

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

Cardiff Council in exercise of their powers under sections 56 of the Housing Act 2004 and hereby make the following Scheme.

## CITATION, COMMENCEMENT and REVOCATION

1. (1) This scheme may be cited as the Cardiff Council Houses in Multiple Occupation Additional Licensing (Cathays) Scheme 2010.
- (2) This scheme shall come into force on **1 July 2010**.

## INTERPRETATION

2. In this scheme:-

“**2004 Act**” means the Housing Act 2004;

“**Authority**” means the Cardiff Council;

“**House**” has the same meaning as in section 99 of the 2004 Act;

“**House in multiple Occupation**” has the same meaning as in section 254 to 259 of the 2004 Act and “multiple occupation” shall be construed according;

“**HMO**” has the same meaning as Section 77 of 2004 Act;

“**Single Household**” has the same meaning as section 258 of the 2004 Act;

“**Main residence**” has the same meaning as section 259 of the 2004 Act;

“**Person having control**” and “**person managing**” have the same meaning as in section 263 of the 2004 Act;

“**Responsible person**” means the person having control or the person managing;

“**Storey**” shall have the same meaning as section 3 The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (Wales) Order 2006

## AREA OF LICENSING SCHEME

3. This Scheme shall apply to all HMOs within the Cathays Community Ward in Cardiff as defined in the attached map.

## APPLICATION

4. (1) this Scheme shall not apply to:
  - (a) a building where the person managing or having control of it is –
    - I. A local housing authority
    - II. A body which is registered as a social landlord under part 1 of the Housing Act 1996 (c.52)
    - III. A police authority established under section 3 of the Police Act 1996 (C.16)
    - IV. The metropolitan Police Authority established under section 5B of that Act
    - V. A fire and rescue authority
    - VI. A health service body within the meaning of Section 4 of the National Health Service and Community Care Act 1990 (c.19)

- (b) Any building
  - I. which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full time course of further education or high education at a specified educational establishment or at an educational establishment of a specified description, **and**
  - II. where the person managing or having control if it is the educational establishment in question or a specified person or persons of a specified description provided by Welsh Assembly Government.
- (c) Any building except those defined by section 257 of 2004 Act which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering.
- (d) Any building except those defined by section 257 of 2004 Act which is occupied only by persons within the following:
  - I. one or more persons who have, whether in the whole or any part of it, either the freehold estate or a leasehold interest granted for a term of more than 21 years;
  - II. any member of the household of such a person or persons;
  - III. no more than two persons in addition to the responsible person and any other member of his household;
- e) Any house which is occupied by two persons who form only two households;
- f) A converted block of flats, except any converted block of flats to which 257 of the 2004 Act applies and which is an HMO by virtue of that section.

#### **AUTHORITY GIVEN BY THE SCHEME**

- 5. To exercise the powers and duties conferred by Part 2 of the Housing Act 2004 and in particular, subject to paragraphs 3 and 4 (1), the authority shall compile and maintain a public register of all houses in multiple occupation.

#### **PARTICULARS TO BE INSERTED IN THE REGISTER**

- 6. Each entry in the register in respect of a house shall contain the following particulars:-
  - (a) The name and address of the licence holder;
  - (b) The name and address of the person managing the licensed HMO;

- (c) The address of the licensed HMO;
- (d) A short description of the licensed HMO;
- (e) A summary of the conditions of the licence;
- (f) The commencement date and duration of the licence;
- (g) Summary information of any matter concerning the licensing of the HMO which has been referred to a residential Property tribunal or to the Lands Tribunal; and
- (h) Summary information of any decision of the tribunals referred to in sub-paragraph (g) which relates to the licensed HMO, together with the reference number allocated to the case by the tribunal.
- (i) The number of storeys comprising the licensed HMO;
- (j) The number of rooms in the licensed HMO providing –
  - I. Sleeping accommodation; and
  - II. Living accommodation;
- (k) In the case of a licensed HMO consisting of flats:
  - I. The number of flats that are self contained; and
  - II. The number of flats that are not self contained;
- (l) A description of shared amenities including the numbers of each amenity; and
- (m) The maximum number of persons or households permitted to occupy the licensed HMO under the conditions of the licence.

