

CABINET MEETING: 17 SEPTMEBER 2020

**REDECLARATION OF PLASNEWYDD ADDITIONAL LICENSING
SCHEME**

HOUSING & COMMUNITIES (COUNCILLOR LYNDA THORNE)

AGENDA ITEM: 11

Reason for this Report

1. To report on the results of the consultation exercise approved by Cabinet on the 11 July 2019, and detail the case for the re-declaration of an Additional Licensing Scheme in the Plasnewydd Ward of Cardiff in relation to houses in multiple occupation (HMOs) in the private rented sector.
2. To make Cabinet aware of the progress made during the first term of the Plasnewydd Additional HMO Licensing Scheme.
3. To seek Cabinet approval to begin a consultation exercise for the re-declaration of the Cathays additional licensing scheme which will expire on 1 January 2021.

Background

4. Cardiff Council has a duty to enforce Part 2 of the Housing Act 2004 which regulates standards in private sector rented accommodation and has, since its implementation in 2006, undertaken a Mandatory Licensing Scheme for all larger HMOs across the City.
5. In 2010 the Council introduced an Additional Licensing Scheme covering all HMOs in the Cathays ward; this scheme was renewed in 2016 for a further 5 years. The second Cathays scheme will expire on 1 January 2021 and the Council will need to consult once again and demonstrate an ongoing need for the scheme if it wishes to make a further re-designation. The Plasnewydd Additional Licensing Scheme was implemented in 2014. Both additional licensing schemes extended the scope of the legislation to cover a wider range of HMO property types.
6. The Additional Licensing Schemes provide extra powers to the Council to deliver more effective targeted improvements to property standards in privately rented HMO properties. The Scheme extends the scope of

licensing to cover most rented property with 3 or more occupiers who form 2 or more households.

7. The introduction of the Council's two additional licensing schemes resulted from a motion put to Council on 20 November 2008 highlighting the impact of high student populations in certain areas of the City. The motion culminated in a Task and Finish Group consisting of officers and members who established that an Additional Licensing Scheme could provide part of an effective solution.
8. A thorough appraisal and consultation exercise was undertaken and the Plasnewydd Ward was declared an Additional Licensing Area at the Council's Executive Business Meeting on 10 July 2014. The Scheme became effective on 3 November 2014 to operate for 5 years.
9. Upon expiry of the 5 year term of the Scheme, Council can re-declare the Plasnewydd area as an Additional Licensing area provided that it is satisfied that specific criteria are met. On 11 July 2019, Cabinet approved a consultation exercise with tenants, residents, local businesses, landlords and agents on the proposal to renew the Scheme.

Legislative Context

10. The Housing Act 2004 contains a number of provisions for regulating the private rented sector:-
 - The Housing Health and Safety Rating System (HHSRS) is a comprehensive risk assessment regime allowing Councils to take action in relation to 29 potential hazards.
 - Mandatory licensing which requires the Council to operate a licensing scheme for Houses in Multiple Occupation (HMOs). This scheme applies only to HMOs with five (or more) people in properties with three (or more) storeys.
 - The Act allows the Council to introduce further licensing schemes of private rented properties to meet the needs in their locality.
11. Licence conditions are used to control the ongoing maintenance and management of HMOs and are granted when the Council is satisfied that:
 - The property is suitable (or can be made suitable) for the maximum number of occupants;
 - The licence holder is a fit and proper person, and
 - There are suitable management arrangements in place
12. Mandatory licensing cannot deal with all the problems highlighted in the private rented sector because it applies to only a small proportion of the stock and makes little visible impact in an area.

