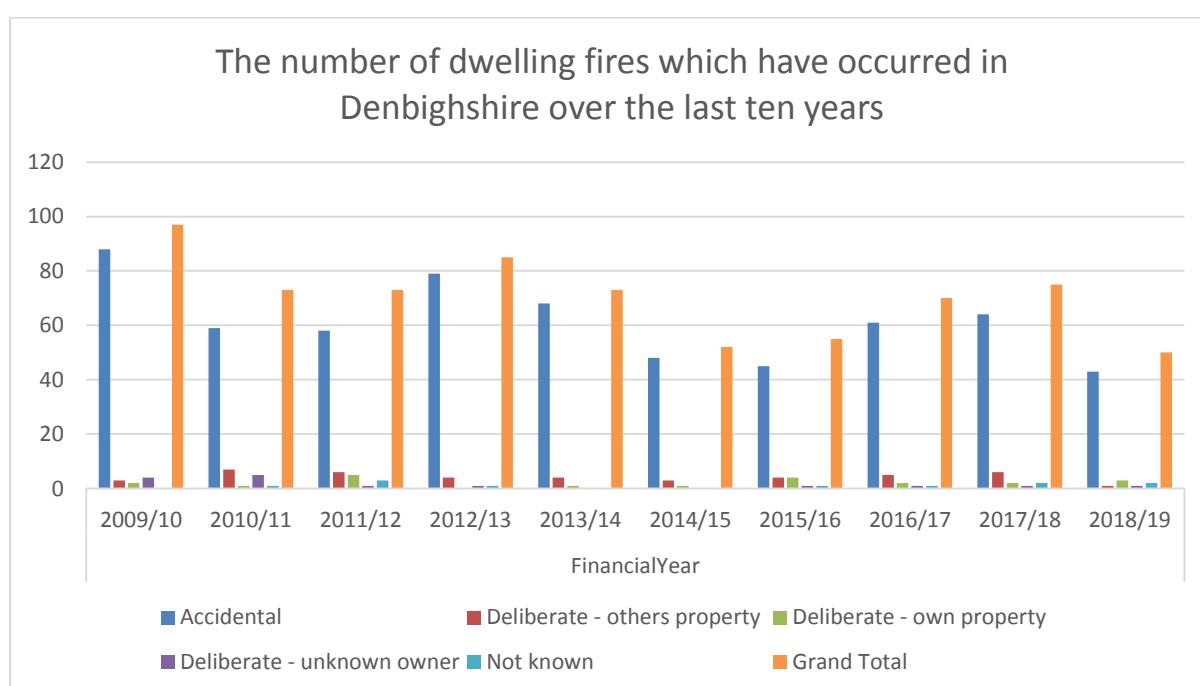
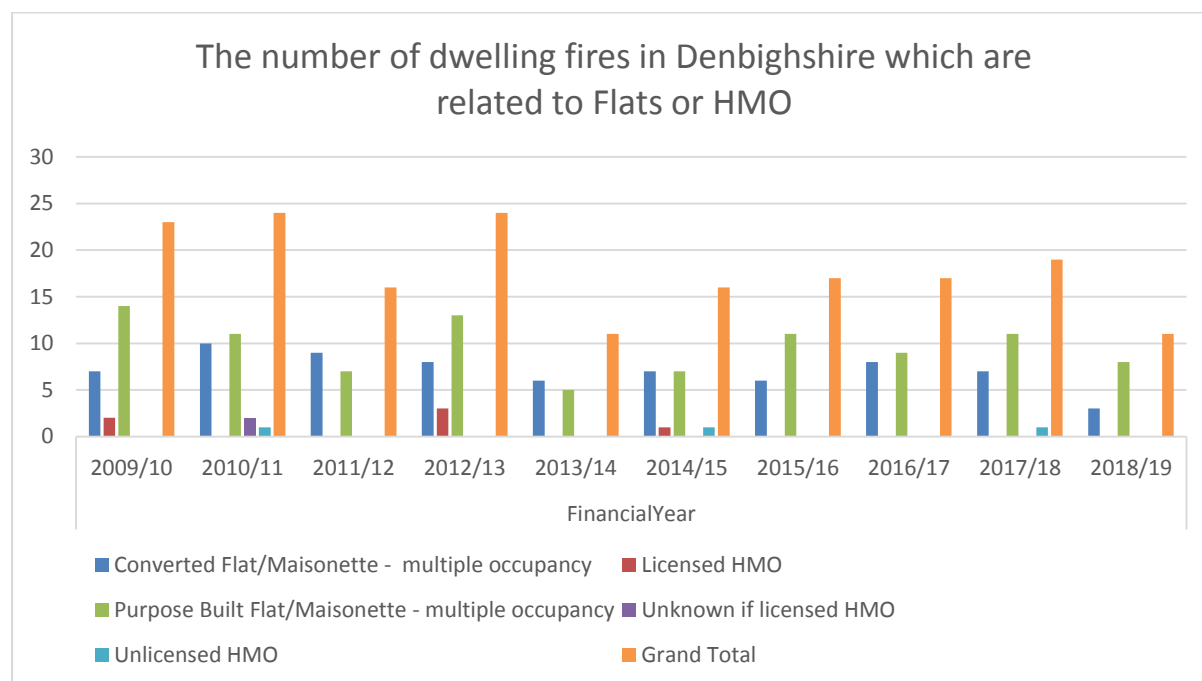


