



CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

Councillor Mary Jones
Convener
Houses in Multiple Occupation
Scrutiny Working Group

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8th March 2017

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I dderbyn yr wybodaeth hon mewn fformat arall, cysylltwch â'r person uchod.**

Dear Councillor Jones

**HOUSES IN MULTIPLE OCCUPATION SCRUTINY WORKING GROUP – 12TH
JANUARY 2017**

Thank you for your letter dated 13th February 2017.

- 1. The Working Group identified a financial surplus from the fee income received after licensing related salaries of HMO Officers had been paid. This discovery came from figures provided by the department and from questions by working group members to officers. We recommend that this surplus should be used to increase the number of HMO Licensing Officers.**

Information provided at the Scrutiny Working Group referred to the range of officer posts involved with HMO licensing and their typical salary costs. A total annual income figure was not requested or provided at that time. Annual HMO licence fee income fluctuates depending upon the housing market, the number of new licence applications and licences requiring renewal.

Licence fees are required to be paid in full when an HMO licence application is made. The fee paid covers a maximum five year period (i.e. the life of an HMO licence). A proportion of the fee is therefore carried across that period as 'receipts in advance'. This means even though the fee is paid in full in one particular financial year, it is able to be utilised in that year and subsequent years over the term of the licence.

This is permitted and should not be interpreted as a surplus.



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From 1st April 2017, there will be one additional Environmental Health Officer dealing with HMOs and other private sector housing enforcement matters. It is anticipated this will equate to approximately 0.8FTE on HMO licensing, which will be funded by HMO licensing fees.

2. Bring forward the Additional HMO Licensing Scheme review to be agreed at the October 2017 Council meeting for implementation in March 2018 and use this opportunity to:

a. Raise the landlord fee and use any identified surplus between fee income and costs to employ additional enforcement officers. This will enable the service to be proactive rather than reactive enabling greater enforcement of existing legislation particularly around the policing of HMOs over the five year term.

b. Determine the evidence base for consideration of Additional HMO Licensing across the City and County of Swansea by immediately undertaking proactive survey work, starting with the St Thomas Ward. The survey for this Ward should be completed by April 2017.

c. Promote:

i) the new Rent Smart Wales legislative requirements to landlords and to tenants, which allows tenants and prospective tenants to identify properly registered landlords and licensed agents.

ii) the public register of licensed HMOs on the Council's website www.swansea.gov.uk/hmoregister

iii) the Environmental Protection Act 1990 and obligations on householders regarding waste, litter and nuisance.

d. In addition to the above, liaise with Wrexham Council to learn from their practice whereby they differentiate between good and not good landlords. *'Separating the Good from the Bad' – The public register will be promoted as the most appropriate place to find shared accommodation. This should assist tenants to avoid substandard properties and rogue landlords and ensure that tenants are directed towards licensed HMOs.'* Wrexham County Borough Council



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a) The current HMO Licensing Policy 2016 was adopted by Council in November 2015 and the renewal of the Additional HMO Licensing Scheme for Castle and Uplands took effect in March 2016. The fees were reviewed at that stage and were increased. The Council can only set a fee which covers costs incurred in administering HMO licensing and whilst this will be reviewed during the five year life of the Additional HMO Licensing Scheme, the increased fees have only been in place for a year. A further increase to fees at this stage is viewed as unreasonable and open to challenge.

b) Proactive survey work has started in the St Thomas ward. The results of the survey will be reported back to the Cabinet Member in April. This will determine the need for consideration of Additional HMO Licensing in the area in accordance with the requirements of the Housing Act 2004.

Notwithstanding the results of the St Thomas survey, a city-wide additional licensing declaration is not felt to be appropriate or proportional for Swansea. There is not the evidence base locally to support such a declaration and such action would certainly deflect resources away from the geographical areas of concern.

c) Work to promote Rent Smart Wales requirements has been ongoing since 2015 and will continue alongside an increasing role for enforcement of the legislative provisions. This will be done in liaison with the single licensing authority Cardiff Council who operate Rent Smart Wales.

The public register of licensed HMOs is on the Council's website and is referred to by officers across the Council as well as third sector partners and both universities. Officers in various teams across the Council continue to deal with waste, litter and nuisance issues from HMOs, liaising with residents, property owners and agents, both universities and students' unions.

Our use of the public register of licensed HMOs already echoes that used by Wrexham Council. The content and use of the public register is governed by statute.

3. The Supplementary Planning Guidance define a threshold above which concentration or intensification of HMOs will be deemed harmful within a 50 metre radius of a proposal.



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- 4. The Supplementary Planning Guidance define a HMO threshold of:**
- a) No more than 20% in the designated HMO Management Area**
 - b) No more than 10% in the remainder of the City and County**
- (the Working Group accepts that there may be exceptions that would need to be assessed on their their own merits)**

5. Advice on noise insulation for all HMO properties of 3+

The Supplementary Planning Guidance is the subject of a comprehensive public consultation until 5 March 2017. Numerous representations have already been received, which have included comments on the points raised by the Scrutiny Panel in recommendations 3, 4 and 5, specifically with regard to alternative threshold figures, methods of defining an area for threshold calculations, and the merits of requiring noise insulation measures for HMO properties. Following the conclusion of the consultation period all representations that have been duly submitted will be considered in detail by the Planning Authority, with the assistance of independent consultants, before any appropriate changes to the draft document are made. The amended Final Draft SPG will be presented to Members of the Planning Committee in due course for their review, alongside a schedule of the Planning Authority responses to all comments duly submitted during the consultation period.

6. Take action against landlords/tenants that remove or tamper with the closures on fire doors within HMOs. There should be more rigorous enforcement of the requirement for fire doors to soft close and be properly maintained.

The correct operation of fire doors is checked during inspections of HMOs and complaints of slamming fire doors are investigated. Action is taken with the landlord/agent/licence holder where doors are inadequate, poorly maintained, missing or do not operate effectively.



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7. Investigate the possibility of incentives being offered to re-convert surplus HMOs back to family homes.

The Council's Private Sector Housing Renewal and Disabled Adaptations Policy prioritises disabled facilities grants and situations where vulnerable occupiers are living with risks to their health and safety. There are currently no resources available to offer grants for conversion of properties back to family homes. This could however be considered as part of a wider regeneration initiative subject to available funding.

Yours sincerely

**COUNCILLOR MARK CHILD
CABINET MEMBER FOR
WELLBEING & HEALTHY CITY**

**COUNCILLOR ROBERT FRANCIS DAVIES
CABINET MEMBER FOR
ENTERPRISE, DEVELOPMENT &
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