## LICENSING

7. (1) The responsible person for a house in multiple occupation shall apply to licence the house with the authority
- (2) On an application for Licensing, the responsible person shall fully complete an application in a form prescribed by the Authority and shall, in particular:
  - (a) give the authority the details of the house specified in paragraph 6: and
  - (b) pay a fee of a reasonable amount determined by the authority.
  - (c) provide a criminal conviction certificate, giving a basic level of disclosure, from Disclosure Scotland or Criminal Records Bureau
- (3) The Licence shall be for a maximum period of five years from date of issue but may be granted for a shorter period of time should the Authority deem it appropriate.
- (4) On or before expiry of the period of the licence, the responsible person shall apply for renewal of the licence, as long as the Scheme remains in force.
- (5) On renewal of the licence, the responsible person shall
  - (a) notify the authority of any changes in the particulars entered in the register in respect of the house
  - (b) pay a fee of a reasonable amount determined by the authority.

- (c) Provide a criminal conviction certificate, giving a basic level of disclosure, from Disclosure Scotland or Criminal Records Bureau
- (6) During any period of the licence, the responsible person shall notify the authority of any change in the particulars of the house which make it necessary to alter the particulars in the register except for a decrease in the number of tenants for which the licence is valid.

## **CONDITIONS FOR LICENSING**

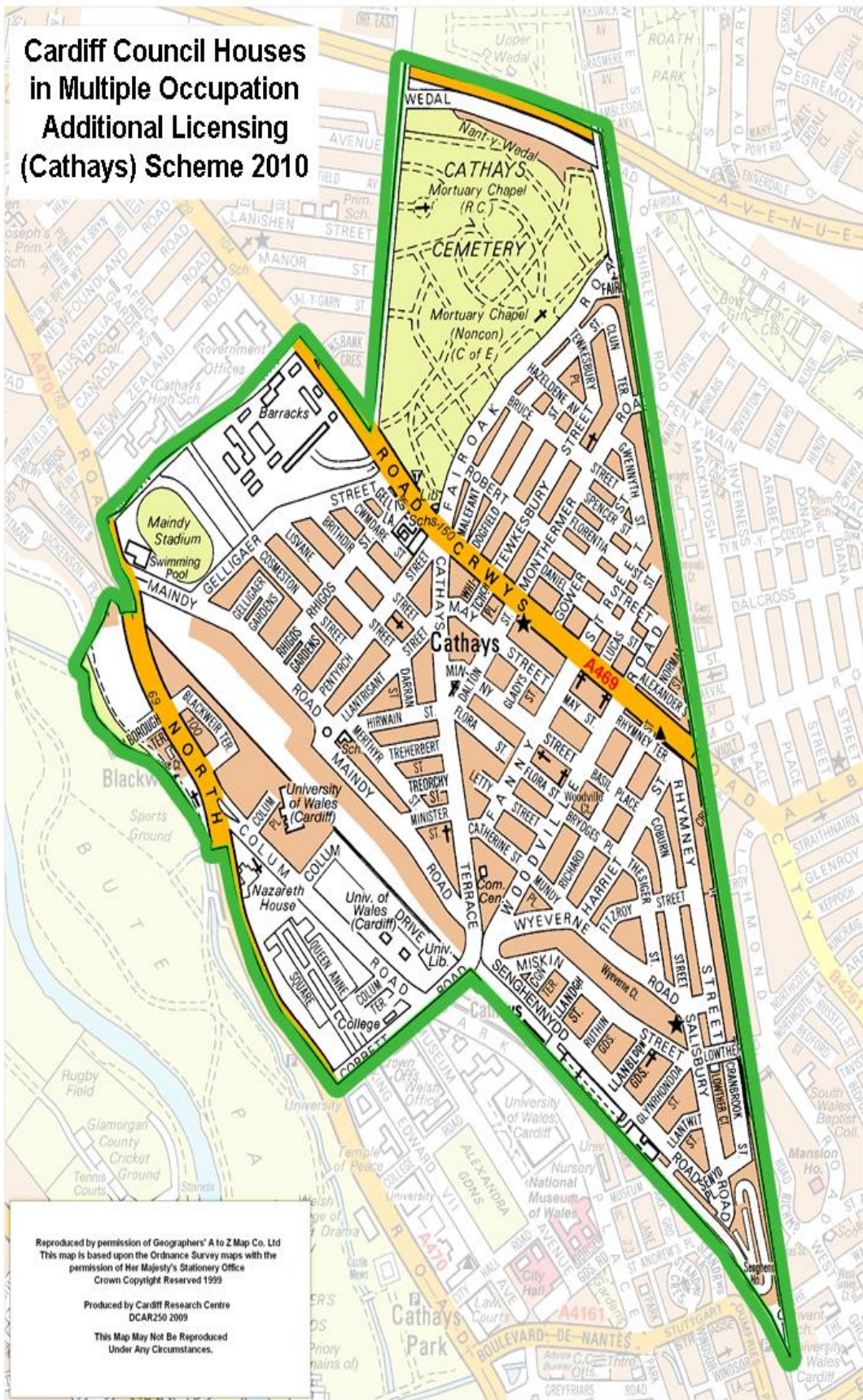
8. (1) the authority may, on application for first licence of a house or renewal or variation or a licence:
- (a) refuse the application on the ground that the house is unsuitable and incapable of being made suitable for such occupation as would be permitted if the application were granted.
  - (b) Refuse the application on the ground that the person having control of the house or the person intended to be managing the house is not a fit and proper person;
  - (c) Require as a condition of granting the application that such works as will make the house suitable for such occupation as would be permitted if the application were granted are executed within such time as the authority determine; or
  - (d) Impose such conditions relating to the management of the house during the period of the licence as the authority determine
