

Licensing of Houses in Multiple Occupation (HMO) in Cardiff

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What is the purpose of HMO Licensing?

Licensing ensures that certain types of rented property meet standards to ensure a house is safe for the occupants and that the landlord is competent, qualified and the most appropriate person to manage it.

The houses must have adequate fire precautions and sufficient kitchen and bathroom amenities for the number of occupants.

The landlord must also be a 'fit and proper' person to hold a Licence and the Council will take into account any criminal convictions that the landlord may have. Failure to satisfy the Council that a person is 'fit and proper' could result in the refusal to grant a Licence.

In addition to the above, the Additional Licensing Scheme (see below) is also looking to tackle wider community issues such as waste, anti social behaviour, energy efficiency and property security.

What properties need a Licence?

There are 2 types of Licence that relate to different HMO property types and different areas:-

- Mandatory – Applicable to the whole of Cardiff
- Additional Licensing Scheme – Applicable to Cathays and Plasnewydd only

Mandatory Licences

A Mandatory HMO Licence applies to houses in multiple occupation that have **3 storeys or more** and **5 or more occupants** who do not form a single household.

This applies across the whole of Cardiff and can include shared houses and houses split into bedsits, or a mixture of flats and bedsits.

To provide more detail, the following property types are classed as HMOs for Mandatory Licensing purposes provided the property has 3 storeys.

- An entire house or flat which is let to 5 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet.
- A house which has been converted entirely into bedsits or other non self-contained accommodation and which is let to 5 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
- A converted house which contains one or more flats which are not entirely self-contained (ie the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 5 or more tenants who form two or more households.
- In order to be an HMO the property must be used as the only or main residence of the tenants and it should be used solely or mainly to house tenants. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges

Additional Licensing Scheme – Cathays and Plasnewydd

Cardiff Council has declared two areas within Cardiff as Additional Licensing Schemes. The Additional Licensing Scheme in Cathays first came into effect on 1 July 2010 and again on 1 January 2016 but expired on 1 January 2021. The Plasnewydd Additional Licensing Scheme first came into effect on on 3 November 2014 and again 1 January 2021. The Schemes extend the scope of licensing to cover most rented property with **3 or more occupiers who form 2 or more households** regardless of how many storeys the property has. Each Scheme runs for a period of 5 years, at the end of which, the Council will be required to re-declare the Additional Licensing Scheme.

Note: - at the time of publication (August 2021) the Cathays scheme is on hold pending redeclaration – check the website for current status of the scheme: <https://www.srs.wales/en/Housing/HMO-Licensing/HMO-Licensing-in-Cardiff.aspx>

This applies to the [Cathays area](#) and [Plasnewydd Area](#) and can include shared houses and houses split into bedsits, or a mixture of flats and bedsits.

Additional Licensing does not apply to or affect properties that are licensable under the Mandatory Licensing Scheme above and does not include owner occupiers with up to 2 tenants living in their property

To provide more detail, the following property types are classed as HMOs under the Additional Licensing Scheme.

- An entire house or flat which is let to 3 or more tenants who form 2 or more households and who share a kitchen, bathroom or toilet.
- A house which has been converted entirely into bedsits or other non self-contained accommodation and which is let to 3 or more tenants who form two or more households and who share kitchen, bathroom or toilet facilities.
- A converted house which contains one or more flats which are not entirely self-contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by 3 or more tenants who form two or more households.
- A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one-third of the flats are let on short-term tenancies.
- In order to be an HMO the property must be used as the only or main residence of the tenants and it should be used solely or mainly to house tenants. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refuges

Exemption from Licensing

Exempt properties

Some types of buildings are exempt from licensing, these include:

- Properties managed or owned by a public body (such as the police or the NHS), a local authority or a Registered Social Landlord
- Buildings entirely occupied by freeholders or long leaseholders
- Properties occupied by only 4 people (exempt from Mandatory Licensing only)

- Properties occupied by only 2 people (exempt from all licensing)
- Properties occupied by the owner (and their family, if any) and one or 2 lodgers. (exempt from all licensing)
- Properties occupied by a religious community.
- Properties where the occupiers have residences elsewhere
- Properties where no one is required to pay rent.
- Properties owned by an education institution.
- A building of self contained flats if two thirds or more of the flats are owner-occupied.
- Properties that form part of a guesthouse or hostel (unless an HMO Declaration is made).
- Properties already licensed under either the Mandatory HMO Licensing Scheme or Additional Licensing Scheme (whichever is relevant).

