

Cherwell District Council
Equality and Climate Impact Assessment
Houses in Multiple Occupation (HMO) Licensing Policy

Appendix 2

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Section 1: Summary details

Directorate and Service Area	Wellbeing and Housing – Housing Services
What is being assessed (e.g. name of policy, procedure, project, service or proposed service change).	Cherwell District Council HMO Licensing Policy 2024
Is this a new or existing function or policy?	Revised policy to cover existing service function
Summary of assessment Briefly summarise the policy or proposed service change. Summarise possible impacts. Does the proposal bias, discriminate or unfairly disadvantage individuals or groups within the community? (following completion of the assessment).	<p>The Council recognises that effective regulation of the private rented sector is vital for helping to improve standards, combating poor performing landlords, and improving the health and wellbeing of Cherwell’s residents. HMO licensing is an important part of housing standards enforcement, and the overarching aim of this policy is to ensure we can undertake our statutory duties efficiently, effectively and lawfully.</p> <p>Through our HMO licensing activities under this policy, we also seek to:</p> <ul style="list-style-type: none"> • Ensure that HMO accommodation is safe and operated appropriately and responsibly • Enhance the safety, health, and wellbeing of residents and contribute to reducing inequalities through improved housing conditions. • Contribute to tackling fuel poverty and climate change by improving the energy efficiency of HMOs in the District through licensing.
Completed By	David North
Authorised By	Richard Smith

Date of Assessment	September 2024
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Section 2: Detail of proposal

<p>Context / Background</p> <p>Briefly summarise the background to the policy or proposed service change, including reasons for any changes from previous versions.</p>	<p>The Council has a statutory duty to process and grant licences for larger houses in multiple occupation (HMOs) within its District. The HMO Licensing Policy sets out the Council’s approach to undertaking its HMO licensing duties and responsibilities.</p> <p>CDC’s HMO Licensing Policy was last reviewed and updated in 2018 due to a change in the legislation at that time. That policy was approved by the Executive. This new version of the policy follows a routine review and update to ensure the policy remains legislatively and operationally sound.</p> <p>The process of HMO Licensing is largely prescribed in legislation, and the previous policy satisfactorily reflected the statute. Consequently, the overall approach and procedures remain largely unchanged in this revised policy.</p> <p>The Council must maintain a register of all the HMO Licences currently in force. The Council publishes most of this information freely on its website, but to protect privacy, we redact certain personal information. Several times a year the Council receives requests for copies of the register, specifically asking for the names and addresses of the Licence Holders and Agents. We believe this information is then used for direct marketing. The legislation permits the Council to charge a reasonable fee for providing copies of the register, and this reviewed policy proposes we do so. The redacted register will remain freely available on the Council’s website, and members of the public will be able to arrange to view (but not copy) the register for free by appointment at our offices.</p> <p>At present, the Council does not have a defined framework setting out when and how it will offer refunds in connection with incomplete or withdrawn HMO licence applications. To provide clarity on this matter, this revised policy proposes that a refunds framework be implemented and published on the Council’s website.</p> <p>As part of its duties within legislation, the Council must process and determine applications within a reasonable timeframe. This revised policy proposes that our target timeframe be adjusted from 12 weeks to 8 weeks</p>
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	<p>To provide clarity and ensure applications are determined in a timely manner, the revised policy proposes that incomplete applications will be automatically closed after 28 days in cases where the licence is unable to progress due to the actions or inactions of the landlord or licence applicant.</p> <p>The legislation permits the Council to attach conditions to licences to ensure that each HMO is being properly managed. The Council has a standard set of conditions which it applies to all HMO licences that it issues. For the purposes of transparency, it is proposed that the discretionary licence conditions which the Council attaches to every HMO licence are included as an Appendix to the Policy.</p> <p>The policy has been rewritten and reformatted with the aim of making it as accessible and user-friendly as possible, within the constraints of it being a highly complex, specialised and legislatively prescriptive subject matter.</p>
<p>Proposals</p> <p>Explain the detail of the proposals, including why this has been decided as the best course of action.</p>	<p>The reviewed policy outlines the Council's statutory duties and responsibilities regarding the licensing of HMOs and the actions that it takes to ensure that this type of accommodation is safe for tenants to live within and to ensure that landlords operate responsibly.</p> <p>The reviewed policy includes a clause to charge for supplying a copy of the Register of HMO Licences. As part of the Council's responsibilities within legislation, the Council must ensure that the HMO register is available for inspection by members of the public at its head office. However, almost all requests are for copies of the register. When a request is received, officer time is required to check the system, return the information and ready it for release.</p> <p>Legislation allows for the Council to charge a reasonable fee for providing this service and this fee is determined locally. The Council does not currently exercise its legal ability to do this. The policy now outlines that the Council proposes to charge for supplying copies of the full register. Any proposed charge will be linked to the Officer time taken to complete the request made and will be set out within the Council's fees and charges report.</p> <p>At present, the Council does not have a defined framework setting out when and how it will offer refunds in connection with incomplete or withdrawn HMO licence applications. To provide clarity on this matter, this revised policy proposes that the Assistant Director for Wellbeing and Housing, in consultation with the</p>