Council Powers to Introduce Additional Licensing

13. Under the Housing Act 2004, there are two powers available for the Council to extend licensing to other categories of property:-
 - Additional licensing powers enable the Council to extend the scope of its HMO licensing to other descriptions of HMO either in all or in part of its district.
 - Selective licensing powers enable the Council to extend licensing to other types of properties other than just HMOs in an area of the City where there may be issues relating to low housing demand or anti-social behaviour.
14. The Welsh Assembly Government issued a General Approval to Local Authorities in April 2007 to implement additional licensing. This means that no additional approval is required from the Welsh Government if the criteria for the general approval are met.
15. Before using these discretionary powers the Council must carry out a thorough appraisal and a consultation exercise with stakeholders and must be satisfied that the following requirements are met:
 - **Criteria 1** - Before making a designation the authority must consult persons who are likely to be affected by the designation and consider any representations.
 - **Criteria 2** - The authority must 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.
 - **Criteria 3** - The authority must 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.
 - **Criteria 4** - The authority must ensure that the exercise of the power is consistent with the authority's overall housing strategy.
 - **Criteria 5** - The authority must seek to adopt a co-ordinated approach in connection with dealing with homelessness, empty properties and anti-social behaviour as regards combining licensing under this part with other courses of action available, and as regards combining such licensing with measures taken by other persons.
 - **Criteria 6** - The authority must not make a particular designation unless they have considered whether there are other courses of action available to them that might provide an effective method of dealing with the problem.

- **Criteria 7** – The Council must consider that making the designation will significantly assist them in dealing with problems in the area.

The Case for re-declaration of the Plasnewydd Scheme

Criteria 1 - Consultation Undertaken

16. A Public Consultation Document (Appendix 1) together with a questionnaire was made available online. Letters and/or emails were sent to 1,062 individual landlords and letting agents, 1,148 tenants and 277 members of the Cardiff Citizens Panel living in Plasnewydd inviting them to complete the surveys. The questionnaire was also made available in paper format for those that requested it. The consultation ran from 16 December 2019 to 31 January 2020, and was extended for a further 2 weeks on the request of the Cardiff Landlord Forum.
17. A report summarising the results of the consultation can be found at Appendix 2a. Stakeholders also submitted their views in writing and Appendix 2b lists the comments received along with the response by officers.
18. Outcomes of the consultation show that nearly all of the 26 tenants responding received a copy of a tenancy agreement. 77% of private tenants state that they believe their landlord/agent manages their property well. Responses show that landlords are providing information on how the bond is protected in 73% of cases. A copy of the gas safety certificate was provided in 58% of cases and energy performance certificates provided (62%), waste collection details (62%) and general information about responsibilities as a tenant (85%). In terms of property conditions, 39% of the private tenants responding had reported concerns about their home to their landlord with only 30% of those landlords taking steps to put things right. The highest reported concerns were damp and mould, energy efficiency and general property condition. 48% of the private tenants who responded to the survey believed the Scheme should be re-declared.
19. Landlord and agent responses show that the majority (59%) had been required to make changes to their property as a result of the Additional Licensing Scheme. The landlords/agents were asked about their experiences of the Additional Licensing Scheme. The responses varied with 57.5% citing negative aspects of the scheme, 24% stating positive experiences and 18% citing both positive and negative views. Of these 'mixed' views, predominantly respondents felt the Scheme had some value in improving standards, with the negative aspects concentrating on the fees levied, the work required to meet standards and a perceived lack of enforcement on rogue landlords.

When asked whether the Scheme should be re-declared for a further 5 years, 60.5% of landlords/agents answered 'No', 28.9% answered 'Yes' and 10.5% responded 'Don't know'.

20. Councillor Dan De'Ath, responding as ward member for Plasnewydd, strongly supports the re-declaration of the Additional Licensing Scheme. Councillor Sarah Merry, responding on behalf of all Cathays ward members, supports the continuation of additional licensing in the neighbouring ward of Plasnewydd. Councillor Merry notes that many landlords will have properties in both areas and that tenants will rent in one area and then the other, so a common approach is sensible. Also that both areas have similar issues relating to high concentrations of HMOs and that HMO licensing is a tool which can drive up housing standards but also have a wider impact on the area.

