

# Appendix 8



393

<b>Service Area:</b> Regulatory Services and Community Safety		<b>Section:</b> HMO Enforcement Team	<b>Date of Initial assessment:</b> November 2020	<b>Key Person responsible for assessment:</b> Gail Siddall	<b>Date assessment commenced:</b>	
<b>Name of Policy to be assessed:</b>			Renewal of Additional HMO licensing scheme			
<b>1. In what area are there concerns that the policy could have a differential impact</b>			<b>Race</b>		<b>Disability</b>	
			<b>Gender reassignment</b>		<b>Religion or Belief</b>	
<b>Other strategic/ equalities considerations</b>			<b>Safeguarding/ Welfare of Children and vulnerable adults</b>		<b>Mental Wellbeing/ Community Resilience</b>	
<b>2. Background:</b>  Give the background information to the policy and the perceived problems with the policy which are the reason for the Impact Assessment.			Under the Housing Act 2004, Councils can introduce additional HMO Licensing schemes for HMOs which are not covered by the national mandatory HMO Licensing schemes (i.e. those occupied by 5 or more persons). Oxford has been operating additional HMO licensing since 2011, the renewal of the scheme for a further 5 years is an important protection to those living within this sector of the housing stock, in that it improves living conditions proactively, without the need for occupiers to complain to the council. This assessment is required as there is a significant difference in impacts between the two groups mostly affected by such a licensing scheme, tenants and landlords.			

# Appendix 8

394

<p><b>3. Methodology and Sources of Data:</b></p> <p>The methods used to collect data and what sources of data</p>	<p>Data collected from the current scheme and held on the Council’s systems has been used to identify HMOs currently licensed. Service request data has also been used to determine possible unlicensed HMOs.</p>
<p><b>4. Consultation</b></p> <p>This section should outline all the consultation that has taken place on the EIA. It should include the following.</p> <ul style="list-style-type: none"> <li>• Why you carried out the consultation.</li> <li>• Details about how you went about it.</li> <li>• A summary of the replies you received from people you consulted.</li> <li>• An assessment of your proposed policy (or policy options) in the light of the responses you received.</li> <li>• A statement of what you plan to do next</li> </ul>	<p>A statutory consultation exercise between 10<sup>th</sup> September 2020 and 31<sup>st</sup> December 2020 has taken place. The results and methodology and the Council’s response are included in the main report.</p> <p>Following the comments received which have been considered, actions have been proposed to address issues raised and these include</p> <ul style="list-style-type: none"> <li>• Simplifying the fee structure</li> <li>• Introducing an updated and streamlined application process.</li> <li>• Revising the discretionary licence conditions</li> <li>• Widening the criteria for longer licences for accredited landlords</li> <li>• Providing templates for licence holders to assist them in communicating with tenants</li> <li>• Development of a communications plan for HMO licensing to include revision of webpages and a Private Sector Newsletter, to encourage both landlords and tenants to adopt good practice.</li> </ul>
<p><b>5. Assessment of Impact:</b></p> <p>Provide details of the assessment of the policy on the six primary equality strands. There may have been other groups or individuals that you considered. Please also consider</p>	<p>Renewal of the Additional HMO licensing scheme will bring about the following benefits</p> <ul style="list-style-type: none"> <li>• A continuation of the work already carried out to influence an improvement in standards across the whole of the HMO stock</li> <li>• An increase in satisfaction levels with the accommodation and management of HMOs across the city by those in occupation and neighbouring residents</li> <li>• A level playing field for all HMO landlords not just those managing larger HMOs</li> </ul>

