

City of Cardiff Council

Statutory Screening Tool Guidance



If you are developing a strategy, policy or activity that is likely to impact people, communities or land use in any way then there are a number of statutory requirements that apply. Failure to comply with these requirements, or demonstrate due regard, can expose the Council to legal challenge or other forms of reproach.

For instance, this will apply to strategies (i.e. Housing Strategy or Disabled Play Strategy), policies (i.e. Procurement Policy) or activity (i.e. developing new play area).

Completing the Statutory Screening Tool will ensure that all City of Cardiff Council strategies, policies and activities comply with relevant statutory obligations and responsibilities. Where a more detailed consideration of an issue is required, the Statutory Screening Tool will identify if there is a need for a full impact assessment, as relevant.

The main statutory requirements that strategies, policies or activities must reflect include:

- [Equality Act 2010 - Equality Impact Assessment](#)
- [Wellbeing of Future Generations \(Wales\) Act 2015](#)
- [Welsh Government Statutory Guidance - Shared Purpose Shared Delivery](#)
- [United Nations Convention on the Rights of the Child](#)
- [United Nations Principles for Older Persons](#)
- [Welsh Language \(Wales\) Measure 2011](#)
- [Health Impact Assessment](#)
- [Habitats Regulations Assessment](#)
- [Strategic Environmental Assessment](#)

This Statutory Screening Tool allows the Council to meet the requirements of all the above legislation as part of an integrated screening method and should take no longer than 1 hour to complete.

The Statutory Screening Tool can be completed as a self assessment or as part of a facilitated session, should further support be needed. For further information or if you require a facilitated session, please contact the Operational Manager – Policy, Partnerships and Community Engagement on (029) 2078 8561 or e-mail: Gareth.Newell@cardiff.gov.uk

Please note:

- **The completed Screening Tool must be submitted as an appendix with the Cabinet report.**
- **The completed Screening Tool will be published on the Council's Intranet.**

Statutory Screening Tool

Name of Strategy / Policy / Activity: HMO Licensing Renewal	Date of Screening: 4 June 2019
Service Area/Section: Shared Regulatory Service	Lead Officer: Steve Tudball
Attendees: Steve Tudball.	

What are the objectives of the Policy/Strategy/Project/Procedure/Service/Function	Please provide background information on the Policy/Strategy/Project/Procedure/Service/Function and any research done [e.g. service users data against demographic statistics, similar EIAs done etc.]
<ol style="list-style-type: none"> 1. Cabinet Report to seek authorisation to consult stakeholders on the renewal of the Plasnewydd Additional Licensing Scheme for Houses in Multiple Occupation (HMOs) for a further 5 years. There will be a further report to Cabinet detailing the results of the consultation and seeking authorisation to make a further additional licensing designation, should it be appropriate. 2. To brief cabinet on changes to the HMO licensing regime in England and to recommend that discussions take place with Welsh Government with a view to replicating those changes in Wales. 3. To make Cabinet aware of the resource requirements should mandatory and additional licensing be extended in Cardiff in order to meet the acute challenges faced. 	<p>This report simply seeks authorisation to consult on additional licensing renewal and recommends further discussion with Welsh Government on the scope of mandatory licensing. The report does not therefore introduce a new policy at this stage.</p> <p>Should it be determined that the Plasnewydd additional licensing scheme is to be renewed for a further 5 years, that designation will be subject to a further Cabinet report. The Plasnewydd Additional Licensing Scheme commenced on 3 November 2014; a full Equalities Impact Assessment was completed at this stage and remains relevant.</p>

Part 1: Impact on outcomes and due regard to Sustainable Development

Please use the following scale when considering what contribution the activity makes:		
+	Positive	Positive contribution to the outcome
-	Negative	Negative contribution to the outcome
ntrl	Neutral	Neutral contribution to the outcome
Uncertain	Not Sure	Uncertain if any contribution is made to the outcome