Table 14 - The number of dwelling fires in Denbighshire which related to Flats or HMO

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)**

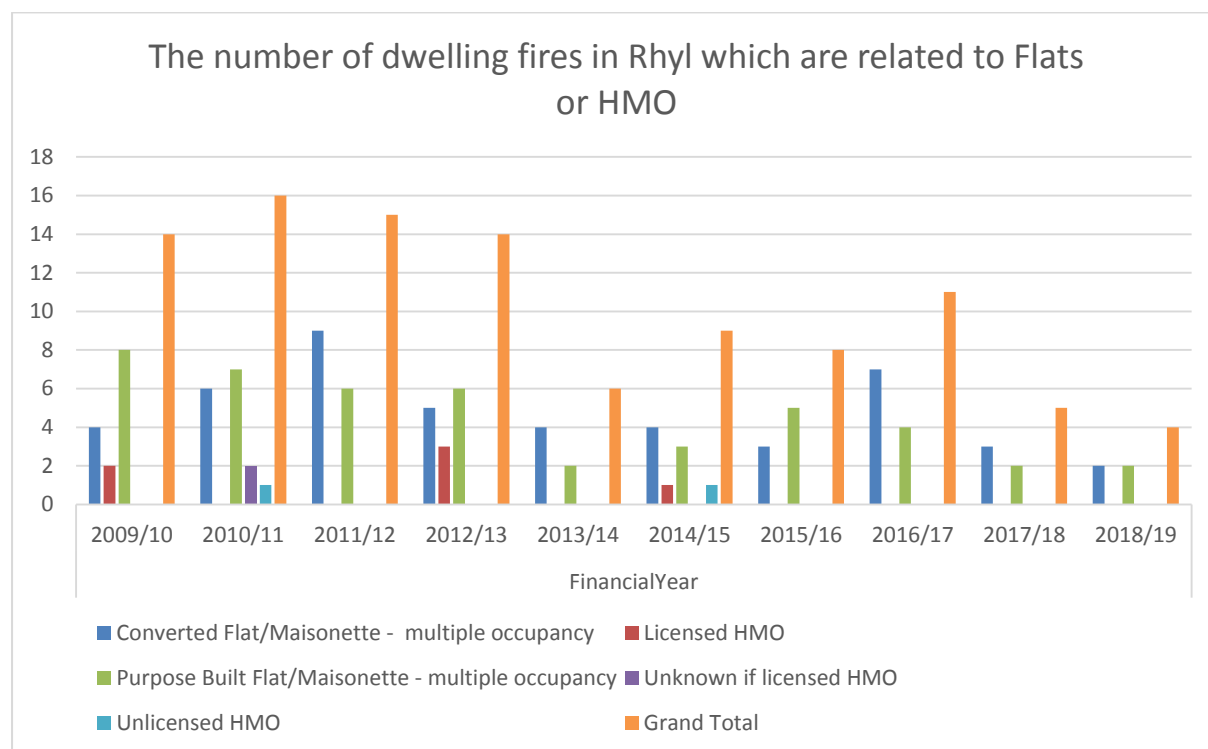


**Table 16 - The number of dwelling fires in Rhyl which related to Flats or HMO**

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 - multiple occupancy	4	6	9	5	4	4	3	7	3	2
Licensed HMO	2			3		1				
Purpose Built Flat/Maisonette - multiple occupancy	8	7	6	6	2	3	5	4	2	2
Unknown if licensed HMO		2								
Unlicensed HMO		1				1				
<b>Grand Total</b>	<b>14</b>	<b>16</b>	<b>15</b>	<b>14</b>	<b>6</b>	<b>9</b>	<b>8</b>	<b>11</b>	<b>5</b>	<b>4</b>