# Appendix 8

395

<p>whether the policy, strategy or spending decisions could have an impact on safeguarding and / or the welfare of children and vulnerable adults</p>	<p><b>People from different ethnic groups</b>  HMOs are occupied by a diverse population, with certain BAME groups over represented particularly single economic migrants such as East Timorese and Eastern Europeans. Such communities can be particularly affected by overcrowding, illegal accommodation, substandard conversions and poor management.  <b>Potential benefit:</b> Additional Licensing would bring improved quality and safety of accommodation for BAME tenants living in HMOs and assist in the identification and removal of landlords who cause negative impact to vulnerable BAME groups or new communities via substandard or illegal accommodation. This would also be a benefit to all compliant landlords as it would ensure all landlords are operating within the legislative framework.</p> <p><b>Children and Vulnerable Adults</b> – the licensing scheme will have a positive benefit on the safeguarding of children and vulnerable adults as the fit and proper test will prevent persons managing or being a licence holder who has convictions for sexual offences, drugs, fraud etc.</p> <p><b>Potential adverse impact:</b>  <b>(a) Landlords</b>  In regulating hazards in privately rented properties, owners and agents who are regulated against may feel that they have been adversely impacted upon. However there are no other ways in which the service could be provided that would achieve these aims without adverse impact. Ultimately, when working within the legislative framework, people have a right to legal redress should they feel that a decision was unfairly/unlawfully taken; this can be via an appeal process or the Council’s Complaints system</p> <p>The Council does not currently record the ethnicity of landlords on applications, however it is recognised that landlords were of South Asian (Indian and Pakistani) heritage form a significant part of the landlord community and will be affected by any adverse impacts as all landlords will be.</p> <p><b>(b) Tenants</b>  Concern has been raised that licensing could cause an increase in rents as a result of the increased landlord expenditure on the licence fee and the costs of complying with licensing conditions being passed onto the tenant. Overall, the additional cost of the licence fee to landlords is considered to be small as a proportion of rental income, especially across the term of the licence it should not equate to more than a few pounds per week for compliant landlords.</p>
<p><b>6. Consideration of Measures:</b></p>	<p>Alternatives to the renewal of the scheme have been suggested during the consultation exercise. These suggestions have been considered and can be found in Appendix 2 of the main report. The majority of</p>

# Appendix 8

<p>This section should explain in detail all the consideration of alternative approaches/mitigation of adverse impact of the policy</p>	<p>alternatives are based on voluntary schemes or rely upon tenants making complaints to the Council and would not be enforceable.</p> <p>The fee and charges structure associated with licensing of HMOs has been reviewed following the consultation and developed taking account of the impact this has on landlords generally</p> <p>Enforcement action is reviewed in each case by senior officers and where prosecution or service of financial penalties are being considered ,by Law and Governance to ensure that the council is being fair, consistent and proportionate in its responses, as well as acting in the public interest</p> <p>It is acknowledged that HMO licensing is complex , however experience of operating schemes over the last 10 years have seen improvements which are not isolated to one sector of the landlord community. It is clear that effective engagement with landlords through dialogue and training will be required to ensure that different communities understand what licensing means for them, what is expected of landlords and that they are able to comply with the requirements.</p>
<p><b>6a. Monitoring Arrangements:</b></p> <p>Outline systems which will be put in place to monitor for adverse impact in the future and this should include all relevant timetables. In addition it could include a summary and assessment of your monitoring, making clear whether you found any evidence of discrimination.</p>	<p>The positive impact of the scheme - improved property conditions, safety, tenancy management, community relations and reduced ASB - can be continually improved via monitoring and enforcement action against non-compliant landlords</p> <p>Ongoing liaison and engagement directly with and with groups representing landlords, tenants and their component communities will be undertaken to ensure engagement with a broad range of stakeholders. Issues of communication and understanding in respect of learning from the existing scheme and for any new scheme will be factored into operational delivery.</p> <p>It is felt that overall the benefits of additional licensing outweigh the potential disadvantages; it is believed will have a positive impact on the groups that use HMO accommodation , including vulnerable, low income or otherwise economically disadvantaged</p>
<p><b>7. Date reported and signed off by Cabinet:</b></p>	<p>10<sup>th</sup> March 2021</p>
<p><b>8. Conclusions:</b></p> <p>What are your conclusions drawn from the results in terms of the policy impact</p>	

396

## Appendix 8

<b>9. Are there implications for the Service Plans?</b>	YES/NO	<b>10. Date the Service Plans will be updated</b>	<b>11. Date copy sent to Equalities Lead Officer</b>
<b>13. Date reported to Scrutiny and Cabinet</b>		<b>14. Date reported to Cabinet</b>	<b>12. The date the report on EqIA will be published</b>

Signed (completing officer) Gail Siddall

Signed (Lead Officer)

**Please list the team members and service areas that were involved in this process:**

397

Equalities Lead Officer  
 Service Manager  
 Legal Services Manager

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