

Public Consultation Document

Additional Licensing of Houses in Multiple Occupation across the County of Flintshire

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The implementation of Additional Licensing of Houses in Multiple Occupation across the County of Flintshire.

This document seeks to gather views on the proposal to implement the Additional Licensing of Houses of Multiple Occupation (HMOs) across the County of Flintshire.

In September 2024 Flintshire County Council approved the undertaking of a public consultation for the proposed implementation of an Additional HMO Licensing scheme across the County of Flintshire. The scheme/designation will run for a minimum of 5 years.

This document outlines Flintshire County Council's proposal to introduce Additional Licensing (the designation) across the County, the reasons for the scheme, and how it will benefit those living, working, and operating within the private rented sector across Flintshire.

Flintshire County Council (hereafter 'the Council') invites comments from stakeholders who will be affected by the scheme which include, but are not limited to, tenants, landlords, letting and managing agents and local residents.

This consultation process will last for a minimum of 10 weeks. All responses will be considered thoroughly by the Community and Business Protection Service. Once the consultation process has closed, all responses will be collated, considered and a decision will be made regarding the implementation of the scheme. The relevant findings will be made available.

Please complete the associated 'Have Your Say' questionnaire online at-
<https://www.flintshire.gov.uk/en/Resident/Consultation-and-Engagement/Open/Home.aspx>

Those people who are unable to complete the survey online can visit any Connects Centre where support will be available. Connects Centres are open 9am to 4.30pm on the following days:

- Buckley: Tuesday, Wednesday, Thursday
- Connah's Quay, Flint and Holywell: Monday to Friday
- Mold: Monday, Wednesday, Friday

If you wish to receive the information in Welsh, please request a copy from the department. This information is also available in Romanian, Polish, and Bulgarian.

Introduction

Flintshire County Council works in partnership with landlords and managing agents to improve the standards and quality of houses within the private rented sector.

The Council recognises that many landlords and agents strive to meet the requirements prescribed in housing legislation with many co-operating proactively with the Council. However, some are unaware of their responsibilities, with others intentionally ignoring or breaching housing law.

The aim of Additional Licensing is to support the Council in tackling poor housing conditions, poor property management and overcrowding in HMOs across Flintshire's private rented housing stock. The scheme will also help to address wider issues in the community such as rubbish and waste accumulations, antisocial behaviour, and energy efficiency.

We would be grateful if you took the time to complete the questionnaire which starts on page 14 of this document.

In line with the Council Plan 2023-2028, introducing Additional HMO Licensing will help support the Council's aims to:

- Support the private rented sector to raise standards in the management and condition of housing and promote tenancy sustainment in our communities.

The requirements associated with Additional HMO Licensing will help to contribute to the Council Plan by:

- Ensuring landlords and tenants are supported to sustain quality homes and well managed tenancies within the local private rented sector.
- Maximising opportunities within the private rented sector for low-income households to live successfully. In turn this will relieve pressures on homelessness services through better access to privately rented homes.
- Raise living standards for tenants living in houses of multi-occupation.

Table 1: Breakdown of Flintshire's Housing Stock as of 08/11/2024

	Council owned	Social housing	Owner occupied	Privately rented	HMOs*
Number	7300	3000	53, 200	7, 600	400*
Percentage	10.2%	4.1%	75%	10.7%	5.26%**

* Estimate based on departmental records ** % of HMOs in the Privately Rented Stock

Ref- <https://statswales.gov.wales/Catalogue/Housing/Dwelling-Stock-Estimates/dwellingstockestimates-by-localauthority-tenure>

Over 10% of Flintshire's housing stock is privately rented and there is an estimated number of 400 HMOs across the County.

Table 2: Breakdown of shared accommodation in rented Flintshire properties

Bedsit	0.61%
Flat (including 257 HMOs)	15.23%
Shared other	2.38%
	Total- 18.22%

As of the 28th of November 2024, there are 7,870 rental properties in Flintshire registered with Rent Smart Wales. It is estimated that 18.22% of the registered properties are part of the shared accommodation and HMO tenure.

The aim of additional licensing is to ensure that all HMOs, in the private rented sector, meet the minimum legal standards and that properties are appropriately managed according to legislation. When properties fail to meet the required standards, or where landlords or managing agents fail to meet their management duties, the Council will work proactively with all parties to rectify issues identified. Councils will work formally and informally with landlords and agents to gain compliance and will prosecute those who continue to breach housing law when necessary.

