

Private Sector Houses in Multiple Occupation Standards Equality Analysis

June 2015

Appendix 4

Guidance notes

Things to remember:

Under the Public Sector Equality Duty (PSED) public authorities are required to have due regard to the aims of the general equality duty when making decisions and when setting policies. Understanding the affect of the council's policies and practices on people with different protected characteristics is an important part of complying with the general equality duty. Under the PSED the council must ensure that:

- Decision-makers are aware of the general equality duty's requirements.
- The general equality duty is complied with before and at the time a particular policy is under consideration and when a decision is taken.
- They consciously consider the need to do the things set out in the aims of the general equality duty as an integral part of the decision-making process.
- They have sufficient information to understand the effects of the policy, or the way a function is carried out, on the aims set out in the general equality duty.
- They review policies or decisions, for example, if the make-up of service users changes, as the general equality duty is a continuing duty.
- They take responsibility for complying with the general equality duty in relation to all their relevant functions. Responsibility cannot be delegated to external organisations that are carrying out public functions on their behalf.
- They consciously consider the need to do the things set out in the aims of the general equality duty not only when a policy is developed and decided upon, but when it is being implemented.

Best practice guidance from the Equality and Human Rights Commission recommends that public bodies:

- Consider all the [protected characteristics](#) and all aims of the general equality duty (apart from in relation to marriage and civil partnership, where only the discrimination aim applies).
- Use equality analysis to inform policy as it develops to avoid unnecessary additional activity.
- Focus on the understanding the effects of a policy on equality and any actions needed

as a result, not the production of a document.

- Consider how the time and effort involved should relate to the importance of the policy to equality.
- Think about steps to advance equality and good relations as well as eliminate discrimination.
- Use good evidence. Where it isn't available, take steps to gather it (where practical and proportionate).
- Use insights from engagement with employees, service users and others can help provide evidence for equality analysis.

Equality analysis should be referenced in community impact statements in Council reports. Community impact statements are a corporate requirement in all reports to the following meetings: the cabinet, individual decision makers, scrutiny, regulatory committees and community councils. Community impact statements enable decision makers to identify more easily how a decision might affect different communities in Southwark and to consider any implications for equality and diversity.

The public will be able to view and scrutinise any equality analysis undertaken. Equality analysis should therefore be written in a clear and transparent way using plain English. Equality analysis may be published under the council's publishing of equality information, or if part of a business plan, requested by the public under the council's Publications Scheme.

Equality analysis should be reviewed after a sensible period of time to see if the effects that were expected have occurred. If not then you will need to consider amending your policy accordingly. This does not mean repeating the equality analysis, but using the experience gained through implementation to check the findings and to make any necessary adjustments.

Engagement with the community is recommended as part of the development of equality analysis. The council's Community Engagement Division and critical friend, the Forum for Equality and Human Rights in Southwark can assist with this (see section below on community engagement and www.southwarkadvice.org.uk).

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates		Southwark Private Rental Sector HMO Standards			
Equality analysis author		Emma Trott, Private Sector Housing Licensing & Enforcement Manager			
Strategic Director:		Deborah Collins			
Department		Environment & Leisure	Division		Community Safety & Enforcement
Period analysis undertaken		Jan – July 2014			
Date of review (if applicable)		June 2015			
Sign-off		Position		Date	

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

1.1 Brief description of policy/decision/business plan

The Council has powers to deal with poor living conditions within HMO's under the Housing Act 2004. The Council adopted for HMO's in 1989. The Standards have not been fully reviewed until 2014/15.

The PRS is large, with over 28 000 properties recorded in the 2011 census. We estimate that a third of the homes provided within this sector are in houses let in multiple occupation. Whilst HMO's can provide valuable accommodation to students and single young professionals there is a significant percentage of the sector that provide some of the poorest accommodation to the most vulnerable in our communities.

Southwark's Housing Strategy 2015-2043 commits the Council to drive up standards in the private rented sector. Southwark Council proposes to introduce a new HMO Standard that addresses the specific concerns found in houses let in multiple occupation in the private rented sector today. Concerns that were either unheard of when the original standards were drafted or are rapidly becoming more common.

There is a wealth of guidance documents and research into what constitutes an adequate living standard and this new HMO Standard delivers what we consider to be an acceptable, but basic living standard, just above the statutory minimum.

These HMO Standards will work as a stand alone document, as guidance and advice, and as an enforcement tool referred to in the conditions attached to mandatory and additional licenses.

Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
<p>Key users of the department or service</p>	<p>The PRS provides accommodation for roughly one quarter of the residents of Southwark. Over 28,000 residents live in privately rented dwellings. Approximately a third of these residents live in houses let to more than one household where often common parts and facilities, such as kitchens, living rooms and bathrooms are shared. The types of tenants who occupy HMO's can range from the poorest and most vulnerable in our society to students and young professionals. The sector has deteriorated within the last decade and families with young children are found to be living in HMO's as well as people who have a wide range of vulnerabilities.</p> <p>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 health and safety requirements. However, lack of knowledge and out of date information given in complex documents, such as the existing HMO Standards, means that they are often unaware of their responsibilities.</p>
<p>Key stakeholders were/are involved in this policy/decision/business plan</p>	<p>The Council undertook an extensive consultation exercise for additional and selective licensing. This included consultation on the proposed HMO Standards. The consultation commenced on 18th September 2014 and concluded on 15th March 2015.</p> <p>Consultation was undertaken using a variety of methods that included:-</p> <ul style="list-style-type: none"> • An eform linked to the main consultation webpage • A prepaid response card for the community in general which was used at a variety of events below. • A prepaid response card for the residents in and around the selective licensing area which was posted out. • A prepaid response card sent to addresses which were indicated by our data to be occupied by residents with a profile that matched those in private rented property. • A prepaid response card for students which was distributed at local higher education establishments • Community meetings and events in Southwark, including community councils, area housing forums, street consultation events and focus groups for some minority groups. • Landlord representative events, including Landlords Forum and the Landlords focus group, Southwark's Homeowners Forum for Leaseholders. • Emails to a wide range of national regional and local stakeholders. • Advertising in local publications, street adverts on buses and bus shelters and using electronic media. • A dedicated email address for responses.

	<ul style="list-style-type: none"> • Publicity on a landlord information website, • Advertisements on various platforms <p>Over 1,000 responses were received. Some, but not all of these related to the consultation of the HMO Standards.</p>
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Section 4: Pre-implementation equality analysis

This section considers the potential impacts (positive and negative) on groups with ‘protected characteristics’, the equality information on which this analysis is based and any mitigating actions to be taken.

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 new HMO Standards will have a positive effect on a wide range of age groups as it will address the management, overcrowding and level of facilities in HMO’s in the PRS.

The sector houses the full range of age groups but statistics indicate that there are fewer children and older people housed in HMO’s in the PRS than other tenures though we have seen an increase in these age groups in HMO’s in the borough. Families with small children and older people who reside in HMO’s tend to have very low incomes and other disadvantages, for example education and language barriers so their ability to mitigate problems is more limited. They would not choose to live in this type of accommodation, but their financial or personal circumstances have forced them to live in, what can be, the very lowest end of the rental market.

The particular issues for children living in HMO’s are privacy, safeguarding and overcrowding.

Small children need at least as much space as an adult but are not catered for at all in most HMO’s. The need for privacy begins to develop from the age of eight and will be fully formed during puberty and often children and teenagers are found in HMO’s sharing sleeping rooms, and sometimes beds, with their parents, as there is nowhere else for them to sleep. A child sharing bathrooms and kitchens with other households, and often strangers, increases the safeguarding risk to that child. It can also stifle development as a child may not feel safe enough to learn to use the bathroom independently for example.

Equality information on which above analysis is based
DCLG Reports, Rugg Report, British Housing Condition Survey Data, Lacors crowding and space guidance, HHSRS - Crowding and Space
Mitigating actions to be taken
Replacing the existing Standards with the proposed ones will have a positive effect on these problems as Landlords will be required to comply with a clearer, more concise set of standards that address issues such as suitability of accommodation for children.. Tenants and landlords alike will be helped to understand the Council's expectations. The addition of references to relevant guidance within the document, will provide additional information and advice to landlords and tenants

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
<p>Poor conditions in PRS HMO's will have an adverse effect on health in general and can exacerbate medical conditions.</p> <p>Lack of space and overcrowded conditions have been linked to a number of health outcomes, including psychological distress and mental disorders, especially those associated with a lack of privacy. Overcrowding can result in an increase in heart rate, increased perspiration, reduction of tolerance, and a reduction in the ability to concentrate. Crowded conditions are also linked with increased hygiene risks, an increased risk of accidents, and spread of contagious disease. These issues are important factors to recognise generally but will have an increased affect on those with pre existing medical problems.</p> <p>Dampness is also more likely to occur in houses that are overcrowded and the prevalence of indoor damp in low-income communities can be substantially higher than the national average.</p> <p>The risk of domestic accidents is greater where there is insufficient space for the occupants. Small kitchens or those shared with a number of other households also increase the risk of accidents. Where people and their belongings and</p>

<p>furniture are crowded together, it may not be possible to keep circulation space or functional space around appliances clear. A lack of adequate and appropriate facilities or overcrowding, will have a marked effect on people who have mobility issues.</p>
<p>Equality information on which above analysis is based</p>
<p>DCLG Reports, Rugg Report, British Housing Condition Survey Data, Lacors crowding and space guidance, Housing Act 2004 HHSRS - Crowding and Space</p>
<p>Mitigating actions to be taken</p>
<p>The HMO Standards will clarify what is required in terms of condition and management Application of the standards via licensing will over time have substantial effect on improving the property that is in the worst condition.</p> <p>This will contribute positively to the management of a wide range of physical medical conditions and mental health problems. This in turn will drive up standards in the private rented sector.</p>