- (2) The authority shall give the applicant a written statement of their reasons where they –
- (a) refuse to grant his/her application for a HMO licence or for renewal or variation of the licence;
  - (b) require the execution of works as a condition of granting such an application, or
  - (c) impose conditions relating to the management of the house
- and they will give the applicant and each person with a relevant interest in the premises an opportunity to make representations.

9. (1) The authority may, at a time during the period of the licence (whether or not an application has been made)-
  - (a) Alter the number of households or persons for which a house is licensed on the grounds that the house is unsuitable and incapable of being made suitable for such occupation as is permitted by virtue of the registration; or
  - (b) Alter the number of households or persons for which a house is licensed or revoke the licence unless such works are executed within a time specified by the authority as will make the house in question suitable for occupation as is permitted by virtue of the licence.
  - (c) Require works to be carried out following a post licensing inspection to negate any hazards identified in the house.
- (2) The authority shall, in deciding whether to exercise the power under sub-paragraph (1), apply these same standards in relation to the circumstances existing at the time of the decision as were applied at the beginning of the period of the licence.
- (3) The authority may revoke a licence if they consider that –
  - (a) the person having control of the house or the person managing is not a fit and proper person; or
  - (b) there has been a breach of the conditions relating to the management of the house.
- (4) The authority shall –
  - (a) notify the responsible person of any decision by the authority to exercise a power mentioned in sub-paragraph (1) or (3) in relation to the house; and
  - (b) at the same time give them a written statement of the authorities' reasons.

## **PROHIBITION AGAINST OVER-OCCUPATION**

10. No person shall permit another to take up residence in a HMO or part of a HMO unless;
  - (d) The house is licensed ; and
  - (e) The number of households or persons occupying it will not as a result exceed the number licensed for it.

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