Information on the number of property assessments/hazards identified and the number of enforcement actions taken per year (2018-2023) by Flintshire Council can be found in **Appendix 1**.

1. What is a House in Multiple Occupation (HMO)?

The Housing Act 2004 clarifies the definition of an HMO which can be summarised as-

- An entire house or flat occupied by three or more tenants who form two or more households who share a kitchen, bathroom, or toilet.
- A house that has been converted into bedsits or other non-self-contained accommodation and occupied by three or more tenants, forming two or more households, and sharing a kitchen, bathroom or toilet.
- A converted house which contains one or more flats which are not wholly self-contained, and which is occupied by three or more tenants occupying two or more households.

- A building converted entirely into self-contained flats where less than two thirds are in owner occupation and where the conversion did not comply with the 1991 Building Regulations.

The majority of Flintshire's shared accommodation falls within the scope and definition of an HMO. Therefore, it is important that the Council works in partnership with landlords, managing agents and tenants to improve the quality of housing stock in this section of the Private Rented Sector (PRS).

2. HMO Licensing

At present, the Council currently operates a Mandatory HMO Licensing Scheme for larger HMOs as delegated by the Housing Act 2004. A large HMO can be defined as an HMO which consists of three or more storeys with five or more occupants forming two or more households.

This criterion only applies to a limited number of properties across the county of Flintshire. As of November 2024, fourteen HMOs are licenced by Flintshire under the Mandatory Licence Scheme. These properties have been routinely inspected for hazards and deficiencies, paperwork has been audited in relation to the property and support has been given to landlords, managing agents and tenants in order to regulate this proportion of the Council's housing stock.

The Housing Act 2004 contains provisions for local authorities to extend their licensing remit to other types and sizes of HMO's. The licensing of small HMO's (typically two storey properties with three or more occupants forming two or more households) is known as Additional Licensing. The introduction of Additional Licensing would help to regulate HMOs of all sizes improving the safety and standards of such properties through the PRS.

3. Legal Requirements

The Housing Act 2004 contains provisions to allow local authorities to extend their licensing scheme to other categories of HMOs to regulate properties not covered by mandatory licensing. The Act allows for the designation of specific areas or the whole area of a County/District to be subject to the additional licensing of HMOs. HMOs already licenced under the mandatory licensing scheme would be exempt.

The Housing Act requires the local authority to take reasonable steps to consult with those who are likely to be affected by the designation of an 'Additional Licensing' scheme. The local authority must also consider any representations received prior to implementation.

4. Additional Licence Proposal

The Council proposes to introduce Additional Licensing across the whole County of Flintshire. The scheme would initially run for a period of 5 years with an option for renewal. The proposed scheme would include HMOs of all sizes across the County (excluding those subject to exemptions and those already licenced under the Mandatory Licensing Scheme).

Details on the properties which may be exempt under the proposed scheme can be found in **Appendix 2**.

5. Benefits of introducing Additional Licensing

The aim of introducing an Additional Licensing scheme is to ensure that all HMOs operating across Flintshire are properly managed by a 'fit and proper' person, that the properties are suitably equipped with adequate amenities and facilities; and that fire safety measures are adequate for the size and style of the property. It is the Council's aim to ensure that all occupants of HMOs are safe from hazards and that properties are managed suitably.

The efficient and effective management of properties in the private rented sector, and in particular HMO properties, has many benefits. It is anticipated that additional licensing could ensure greater compliance with legal housing requirements. Smaller HMOs, at present, only come to attention of the Council when either a complaint is made about the property, or concern is raised by other professionals.