	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
1.1	People in Cardiff are healthy; <i>Consider the potential impact on</i> <ul style="list-style-type: none"> the promotion of good health, prevention of damaging behaviour, promote healthy eating/active lifestyles etc, vulnerable citizens and areas of multiple deprivation Addressing instances of inequality in health 	✓				HMO licensing, whether mandatory or additional, enforces standards relating to fire safety and amenities in houses in multiple occupation. An inspection is carried out in each HMO under the Housing Health and Safety Rating System and risks to health and safety are addressed e.g dampness, excess cold, fire safety, overcrowding, food safety etc. These improvements have a positive impact on health for tenants who are often vulnerable and living in poor conditions.
1.2	People in Cardiff have a clean, attractive and sustainable environment; <i>Consider the potential impact on</i> <ul style="list-style-type: none"> the causes and consequences of Climate Change and creating a carbon lite city encouraging walking, cycling, and use of public transport and improving access to countryside and open space reducing environmental pollution (land, air, noise and water) reducing consumption and encouraging waste reduction, reuse, recycling and recovery encouraging biodiversity 	✓				HMO licence conditions place responsibilities on landlords in relation to waste management and recycling as well as the cleanliness and appearance of frontages, and therefore have a positive environmental impact.
1.3	People in Cardiff are safe and feel safe; <i>Consider the potential impact on</i> <ul style="list-style-type: none"> reducing crime, fear of crime and increasing safety of individuals addressing anti-social behaviour 	✓				An inspection is carried out in each HMO under the Housing Health and Safety Rating System and any hazards relating to entry by intruders are addressed using legal powers available. Vulnerable people often live in houses in multiple occupation and may fall victim to rogue landlords, particularly where

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		+	-	Ntrl	Un-Crtn	
	<ul style="list-style-type: none"> protecting vulnerable adults and children in Cardiff from harm or abuse 					buildings have been poorly converted with little regard for building standards – these matters are addressed under the scheme.
1.4	Cardiff has a thriving and prosperous economy; <i>Consider the potential impact on</i> <ul style="list-style-type: none"> economic competitiveness (enterprise activity, social enterprises, average earnings, improve productivity) Assisting those Not in Education, Employment or Training attracting and retaining workers (new employment and training opportunities, increase the value of employment,) promoting local procurement opportunities or enhancing the capacity of local companies to compete 			✓		An additional licensing scheme has the potential to make some street scene improvements which may have a positive impact on the desirability of a neighbourhood and therefore its potential for investment, but this is considered a marginal improvement. Similarly, the scheme introduces a “level playing field” for landlords by introducing common standards, therefore eliminating the gain made by landlords who cut corners and supporting landlord who achieve high standards voluntarily.
1.5	People in Cardiff achieve their full potential; <i>Consider the potential impact on</i> <ul style="list-style-type: none"> promoting and improving access to life-long learning in Cardiff raising levels of skills and qualifications giving children the best start improving the understanding of sustainability addressing child poverty (financial poverty, access poverty, participation poverty) the United Nations Convention on the Rights of a Child and Principles for Older persons 			✓		The additional Licensing Schemes focus on areas with high concentrations of HMOs where typically student numbers are high. The scheme therefore has the potential to support students who choose to study in Cardiff and to perhaps ensure they maximise their potential while studying in Cardiff, although this is considered a marginal point.
1.6	Cardiff is a Great Place to Live, Work and Play <i>Consider the potential impact on</i> <ul style="list-style-type: none"> promoting the cultural diversity of Cardiff encouraging participation and access for all to physical activity, leisure & culture play opportunities for Children and Young People protecting and enhancing the landscape and historic heritage of Cardiff promoting the City's international links 			✓		Foreign Students are often found in poor quality accommodation, and therefore enforcing standards in that accommodation may have a positive impact on how the City is perceived by visiting foreign students and the reputation of the City worldwide, although this is a marginal point.

