

Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

Name or Brief Description of Proposal	Houses in Multiple Occupation (HMO) Licensing Policy
Brief Service Profile (including number of customers)	
<p>The draft Southampton City Council Houses in Multiple Occupation (HMO) Licensing Policy aims to support the HMO licensing in the City. The council currently runs the HMO mandatory scheme and has two areas designated as additional licensing scheme.</p> <p>The new policy will cover these schemes and any future schemes as well as takes into account new legislation, case law and in particular dealing with banning orders, civil penalties and HMO licence fees.</p> <p>The HMO Licensing team administers the licensing of Houses in Multiple Occupation in Southampton. Properties are licensed in accordance with standards on Fire Safety, amenities and health and safety. This currently includes the Mandatory licensing of approximately 2000 HMOs, and additional licensing of approximately 2500 smaller HMOs. The team consists of 7.5 FTE staff.</p>	
Summary of Impact and Issues	
<p>The HMO Licensing Policy sets out how the council will administer HMO licensing in Southampton in accordance with the provisions of the Housing Act 2004. The Policy publishes specific information regarding refunds, fit and proper persons assessments and length of licences which fall outside the scope of the statutory framework within which HMO licensing is currently administered.</p> <p>The Policy includes a detailed section on fit and proper person assessments which</p>	

are necessary to ensure that licence holders are fit & proper. The Policy allows the council to strengthen the statutory requirements and provide the framework for decision making and appeals with regards to the process.

The Policy sets out the councils refund policy. The refund policy has been published on the HMO web pages since 2013 but not published in any policy. This is now published so that it is clear to all applicants, officers and members of the public.

The published policy provides guidance on all aspects of the licensing regime and will ensure that the council operates in a consistent manner in relation to the administration of HMO licensing.

If the council does not publish a policy there is a risk that it could be challenged on the administration, in particular with regards refunding of HMO licence fees and refusing licence applications following fit and proper person assessments.

Potential Positive Impacts

Whilst it is not a statutory requirement to publish a policy on HMO licencing, a published policy allows the council to provide a guidance and advice to applicants and members of the public and to make specific local rules in regards to the administration.

Having a policy on HMO licensing means that the councils position is clear and transparent on HMO licensing as without the policy the council would limit the discretion it has.

The HMO licensing Policy supports the Southampton City Council Housing Strategy 2016-2025 priorities and outcomes;

- People in Southampton live safe, healthy, independent lives

The HMO licensing Policy is supported by the Private Sector Enforcement Policy 2019.

The standards and most importantly the safety of the HMOs in Southampton will be improved, reducing the likelihood of issues for the occupiers and those living nearby. The management of the HMOs will be improved reducing the impact of the HMOs on the local environment. The provision of the HMO wardens as part of the existing scheme will ensure complaints and issues arising from HMOs will be dealt with promptly and effectively.

Responsible Service Manager	Steven Hayes-Arter, Service Manager for HMO licensing & Adaptations
Date	
Approved by Senior Manager	Rosie Zambra – Service Lead - Environment, Street Scene & Health
Date	

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	The majority of HMO tenants are aged between 18-34 of which this age group makes up about 50% of the population in these wards <i>(Source: Hampshire County Environment Department's 2017 based Small Area Population Forecasts)</i>	The policy will have a positive impact as HMO Licensing will ensure properties are safe to live in for all age groups. By having the policy it encourages best practice by ensuring transparency and a consistent approach in all circumstances, as tenants will know what to expect in terms of property conditions, safety and how to report issues.
Disability	From 2011 census data the four wards currently covered by the proposed policy, Bevois, Bargate, Portswood and Swaythling in Southampton had around 11-14% of the population living with some form of disability.	The policy places no restrictions on tenancy types that would impact persons with disabilities. The positive impact is that it will improve the safety of HMOs thus tenants with disabilities would benefit from safer properties.
Gender Reassignment	No impacts identified.	N/A
Marriage and Civil Partnership	No impacts identified.	N/A
Pregnancy and Maternity	The policy places no restrictions on tenancy types that would impact pregnant women or those with young babies. The positive impact of the policy will mean that safety is improved in HMOs.	N/A
Race	Census data from 2011 indicates that the majority of residents in the four wards currently covered by the proposed policy, Bevois, Bargate, Portswood and Swaythling in Southampton are White British, with	The policy places no restrictions on tenancy types that would impact on persons from certain ethnic groups.

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	Portswood & Swaythling over 70% White British. The number is lower in Bevois at 44.6% with a large number of Asian British at 28%.	
Religion or Belief	No impacts identified.	N/A
Sex	No impacts identified.	N/A
Sexual Orientation	No impacts identified.	N/A
Community Safety	If properties are not let out they risk becoming empty. Long term empty properties can have negative impact on local community e.g. eyesore risk, squatters and generally unsafe.	<p>The council has legal powers to deal with empty properties and will work proactively to reduce the number and impact of empty homes. The Private Rented Sector Enforcement Policy details the council's powers.</p> <p>The HMO Licensing policy will have a positive impact as the powers given in the policy allow for action to be taken against HMO landlords with anti-social tenants and make HMOs safer.</p>
Poverty	Introduction and enforcement of the policy, especially license fees may lead to less HMOs being available, which could lead to rent increases which could impact those on low income.	Licence fees are kept to reasonable levels to minimise impacts on tenants
Health & Wellbeing		The management and enforcement of HMOs will be improved across the city, reducing their impact on the local environment. Improved safety and amenities standards within HMOs will lead to improved living conditions for tenants.
Other Significant Impacts	No impacts identified.	N/A