Table 3: Anticipated benefits of introducing the scheme

Benefits to (Tenants)	Benefits to Landlords	Benefits to Communities	Benefits to the Council
Improvements to the quality and management of properties.	Responsible landlords will receive information and support.	Increase housing demand and reduce antisocial behaviour making areas safer and more desirable to live in.	Landlords and agents will be required to engage with the Council. Bad landlords and agents will be forced to improve their practices.
Tenants could see economic benefits such as reduced heating costs and improved likelihood or	A level playing field will be created. Decent landlords will not be undercut by an unscrupulous minority.	Reducing environmental costs and costs of crime, such as street cleaning and tackling fly tipping.	All private landlords who rent out HMOs across the county will be required to obtain a licence unless exempt.

regaining any deposit paid.			
Improvements to the neighbourhood would also benefit private tenants' security and sense of community.	Poorly performing landlords will receive support and training to improve. If required, enforcement action and prosecutions will be taken by the Council to achieve compliance.	Making it easier to involve landlords in wider strategies including crime reduction initiatives and local spatial strategies.	The Council will gain extensive knowledge about private rented HMOs in Flintshire. This will enable targeted enforcement and support to be given landlords and agents.
Better management practices would help to increase the length of tenure and reduce incidence of unplanned moves or homelessness.	Improved rental income.	Protecting vulnerable groups who are often occupiers of privately rented accommodation which are poorly managed and maintained.	Landlords and their agents will be easily and readily identifiable.

6. How does Additional Licensing Work (Application and Licensing conditions)?

A licence can be obtained through the following process-

Application forms can be found on Flintshire Council's website. An account must be created for forms to be filled in online or a paper copy of the application form can be requested and posted out for a set fee. The licence application form will require information about the property such as number of rooms, number of occupants, amenities, fire safety and management details. The following documents will also be required upon submission of an application-

- 1. Fire Risk Assessment**
- 2. Floor Plans**
- 3. Gas Safety Certificate**
- 4. Electrical Installation Condition Report (EICR)**
- 5. Fire alarm system inspection and testing certificates.**
- 6. Emergency lighting inspection and testing certificates (if applicable).**
- 7. PAT (portable appliance testing) certificate.**

It is expected that landlords will have duly made their application for a HMO license within 12 weeks from the commencement date of the scheme. A licence application will not be classed as 'duly' made until the application form is completed, all documents have been received by the department and fee is paid. If an application is started but not completed within 4 weeks, the Council holds the right to reject the application but withhold any fee paid. The applicant must then begin the process again.

Once an application has been duly made, and prior to issuing a licence, the Council will inspect the property under the Housing Health and Safety Rating System (HHSRS). Any action required by the Council to remediate hazards identified or to improve management functions will be directed by the Housing Standards and Enforcement Officer. The decision to licence the property prior to all works being completed or after all works being completed will lie with the Housing Standards and Enforcement Department.

8. Additional Licensing Fees

For information on the fees associated with the proposed Additional Licensing Scheme please see **Appendix 3**.

9. Consultation Process

A public consultation will be undertaken with respect to the proposed introduction of an Additional Licensing Scheme for Houses in Multiple Occupation. Responses to the consultation will be considered for any relevant changes to the proposed scheme. The timescale for the implementation of the scheme will depend on the response outcomes.

A Glossary of terms can be found in Appendix 4.

Appendix 1

**Table 4: Property assessments / Hazards identified
2018 – 2023**

	2018-19	2019-2020 (Covid)	2020- 2021	2021-2022	2022-2023
Total Property Assessments	191		14	112	66
HMO Assessments	51		3	15	34
HMO Cat 1 Hazards found	20		2	7	3
HMO Cat 2 Hazards found	31		3	11	30
Non HMO Assessments	140		11	97	32
Non HMO Cat 1 Hazards found	64		9	20	25
Non HMO Cat 2 Hazards found	84		6	47	31
% of which were HMO Property Assessments	26.7%		21.4%	13.4%	51.5%

Table 4 above shows that since the introduction of the HMO Proactive Programme in 2022, the Housing Standards and Enforcement Department has seen an increase in HMO inspections which fall outside of the Mandatory Licensing Program. However, despite efforts by the Council, HMOs inspected through the Councils 'proactive' HMO program are regularly determined by the department receiving a complaint regarding the condition of the property, the management of the property or by attempts of an illegal eviction or harassment.

A significant proportion of the HMOs across the County which are inspected as part of the 'proactive' programme are found to be non-compliant with the standards and guidance set for such properties. This includes compliance with newly introduced legislation such as the Renting Homes (Wales) Act 2016.

Appendix 2- Exemptions

Examples of properties which may be exempt from the scheme-

- Properties where the number of occupants is below the threshold for licensing (less than 3 unrelated persons).
- The building consists of self- contained flats where two thirds or more are owner occupied.
- Where the owner or manager is a public body such as registered social landlords or health services.
- The property is a hotel/guest house.

