

Additional Licensing Scheme - Tyisha

Consultation

2024



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1. Llanelli is changing

Following a community consultation in 2018, a significant investment programme was established for the Tyisha Ward in Llanelli, to improve conditions within a number of key areas. The key areas were identified through a Planning for Real exercise, completed with the community. The community raised concerns about 5 main areas:

- Crime, disorder, and public safety;
- Changing and improving the environment;
- Improving and developing new housing;
- Community engagement and partnership working;
- Health and deprivation.

To help deliver on this, a focussed team was established in 2019. The past 5 years have seen that team focus on interventions under each of these themes. This has included examples such as community events, closer work with the police and additional waste management measures. The next steps for this team include a number of housing interventions. These extend from the development of new housing at key sites, to better provision for regulation within the private sector. Each intervention by this team is completed with a sole focus on the improvement of the Llanelli area. Steps are being taken to ensure the surrounding wards, such as Glanymor, see the benefit of investment which has led to specific schemes and initiatives taking a cross boarder approach.

This report outlines the rationale behind the need for the introduction of a new licensing scheme “the scheme” for the private rental sector within the Tyisha and Glanymor Wards. This scheme would complement other activity on development and investment within the wards and provide for a better overall approach to the improvement of the housing sector. The scheme looks to balance the needs for both regulation and support within this sector, and seeks to create a good quality housing environment, while supporting landlords.

2. History

Extra licensing of properties in Tyisha has been implemented before. From 2014-2019, a Selective Licensing Scheme ran within the ward. This scheme required all landlords to apply for a licence, regardless of the size of their property. This affected those who owned a single-family house, to those who owned large blocks of flats. This scheme showed the benefit of an additional scheme, with extra advice and support being provided to landlords, and tenants being guaranteed compliant homes.

3. What is the scheme?

The scheme being explored for implementation within the ward is an Additional Licensing Scheme. The provisions regarding licensing schemes were introduced by part two of the Housing Act 2004. These schemes extend to mandatory and additional HMO licensing schemes. Local Authorities may introduce a scheme if HMOs within the area under consideration show a demonstrable impact on the quality of the area. This could be in relation to crime, anti-social behaviour and other social issues.

4. Why is this scheme being considered?

The local housing authority may not make an additional licensing scheme unless it has identified that a significant proportion of the HMOs of the description to which the scheme is intended to apply are being managed sufficiently ineffectively so that they are causing, or have potential to cause, particular problems either for the occupiers of the HMOs or members of the public. A 'significant proportion' does not mean the majority, but means more than a small minority.

The justification for such a scheme may be set out utilising analysis of levels of crime in the area. This data can be sourced from the reporting on crimes as collected by the local police force. Identification of extensive reports of poor-quality housing may also be considered in assessing the levels of management present within a housing area. Finally, levels of waste-management issues may be assessed to determine the suitability of such a scheme, as is collated by waste services.

Improving standards of management of private rented properties is the key to tackling the issues of anti-social behaviour by ensuring:

- That landlords are 'fit and proper persons'.
- Better management of tenancy relations.
- Support for landlords to participate in regeneration and tackle antisocial behaviour effectively.
- Protection for vulnerable tenants from the worst housing conditions and from bad landlords.
- Strategic knowledge to support local authorities in targeting health and safety inspections.
- Support for landlords to improve the worst properties by helping them to achieve decent minimum standards in housing conditions and management.

Following a review of the demographic profiles across Tyisha and Glanymor, the below statistics give Carmarthenshire County Council justification to explore an additional licensing scheme.

- **High level of private rental properties**

This is reflected through a review of Census data relating to housing tenure, which shows that a large proportion of respondents live in private rental properties in these areas. This shows that approximately 27.6% of households across Tyisha and Glanymor live in private rental properties. When compared to the national tenure proportion of 17%, this shows that Tyisha and Glanymor have a significantly high proportion of properties in private rent.

- **Significant levels of crime and anti-social behaviour**

This is reflected through a review of Crime statistics as provided by Dyfed Powys Police. This shows that within the 12 months preceding August 2023, 858 criminal incidents were recorded. These were of varying context, though ASB took up a reasonable proportion of this, with 170 registered incidents. In comparison, the neighbouring Elli ward showed on 469 incidents in the same period, with 54 of these being ASB related. This shows a significant level of crime of ASB within the Tyisha ward.

- **High Levels of Deprivation**

This is reflected through a review of the Welsh Index of Multiple Deprivation (WIMD). Glanymor 2 ranks as the second most deprived area in Carmarthenshire from 112 LSOAs and is ranked 236 in Wales from 1909 LSOAs. Tyisha 2 ranks as the most deprived area in Carmarthenshire and is ranked 17th from 1909 LSOAs in Wales, whilst Tyisha 3 ranks as the 4th most deprived area in Carmarthenshire and is ranked 144 from 1909 LSOAs in Wales.

5. Who is affected?

Once a designation for the additional licensing is approved for an area it would be mandatory for all landlords and agents that rent HMOs within that area to apply for a licence. There is the onus on landlords in the area to come forward and license their properties. Failure to license a property may result in prosecution. Applicants cannot have any previous conviction in relation to terms of sexual offences, drugs, fraud, assault, serious crime, or any contraventions of any housing legislation.