	<p>Portfolio Holder for Housing may determine the circumstances when fees may or may not be refunded and determine the proportion to be refunded or retained by the Council. The retained amount will be calculated based on the average Officer time taken up to that point in the licensing process. The Council will publish on its website details of the fees payable and the circumstances and amounts when the Council will issue refunds.</p> <p>As part of its duties within legislation, the Council must process and determine applications within a reasonable timeframe. This timeframe has been adjusted from 12 weeks to 8 weeks.</p> <p>The revised policy proposes that incomplete applications will be automatically closed after 28 days in cases where the licence is unable to progress due to the landlord/applicant, for example failing to supply all requisite information, not providing access for Officers to inspect, or fees are unpaid.</p>
<p>Evidence / Intelligence</p> <p>List and explain any data, consultation outcomes, research findings, feedback from service users and stakeholders etc, that supports your proposals and can help to inform the judgements you make about potential impact on different individuals, communities or groups and our ability to deliver our climate commitments.</p>	<p>These adjustments to the policy are based on operational experience/observations from licensing the 230 or so HMOs. Each licence is generally issued for 5 years, so almost all licences will have been renewed since the last policy was implemented (some will have ceased being HMOs and others will have been created new).</p>

<p>Alternatives considered / rejected</p> <p>Summarise any other approaches that have been considered in developing the policy or proposed service change, and the reasons why these were not adopted. This could include reasons why doing nothing is not an option.</p>	<p>The following alternative options have been identified and rejected for the reasons as set out below.</p> <p>Option 1: Not bring forward a reviewed and amended policy. As there has not been any recent changes to legislation in this area, there is no imperative for the current policy to be changed or reviewed. However, it is important the Council policies are reviewed regularly to ensure that they are able to meet customer needs, service needs and are legislatively sound. This option is therefore rejected</p>
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Section 3: Impact Assessment - Protected Characteristics

Protected Characteristic	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Marriage & Civil Partnership	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Sex	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Sexual Orientation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

Section 3: Impact Assessment - Additional Community Impacts

Additional community impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Rural communities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Armed Forces	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Carers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Areas of deprivation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HMOs are often concentrated in deprived urban areas. Improved regulation of HMOs through this policy should have a positive impact.	N/A	N/A	N/A

Section 3: Impact Assessment - Additional Wider Impacts

Additional Wider Impacts	No Impact	Positive	Negative	Description of Impact	Any actions or mitigation to reduce negative impacts	Action owner* (*Job Title, Organisation)	Timescale and monitoring arrangements
Other Council Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Customer Services help to deliver HMO licensing by providing administrative support for the Housing Standards Team. The amendments in this policy will help to provide clarity and enable cases to be determined more quickly.	N/A	N/A	N/A
Providers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Social Value ¹	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

¹ If the Public Services (Social Value) Act 2012 applies to this proposal, please summarise here how you have considered how the contract might improve the economic, social, and environmental well-being of the relevant area

Section 3: Impact Assessment - Climate Change Impacts

OCC and CDC aim to be carbon neutral by 2030. How will your proposal affect our ability to reduce carbon emissions related to

Climate change impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (* Job Title, Organisation)	Timescale and monitoring arrangements
Energy use in our buildings or highways	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Our fleet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Staff travel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Purchased services and products (including construction)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A
Maintained schools	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	N/A	N/A	N/A

We are also committed to enable Cherwell to become carbon neutral by 2030 and Oxfordshire by 2050. How will your proposal affect our ability to:

Climate change impacts	No Impact	Positive	Negative	Description of impact	Any actions or mitigation to reduce negative impacts	Action owner (*Job Title, Organisation)	Timescale and monitoring arrangements
Enable carbon emissions reduction at district/county level?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Through HMO Licensing the Council can require energy efficiency improvement works be undertaken to HMO properties.	N/A	N/A	N/A

Section 4: Review

Where bias, negative impact or disadvantage is identified, the proposal and/or implementation can be adapted or changed; meaning there is a need for regular review. This review may also be needed to reflect additional data and evidence for a fuller assessment (proportionate to the decision in question). Please state the agreed review timescale for the identified impacts of the policy implementation or service change.

Review Date	2026
Person Responsible for Review	Housing Grants and Standards Team Leader
Authorised By	Head of Housing