There are certain restrictions applying to these exemptions, so if you are a landlord and feel you may be exempt from Licensing, you should contact the Housing Enforcement Team to clarify if your property is eligible for exemption.

Temporary exemption from Licensing

The Council may serve a Temporary Exemption Notice where there is good reason to do so, for example if completion of a sale of the property is imminent or if the property will no longer be a HMO.

If there is a change of circumstances and you wish to seek 3 months exemption from licensing requirements, please contact the Licensing Team with the reasons. The Council will consider the application and may approve or refuse the request. You may however appeal to the Residential Property Tribunal if you disagree with the decision. (See [Appeal mechanisms](#)).

How to apply

Application forms are available to download from our website at <http://www.srs.wales/en/Housing/HMO-Licensing/HMO-Licensing-in-Cardiff.aspx> or we can send you forms by post (see [How to contact us](#)).

Application forms contain guidance and information on how to make your application and should be completed and returned to the Licensing Team at City Hall, together with all the required documentation and fees.

Licence fees

Note that from 1 September 2021 the HMO licence fee must be paid in 2 parts. An initial application fee will be payable at the time of application. The remainder of the fee will then be payable following an inspection of the property and the issue of a draft Licence, and prior to the issue of the full Licence. The total fee payable will be depend upon:

- the type of property and number of rooms
- whether the property is found to be compliant with HMO licensing standards
- whether the application form is timely and complete first time with all required attachments

All licence fees, application forms and payment methods can be found at:

<http://www.srs.wales/en/Housing/HMO-Licensing/HMO-Licensing-in-Cardiff.aspx>

Where a change of ownership occurs at a licensed property that is fully compliant, a reduced fee is

payable for the award of a licence to a new owner for the remaining term of the licence on submission of a timely and complete application.

Documentation to accompany applications

The following documentation must be provided with your application:-

- **Appropriate initial application fee (see [Licence fees](#))**
- **One clear passport style photo.** If submitting multiple applications, you need only submit one photo. The photo may be taken on your mobile phone but should be clear and up to date. It will be included within your licence
- **Landlords Gas Safety Record** - A copy of the current Gas Safety Record(s) covering all gas appliances in the property. The Record must be within date and show that appliances are in a satisfactory condition. (You are required to have all appliances etc. checked annually by a Gas Safe registered engineer). .
- **Domestic Electrical Installation Condition Report** – A copy of a current and satisfactory Domestic Electrical Installation Condition Report for the property, completed by a competent electrical engineer. The certificate must be within date (max 5 years) and certificates with code 1 or code 2 defects will not be accepted as satisfactory.
- **Energy Performance Certificate** - Certificate must be dated within 10 years of date of receipt of application.

The following documents are not routinely required, but you may be asked for them as part of the application process.

- Fire Alarm Installation/Inspection and Servicing Report
- Emergency Lighting Periodic Inspection and Testing Certificate
- Fire Safety Risk Assessment for property
- Building Regulations Completion Certificate
- Planning approval (for any conversion or change of use of HMO).

Who should hold the Licence?

The Housing Act 2004 states that the “person having control” is the most appropriate person to hold a Licence. This is the person who received at least two thirds of the market rent or would receive it if it were let at a market rent. This will normally be the owner.

Managing agents will not normally hold licences because they are not the persons having control. We must however still be satisfied that they are fit and proper and are sufficiently competent.