Appendix 3- Fees

The proposed HMO licensing fees have been determined by the amount of time officers spend on average to determine an application and grant a licence.

The HMO fees for a typical 5-bedroom property are:

New application - £783.34

Renewal - £688.30

There is an additional charge for each additional room after 5 rooms of £33.19.

The HMO licence is issued for a maximum of 5 years and therefore a typical 5-bedroom property would cost: £65.28 a month, £1.26 a week, £0.18 a day.

The average income for 1 bedroom in an HMO is £140 a week, £560 per month. A 5-bedroom property could obtain a monthly income of £2240 and £26,880 annually.

The proposed licensing fees are designed to recover our costs only as detailed with the Licensing Fees calculator excel sheet.

Typically, HMOs will be inspected at least once during the 5-year licence. A risk-based assessment will determine if the HMO requires an inspection on a more regular basis.

Proposed cost of HMO Licence			
Annually	Monthly	Weekly	Daily
£783.34	£65.28	£1.26	£0.18

Appendix 4- Glossary

Term	Definition
HMO	House of Multiple Occupation
Rent Smart Wales (RSW)	Rent Smart Wales is a landlord and managing agent registration and licensing scheme which covers the whole of Wales. They assist those who let or manage properties in Wales in achieving compliance with the Housing (Wales) Act 2014. It has been a legal requirement for all those who let or manage rental properties in Wales to be registered with RSW since the 23 rd of November 2015.
Contract Holder	The new term for 'tenant'. This term was introduced by The Renting Homes (Wales) Act 2016 (The Act) which took effect on the 1 st of December 2022.

Public Consultation Questionnaire

Flintshire County Council proposes to introduce a new scheme of Additional Licensing for Houses in Multiple Occupation (HMOs) across the county of Flintshire.

This public consultation document outlines Flintshire County Council's proposed approach, the reasons for the scheme and how it will benefit those living, working, and operating within the private rented sector across Flintshire.

The consultation questionnaire seeks to gather the views of all who could be affected by the scheme, and it will-

run for a minimum of 10 weeks starting on the 31st of March 2025.

Those people who are unable to complete the survey online can visit any Connects Centre where support will be available. Connects Centres are open 9am to 4.30pm on the following days:

- Buckley: Tuesday, Wednesday, Thursday
- Connah's Quay, Flint and Holywell: Monday to Friday
- Mold: Monday, Wednesday, Friday

How we handle your information- Privacy Notice

Your data will be processed by Flintshire County Council only for the specific purposes of assessing your application for a House in Multiple Occupation Licence. The processing of your personal data is necessary for the purposes of the Housing Act 2004 and for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.

Your information will be retained for 12 months following the surrender or cancellation of the licence. Your information will not be shared with any other organisation.

If you feel that Flintshire County Council has mishandled your personal data at any time you can make a complaint to the Information Commissioner's Office by visiting their website or by calling their helpline on 0303 123 1113.

For further information about how Flintshire County Council processes personal data and your rights please see our privacy notice on our website:

<http://www.flintshire.gov.uk/en/Resident/Contact-Us/Privacy-Notice.aspx>

Questions

1. Which of the following applies to you? Please tick ✓ all boxes that apply.

<input type="checkbox"/> Live in Flintshire- rent my home from a private landlord	<input type="checkbox"/> Live in Flintshire- own my own home
<input type="checkbox"/> Live in Flintshire- rent my home from the council or housing association	<input type="checkbox"/> Live in Flintshire- or other type of occupier
<input type="checkbox"/> Private landlord in Flintshire	<input type="checkbox"/> Letting/Managing Agent with properties in Flintshire
<input type="checkbox"/> Represent an organisation based in or operating in Flintshire	<input type="checkbox"/> Own or manage a business in Flintshire
<input type="checkbox"/> Work in Flintshire	<input type="checkbox"/> Have other connections with Flintshire
<input type="checkbox"/> An elected member in the county of Flintshire	<input type="checkbox"/> No connection to Flintshire

2. To what extent do you agree or disagree with the proposal to introduce the Additional Licensing of HMOs across the whole of the County of Flintshire?

Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3. Please identify the top three most important issues you think need to be addressed in HMOs.

