



Cyngor Sir
CEREDIGION
County Council

Housing Act 2004, Section 56

DESIGNATION OF AN AREA FOR ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION

The Cyngor Sir Ceredigion County Council Designation of an Area for Additional Licensing of Houses in Multiple Occupation 2024

The Cyngor Sir Ceredigion County Council in exercise of their powers under section 56 of the Housing Act 2004 ("the Act") hereby designates for additional licensing of Houses in Multiple Occupation ("HMOs") the area described in paragraph 4.

CITATION, COMMENCEMENT AND DURATION

1. This designation may be cited as the Ceredigion County Council's Additional HMO Licensing Scheme 2024 ('the Scheme').
2. This designation is made on the 19th March 2024 and shall come into force on the **10th July 2024**.
3. This designation shall cease to have effect on the **9th July 2029** or earlier if the Council revokes the scheme under section 60 of the Act.

AREA TO WHICH THE DESIGNATION APPLIES

4. This designation shall apply to:

a) Those properties occupied by 3 or more persons, forming three or more separate households regardless of the number of storeys as defined in par. 5a) in the following specified wards only:

- i. Aberystwyth Bronglais
- ii. Aberystwyth Central
- iii. Aberystwyth North
- iv. Aberystwyth Penparcau
- v. Aberystwyth Rheidol
- vi. Faenor
- vii. Llanbadarn Fawr Padarn
- viii. Llanbadarn Fawr Sulien

AND

b) The whole of the County of Ceredigion for HMOs as defined in paragraph 5b) and 5c) below and is not otherwise exempt as defined in paragraph 5d) below.

APPLICATION OF THE DESIGNATION

5. This designation applies to

- a) HMOs occupied by 3 or more persons, forming three or more separate 'households', regardless of the number of storeys within the areas described in paragraph 4a);² and
- b) HMOs occupied by 5 or more persons, forming two or more separate households, regardless of the number of storeys and applies to the whole of the County of Ceredigion as described in 4b).³
- c) Section 257 HMOs (Housing Act 2004) as defined in Annex B created by converting buildings into flats where the conversions did not meet the Building Regulations 1991 Standards and they have not been subsequently brought up to the relevant standards, and applies to the whole of the County of Ceredigion as described in 4b).
- d) unless -
 - i. the building is of a description specified in Annex C (Buildings that are not HMOs for the purpose of the Act - other than Part 1);
 - ii. the HMO is subject to an Interim or Final Management Order under Part 4 of the Act;
 - ii. the HMO is subject to a temporary exemption under section 62 of the Act; or
 - iv. the HMO is required to be licensed under section 55 (2) (a) of the Act (mandatory licensing).⁴

EFFECT OF THE DESIGNATION

6. Subject to the exemptions described in paragraph (5d) sub paragraphs (i) to (iv) above every HMO of the description specified in paragraph (5) in the areas specified in paragraph (4a) and (4b) shall be required to be licensed under section 61 of the Act⁵.

7. The Cyngor Sir Ceredigion County Council will comply with the notification requirements contained in section 59 of the Act and shall maintain a register of all houses registered under this designation, as required under section 232 of the Housing Act 2004

Date and authentication by the Council 19th March 2024.

Date: 20th March 2024

Signed by:



Designation: Corporate Lead Officer – Porth Cymorth Cynnar

¹ For the definition of "household" see section 258 (2) and paragraphs 3 and 4 of SI 373/2006

