



Report of the Cabinet Member for Corporate Service and Performance

Council – 3 November 2022

HMO Licensing Policy

Purpose:	This report presents the requirement to include an addendum to the HMO Licensing Policy 2020 with regards to the Waterfront Ward.
Policy Framework:	HMO Licensing Policy
Consultation:	Access to Services, Finance, Legal.
Recommendation(s):	It is recommended that: 1) The Council is asked to approve an addendum to the existing HMO Licensing Policy to change the ward names in the Policy to Uplands, Castle, St Thomas and Waterfront as set out in Appendices B, C, D and E and that these appendices are added to the HMO Licensing Policy.
Report Author:	Paula Livingstone
Finance Officer:	Aimee Dyer
Legal Officer:	Aled Gruffydd
Access to Services Officer:	Rhian Millar

1. Background

- 1.1 Council approved the most recent Houses in Multiple Occupation (HMO) Licensing Policy 2020 on 4th November 2020 and designated a new Additional HMO licensing scheme covering the Castle, Uplands and St Thomas wards. This replaced the previous designation of a scheme for just Castle and Uplands wards. Following approval by Council, the scheme came into force on 15th February 2021.
- 1.2 On 24th June 2021, Welsh Government approved the reforms to Swansea Council's ward boundaries. One of the proposals was to create a new

Waterfront ward from within the existing Castle and St Thomas ward boundaries.

- 1.3 This report outlines the legal framework for including an addendum to the existing HMO Licensing Policy 2020 to take account of these ward boundary changes.

2. Legal Framework

- 2.1 The Local Authority has power under the Housing Act 2004, to designate either the area of their district or an area within their district as subject to Additional licensing in relation to HMOs and in accordance with requirements under the Act.
- 2.2 To designate an area, general approval from the appropriate national authority has to have been granted. The then Welsh Assembly Government gave this general approval in 2007. Council subsequently approved the most recent HMO Licensing Policy and designated a new Additional HMO licensing scheme covering Castle, Uplands and St Thomas wards on 4th November 2020. A link to the Policy, including ward maps, is included at Appendix A.
- 2.3 The new Waterfront ward comprises the Marina and SA1, with the Marina previously being part of the Castle ward and SA1 previously being part of the St Thomas ward. Maps of the new Castle, St Thomas and Waterfront wards are included at Appendices B, C, and D. A map of the Uplands ward is included at Appendix E.
- 2.4 The boundaries of the Waterfront ward are therefore already designated into the current scheme. All existing HMOs in the Waterfront ward are subject to the scheme under either Castle or St Thomas.
- 2.5 The existing scheme had been drawn up subject to the necessary consultation and points raised in the consultation and addressed in the Policy are no different for the new ward. Any new properties within the Waterfront ward that meet the definition of an HMO will need to be licensed under the terms of the existing scheme in exactly the same way as if the new ward had not been created. Any HMO licences created under the Additional licensing scheme for properties that were previously in the Castle or St Thomas wards and are now part of the Waterfront ward, automatically continue to be in force with their existing conditions.
- 2.6 Whilst there is a new ward there is not a new designated area for Additional HMO licensing.
- 2.7 A report to Council requiring approval of an addendum to the existing HMO Licensing Policy to change the ward names is appropriate as opposed to a report revoking the existing Additional HMO licensing scheme and designating a new scheme. There is no conflicting requirement in either Housing Act 2004 or the Local Authority's HMO Licensing Policy.

3. Integrated Assessment Implications

3.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage.
- Consider opportunities for people to use the Welsh language.
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

3.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

3.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

3.2 At the time Council adopted the HMO Licensing Policy 2020, the Equality Impact Assessment (EIA) process was the procedure by which we assessed the application and implementation of the policy with regards to equality of opportunity, avoidance of unlawful discrimination and related obligations in place at that time. Although there are no changes to the Policy proposed now, an Integrated Impact Assessment screening form has been completed with regards to the application of the policy, and is attached at Appendix F.

3.3 The impacts of the Policy have not altered and no further consultation is needed. The main objective of HMO legislation is to protect the health and safety (physiological and psychological) of occupiers and so the impact of the Policy is therefore a positive rather than a negative impact. This reflects the considerations of the Council's Corporate Plan and national well-being objectives, and ways of working. The fact that property conditions and amenities as well as property management are dealt with under the Policy and housing legislation, looks to ensure living conditions are improved,

where necessary, for current occupiers and then maintained for future occupiers of HMOs. The Housing Act 2004 places statutory duties on local authorities and provides legal powers, which are all considered in the Policy.

4. Legal Implications

- 4.1 The proposals in this report are in line with the Housing Act 2004 and subordinate regulations, Welsh Government guidance on Additional HMO Licensing Schemes.
- 4.2 The legal framework is set out in Part 2 of this report.

5. Financial Implications

- 5.1 There are no additional financial implications in including an addendum to the existing Policy.

Background Papers: None

Appendices:

Appendix A - HMO Licensing Policy 2020 [Licensing of houses in multiple occupation - Swansea](#)

Appendix B – Map of Castle Ward 2022

Appendix C – Map of St Thomas Ward 2022

Appendix D – Map of Waterfront Ward 2022

Appendix E – Map of Uplands Ward 2022

Appendix F – Integrated Impact Assessment Screening