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

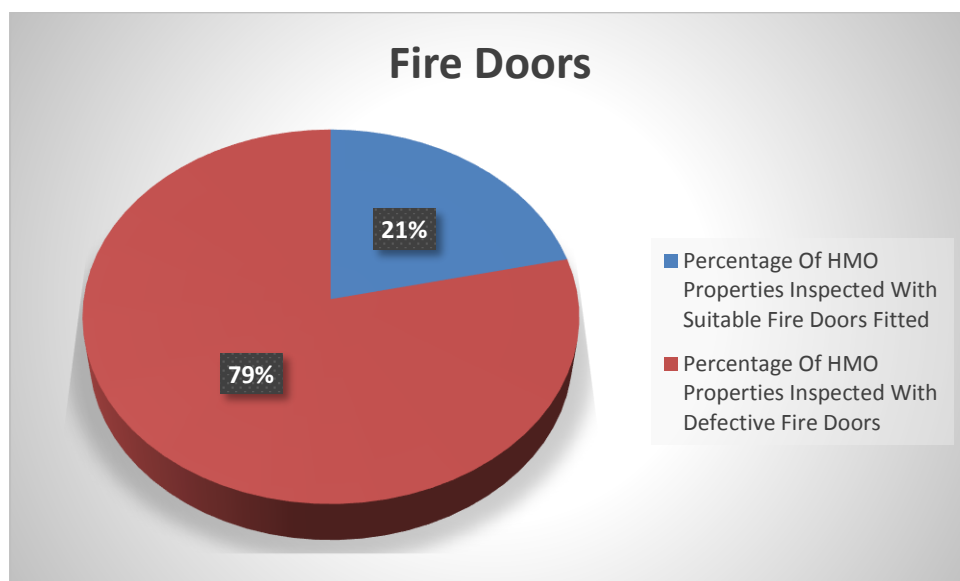
**Table 17 - The number of dwelling fires which have occurred in Rhyl between 2010 and 2019 (Flats or HMOs)**



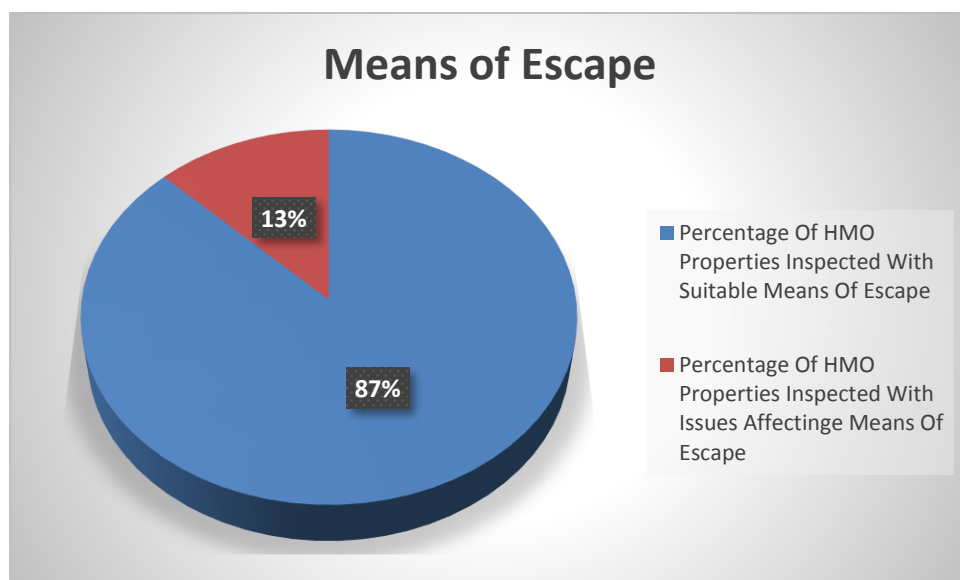
**Table 18 – DCC Proactive Fire Safety Inspections in HMO licensed properties – Presence of suitable Fire Risk Assessment**