Criteria 2 – HMOs Managed Significantly Ineffectively

21. Census figures show that Plasnewydd has a population of approximately 18,100 persons compared to 20,100 in Cathays, with both having very young age profiles with the averages ages being 26 and 21 respectively compared to a Cardiff average of 37. Both areas have very high levels of private renting, being 55.1% of household spaces in Plasnewydd and 68.8% in Cathays, the average being 21.9% across Cardiff. Levels of private renting increased sharply in Plasnewydd between the last 2 census releases of data, rising from 28.8% to 55.1%.
22. Many more houses have been converted into flats and bedsits in Plasnewydd, with 28% of all household spaces being flats in such buildings compared to 12.8% in Cathays, the Cardiff average being 5.8%.
23. Census figures show approximately 5,300 full time students in Plasnewydd compared to 13,000 in Cathays.
24. When the original Plasnewydd additional licensing designation was made in 2014, an extrapolation from Council Tax figures showed that there might be as many as 1,969 HMOs in the area. It is however difficult to place great reliability on the figures, which should be used as an estimate only, as in many cases HMO status will not be recorded and the property is being classed as a possible HMO because there are different surnames registered against the same premises record.
25. The Council has licenced 1,100 HMOs in Plasnewydd. Licensing investigations have identified 430 properties which are exempt because of the number and type of occupancy or because the property conversion meets building regulation standards. Housing Enforcement have 100 applications received late in the scheme which will be licensed if the scheme is re-declared and 129 cases subject to ongoing investigations.
26. The Council has scrutinised databases on a house by house basis and made door to door visits in order to identify as many HMOs as possible. During the first 5 years the Housing Enforcement Team has identified and assessed 1,759 of an estimated 1,969 HMOs in the area.
27. The Housing Enforcement Team has therefore been carrying out an inspection under the Housing Health and Safety Rating system in all cases where it has processed a HMO licence in Plasnewydd with a focus

on improving fire safety, warmth and security while also enforcing HMO licensing standards in relation to space standards and amenities.

28. This ramping up of Health and Safety inspections has seen a 69% increase in the number of properties receiving attention under HHSRS compared to the 5 year period prior to designation. In the 5 years prior to declaration of the scheme, the Council served 310 Housing Act notices addressing hazards in Plasnewydd. During the course of the scheme the Council served 524 similar notices. This demonstrates that the proactive and comprehensive nature of the scheme leads to the discovery of sub-standard properties and hazards that would not otherwise be found.
29. These Housing Act notices have required landlords to address a total of 2,806 hazards. The Housing Health and Safety Rating System defines the most serious hazards as Category 1, and under these circumstances the Council has a duty to take action. These hazards present the most serious risks to the health and safety of the tenants. Category 2 hazards are those less urgent hazards which nonetheless have the potential to affect the health and safety of tenants and where the Council has a power rather than a duty to take action.
30. The Council has discovered 498 Category 1 Hazards in Plasnewydd, and so far the Housing Enforcement Team can confirm that landlords have addressed only 75 of these hazards. Further auditing work is required to ensure that landlords have eliminated all of these hazards and this is a key consideration in whether the Council should re-declare the scheme for a further 5 years.
31. In addition, the Housing Enforcement Team has discovered and served notices in respect of 2,308 Category 2 hazards but as yet only 370 of these hazards can be confirmed as being addressed. Given the significant nature of the challenges posed in Cathays and Plasnewydd in combination, the Council has not yet been able to prioritise the significant task of re-auditing properties to ensure landlords are addressing these Category 2 hazards. A further 5 year designation would entail a further licensing inspection of every licensed property giving an opportunity to check for compliance with these health and safety requirements.
32. Good progress has been made in the identification, assessment, inspection and subsequent licensing of HMOs in Plasnewydd. This has been a greater challenge in Plasnewydd than in Cathays because of the stock, in particular the high number of houses that have been subdivided into self-contained flats with 28% of all dwelling spaces being of this kind. These premises are more difficult to access for survey, have several separate households, are often in different ownership or tenure and present challenges in identifying persons responsible for fulfilling licence responsibilities and completing works. In many instances, owners of flats and bedsits have argued that their properties meet Building Regulations standards and are therefore exempt from HMO licensing, but have been unable to present valid completion certificates to prove this. The work required to determine Building Regulations compliance retrospectively has been onerous.

