

Driving Up Standards for the Private Rented Sector:

Equality analysis

7 October 2021

Appendix 14

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates	A public consultation to renew and extend property licensing in the private rented sector and to introduce a Gold Standard Charter for the Private Rented Sector
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Department	Environment & Leisure	Division	Regulatory Services
Period analysis undertaken	29 June 2021 – 30 July 2021		

Section 2: Brief description of policy/decision/business plan

1.1 Brief description of policy/decision/business plan

Following the collection of evidence and a public consultation, the Council is proposing the introduction of; a new additional licensing scheme to include all houses let in multiple occupation that are not included in the mandatory licensing scheme and, a selective licensing scheme covering all privately rented properties, not included in the mandatory or additional licensing schemes in the following wards:

- Faraday,
- Goose Green,
- St. Giles,
- Champion Hill and,
- Newington.

The above additional and selective licensing schemes are proposed to run for a period of five years, from 2022.

Licensable properties are required to meet conditions that are aimed at ensuring fit and proper management and tenancy, providing a fair environment for all landlords, better choice and standard of rented accommodation, and be adverse to rogue and non-compliant landlords and tenants.

The Council has powers to deal with poor living conditions within the private rented sector (PRS). However, the legal standard that is enforceable is relatively basic and does not reflect the council's aspirations for the Borough. With this in mind the Council also plans to consult on the introduction of a Gold Standard Charter for the private rented sector. The standard encompasses a higher standard than that included in the licensing schemes, to reflect good practice and improve the quality of accommodation and conditions for tenants.

The Council wants to make sure that private rented properties in the Borough offer residents a choice of safe, good quality and well managed accommodation. Decent housing is the bedrock of people's lives and a strong and cohesive local community. A more stable and high quality private rented sector will lead to better community relations and less of the anti-social behaviour that can hurt our neighbourhoods.

The Borough Plan sets out these commitments across eight themes. The designation of discretionary Licensing schemes and the Gold Standard Charter supports a number of the themes that form Southwark's Fairer Future Commitments. They support 'homes for all' and 'tackling health inequalities' by improving living standards in the borough. Licensing specifically will help to address poor housing, as well as dealing with and deterring rogue landlords.

These proposals will help give a secure home environment to tenants in the

private rented sector and give them the platform to make the most of the opportunities on their doorstep supporting a number of the themes including; 'thriving neighbourhoods' and 'a great start in life'.

The decision maker is Cabinet

Section 3: Overview of service users and key stakeholders to be consulted

2. Service users and stakeholders

Key users of the department or service

The PRS provides accommodation for roughly one third of the residents of Southwark. Over 40,000 residents live in privately rented dwellings.

The types of tenants who occupy properties in the private rented sector can range from the poorest and most vulnerable in our society to students, young professionals and families.

It is estimated that there are over 5,000 private sector landlords operating in Southwark. These are important recipients of our services. There is a willingness on the parts of most landlords to comply with basic health and safety requirements. However, lack of incentive, knowledge and so many resources to refer to often means that they are unaware of their responsibilities and do not know what constitutes decent accommodation, good practice or how to achieve a higher standard of accommodation.

Private sector tenants are key users of our services as they are able to report to us any problems they are experiencing in their homes that may need intervention by the Council.

The general public are also able to report to us any problems that may be experiencing that are arising from private rented dwellings.

Monitoring data collated indicates there are a number of key characteristics of clients using the services.

Approximately 72 per cent are from black and minority ethnic (BME) communities. This is significantly higher than the proportion of Southwark residents from these communities, which is closer to 50 per cent according to 2011 Census data. This level of take-up by BME

	<p>communities is clearly a key factor when considering how best to commission services able to meet their needs.</p> <p>In terms of service users 3,569 out of a total of 27,696 within a one year period reported having a disability. This indicates a significant level of need relating to ill-health and disability.</p>
<p>Key stakeholders were/are involved in this policy/decision/business plan</p>	<p>A consultation on the Council's proposals was conducted between 15 February 2021 and 28 June 2021.</p> <p>The purpose of this consultation was to gather opinions from a broad range of stakeholders before finalising the licensing proposals, including the areas in which selective licensing will operate and the content and process for the Gold Standard Charter.</p> <p>The Council received responses and representations to the consultation from 1,916 stakeholders from the following groups:</p> <ul style="list-style-type: none"> • Landlords groups • Managing agents • Tenants groups • Internally with other council teams that work with the PRS (e.g. Tenancy Relations, Trading Standards) • Relevant charities and other third party groups providing support to the private rented sector. • The general public • Neighbouring Local Authorities <p>The consultation results have been used to establish that the final proposals for additional and selective property licensing and the Gold Standard Charter is inclusive, appropriate, accessible and beneficial.</p> <p>The final proposals will need to be publicised to ensure that all stakeholders are aware of the schemes and any legal obligations they have to comply with the schemes or any rights or benefits they may have from the schemes are communicated with all stakeholders.</p>

Section 4: Pre-implementation equality analysis

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Potential impacts (positive and negative) of proposed policy/decision/business plan

The private sector houses the full range of age groups. Families with small children and older people who reside in private rented accommodation can have very low incomes and other disadvantages, for example education and language barriers so their ability to mitigate problems is more limited. The conditions in this market in Southwark stretch from the exclusive accommodation provided in the north of the borough to the very lowest end of the rental market.