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

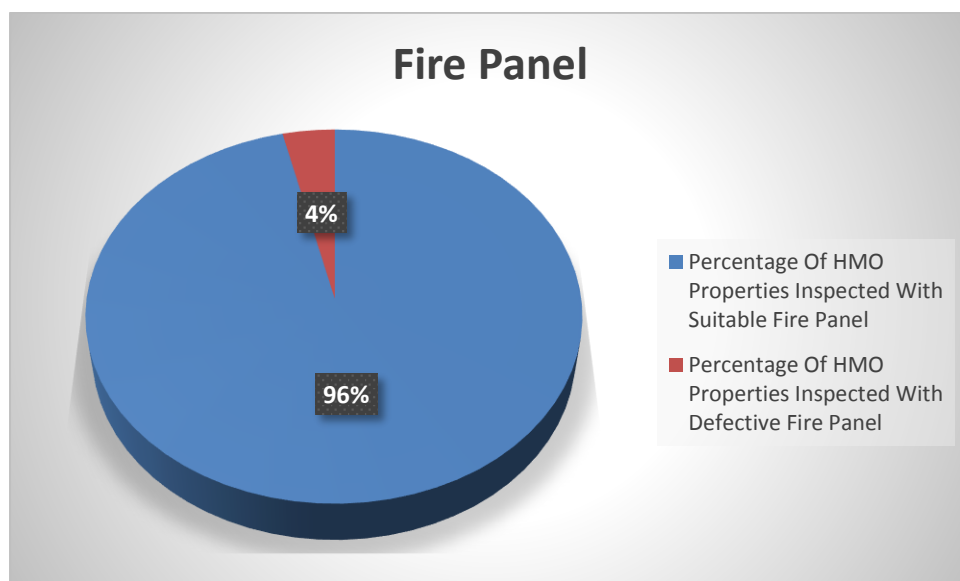


**Table 20 – DCC Proactive Fire Safety Inspections in HMO licensed properties – Means of Escape**





**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**

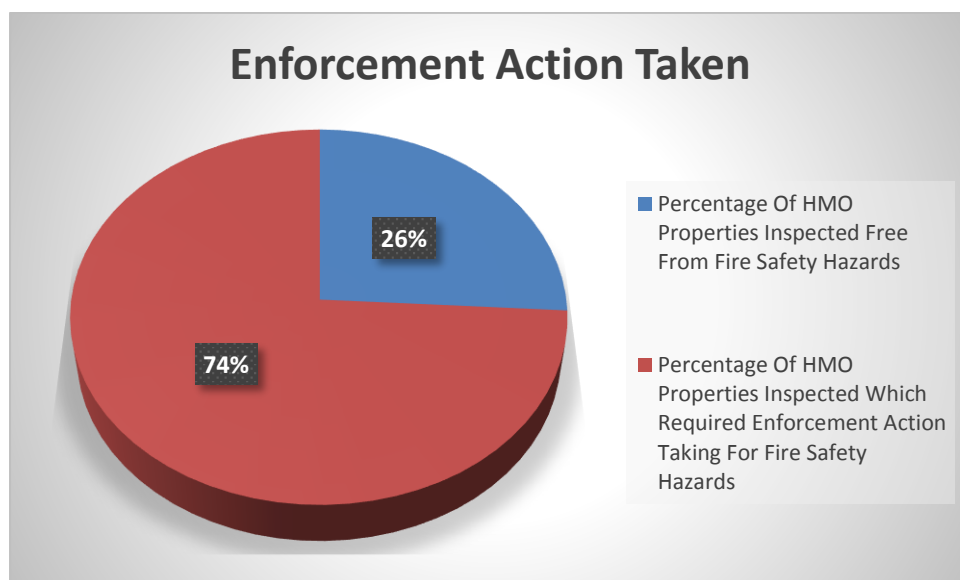


Table 23 - North Wales Police Incidents In Denbighshire (2016 – 2020)

Denbighshire - ASB Incidents (YTD = 1 <sup>st</sup> April – 31 <sup>st</sup> 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
<b>Total</b>	<b>1835</b>	<b>1865</b>	<b>1494</b>	<b>1213</b>	<b>6407</b>

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

**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

## APPENDIX 1

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