If for some reason you feel unable to hold a Licence, then the Council may award a licence to a manager that you appoint. The Council may allow this, if, for example we have determined that you are not a fit and proper person to hold a licence or perhaps you live abroad or are in some way incapable of effectively managing the HMO.

The application process

- Once submitted, application forms will be checked and verified to ensure that they have been completed correctly, and that the required documentation and fees are attached.
- Application forms will be acknowledged and you will be informed of whether or not your form is valid or invalid for the purposes of licensing.
- If your application is satisfactory, an officer will visit the property to be licensed and carry out an inspection of the property. Please provide access as soon as possible.
- The Council will decide whether or not they consider the proposed licence holder to be a fit and proper person.
- If the Council decides to issue a Licence, a draft licence and conditions, including details of any works that may be required will be sent to you and any interested parties. You will be given at least 14 days to make any comments or representations.
- If the Council has any health and safety concerns, you will also be served with an Improvement notice covering these works.
- Following the 14 day consultation period, the Council will consider any comments, if any, and will produce a final licence, sending copies to all persons with a legal interest.
- If you do not agree with the content of the licence, or if the licence is refused, you will have right of appeal to the Residential Property Tribunal (see [Appeal mechanisms](#) below).

Enforcement Options

There are a number of enforcement options available to the Council to enforce non compliance with conditions and failure to make an application for a Licence.

Failure to submit an application

If a managing agent or landlord fails to make an application or, having submitted part of an application, then fails to provide all relevant documentation, they could face prosecution for failure to license a property. This has an unlimited maximum fine.

If prosecuted and convicted, then the landlord could face a Rent Repayment Order. This enables tenants of the unlicensed property to apply to the Residential Property Tribunal (RPT) for up to 12 months of their rent back, whilst the property was unlicensed.

Non compliance with conditions and works

The Licence will contain conditions relating to the ongoing management of the HMO and there may be conditions requiring works to meet fire safety and amenity standards. If the licence holder fails to comply with the conditions, then they could face prosecution and an unlimited fine.

When an inspection is carried out at the property, Officers will look for any hazards under the Housing Health and Safety Rating System. If any works are required they may write to you giving you an opportunity to remedy those defects or they may serve an Improvement Notice, setting out the works to be carried out and the timescales for completion. If the matter is serious, they may serve a Prohibition Order restricting the use of part or all of the premises.

Appeal Mechanisms

Prior to the Licence being issued, a draft of the licence is sent to all interested parties giving at least 14 days for to make representations to the Council about the proposed licence conditions.

If representations are made and the Council agrees, the terms of the licence may be varied. If no representations are made then the full licence and conditions document will be approved and sent to all relevant parties.

If the landlord or managing agent is not happy with the licence, they have the right to appeal against the terms of a licence, or (if applicable) refusal to grant a Licence. An appeal must be made to the Residential Property Tribunal within 28 days of approval or refusal of the Licence.

Contact details for the Residential Property Tribunal:

Residential Property Tribunal
Southgate House
1st Floor, West Wing
Wood Street
Cardiff CF10 1EW

Licence Register

The Council must maintain a register of licensed HMOs. A compact version of the register with landlord name and address removed is available to view online. To view the compact register or to find more details of how to view the full register visit:

<http://www.srs.wales/en/Housing/HMO-Licensing/HMO-Licensing-in-Cardiff.aspx>

How to contact us

The Licensing Team are here to help all landlords, agents and tenants to understand and implement licensing. If you have any questions or queries about the scheme, please contact us at:-