Generally the effect of property licensing is to formalise the lightly regulated private rented housing market by imposing an increased regulatory framework to impose obligations on landlords / licence holders. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore it can assist with community cohesion and tackle exclusion.

Better managed PRS properties also improves the quality of life of many other Southwark residents not living in the PRS as they are indirectly impacted by low level neighbourhood anti-social behaviour such as noise.

Licensing schemes should affect all equally and the Council's proposals should provide a fairer private rented sector for all. It has the potential to improve the situation for all areas of the community as it increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc.

Equality information on which above analysis is based

Census data, DCLG Reports, British Housing Condition Survey Data, Housing Act 2004 HHSRS data, MetaStreet Housing Stock Condition and Stressors Report December 2019 (appendix 1), <https://www.gov.uk/coronavirus> <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/older-adults.html>

Mitigating actions to be taken

Promotional materials and results from the schemes themselves will be monitored to ensure that members of the older generation who may not have access to online materials or younger generations (i.e. 16-24 year olds) will be aware of the licensing schemes and the Gold Standard Charter:

- Publicity on social media around the start of the schemes and at regular intervals throughout the life of the schemes to target this group.
- Direct mailing in areas where specific age groups are likely to reside.
- Contacting charities and third party advice groups that represent such stakeholders, such as Age Concern, Help the Aged, Action for Children, the Children’s Society and groups representing ethnic minorities.

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Possible impacts (positive and negative) of proposed policy/decision/business plan

Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as it increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore it can assist with community cohesion and tackle exclusion.

Tenants with disabilities or medical conditions are usually more vulnerable to certain hazards, even those that present at a low enough level to not be a hazard under the HHSRS. Licensing will help the council to improve the management of the PRS and reduce the chances of hazards occurring.

Equality information on which above analysis is based

Census data, DCLG Reports, British Housing Condition Survey Data, Housing Act 2004 HHSRS data (vulnerable groups), Decent Homes Standard 2006, <https://www.gov.uk/coronavirus>
<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-disabilities.html>

Mitigating actions to be taken

Promotional materials and results from the schemes themselves will be monitored to ensure that anyone with a disability will be aware of the licensing schemes and the Gold Standard Charter:

- Publicity on social media around the start of the schemes and at regular intervals throughout the life of the schemes to target this group.
- Direct mailing in areas where specific age groups are likely to reside.

- Contacting charities and third party groups that represent such stakeholders directly as part of the consultation, such as Mind, Southwark Disablement Association and Together for Mental Wellbeing.

Gender reassignment - The process of transitioning from one gender to another.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No specific impacts have been identified or raised in relation to this.

Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as it increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore it can assist with community cohesion and tackle exclusion.

Equality information on which above analysis is based.

<https://www.gov.uk/coronavirus>

Mitigating actions to be taken

There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted.

Marriage and Civil Partnership - In England and Wales marriage is no longer restricted to a union between a man and a woman but now includes a marriage between a same-sex couple. Same-sex couples can also have their relationships legally recognised as 'civil partnerships'. Civil partners must not be treated less favorably than married couples and must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination).**

Possible impacts (positive and negative) of proposed policy/decision/business plan

Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as it increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore it can assist with community cohesion and tackle exclusion.

Equality information on which above analysis is based

Census Data, DCLG data, Anecdotal evidence, <https://www.gov.uk/coronavirus>

Mitigating actions to be taken

There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted.

Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavorably because she is breastfeeding.

Possible impacts (positive and negative) of proposed policy/decision/business plan

In general more people are raising their families in the PRS as the supply of social housing is restricted and property ownership becomes less affordable. Therefore more children are being affected by PRS issues. Pregnant women, new mothers and their babies are more vulnerable to certain hazards and require a higher level of self-care and cleanliness in the home. Facilities such as adequate hot water and heating are essential and can cause serious issues if not available for just a short period of time.

Whilst legislation allows us to require a landlord to repair boilers and heating systems if they are not working, we cannot legally require the landlord to put measures in place to prevent the issues occurring. Encouraging landlords to have boiler service and repair contracts, for example, will mean that a tenant can arrange for repairs quickly and conveniently reducing the likelihood of a malfunction and reducing the potential impact should their boiler fail in some way. Similarly, as long as a bathroom or kitchen functions legislation does not

allow for its replacement.

There will probably be a significant number of expectant mothers living in the PRS and the effect of licensing for these households is positive.

Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as it increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore it can assist with community cohesion and tackle exclusion.

Equality information on which above analysis is based

Census Data, DCLG data, Anecdotal evidence, <https://www.gov.uk/coronavirus>

Mitigating actions to be taken

There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted.

Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Possible impacts (positive and negative) of proposed policy/decision/business plan

There are reported problems with ethnicity and access to PRS lettings. It is also the case that new communities form in Southwark over time. These communities are often exposed to the poorest accommodation as they seek to gain a foothold in the wider community.

As the PRS is likely to be the only accessible housing tenure for new communities to Southwark, different faith groups will be well represented and licensing as well as the Gold Standard Charter will have a positive effect for these households.

Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as it increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality

accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.

Consulting with tenants and the public should not have any negative effects other than that some groups may not have their opinions represented due to language barriers and their ability to understand the consultation.

There is clear evidence that black and minority ethnic groups are at higher risk of dying from COVID-19 than the rest of the population though that risk may not be the same for all ethnic groups. Data from the ONS published on 7 May show that, after adjusting for age, men and women of black ethnicity were at highest risk. They were more than four times as likely to die from COVID-19 compared to people of white ethnicity.

Equality information on which above analysis is based

Census Data, DCLG data, Anecdotal evidence, <https://www.gov.uk/coronavirus>
https://www.health.org.uk/news-and-comment/charts-and-infographics/emerging-findings-on-the-impact-of-covid-19-on-black-and-min?qclid=EAlaIQobChMI8rqkiaLc7QIVGoBQBh0IOgt-EAAYASAAEgLSZfD_BwE

Mitigating actions to be taken

Promotional materials and results from the schemes themselves will be monitored to ensure that anyone from black, asian or ethnic minority communities are made aware of the licensing schemes and the Gold Standard Charter:

- Publicity on social media around the start of the schemes and at regular intervals throughout the life of the schemes to target this group.
- Direct mailing in areas where specific age groups are likely to reside.
- Contacting charities and third party groups that represent such stakeholders as part of the consultation, such as Citizens Advice Bureaus, Aalna Women's Group.

Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Possible impacts (positive and negative) of proposed policy/decision/business plan

As the PRS is the likely to be the only accessible housing tenure for new communities to Southwark, various ethnic groups will be disproportionately represented and licensing as well as the Gold Standard Charter will have a positive effect for these households.

Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.

Equality information on which above analysis is based

<https://www.gov.uk/coronavirus>

Mitigating actions to be taken

There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted. However, publicity will also be aimed at local churches to ensure all communities are aware of the schemes.

Sex - A man or a woman.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No specific impacts have been identified or raised in relation to this.

Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.

Equality information on which above analysis is based

Organisations' equality & diversity policies
Monitoring data collected
Monitoring information from other programmes e.g. Community Capacity programme
Feedback from stakeholders
Analysis of impacts of Welfare Reform (Southwark Council, Corporate Strategy unit)
<https://www.gov.uk/coronavirus>

Mitigating actions to be taken

There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted.

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

Possible impacts (positive and negative) of proposed policy/decision/business plan

No specific impacts have been identified or raised in relation to this.

Licensing schemes and the Gold Standard Charter should affect all equally. It has the potential to improve the situation for all areas of the community as increases knowledge of legal requirements and affects landlords and tenants regardless of age, race, disability etc. It should lead to better quality accommodation and greater community stability for groups who are unable to access social housing or homeownership therefore is can assist with community cohesion and tackle exclusion.

Equality information on which above analysis is based

<https://www.gov.uk/coronavirus>

Mitigating actions to be taken

There is no evidence that the consultation will negatively affect anyone in this group or that access to the schemes will be restricted.

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Human Rights
 There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

Possible impacts (positive and negative) of proposed policy/decision/business plan

Property licensing and the proposed Gold Standard Charter will support the Human Rights of members of the community of Southwark at a number of levels. Improved property conditions support improved public health, reduction in fear, harassment and uncertainty in the domestic environment.

Our focus on improved facilities, safety, security, privacy and improving management and maintenance all contribute to the resident of a PRS property realising the intended benefits of an improved private rented sector and in particular the right to life.

Information on which above analysis is based

The Human Rights Act, Housing Act 2004 HHSRS,
<https://www.gov.uk/coronavirus>

Mitigating actions to be taken

There is no evidence that the schemes will affect the human rights of any stakeholder or member of the public.

Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key mitigating actions or the areas identified as requiring more detailed analysis.			
Number	Description of issue	Action	Timeframe
1	Ensuring that all communities are aware of the schemes and their rights and responsibilities	Comprehensive communication plan Monitoring results of the schemes to ensure they are effective in all areas and communities	To be implemented following approval of the schemes and throughout the life of the schemes.
2			
3			
4			

5. Equality objectives (for business plans)				
Based on the initial analysis above, please detail any equality objectives that you will set for your division/department/service. Under the objective and measure column please state whether this objective is an existing objective or a suggested addition to the Council Plan.				
Objective and measure	Lead officer	Current performance (baseline)	Targets	
			2022/23	2024/25
Monitoring equality outcomes from the schemes	Emma Trott	None	March 2023	March 2025