

Fairness and Equalities Impact Assessment (FEIA)

Version 3.6 May 2017

The purpose of this assessment is to provide balanced information to support decision making and to promote better ways of working in line with equalities (Equalities Act 2010), Welsh language promotion (The Welsh Language (Wales) Measure 2011), sustainable development (Wellbeing of Future Generations (Wales) Act 2015), and the four parameters of debate about fairness identified by the Newport Fairness Commission (NFC Full Report to Council 2013).

Completed by: Jonathan Keen **Role:** Manager

Head of Service: Gareth Price **Date:** 02/01/2019

I confirm that the above Head of Service has agreed the content of this assessment

Yes

When you complete this FEIA, it is your responsibility to submit it to
impact.assessments@newport.gov.uk

1. Name and description of the policy / proposal being assessed. Outline the policy's purpose.

Renewal of the Council's city-wide Houses in Multiple Occupation Additional Licensing Scheme for another 5 years, from 1 June 2019.

Additional Licensing is provided by the Housing Act 2004 and allows the Council to choose to regulate smaller Houses in Multiple Occupation (HMOs) and self-contained flats, in addition to the 3 storey properties that are required to be regulated under Mandatory Licensing.

HMO Licensing is designed to ensure housing conditions are safe for tenants, including ensuring that appropriate fire safety measures are in place, and ensures that landlords are 'fit & proper persons' to operate such properties i.e. they have no serious criminal convictions for violence etc.

HMO Licensing ensures that properties are safe at the beginning of the 5 year licence term and that they are also proactively inspected during the licence term. The frequency of the inspections is determined by the risk rating of each property.

The Council currently licenses around 420 properties with an average of 77% licensed per year over the current 5 year scheme being under Additional Licensing. Without such a scheme, the Council would have to rely on tenants complaining about housing conditions and deal with such issues reactively. Additional Licensing also provides additional enforcement powers to rectify poor standards of management (leading to unsafe housing conditions), which would not be available to Council officers otherwise.

The Council has operated Additional Licensing since December 2008.

2. Outline how you have/ will involve stakeholders who will be affected by the policy/proposal

Between 8 October and 16 December 2018, a 10 week public consultation was undertaken to seek the views of all stakeholders.

The consultation was publicised using the Council’s website, social media channels, direct emails to landlords, an advert in the South Wales Argus and an article in Newport Matters. National organisations representing landlords were written to directly encouraging them to express their views, as were property management and letting agents in the city. Gwent Police and South Wales Fire & Rescue were also directly contacted. We hoped to gain the views of tenants and owner occupiers as well as landlords.

3. What information/evidence do you have on stakeholders? e.g. views, needs, service usage etc. Please include all the evidence you consider relevant.

- 453 service requests were received between 2014 and 2018 in relation to properties subject to Additional Licensing. These were mainly from tenants.
- Reactive and proactive inspections continue to find hazards in properties requiring action to protect tenants’ health and safety. There is often reluctance on the part of tenants to complain to the Council, and a lack of understanding of what standards are appropriate and therefore when a complaint should be made.
- Limited conclusions can be drawn from the public consultation as the response rate was poor but some data is set out in the Cabinet Member report.
- A minority of landlords continue to try and operate licensable properties without a licence and these properties are often found to be sub-standard and/or poorly managed. Licensing a property ensures that the landlord is provided with appropriate advice by officers and the property is brought up to standard where necessary; licensing is not a ‘paper exercise’.

4. Equalities and Welsh language impact

| Protected characteristic | Impact: | | | Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation? |
|--------------------------|-------------------------------------|--------------------------|--------------------------|---|
| | Positive | Negative | Neither | |
| Age | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Additional HMO Licensing helps to protect all age groups as the standards are applied equally to all properties. |

| Protected characteristic | Impact: | | | Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation? |
|---|-------------------------------------|--------------------------|-------------------------------------|---|
| | Positive | Negative | Neither | |
| | | | | <p>Children are protected from living in overcrowded and/or unsafe conditions, which can have a major impact on their education and future prospects.</p> <p>Younger and Older people may be more reluctant to complain about unsafe housing, as they may find it more daunting or challenging to access alternative accommodation if they are asked to leave the property. Therefore proactive regulation of properties is effective.</p> <p>Ensuring that properties are managed appropriately and landlords are prevented from operating sub-standard properties, prevents a downward spiral of property conditions in communities and therefore helps to promote community cohesion.</p> <p>Licensed properties must be operated by landlords who are 'Fit & Proper' to do so and this helps to eliminate harassment, victimisation etc. and illegal evictions.</p> |
| Disability | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Additional HMO Licensing helps to protect those with disabilities as the standards are applied equally to all properties. |
| Gender reassignment/ transgender | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Licensed properties must be operated by landlords who are 'Fit & Proper' to do so and this helps to eliminate harassment, victimisation etc. and illegal evictions. |
| Marriage or civil partnership | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Pregnancy or maternity | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Additional HMO Licensing helps to protect individuals as the standards are applied equally to all properties. |
| Race | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <p>Licensed properties must be operated by landlords who are 'Fit & Proper' to do so and this helps to eliminate harassment, victimisation etc. and illegal evictions.</p> <p>All landlords are regulated consistently regardless of their race. Additional advice and support is provided to landlords who may struggle to understand the legal requirements due</p> |

| Protected characteristic | Impact: | | | Provide further details about the nature of the impact in the section below. Does it: 1. Promote equal opportunity 2. Promote community cohesion 3. Help eliminate unlawful discrimination/ harassment/ victimisation? |
|---|-------------------------------------|--------------------------|-------------------------------------|---|
| | Positive | Negative | Neither | |
| | | | | to language skills etc. |
| Religion or Belief or non-belief | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Licensed properties must be operated by landlords who are 'Fit & Proper' to do so and this helps to eliminate harassment, victimisation etc. and illegal evictions. |
| Sex/ Gender Identity | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Licensed properties must be operated by landlords who are 'Fit & Proper' to do so and this helps to eliminate harassment, victimisation etc. and illegal evictions. |
| Sexual Orientation | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Licensed properties must be operated by landlords who are 'Fit & Proper' to do so and this helps to eliminate harassment, victimisation etc. and illegal evictions. |
| Welsh Language | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |

5 How has your proposal embedded and prioritised the sustainable development principle in its development?

| Sustainable Development Principle | Does your proposal demonstrate you have met this principle? Describe how. |
|--|--|
|  <p>Long Term</p> <p>Balancing short term need with long term needs</p> | <p>Continuing with Additional Licensing ensures that this part of the private rented sector is regulated in a long term way. This provides stability to the sector and therefore confidence to landlords who wish to operate such properties. Communities are therefore supported in a long term, proactive way.</p> <p>Some landlords will be deterred by Additional Licensing from operating such properties. In some cases this will be a positive impact, however in the case of responsible landlords this would be regrettable and would impact on housing provision in the long term.</p> |
|  <p>Collaboration</p> <p>Working together to deliver objectives</p> | <p>This type of regulation ensures that South Wales Fire & Rescue can act in partnership with the Council, as they are consulted on all HMO fire plans and schedules of work for properties. The Fire Service do not have powers to regulate such properties; the Council must regulate them.</p> |
|  <p>Involvement</p> <p>Involving those with an interest and seeking their views</p> | <p>Efforts have been made to consult all stakeholders on the proposal to continue with Additional Licensing, but the response was disappointing.</p> <p>Stakeholders will continue to be involved in a variety of ways going forward.</p> |
|  <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p> | <p>Licensing of private rented properties is an important strategy to ensure the Council is proactive and not just responding to complaints and incidents.</p> <p>The Council also delivers functions to enable Rent Smart Wales (registration and licensing of landlords) to be delivered across Wales, with the aim of improving standards of property management.</p> |

| Sustainable Development Principle | Does your proposal demonstrate you have met this principle? Describe how. |
|---|--|
|  <p>Considering impact on all wellbeing goals together and on other bodies</p> | <p>Additional Licensing has a positive impact on the following Well-being goals:</p> <p>Well-being goals:</p> <ul style="list-style-type: none"> • A prosperous Wales – licensing provides a level playing field for landlords and therefore supports responsible businesses. Property standards are improved and maintained ensuring the housing conditions do not negatively impact on residents’ lives affecting their employment etc. • A healthier Wales – safe and warm accommodation is a crucial and fundamental factor that supports the health of occupiers. • A Wales of more cohesive communities – properties in poor condition or occupied by those acting in an anti-social manner can have a negative impact on communities; therefore appropriate regulation can support communities. Properties that are safe and well-maintained are more likely to attract and retain responsible tenants, who are more likely to play a positive role in a community. <p>There would continue to be a positive impact on Newport City Council’s Well-being Goals from Additional Licensing:</p> <ul style="list-style-type: none"> • To improve skills, educational outcomes and employment opportunities – educational outcomes can be negatively affected by poor housing conditions. • To enable people to be healthy, independent and resilient – see above. • To build cohesive and sustainable communities – see above. |

6 Will the proposal/policy have a disproportionate impact on a specific geographical area of Newport?

No – Additional Licensing applies to all Electoral Wards in order to ensure that the scheme does not distort the local housing market.

7 How does the proposal/policy relate to the parameters of debate about Fairness identified by the Newport Fairness Commission

Parameter 1 deals with equal treatment whilst recognising difference. The proposal is to continue with Additional Licensing which in effect treats all stakeholders involved in such HMOs equally.

Parameter 2 deals with “mutual obligations between citizens and local government”. Local Government’s responsibility is to help ensure the safety, security and wellbeing of citizens in their communities and appropriate licensing is one way to deliver on this responsibility.

Parameter 3 deals with “interdependency and reciprocity within community relations”. As mentioned previously, appropriate regulation to try and prevent properties and tenants from damaging communities is important.

Parameter 4 deals with “transparency and accountability in decision making”. A public consultation has been undertaken in order to seek as many views from stakeholders as possible. This FEIA will form part of a Cabinet Member report and all Elected Members will have the opportunity to express their views on the proposals, to inform democratic decision making.

8 Taking this assessment as a whole, what could be done to mitigate any negative impacts of your policy and better contribute to positive impacts?

We will ensure that the Scheme is operated in an efficient way that provides a positive service to landlords who wish to operate such properties.

We will also ensure that the fees for licences are reasonable in that they accurately reflect the cost of operating HMO licensing in Newport.

9 Monitoring, evaluating and reviewing

The Scheme will be continually monitored. The number of licences and the number of hazards in such HMOs is reported to the Welsh Government on a yearly basis.

10 Involvement

This FEIA will form part of the Cabinet Member report which will be published by the Council. Our web pages will clearly set out the requirements for landlords and how they can access our service.

11 Summary of Impact (for inclusion in any report)

Equality Act 2010 AND Welsh Language

The proposal to continue with Additional Licensing in Newport will have a positive impact on some protected characteristics and no negative impacts are noted.

There is no Welsh Language impact.

Wellbeing of Future Generations (Wales) Act 2015

The proposed Scheme will support a number of the Well-being goals set out in the Act.