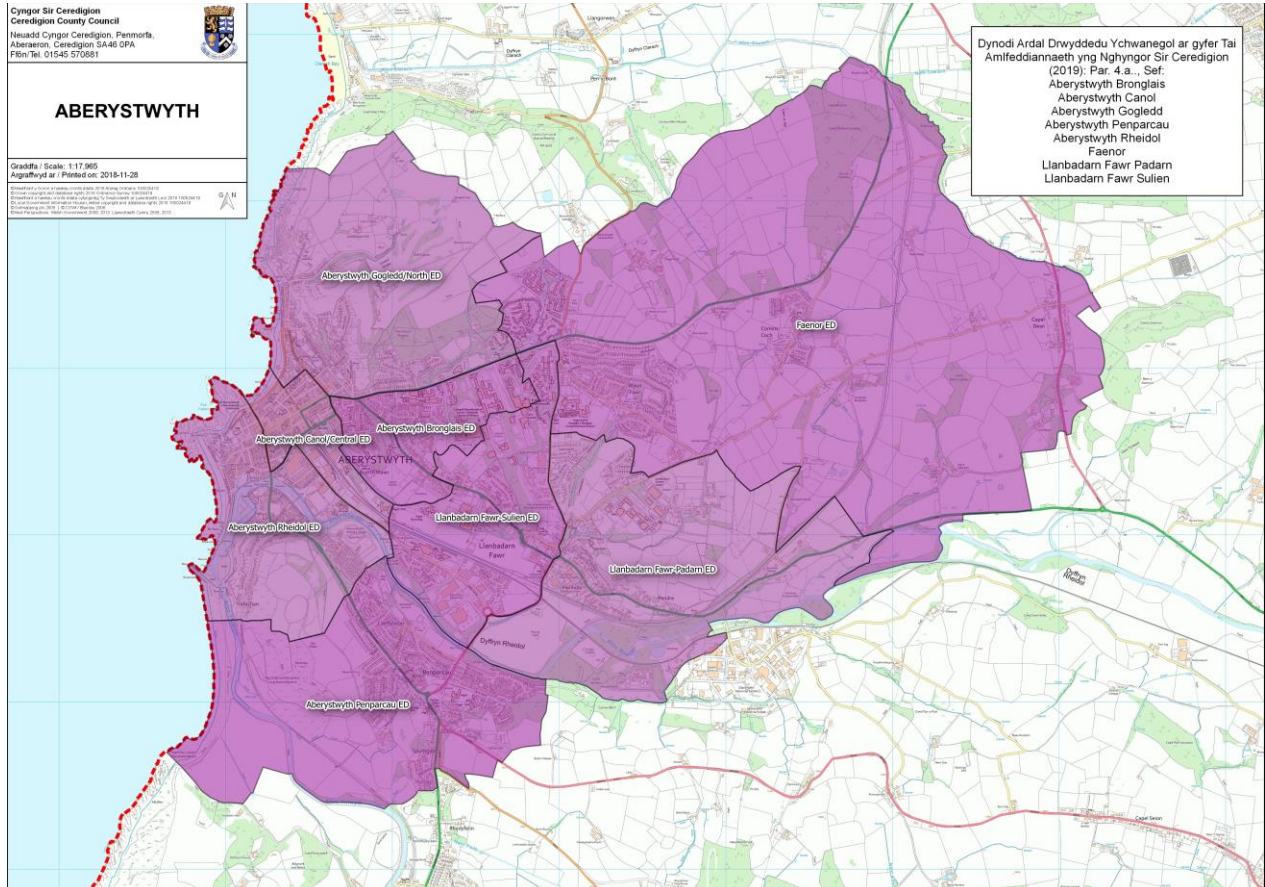
² And meets the following tests under the Housing Act 2004 (i) the standard test under section 254(2) of the Act; (ii) the self-contained flat test under section 254(3) of the Act; (iii) the converted building test under section 254(4) of the Act

³ See footnote 2

⁴ For the application of mandatory licensing see SI 371/2006 - The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (Wales) Order 2006

⁵ Section 62 of the Act provides for certain temporary exemption. As to suitability see section 64. Note, if the house is not suitable to be licensed the Council must make an Interim Management Order-see section 102. 3

Annex A - Map showing extent of current Additional Licensing Scheme in Aberystwyth



Annex B - Paragraph (5c): HMOs subject to the designation

Section 257 Description and Declaration Proposals

Sections 254 to 257 of The Housing Act 2004, 'the Act' defines a "house in multiple occupation" (HMO). In relation to converted blocks of flats, Section 254(1) (e) defines a building or part of a building as a "house in multiple occupation" if it is a converted block of flats to which Section 257 applies and not made exempt by Schedule 14 of the Act.