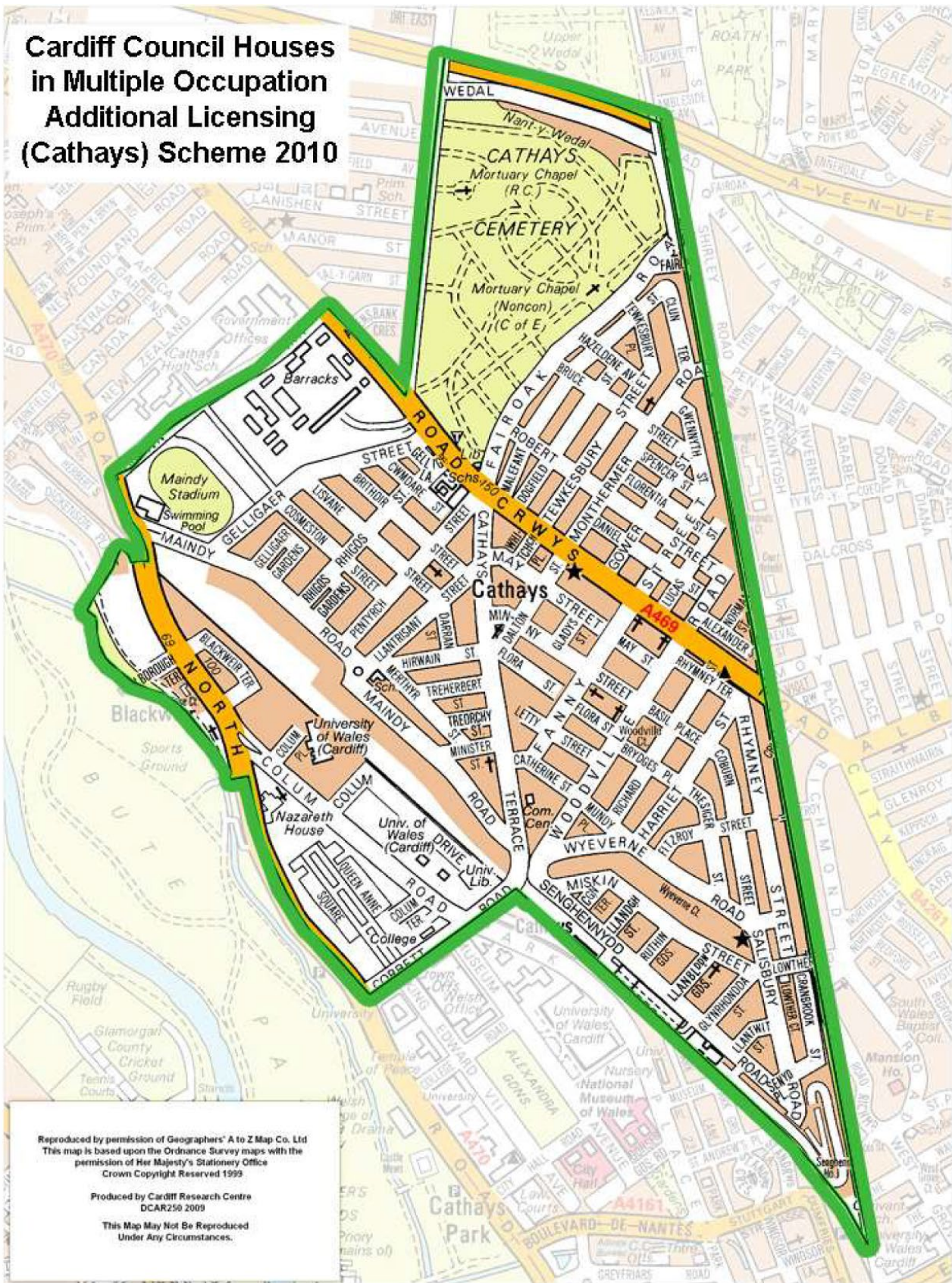
Housing Enforcement
Shared Regulatory Service
Room 116 County Hall
Atlantic Wharf
Cardiff
CF10 4UW

Tel. No. 0300 123 6696

Email: HMOLicensing@cardiff.gov.uk

Web: <http://www.srs.wales/en/Housing/HMO-Licensing/HMO-Licensing-in-Cardiff.aspx>

