

NEWPORT CITY COUNCIL HOUSES IN MULTIPLE OCCUPATION LICENSING SCHEME 2019

Newport City Council of the Civic Centre Newport NP20 4UR in exercise of their powers under Section 56 of the Housing Act 2004 hereby make the following Scheme.

CITATION, COMMENCEMENT AND REVOCATION

- 1.1 This scheme may be cited as the Newport City Council Houses in Multiple Occupation Licensing Scheme 2019 and is made pursuant to Section 56 of the Housing Act 2004 and the Housing Act 2004 (Additional HMO Licensing) (Wales) General Approval 2007.
- 1.2 This scheme shall come into force on the *1st July 2019* and shall cease to have effect on *30th June 2024* (unless revoked beforehand).
- 1.3 This Scheme replaces the Newport City Council Houses in Multiple Occupation Licensing Scheme 2014 which will expire on the 31st May 2019.

INTERPRETATION

2. In this Scheme:-

"2004 Act" means the Housing Act 2004;
"Authority" means Newport City 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 in section 77 of the 2004 Act;
"Single household" has the same meaning as in section 258 of the 2004 Act;
"Main residence" has the same meaning as in section 259 of the 2004 Act;
"Person having control" and "person managing" have the same meanings 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;
"Mandatory licensing regime" shall mean the mandatory licensing pursuant to section 55 of the 2004 Act.

AREA OF LICENSING SCHEME

3. This Scheme shall apply to all wards of the City of Newport.

APPLICATION

4. This Scheme shall apply to all HMOs (other than those which fall within the mandatory licensing regime) which house three or more persons forming more than two single households.

AUTHORITY GIVEN BY THE SCHEME

5. The Authority is empowered to exercise the powers and duties conferred by Part 2 of the 2004 Act and shall compile and maintain a public register of all houses in multiple occupation.

PARTICULARS TO BE INSERTED IN THE REGISTER

- 6.1 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 or house;
 - (c) the address of the licensed HMO or house;
 - (d) a short description of the licensed HMO or house;
 - (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 or house 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 subparagraph (g) which relates to the licensed HMO or house, together with the reference number allocated to the case by the tribunal.
- 6.2 The following additional particulars are prescribed for each entry in a register established and maintained under section 232(1)(a) of the 2004 Act in respect of a licence granted under Part 2 of the 2004 Act:-
- (a) the number of storeys comprising the licensed HMO;
 - (b) the number of rooms in the licensed HMO providing –
 - (i) sleeping accommodation and
 - (ii) living accommodation;
 - (c) 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;
 - (d) a description of shared amenities including the numbers of each amenity; and
 - (e) 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 of a house in multiple occupation shall apply to licence the house with the Authority.
- 7.2 On the first application for licensing, the responsible person shall:-
- (a) give the Authority the particulars of the house specified in paragraph 6;
 - (b) pay a fee of a reasonable amount determined by the Authority;
 - (c) provide a disclosure certificate from Disclosure Scotland or the Disclosure and Barring Service.
- 7.3 The Licence shall be for a maximum period of five years from date of issue and may be renewed for a further maximum period of five years at a time.
- 7.4 On or before expiry a period of the licence, the responsible person shall apply for renewal of the licence.
- 7.5 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; and
 - (c) provide a disclosure certificate from Disclosure Scotland or the Disclosure and Barring Service.
- 7.6 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 inserted in the register except of a decrease in numbers 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 of 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 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; and
 - (d) impose such conditions relating to the management of the house during the period of the licence as the authority determine.

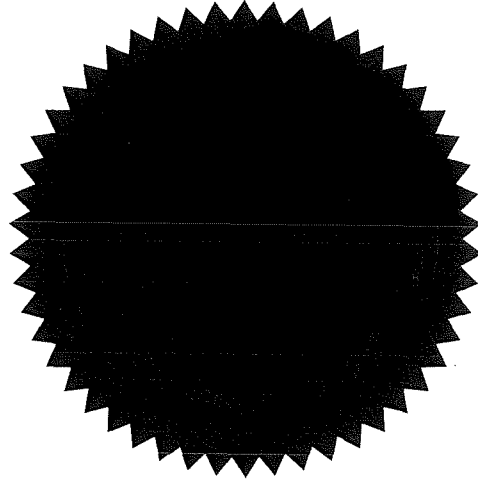
- 8.2 The Authority shall give the applicant a written statement of their reasons where they:-
- (a) refuse to grant his/her application for first registration or for renewal or variation of the licence;
 - (b) require the execution of works as a condition of granting such an application, or
 - (c) impose conditions relating to the management of the house.
- 9.1 The Authority may at any 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 ground 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 an inspection to negate any hazards identified in the house.
- 9.2 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.
- 9.3 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 or proper person; or
 - (b) There has been a breach of the conditions relating to the management of the house.
- 9.4 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 Authority's reasons.

PROHIBITION AGAINST OVER-OCCUPATION

10. No person shall permit another to take up residence in a house or part of a house unless:

- (a) The house is licensed; and
- (b) The number of households or persons occupying it will not as a result exceed the number licensed for it.

The Seal of NEWPORT CITY COUNCIL
was hereunto affixed in the presence of
the Head of Law and Regulation this
29th day of March 2019



J. G.
Chief Legal Officer