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1.7	Cardiff is a fair, just and inclusive society. <i>Consider the potential impact on</i> <ul style="list-style-type: none"><i>the elimination of discrimination, harassment or victimisation for equality groups</i><i>has the community or stakeholders been engaged in developing the strategy/policy/activity?</i><i>how will citizen participation be encouraged (encouraging actions that consider different forms of consultation, through more in depth engagement to full participation in service development and delivery)?</i>	✓				It is a legal requirement that the Council fully consult all those likely to be affected by the designation and the results of that consultation will be reported to Cabinet pre-declaration.	
	<i>Will this Policy/Strategy/Project have a differential impact on any of the following:</i>					<i>Please give details/consequences of the differential impact (positive and negative), and what action(s) can you take to address any negative implications?</i>	
	<ul style="list-style-type: none">Age (including children and young people aged 0-25 and older people over 65 in line with the United Nations Conventions)			✓		<i>The Introduction of an Additional Licensing Scheme is targeted predominantly at the standards of the accommodation and the management practices of the landlord. Landlords directly are subject to the requirements of the License which is tenant blind. Tenants of any age will not necessarily be aware of Additional Licensing, but will continue to have access to advice and support through a number of existing services should they have an issue with their accommodation or their landlord.</i>	
	<ul style="list-style-type: none">Disability			✓		The Introduction of an Additional Licensing Scheme is targeted predominantly at the standards of the accommodation and the management practices of the landlord. Landlords directly are subject to the requirements of the License which is tenant blind. Tenants who have a disability will not necessarily be aware of Additional Licensing, but will continue to have access to advice and support through a number of existing services should they have an issue with their accommodation or their landlord.	
	<ul style="list-style-type: none">Gender Reassignment			✓		The Introduction of an Additional Licensing Scheme is targeted predominantly at the standards of the accommodation and the	
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	Has the Strategy/Policy/Activity considered how it will impact one or more of Cardiff's 7 Citizen focused Outcomes?	Please Tick				Evidence or suggestion for improvement/mitigation
		+	-	Ntrl	Un-Crtn	
						management practices of the landlord. Landlords directly are subject to the requirements of the License which is tenant blind. Tenants who are transgender will not necessarily be aware of Additional Licensing, but will continue to have access to advice and support through a number of existing services should they have an issue with their accommodation or their landlord.
	<ul style="list-style-type: none"> Marriage & Civil Partnership 			✓		Any License is given for each property, not the status of the landlord(s), agents or their relationship to each other. The Introduction of an Additional Licensing Scheme is targeted predominantly at the standards of the accommodation and the management practices of the landlord. Landlords directly are subject to the requirements of the License which is tenant blind. Married tenants will not necessarily be aware of Additional Licensing, but will continue to have access to advice and support through a number of existing services should they have an issue with their accommodation or their landlord.
	<ul style="list-style-type: none"> Pregnancy & Maternity 			✓		The Introduction of an Additional Licensing Scheme is targeted predominantly at the standards of the accommodation and the management practices of the landlord. Landlords directly are subject to the requirements of the License which is tenant blind. Expectant or nursing mothers who are tenants will not necessarily be aware of Additional Licensing, but will continue to have access to advice and support through a number of existing services should they have an issue with their accommodation or their landlord.
	<ul style="list-style-type: none"> Race 			✓		Translation and interpretation will be arranged as necessary for any landlord requiring these services. Information about the Licensing Scheme will be available in other languages and to specialist agencies offering advice and support to BME people. The Introduction of an Additional Licensing Scheme is targeted predominantly at the standards of the accommodation and the management practices of the landlord. Landlords directly are subject to the requirements of the License which is tenant blind. BME tenants will not necessarily be

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						aware of Additional Licensing, but will continue to have access to advice and support through a number of existing services should they have an issue with their accommodation or their landlord.
	<ul style="list-style-type: none"> Religion/Belief 			✓		The Introduction of an Additional Licensing Scheme is targeted predominantly at the standards of the accommodation and the management practices of the landlord. Landlords directly are subject to the requirements of the License which is tenant blind. Tenants of any religious faith will not necessarily be aware of Additional Licensing, but will continue to have access to advice and support through a number of existing services should they have an issue with their accommodation or their landlord.
	<ul style="list-style-type: none"> Sex 			✓		The Introduction of an Additional Licensing Scheme is targeted predominantly at the standards of the accommodation and the management practices of the landlord. Landlords directly are subject to the requirements of the License which is tenant blind. Tenants of any gender will not necessarily be aware of Additional Licensing, but will continue to have access to advice and support through a number of existing services should they have an issue with their accommodation or their landlord.
	<ul style="list-style-type: none"> Sexual Orientation 			✓		Any License is given for each property, not the status of the landlord(s), agents or their relationship to each other. The Introduction of an Additional Licensing Scheme is targeted predominantly at the standards of the accommodation and the management practices of the landlord. Landlords directly are subject to the requirements of the License which is tenant blind. Married tenants will not necessarily be aware of Additional Licensing, but will continue to have access to advice and support through a number of existing services should they have an issue with their accommodation or their landlord.
	<ul style="list-style-type: none"> Welsh Language 			✓		Translation and interpretation will be arranged as necessary for any landlord requiring these services. Information about the Licensing Scheme will be available in Welsh and other languages. The