The "Section 257" definition encompasses converted blocks of self-contained flats, where the building work undertaken in connection with the conversion does not comply with "appropriate building standards" and where less than two thirds of the flats are "owner occupied" (Section 257(4) defines "owner- occupied" for the purposes of Section 257). The Act defines "appropriate building standards" under Section 257(3) as:

(a) in the case of a converted block of flats;

(i) on which building work was completed before 1st June 1992 or which is dealt with by regulation 20 of the Building Regulations 1991 (S.I. 1991/2768), and;
(ii) which would not have been exempt under those Regulations, building standards equivalent to those imposed, in relation to a building or part of a building to which those Regulations applied, by those Regulations as they had effect on 1st June 1992; and

(b) in the case of any other converted block of flats, the requirements imposed at the time in relation to it by regulations under section 1 of the Building Act 1984 (c. 55).

Description:

The Ceredigion County Council's Additional HMO Licensing Scheme 2024 includes Section 257 "converted blocks of flats" that are classified as HMOs, for the whole of the county of Ceredigion. These are blocks that have been converted into self-contained flats that did not comply with the 1991 Building Regulations when they were converted and where less than two-thirds of the flats are owner-occupied as described in the declaration. A flat is owner-occupied if it is occupied by a person who has a lease granted for a term of more than 21 years or by a person who has the freehold estate in the converted block of flats, or by a member of the household of a person within either of those two descriptions.

Therefore, all converted blocks of flats to which Section 257 applies in the county of Ceredigion are required to be licensed under Part 2, Section 61 of the Act; unless a temporary exemption notice is in force under section 62; or an interim or final management order is in force under Chapter 1 of Part 4 of the Act. Under section 72 of the Act a person who has control of, or is managing a HMO that is required to be licensed under Part 2 commits an offence if that HMO is not licensed. Section 263 of the Act defines who is the "person having control" and "person managing" the premises.

Applicable Legislation:

The Licensing of Houses in Multiple Occupation (Prescribed Descriptions) (Wales) Order 2006 (S.I. No. 2006/1712) (W.174);

The Management of Houses in Multiple Occupation (Wales) Regulations 2006 (S.I. No. 2006/1713) (W.175); and

The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006 (S.I. No. 2006/1715) (W.177);

The Houses in Multiple Occupation (Certain Blocks of Flats) (Modifications to the Housing Act 2004 and Transitional Provisions for section 257 HMOs) (Wales) Regulations 2007

Annex C

Paragraph 5(i): Buildings that are not HMOs for the purpose of the Act ⁶

Buildings controlled or managed by public bodies etc.⁷

1. A building where the person managing or having control of it is ⁸ :
- (a) a local housing authority;
 - (b) a police authority established under section 3 of the Police Act 1996 or the Metropolitan Police Authority established under section 58 of that Act;
 - (c) a fire and rescue authority under the Fire and Rescue Services Act 2004;
 - (d) a health service body within the meaning of section 4 of the National Health Service and Community Care Act 1990;
 - (e) a body which is registered as a social landlord under Part 1 of the Housing Act 1996.

Buildings regulated by other enactments ⁹

2. A tenancy, licence, occupational contract or occupation of a house which is regulated under the following enactments:
- (a) sections 87 to 87D of the Children Act 1989;
 - (b) section 43 (4) of the Prison Act 1952;
 - (c) section 34 of the Nationality, Immigration and Asylum Act 2002;
 - (d) The Secure Training Centre Rules 1998; ¹⁰
 - (e) The Prison Rules 1998 ¹¹ ;
 - (f) The Young Offender Institute Rules 2000; ¹²
 - (g) The Detention Centre Rules 2001; ¹³
 - (h) The Criminal Justice and Court Service Act 2000 (Approved Premises) Regulations 2001; .
 - (i) The Care Homes Regulations 2001;
 - (j) The Children's Homes Regulations 2001;
 - (k) The Residential Family Centres Regulations 2002.
 - (l) Renting Homes (Wales) Act 2016

