

CYNGOR SIR CEREDIGION COUNTY COUNCIL

Report to: Cabinet

Date of meeting: 5th December 2023

Title: Additional Licensing Scheme

Purpose of the report: To highlight a consultation is underway to review the Additional Licensing Scheme due to expire on 14th April 2024

For: Information

Cabinet Portfolio and Cabinet Member:

Councillor Matthew Vaux, Cabinet Member for Partnerships, Housing, Legal and Governance and Public Protection

Introduction

The Housing Act 2004 Part 2 places a duty on LAs to licence Houses in Multiple Occupation (HMOs) of 3 or more storeys, five or more persons, forming two or more households.

- The aim of the legislation is to ensure adequate:
 - Management, amenity and safety standards
 - Control of anti-social behaviour, noise and waste management in HMOs
 - Kitchen and bathroom amenities and facilities
 - Ensure they are managed by 'fit and proper persons'
 - Specify a maximum number of people avoiding overcrowded conditions.
 - mandatory and discretionary 'licence conditions' relating to:
 - Heating: adequate means of space heating
 - Washing / kitchen facilities- hot and cold water, suitable cooking, storage and food preparation facilities, suitable refuse disposal facilities
 - Satisfactory certificate of:
 - Fire precautionary facilities, equipment and installations
 - Gas appliances and installations;
 - Declarations as to the safety of electrical appliances and furniture;

In addition to Mandatory HMO Licensing the LA may also designate additional licensing, in the whole or part of the authority's area, based on the number of occupiers/ households and storeys).

- The LA must consider:
 - significant proportion of the HMOs poorly managed giving rise to problems affecting the tenants or members public and community more widely.
 - whether there are any other courses of action available to them

- making the designation will significantly assist them to deal with the problems

Current Situation

Ceredigion County Council has operated an Additional Licensing scheme since 2009.

The first designation Additional Licensing Scheme came into force on 1st April 2009 up to 31st March 2014 covering the whole of Ceredigion.

The second designation Additional Licensing Scheme came into force on the 14th April 2014 and was operative up to 13th April 2019, and applied to:

- HMOs occupied by three or more persons, forming two or more households: Aberystwyth, Llanbadarn Fawr, Borth, Llanfarian, Lampeter.
- Section 257 HMOs (Housing Act 2004)

The third designation Additional Licensing Scheme came into force on the 14th April 2019 and is operative up to 14th April 2024, and applies to:

- HMOs occupied by three or more persons, forming three or more separate households regardless of the number of storeys in the following specified wards only:
 - i. Aberystwyth Bronglais
 - ii. Aberystwyth Central
 - iii. Aberystwyth North
 - iv. Aberystwyth Penparcau
 - v. Aberystwyth Rheidol
 - vi. Faenor
 - vii. Llanbadarn Fawr Padarn
 - viii. Llanbadarn Fawr Sulien
- The whole of the County of Ceredigion for:
 - HMOs occupied by 5 or more persons, forming two or more separate households, regardless of the number of storeys, and
 - Section 257 HMOs (Housing Act 2004)

Review of the Additional Licensing Scheme

Section 60 of the Housing Act 2004 provides that the designation must from time to time be reviewed and if it is to continue must be re-declared at the end of a 5 year period (in April 2024). At this time, it is necessary to undertake a thorough appraisal and consultation exercise to establish the effectiveness of the existing scheme and to consider the options for whether an Additional Licensing Scheme should continue for a further 5 years from 2024-2029.

Legislative process

A legislative procedure is required to be followed in declaring an Additional Licensing Scheme, as contained within sections 56-60 of the Housing Act 2004. In April 2007, the Welsh Government issued approval to local authorities (The Housing Act 2004 (Additional Licensing) (Wales) General Approval 2007) stating that councils may introduce an Additional Licensing Scheme without obtaining Assembly approval, providing that certain requirements are met. In particular, the Council must:

- i. consider that significant proportion of the HMOs of that description are being managed ineffectively as to give rise, or likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public;
- ii. consider whether there any other courses of action available to them that might provide an effective method of dealing with the problem or problems in question;
- iii. consider that making the designation will significantly assist them to deal with the problems,
- iv. Consult persons likely to be affected by the designation.
Ensure that any exercise of the power is consistent with the authority's overall housing strategy.
- v. Seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour affecting the private rented sector, both:
 - (a) as regards combining licensing under this Part with other courses of action available to them, and
 - (b) as regards combining such licensing with measures taken by other persons.

If, following consultation, it is deemed that an Additional Licensing Scheme ought to be re-introduced, the LA can approve the scheme under a general consent regime, as laid down in guidance provided by LACORS, and provide a Public Notice of Designation at least **3 months** before the Scheme becomes operational.

The timescales for undertaking a thorough review and evaluation of the Additional Licensing Scheme are very tight. It is necessary to undertake a minimum of 10 weeks Public Consultation to inform the decision-making process. To progress the Review through the Governance process in a timely manner it is necessary to go out to consultation at the earliest opportunity. Suggested Committee dates are outlined below.

Post consultation

11 March 2024	Overview and Scrutiny – Healthier Communities
19 March 2024	Cabinet

If a new Additional Licensing scheme is considered appropriate it will not come into force until **June 2024** based on these timescales.

Impact of not redeclaring Additional Licensing Scheme

The existing Additional Licensing Scheme will end on the 14th April 2024. If there is a delay in declaring a new scheme, Additional Licences already issued will continue to run until they either expire or are revoked by the LA. No new or renewal of licences will take place until a new Scheme comes into force.

Wellbeing of Future Generations:

Has an Integrated Impact Assessment been completed?

No, as this is for information and to highlight the consultation commencement, the current scheme will come to a natural end in April 2024. If established, the need to re-introduce an Additional Licensing Scheme then an IIA will be undertaken.

Summary of Integrated Impact Assessment:

Long term: N/A
Collaboration: N/A
Involvement: N/A
Prevention: N/A
Integration: N/A

Recommendation(s):

To note the contents of the report.

Reasons for decision:

N/A

Overview and Scrutiny:

N/A

Policy Framework:

N/A

Corporate Well-being Objectives:

N/A

Finance and Procurement implications:

N/A

Legal Implications:

N/A

Staffing implications:

N/A

Property / asset implications:

N/A

Risk(s):

N/A

Statutory Powers:

Housing Act 2004

Background Papers:

N/A

Appendices:

N/A

Corporate Lead Officer:

Greg Jones, Corporate Lead Officer: Porth Cymorth Cynnar

Reporting Officer:

Llyr Hughes, Corporate Manager: Housing Services

Date:

23/11/2023