33. In many cases where properties have been converted without Building Regulations, the landlord has created dangerous internal layouts which present a risk to life in the event of a fire. The Housing Enforcement team has served 34 Prohibition Orders in Plasnewydd during the course of the scheme, effectively closing those premises, which is an unprecedented level of such drastic enforcement activity in Cardiff. Many of these properties are occupied by vulnerable tenants who do not understand the requirements or are reluctant to raise matters with their landlord. Many of these properties would not have been found without the Additional Licensing scheme as, without a complaint from a tenant, it would not have been possible to identify the property and carry out an inspection.
34. Significant challenges remain and in order to continue this process of improvement, a re-designation for a further 5 years is vital.
35. Housing Enforcement Officers have found a proportion of landlords reluctant to respond to the requirements of the scheme. The profile of applications has been slow and the process of chasing applications has been extremely resource intensive. The pattern of application received has been similar to that in Cathays with a little over 50% of applications being received in the first 2 years but the remainder being chased by enforcement officers and received across the course of the final three years:

	Cathays	Plasnewydd
Year 1	27%	18%
Year 2	25%	40%
Year 3	18%	18%
Year 4	14%	13%
Year 5	16%	11%

36. A Licensing Support Officer has been employed to chase up slow applications which has proven to be painstakingly difficult work with some landlords reluctant to make applications or disputing that HMOs are licensable. Two further Licensing Support Officers responsible for logging and reviewing applications have carried out a great deal of administrative work to chase up landlords where incomplete applications have been received lacking the required certification relating to gas safety, electrical safety and energy efficiency.
37. During the course of the first 2 years of the scheme, 94% of HMOs inspected were found to be non-compliant with basic HMO licensing standards. It has been a huge task to identify these necessary improvements and to re-inspect properties to check for compliance. Officers have found some landlords slow to respond to these issues, often despite several revisits or warning letters.
38. During the course of the scheme, a greater proportion of HMOs were found to be up to standard at the time of their first licensing inspection.

This is evidence that landlords are becoming familiar with the standards that are required. The following shows the percentage of HMOs which did not meet standards at the time of their first inspection:

% HMOs non-compliant

Year 1	94%
Year 2	94%
Year 3	73%
Year 4	69%
Year 5	41%

39. During the 5 years of the Plasnewydd scheme, in total 82% of HMOs were found not to be up to standard when receiving their first HMO inspection. 202 of the 1,100 HMOs licensed were originally compliant and 240 have subsequently been improved which means that 440 are up to standard and 660 require re-auditing to confirm that they meet standards, and it is only with a second 5 year period that these property improvements will be realised.
40. Feedback from landlords during the consultation would suggest that the majority of landlords readily comply and that the council should focus its efforts on a small minority of criminal landlords. However, the figures given above present a picture of widespread non-conformity with statutory requirements and a sector which is slow to respond. Given this level of non-compliance it would be hard to argue that HMOs are being effectively managed in Plasnewydd.
41. One portfolio landlord with significant property holdings in Plasnewydd has been reluctant to make applications and to permit timely inspections. When inspected, his properties have been found to have dangerous layouts. He has appealed each case to the Residential Property Tribunal. In 6 of these cases, the Tribunal has found in the Council's favour and confirmed the terms of each licence and in two of these cases where the landlord has appealed to the Lands Chamber the Council's position has again been confirmed. Four further cases have been dismissed by the Tribunal as vexatious and in two cases the landlord is seeking Judicial Review. These cases have been extremely time consuming, placing a strain on Council resources, and are indicative of the challenging nature of HMO licensing work.

Criteria 3 – Codes of Practice

42. Welsh Government has not approved any codes of practice under section 233 of the Housing Act 2004 relating to the management of HMOs. Welsh Government has approved 3 codes of practice relating to the management of student halls of residence. Halls which comply with one of the codes shall not be defined as Houses in Multiple Occupation and will therefore fall outside of the scope of the scheme.

Criteria 4 - Consistent with Local Housing Strategy

43. Cardiff Council's Housing Strategy 2016-2021 sets out the key issues facing housing in Cardiff and outlines opportunities, constraints, problems and priorities for this period. The Additional Licensing Scheme is acknowledged as key to securing improved standards of accommodation, better management of properties and improved safety for occupiers and improvements to the wider community, further strengthening the opportunity for access into the private rented sector for those in housing need.