WHAT ACTIONS HAVE BEEN IDENTIFIED OR CHANGES BEEN MADE TO THE POLICY / PLAN / PROJECT AS A RESULT OF THIS APPRAISAL:

None

Part 2: Strategic Environmental Assessment (SEA)

		Yes	No
2.1	Does the plan or programme set the framework for future development consent?		✓
2.2	Is the plan or programme likely to have significant, positive or negative, environmental effects?		✓

Is a Full Strategic Environmental Assessment Screening Needed?		Yes	No
<ul style="list-style-type: none"> ▪ If Yes has been ticked to both questions 2.1 and 2.2 above then the answer is Yes ▪ If a full SEA screening is required then please contact the Sustainable Development Unit to arrange (details below) 			✓

If you have any doubt about your answers to the above questions, then please consult the Sustainable Development Unit for advice on (029) 2087 3228 or email: sustainabledevelopment@cardiff.gov.uk

Part 3: Habitat Regulation Assessment (HRA)

		Yes	No	Unsure
3.1	Will the plan, project or programme results in an activity which is known to affect a European site, such as the Severn Estuary or the Cardiff Beech Woods?		✓	
3.2	Will the plan, project or programme which steers development towards an area that includes a European site, such as the Severn Estuary or the Cardiff Beech Woods or may indirectly affect a European site?		✓	
3.3	Is a full HRA needed?		✓	

Details of the strategy will be sent to the County Ecologist on completion of the process to determine if a Habitat Regulation Assessment is needed. For further information, please phone (029) 2087 3215 or email: biodiversity@cardiff.gov.uk

Part 4: Welsh Language (Wales) Measure 2011

		Yes	No	Unsure
4.1	Have you considered how the policy could be formulated so that the policy decision would have positive effects, or increased positive effects on opportunities for persons to use the Welsh language?		✓	
4.2	Does the policy ensure that the Welsh language is treated no less favourably than the English language?	✓		

If you have any doubt about your answers to the above questions, then please consult the Bilingual Cardiff team for advice on (029) 2087 2527 or email: Bilingualcardiff@cardiff.gov.uk

Appendix 1 – Statutory Requirements

It is possible that the Statutory Screening Tool will identify the need to undertake specific statutory assessments:

- **Equality Impact Assessment:** *This assessment is required by the Equality Act 2010 and Welsh Government's Equality Regulations 2011.*
- **Wellbeing of Future Generations (Wales) Act:** *The Act requires sustainable development to be a central organising principle for the organisation. This means that there is a duty to consider sustainable development in strategic decision making processes.*
- **Welsh Government Statutory Guidance - Shared Purpose Shared Delivery:** *The Welsh Government requires local authorities to produce a single integrated plan to meet statutory requirements under a range of legislation. The City of Cardiff Council must therefore demonstrate its contribution towards Cardiff's own integrated plan: "What Matters".*
- **United Nations Convention on the Rights of the Child:** *The Children Act 2004 guidance for Wales requires local authorities and their partners to have regard to the United Nations Convention on the Rights of a Child.*
- **United Nations Principles for Older Persons:** *The principles require a consideration of independence, participation, care, self-fulfillment and dignity.*
- **Welsh Language (Wales) Measure 2011:** *The Measure sets out official status for the Welsh language, a Welsh language Commissioner, and the freedom to speak Welsh.*
- **Health Impact Assessment:** *(HIA) considers policies, programmes or projects for their potential effects on the health of a population.*
- **Habitats Regulations Assessment:** *The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007 provides a requirement to undertake Habitats Regulations Assessment (HRA) of land use plans.*
- **Strategic Environmental Assessment:** *A Strategic Environmental Assessment (SEA) is an European Directive for plans, programmes and policies with land use implications and significant environmental effects.*