**Cardiff Council Houses
in Multiple Occupation
Additional Licensing
(Cathays) Scheme 2010**

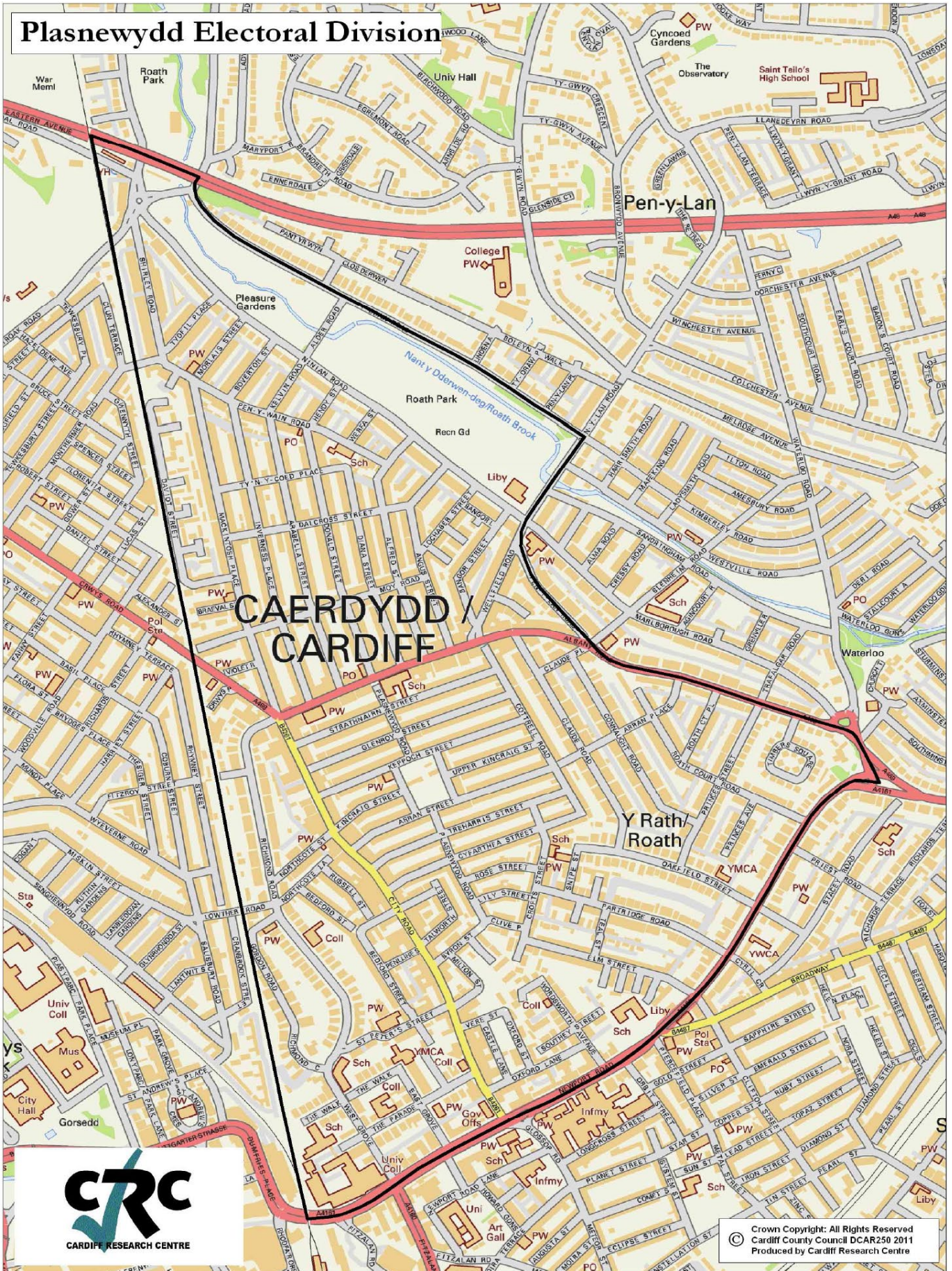


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Plasnewydd Electoral Division



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