Criteria 5 - Co-ordinated Approach

44. Cardiff Council has a number of strategies and policies dealing with housing, energy efficiency and sustainability, homelessness, empty properties, waste management, student communities, crime and anti-social behaviour which support and integrate well with the Additional Licensing scheme. Currently the Council has a team focussing on Additional Licensing in Plasnewydd working proactively with the above mentioned partners which have secured positive results for the area.
45. Community Safety, anti-social behaviour, sustainability, energy efficiency and waste management are all priority considerations for the Council. The Licensing process and the Housing Health and Safety Rating System provides the Council with the mechanisms to take action to secure improvements on these issues.
46. The HMO licensing approach in Plasnewydd has complimented the work of Waste Management in tackling waste storage and disposal issues with a requirement on all licence holders to ensure that suitable and sufficient bin storage is in place, that tenants are educated on their waste and recycling responsibilities and by placing an over-arching responsibility on licence holders to manage their HMOs and remove waste where tenants fail to do so.

Criteria 6 – Other Courses of Action

47. Rent Smart Wales places a statutory duty on private landlords and managing/letting agents to register with the Local Authority in the area where they operate and to become licensed. Landlords must register and successfully complete approved training before they are licensed and are unable to let property until they, or an agent acting on their behalf is licensed. It is important to note that while the Rent Smart Wales scheme focuses on landlord training and competence, it does not include any form of property inspection or any focus on property standards. It is therefore complimentary to, but not a substitute for, an effective HMO licensing regime. There is effective liaison between Rentsmart Wales and the Housing Enforcement service on issues of fitness and propriety with housing enforcement officers compiling evidence for Rentsmart on property conditions and giving evidence at the Residential Property Tribunal in support of Rentsmart Wales standards. Complaints about

property conditions received by Rentsmart Wales in the course of their duties are referred to Housing Enforcement for action and as the Rentsmart scheme grows in profile and coverage those referrals continue to form a greater part of the Housing Enforcement caseload.

48. The Cardiff Digs website (www.cardiffdigs.co.uk) launched in 2008, has developed in to a trusted brand delivering student specific information and impartial advice covering all aspects of living in the community. The website aims to empower students, with knowledge of their rights and responsibilities as a tenant in the Private Rented Sector, hosting content on behalf of partners including the Police, Fire Service, NHS, Waste Management, University Institutions and Third Sector/ Community Organisations.
49. The brand has expanded to deliver a number of campaigns across the academic calendar, inviting partner organisations to connect with their student audience, offering a holistic package of advice and consultation opportunities. Students are also invited to volunteer directly with Cardiff Digs partners to make positive contributions within their community, empowering students and improving engagement through peer led delivery of community advice. This in turn has made positive contributions towards local recycling rates, improvements in street scene and measured increases in property safety and security.
50. This activity is coordinated by the Student Liaison officer, who works to bridge the gap between the resident and transient populations in Plasnewydd. The officer consults with residents and Councillors to understand the needs of the ward in addition to pastoral care services at the Universities and Students Unions. This enables understanding of a broad perspective before mediating a holistic sustainable response to be delivered by Cardiff Digs partner organisations.
51. Additionally, the Council, working in conjunction with the three Cardiff Universities, the larger private halls of residence and Students Unions, have run an annual campaign since 2005 called "Get it Out for Cardiff", this campaign was rebranded in 2018 to 'Love When You Leave'. This campaign focuses on students to advise them how to donate reusable items, promote recycling, bulky waste collections, Highways Waste Recycling Centres and put bags and bins out for collection on the correct day when moving out of their tenancy. Whilst this annual campaign has been very successful, results of the consultation questionnaire show that 38% of tenants and 92% of residents remain concerned about litter, rubbish and waste in the Plasnewydd area throughout the academic year.
52. The Council's Neighbourhood Services Education and Enforcement Team also works proactively in Cathays and Plasnewydd. The team has been tackling waste presentation issues in the inner city areas for many years. Due to a high student population living in the area, a tailored education plan is required to ensure full understanding of waste presentation and storage requirements. It should be noted that education is not required to

secure a successful prosecution for littering and waste offences. However, educational campaigns play an important role in raising awareness around these importance issues and changing behaviour about how to manage waste. Enforcement ensures that individuals and businesses are held accountable for their actions.