Certain student lettings etc ¹⁴

3. A building –
- (i) which is managed or controlled by a specified educational establishment or is of a specified description of such establishments and
 - (ii) the occupiers of the house or dwelling are undertaking a full-time course of further or higher education at the specified establishment and
 - (iii) the house or dwelling is being managed in conformity with an Approved Code of Practice for the management of excepted accommodation under section 233 of the Act Religious communities ¹⁵

Religious communities ¹⁵

4. A building which is occupied principally for the purpose of a religious community whose principal occupation is prayer, contemplation, education or the relief of the suffering except if the building is a converted block of flats to which section 257 of the Act applies.

Buildings occupied by owners ¹⁶

5. A building which is only occupied by -
- (i) one or more persons who hold the freehold or a leasehold interest granted for a term of more than 21 years of the whole, or any part of, the building

(ii) and/or any member of the household of that person or persons but this exemption does apply to a converted block of flats to which section 257 of the Act applies, except for ascertaining the status of any flat within the block.

Buildings occupied by Resident Landlord etc ¹⁷

6. A building which is occupied by a person or persons to whom paragraph 7 applies (subject to the proviso therein) and no more than two other persons,¹⁸ not forming part of the owner's household.

Buildings occupied by two persons ¹⁹

7. Any building which is only occupied by two persons (forming two households).

Meaning of "building"

8. A "building" includes a part of a building.

HMOs: persons not forming a single household (Section 258 of the Housing Act 2004)

(1) This section sets out when persons are to be regarded as not forming a single household for the purposes of section 254.

(2) Persons are to be regarded as not forming a single household unless -

- (a) they are all members of the same family, or
- (b) their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.

(3) For the purposes of subsection (2a) a person is a member of the same family as another person if -

- (a) those persons are married to each other or live together as husband and wife (or in an equivalent relationship in the case of persons of the same sex);
- (b) one of them is a relative of the other; or
- (c) one of them is, or is a relative of, one member of a couple and the other is a relative of the other member of the couple.

(4) For those purposes-

- (a) a "couple" means two persons who are married to each other or otherwise fall within subsection (3)(a);
- (b) "relative" means parent, grandparent, child, grandchild, brother, sister, uncle, aunt, nephew, niece or cousin;
- (c) a relationship of the half-blood shall be treated as a relationship of the whole blood; and
- (d) the stepchild of a person shall be treated as his child.

(5) Regulations under subsection (2)(b) may, in particular, secure that a group of persons are to be regarded as forming a single household only where (as the regulations may require) each member of the group has a prescribed relationship, or at least one of a number of prescribed relationships, to any one or more of the others.

(6) In subsection (5) "prescribed relationship" means any relationship of a description specified in the regulations.

6 Schedule 14 of the Act and SI 373/2006

7 Paragraph 2 of schedule 14

8 For the definition of "person managing" and "person having control" see section 263 of the Act

9 Paragraph 3 of schedule 14 and paragraph 6 (1) and schedule 1 of SI 373/2006

10 SI 472/1998 as amended by SI 3005/2003

11 SI 728/1999 as amended by SI 1794/2000, SI 1149/2001, SI 2116/2002, SI 3135/2002. SI 3301/2003 and SI 869/2005

12 SI 3371/2000 as amended by SI 2117/2002, SI 3135/2002 and SI 897/2005

13 SI 238/2001. Section 66 (4) of the Nationality, Immigration and Asylum Act 2002 provides that the reference to a detention centre is to be construed as a reference to a removal centre as defined in Part VIII of the Immigration and Asylum Act 1999
14 Paragraph 4 of schedule 14 15 Paragraph 5 of schedule 14
15 Paragraph 6 of Schedule 14 17 Paragraph 6 of schedule 14 and SI 373/2006 18 Paragraph 6 (2) of SI 373/2006 19 Paragraph 7 of schedule 14 .