<p>Gender reassignment - The process of transitioning from one gender to another.</p>
<p>Possible impacts (positive and negative) of proposed policy/decision/business plan</p>
<p>It is difficult to assess how housing tenure could affect this group specifically and there is no research or statistics available on this.</p>
<p>Equality information on which above analysis is based.</p>
<p>n/a</p>
<p>Mitigating actions to be taken</p>
<p>The HMO Standards require a basic level of amenities and space. The standard will be used by tenants to inform them of the acceptable standard for conditions in their home. They will then be able to refer the matter on to The Council to take appropriate action. Compliance with the standard and would be required under mandatory and additional licensing.</p>

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Marriage and civil partnership - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners 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

The demographics of the PRS are changing and more people are spending a longer time in private rented property, therefore more families are affected by the issues identified above. It is therefore reasonable to assume that the percentage of married and civil partnership residents residing in the sector is increasing.

In broad terms the sector is very diverse and it is difficult to identify a specific detriment to any type of relationship though the improvements intended in management and condition will benefit a substantial number of residents in lower rental properties.

Equality information on which above analysis is based

2001 and 2011 Census data

Mitigating actions to be taken

The HMO Standards require a basic level of amenities and space. The standard will be used by tenants to inform them of the acceptable standard for conditions in their home.

They will then be able to refer the matter on to The Council to take appropriate action. Compliance with the standard and would be required under mandatory and additional licensing.

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 unfavourably 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. More and more of these families are living in HMO's. The proposed HMO Standards will have a positive effect as it seeks to improve basic living standards and specific provision for children and ensuring the safety of the children living in the HMO.
Equality information on which above analysis is based
DCLG data, Anecdotal evidence
Mitigating actions to be taken
The HMO Standards require a basic level of amenities and space. The standard will be used by tenants to inform them of the acceptable standard for conditions in their home. They will then be able to refer the matter on to the Council to take appropriate action. Compliance with the standard and would be required under mandatory and additional licensing.

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.
Equality information on which above analysis is based

Mitigating actions to be taken
The HMO Standards require a basic level of amenities and space. The standard will be used by tenants to inform them of the acceptable standard for conditions in their home. They will then be able to refer the matter on to The Council to take appropriate action. Compliance with the standard and would be required under mandatory and additional licensing.

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
There is no available evidence of disadvantage arising from religion and belief in HMO's in the PRS.
Equality information on which above analysis is based
Mitigating actions to be taken
The HMO Standards require a basic level of amenities and space. The standard will be used by tenants to inform them of the acceptable standard for conditions in their home. They will then be able to refer the matter on to the Council to take appropriate action. Compliance with the standard and would be required under mandatory and additional licensing.

Sex - A man or a woman.
Possible impacts (positive and negative) of proposed policy/decision/business plan
There is no available evidence of disadvantage arising from a persons sex in HMO's in the PRS.

Equality information on which above analysis is based
Mitigating actions to be taken
The HMO Standards require a basic level of amenities and space. The standard will be used by tenants to inform them of the acceptable standard for conditions in their home. They will then be able to refer the matter on to the Council to take appropriate action. Compliance with the standard and would be required under mandatory and additional licensing.

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
There is no available evidence of disadvantage arising from sexual orientation in HMO's in the PRS.
Equality information on which above analysis is based
Mitigating actions to be taken
The HMO Standards require a basic level of amenities and space. The standard will be used by tenants to inform them of the acceptable standard for conditions in their home. They will then be able to refer the matter on to the Council to take appropriate action. Compliance with the standard and would be required under mandatory and additional licensing.

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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
<p>The proposed HMO Standards 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.</p> <p>The application of the HMO Standards as a licensing condition supports a number of the core elements of the Human Rights Act. Our focus on basic facilities, overcrowding, child safeguarding, safety, security, privacy and improving management and maintenance all contribute to the resident of a PRS property realising the intended benefits of the legislation and in particular the right to life.</p>
Information on which above analysis is based
The Human Rights Act, Housing Act 2004 HHSRS
Mitigating actions to be taken
The HMO Standard puts emphasis on Landlords improving the basic living standards in HMO's. No tenant should suffer a real and imminent threat of injury or death from poor standard of accommodation because of their protected characteristic.

Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key areas identified as requiring more detailed analysis or key mitigating actions.			
Number	Description of Issue	Action	Timeframe
1	Development of further policy and plans for PRS	Emma Trott	April 2016
2	Review and Improve the Southwark Rental Standards	Emma Trott	November 2015
3	Review the effectiveness of the New HMO Standards	Emma Trott	Sept – Nov 2017

5. Equality objectives (for business plans)				
Based on the initial analysis above, please detail any equality objectives that you will set for your department/service.				
Objective	Lead officer	Current performance (baseline)	Targets	
			2013/14	2014/15