53. The strong relationship between waste management and the student liaison officer has identified the need for additional engagement activity in the highly transient ward of Plasnewydd. Waste management have an established calendar of activity, to support residents in line with the start and end of the academic year. Between 2014 and 2019, waste officers attended 75 events targeted towards the student population, engaging with 8247 student residents. In addition, Plasnewydd “walkabouts” have given waste officers and student volunteers the opportunity to speak with residents at 881 addresses and delivering printed waste handbooks to many more.

Criteria 7 - Making the Designation will Assist the Local Authority to Deal with the Problems

56. The purpose of introducing an Additional Licensing Scheme is to improve the standard of rented property together with wider community issues such as waste, anti social behaviour, energy efficiency and property security. The Additional Licensing Scheme is able to compliment other initiatives to help achieve this. In order to build on this success, the re-declaration of the Additional Licensing Scheme in Plasnewydd would have the following benefits:

- **Improvements to Accommodation** will be secured by licensing conditions including means of escape from fire, amenities and space standards and other methods such as the Housing Health and Safety Rating System. It is intended that minimum standards will be applied to secure improvements in relation to excess cold and security.

Current Scheme improvements

- *The Scheme has successfully licensed an additional 841 properties that would otherwise be exempt. These additional properties would not previously been subject to any requirements to address standards, but all have been inspected and many are now up to standard or are in the process of becoming up to standard. The total licensed under mandatory HMO licensing provisions is 259, bringing the total licensed to 1,100*
- *All 1,100 properties have been fully inspected and occupancy limits have been established based on property size and the level and provision of adequate kitchen, toilet and bathroom facilities.*
- *A satisfactory gas safety and electrical safety report has been provided for each of the 1,100 properties licensed.*

- *524 Housing Act notices have been served in relation health and safety issues including fire safety, damp and mould, excess cold, slips and falls and structural collapse.*
 - *These Housing Act notices are addressing 2,806 hazards including 498 of the most serious Category 1 Hazards where the Council has a duty to take action.*
 - *In addition, a total of 402 hazards relating to personal hygiene and food safety are being addressed by enforcement of licence conditions relating to bathroom, toilet and kitchen facilities.*
 - *During 2014 to 2018, 86% of landlords with licensed HMOs across the city who responded to requests for customer feedback indicated that they felt that licensing improves standards in the private rental sector. Furthermore during 2018 to 2019, 100% of landlords who provided customer feedback following an inspection, indicated that they thought the inspection had helped them improve standards of compliance.*
- **Improvements to Health & Safety** will be secured by ensuring gas and electrical installations are safe.

Current Scheme Improvements

- *All applications made for a Licence must be accompanied by up to date gas and electrical certificates showing that appliances and electrical installations are in a satisfactory condition. A satisfactory gas safety and electrical safety report has been provided for each of the 1,100 properties licensed.*
- **Sustainable improvements to the Plasnewydd area** will be made through licensing conditions to improve the “street scene” by requiring suitable waste storage facilities.

Current Scheme Improvements

- *Standard licence conditions contain comprehensive requirements regarding the landlord and tenant’s responsibility for storing and presenting refuse and recycling waste.*
 - *Joint initiatives between the Council and the Students Unions such as “Love When You Leave” and “You’re in, now what?” educate students on their responsibilities for storing and presenting waste and encouraging recycling.*
 - *The Council’s Waste Management Team has a constant presence in the Plasnewydd area and participates in a number of Student campaigns and events to promote responsible presentation of waste. Furthermore, the team undertake enforcement activities to tackle those that don’t comply with waste management requirements.*
- **Better value for money secured by a proactive approach in one area** – By making a concerted effort in one area, increasing

presence and regularly visiting HMOs, it is likely that a more long term sustained improvement to overall property conditions and neighbourhood environments will occur.

Current Scheme improvements

- *The number of licensable properties that were identified as requiring improvement, at the time of their first inspection, that require improvement has dropped to 41% compared to 94% at the early stages of the Scheme.*
- *The proportion of licensed HMO properties which are up to standard has risen from 18% to 40%.*

- **Consistent approach to Tenancy Management & Property Conditions** for tenants living within the area. Licensed properties will abide by a common set of conditions controlling property maintenance and tenancy management. Examples of matters controlled include, fire safety management, condition and appearance of communal areas, gardens and forecourts, control of rubbish and waste, maintenance of gas and electricity installations and provision of a written tenancy agreement to each tenant

Current Scheme Improvements

- *Each Licence issued contains a set of licence conditions that control property maintenance and tenancy management which landlords must abide by.*

- **Eradication of bad landlords** – Those landlords who are not “fit and proper”, e.g. with a criminal record or bad housing track record cannot hold a licence.