For the purposes of the scheme, a HMO would be defined as:

- A property with 3 or more occupants, who form 2 or more household and have shared use of a kitchen or bathroom.
- A property falling into the Section 257 HMO classification, being a property that is converted into flats without consent under the 1991 Building Regulations.

This could mean than any shared house or bedsit HMO will be subject to a licence. Also, some blocks of flats in the area could be subject to a licence. The local authority will be in a position to advice local landlords if their property requires a licence.

6. What properties are included?

The scheme is to be introduced in the Tyisha and Glanymor Wards of Llanelli. Properties matching the following description are to be included in the scheme:

- A property with 3 or more occupants, who form 2 or more household and have shared use of a kitchen or bathroom.
- A property falling into the Section 257 HMO classification, being a property that is converted into flats without consent under the 1991 Building Regulations.

Properties that are already subject to a Mandatory HMO licence under the Housing Act 2004 with no form part of the scheme. Please see the below map showing a guideline of affected geographical area.



Map1: Showing rough outline of licence area

7. How will the scheme work?

Landlords will be required to apply for a licence if their property falls into the covered description. Officers would continually monitor the applications and begin to process the licence. This will include:

- Confirming all required documents are submitted
- Confirming payment has been made
- Undertaking a fit and proper person check
- Undertaking a property inspection

Officers would then have discretion to:

- grant a full licence where only basic conditions are imposed;
- grant a conditional licence where there are clear failures in management; or
- refuse the licence where the applicant fails to demonstrate that they are 'fit and proper' to manage the property.

The type of general licence conditions that would be imposed on landlords/agents are provided below. The licensing process would ensure properties meet appropriate standards and consider if landlords can manage their properties appropriately. If the property does fall below any standards, the landlord will be provided with an opportunity to improve the standard to allow for it to be licensed.

Any licence issued will be valid for 5 years from the date of issue.

There would be no requirement for landlords or agents that have already licensed their HMOs to re-apply for this scheme unless the licence has elapsed. There are other exemptions from licensing which are as follows:

- Housing Association Properties
- Religious organisations
- Charities

8. Possible conditions

Through the implementation of the scheme, conditions would be imposed upon landlords in relation to different elements of the property and its management. This can extend to provisions with the key focus areas for improvement as highlighted through the project. Some examples of conditions may include:

- Timeframes for response to emergencies
- Responsibilities for dealing with anti-social tenants
- Providing bins and managing waste at the property
- Providing manageable outdoor spaces
- Standards for the internal of properties

Further to this, the scheme would allow better support to be provided to landlords. This could include the provision of materials to aid in waste management, along with more intensive advice and support.

9. Benefits

The benefits of a scheme like this will be felt across the sector, and wider geographical area. Some examples of these are listed below:

Landlord Benefits

- All landlords receive guidance allowing them to meet legal requirements for safety and management.
- All landlords are offered a pre-licensing advice service prior to HMO licensing (refer to HMO licence application process)
- Greater ability for landlords to set out what is expected of tenants.
- A licensed property should encourage tenants to live in licensed HMOs and would demonstrate landlord's compliance with legislation.
- Licensing aims to provide a 'level playing field' to ensure that compliant landlords are not under-cut by those providing poor standard or unsafe housing.

Tenant Benefits

- Licensing strengthens the requirements that landlords must meet to ensure the health, safety and welfare of tenants is protected.
- Inspections of properties by Council Officers which provides an opportunity for landlords and tenants to ask questions and to be given advice.

- Confidence in the landlord and the property due to the compliance with standards set by licensing.

Community Benefits

- Better regulated and managed rented housing.
- Fewer environmental problems from overgrown gardens and accumulations of waste.
- Protect vulnerable people who may otherwise live in poor condition properties.
- The statutory public register means that neighbours can identify who the landlord of a property is if they wish and contact them with concerns.

10. Fees

As part of the implementation of the scheme, a fee structure will be implemented for services related to the issuing of licences. These fees will be set to allow for the prompt processing of applications, including the undertaking of property visits and the issuing of licence conditions. An example fee breakdown is provided below. These fees are not decided at this stage, and will be considered following consultation response.

| Type of Property | Fee (£) | Variation Fee (£) |
|-----------------------|----------|-------------------|
| 2 Flats | 433.00 | 23.60 |
| 3 Flats | 545.70 | 47.20 |
| 4 Flats | 721.30 | 70.70 |
| 5 Flats | 866.00 | 94.30 |
| 6 or more Flats | 1,010.70 | 117.90 |
| 3 Person HMO | 457.70 | 23.60 |
| 4-6 Person HMO | 624.90 | 47.20 |
| 7-10 Person HMO | 793.10 | 70.70 |
| 11 or more Person HMO | 962.50 | 94.30 |

Table 1: Charging Digest for 2023-2024

11. Why are we consulting?

While it is in the intention of the local authority to implement this scheme, we want to ensure all interested parties have an opportunity to have their say.

Section 56 of the Housing Act 2004 states that when considering designating an area the local housing authority must:

- take reasonable steps to consult persons who are likely to be affected by the designation; and
- consider any representations made in accordance with the consultation and not withdrawn.

Through this consultation we will shape a scheme that benefits all parties, and delivers a better rental sector in this area. Ultimately, delivery of the scheme will ensure we implemented effective regeneration and improvement throughout the Tyisha and Glanymor wards.

We ask that landlords, tenants and members of the community alike, respond to this the survey at: [URL.....](#)

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