- a) Disrepair in properties (including damp and mould growth) ☐
- b) Insufficient amenities (space, bath/shower, kitchen facilities etc) ☐
- c) Overcrowding ☐
- d) Fire safety ☐
- e) Waste and refuse ☐
- f) Antisocial behaviour (including noise) ☐
- g) Poor property management ☐
- h) Poor compliance with housing legislation (which includes but is not limited to that which covers the management of HMOs, the issuing of contracts and the correct eviction procedure) ☐

Logic (This is for IT reference only and will be deleted)

- 4. Are you a tenant in a rented property in Flintshire?** (If the option yes is selected the questionnaire will move to question 4a&4b. If the answer no is selected the questionnaire will move to question 6).

Yes ☐ No ☐

4a. What type of property do you live in?

<input type="checkbox"/> Bedsit- (HMO which comprises of separate non-self-contained bedsit lettings. Cooking and food preparation facilities are provided <u>within</u> the individual units of accommodation, and some occupants may share a communal kitchen/bathroom/toilet/living room).	<input type="checkbox"/> Bedsit type HMO- (HMO which comprises of separate non-self-contained individual room lettings. A communal kitchen/bathroom/toilet/ living room may be provided)
<input type="checkbox"/> Self-contained Flat	<input type="checkbox"/> Single Occupancy (one household)
<input type="checkbox"/> Shared house (typically university students who know each other upon taking on the tenancy)	<input type="checkbox"/> Other

4b. As a tenant, are you concerned about any of the following in your rental property? Please tick ✓ all boxes that apply.

- a) Damp and mould growth ☐
- b) Property in a poor state of disrepair ☐
- c) Overcrowding ☐
- d) Lack of basic amenities (bath/shower, kitchen facilities, etc.) ☐
- e) Security (adequate locks etc.) ☐
- f) Lack of heating ☐
- g) Energy efficiency ☐
- h) Rubbish and waste accumulations ☐
- i) Lack of tenancy paperwork ☐
- j) General lack of management and supervision of your property ☐
- k) Poor response to requests for repairs ☐
- l) Harassment and/or illegal eviction including pressure to leave without notice ☐
- m) Retaliatory eviction, for example, evicted after complaining of disrepair ☐
- n) Antisocial behavior ☐
- o) Other ☐ (Please state)
- p) None ☐

4c. Below is a link to the prescribed minimum standards in relation to space and amenity requirements. Do you consider the proposed prescribed standards adequate?

<https://www.flintshire.gov.uk/en/Resident/Housing/Housing-Policies-and-Procedures/Houses-in-Multiple-Occupation-HMO.aspx>

Yes ☐ No ☐

5. Are you the landlord or managing agent of a rented property in Flintshire?
(If the option yes is selected the questionnaire will move to question 5a&5b. If no is selected the questionnaire will move to question 6).

Yes ☐ No ☐

5a. As a landlord or managing agent have you had problems with following issues in your rental property? Please tick ✓ all boxes that apply.

- a) Damp and mould growth ☐
- b) Property in a poor state of disrepair ☐
- c) Overcrowding ☐
- d) Malicious damage caused by tenants ☐
- e) Rubbish and waste accumulations ☐
- f) Antisocial behaviour by tenants ☐
- g) Other ☐ (Please state)
- h) None ☐

5b. Below is a link to the prescribed minimum standards in relation to space and amenity requirements. Do you consider the proposed prescribed standards adequate?

<https://www.flintshire.gov.uk/en/Resident/Housing/Housing-Policies-and-Procedures/Houses-in-Multiple-Occupation-HMO.aspx>

Yes ☐ No ☐

If neither question 4 or 5 apply the questionnaire will move to number 6.

- 6. Do you think the proposed Additional Licensing scheme will lead to fewer tenants living in a substandard condition in the private rented housing sector?**

Yes ☐ No ☐

- 7. Who do you think Additional Licensing will benefit? Please tick ✓ all that apply.**

	Yes	No	Don't Know
a) The local community?			
b) Tenants?			
c) Landlord?			

If you wish to add further detail to your answer for question 7, please do so below-

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- 8. Do you support the introduction of Additional Licensing?**

Yes ☐ No ☐

- 9. Do you have any other comments or observations that you would like us to consider?**

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