Current Scheme Improvements

- *It has not been necessary to refuse or revoke any Licences in Plasnewydd based on fitness and propriety concerns but one large HMO was refused a licence because the property was wholly unsuitable to be occupied as an HMO.*
- *In total, 8 prosecutions have been carried out on landlords for either failure to license a property, breach of licence conditions, or non-compliance with management regulations and Housing Act improvement notices.*

- **Reducing anti-social behaviour**

Current Scheme Improvements

- *Licence conditions contain requirements for the licence holder to take reasonable steps to control noise and anti social behaviour arising from their property and to co-operate with the Council in order to eradicate such behaviour.*

Plasnewydd Re-designation

57. It is clear from evidence, that the Additional Licensing Scheme has been a valuable tool in applying standards and improvements to a large number of properties in Plasnewydd that otherwise would have been exempt from the licensing regime, but there is a long way to go to ensure these improvements are fully realised. In order for this good work to continue, it is proposed that the new Scheme will go live from 1 January 2021. This would allow 3 months (as required in Regulation 9 of the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006 to allow for a marketing strategy to be developed and publicity to be undertaken.
58. Within seven days of the designation the Council would be required to publish the decision on the Council's Internet site, public notice boards and within 2 local newspapers in order to notify all stakeholders.
59. If a further designation of Plasnewydd is made, the process of identifying each licensable HMO will be less resource intensive, with the vast majority of HMOs now inspected, but there will be a need to target greater resource at the enforcement of licence conditions where landlords have not yet complied with conditions requiring them to carry out works. There will be a need to review the fee structure to reflect this and to ensure that sufficient resource from both the fees and the Council is provided to the SRS to ensure that this is maintained.

Reasons for Recommendations

60. The existing Additional Licensing Scheme has provided significant benefits in Plasnewydd by securing improved housing accommodation together with a contribution towards wider community issues such as waste, anti social behaviour, energy efficiency and property security.
61. The re-declaration of Plasnewydd as an Additional Licensing area will enable continued improvements and further benefits to be achieved in the area ensuring continued regulation of properties that would otherwise be exempt from licensing.
62. Data shows that there remain issues surrounding standards of HMO accommodation in the ward and improvements that have yet to be made.
63. If a further additional licensing designation is to be made in Cathays, a thorough public consultation exercise will be required and the results will be reported to Cabinet for consideration and re-declaration if appropriate.

Financial Implications

64. The work required to operate the Additional Licensing scheme in Plasnewydd will be undertaken by officers employed by the Regional Regulatory Service. The specific costs incurred by the Regional Service in delivering this service will however be earmarked for funding by Cardiff. The expenditure required to administer the proposed re-

declaration of the Plasnewydd Ward is expected to be funded from the licence fee income generated over the lifetime of the scheme.

Legal Implications

65. The legal implications appear in paragraphs 10-15 of this Report. A full Equality Impact Assessment has been undertaken (attached at Appendix 3) and has not identified any major differential impacts on the protected characteristics.

Human Resources Implications

66. As part of the Shared Regulatory Service hosted by the Vale of Glamorgan Council, this work will be carried out by the appropriate staff and the appropriate re-charges made to Cardiff.

RECOMMENDATIONS

Cabinet is recommended to:

1. re-declare the Plasnewydd Ward as an Additional Licensing area with effect from 1 January 2021 to run for a period of 5 years.
2. approve a consultation exercise for the re-declaration of the Cathays additional licensing scheme with the results reported to a future Cabinet meeting

SENIOR RESPONSIBLE OFFICER	ANDREW GREGORY Director of Planning, Transport & Environment
	11 September 2020

The following appendices are attached:-

- Appendix 1 – Public Consultation Document
- Appendix 2a - Consultation Report
- Appendix 2b – Schedule of Consultation Responses
- Appendix 3 – Equality Impact Assessment
- Appendix 4 – Licensing Standards for HMOs under the Scheme