



# **Gold Standard for the Private Rented Sector: Equality analysis**

## **November 2018**

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**Section 1: Equality analysis details**

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<b>Proposed policy/decision/business plan to which this equality analysis relates</b>	Gold Standard for the Private Rented Sector		
<b>Equality analysis author</b>	Emma Trott, Private Sector Housing Enforcement & Licensing Unit Manager		
<b>Strategic Director:</b>	Deborah Collins		
<b>Department</b>	Environment & Social Regeneration	<b>Division</b>	Regulatory Services
<b>Period analysis undertaken</b>	June – July 2018		

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

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### 1.1 Brief description of policy/decision/business plan

The Council has powers to deal with poor living conditions within the private rented sector (PRS) however, the standard that is enforceable under these provisions is relatively basic and does not reflect the council's aspirations for the Borough.

The Council plans to consult on the introduction of a Gold Standard for the private rented sector. The standard encompasses not only the basic legal requirements, but a higher standard to improve the quality of accommodation and conditions for tenants and bring it into line with the standards found in the social rented sector.

The decision maker is the Cabinet Member for Finance, Performance and Brexit.

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

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### 2. Service users and stakeholders

#### Key users of the department or service

The PRS provides accommodation for roughly one quarter of the residents of Southwark. Over 30,000 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.

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 communities is clearly a key factor when considering how best to commission services able to meet their needs.

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.
<b>Key stakeholders were/are involved in this policy/decision/business plan</b>	<p>Consultation regarding the Gold Standard is due to take place between 5 November and 31 December 2018. The purpose of this will be to consult with a broad range of stakeholders before finalising the content and award process for the Gold Standard. Stakeholders will consist of representatives from:</p> <ul style="list-style-type: none"> <li>• Landlords groups</li> <li>• Tenants groups</li> <li>• Internally with other council teams that work with the PRS (e.g. Tenancy Relations, Trading Standards)</li> </ul> <p>The broad scope of the consultation will be to establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.</p>

#### **Section 4: Pre-implementation equality analysis**

<b>Age</b> - 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).
<b>Potential impacts (positive and negative) of proposed policy/decision/business plan</b>
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.
<b>Equality information on which above analysis is based</b>
Census data, DCLG Reports, British Housing Condition Survey Data, Housing Act 2004 HHSRS data
<b>Mitigating actions to be taken</b>

Introducing a Gold Standard will mean that tenants and landlords alike will understand the Council's expectations and aspirations for the sector regardless of who it is rented to. This will empower tenants so that they have a standard to point to when choosing a home and confidence in approaching their landlord for improvements to their existing home.

The consultation will establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.

**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**

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. Heating and hot water is essential especially for many people with disabilities or medical conditions. 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. The Gold Standard will require kitchens and bathrooms to be 'modern' - being no older than 20 years. More modern facilities often provide better ergonomics for use and easier to clean surfaces and appliances.

**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

**Mitigating actions to be taken**

Introducing a Gold Standard will mean that tenants and landlords alike will understand the Council's expectations and aspirations for the sector regardless of who it is rented to. This will empower tenants so that they have a standard to point to when choosing a home or, confidence in approaching their landlord for improvements to their existing

home.

A higher standard of remedy and prevention will be encouraged to mitigate hazards that particularly affect vulnerable persons. i.e. boiler service and repair contracts reducing the likelihood of a break in the supply of heating or hot water and a reduced waiting time for repairs if the boiler should break down.

The consultation will establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.

**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.

**Equality information on which above analysis is based.**

N/a

**Mitigating actions to be taken**

The consultation will establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.

**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 favourably 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**

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

<b>Equality information on which above analysis is based</b>
N/a
<b>Mitigating actions to be taken</b>
The consultation will establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.

<b>Pregnancy and maternity</b> - 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.
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
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.
<b>Equality information on which above analysis is based</b>
Census Data, DCLG data, Anecdotal evidence
<b>Mitigating actions to be taken</b>
A higher standard of remedy and prevention will be required in the Gold Standard to mitigate hazards that particularly affect vulnerable persons. The Gold Standard will require boiler service and repair contracts and kitchens and bathrooms to be 'modern',

being no older than 20 years. Boilers will be less likely to malfunction and more likely to be repaired quickly if they do. More modern facilities, such as bathrooms and kitchens often provide better ergonomics for use and easier to clean surfaces and appliances.

The consultation will establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.

**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**

Census Data, DCLG data, Anecdotal evidence

**Mitigating actions to be taken**

The Gold Standard is designed to encourage landlords to not only comply with legal requirements but to raise the standards in their properties to improve the health and wellbeing of their tenants.

The consultation will establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.

**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.



<b>Equality information on which above analysis is based</b>
N/a
<b>Mitigating actions to be taken</b>
<p>The Gold Standard is designed to encourage landlords to not only comply with legal requirements but to raise the standards in their properties to improve the health and wellbeing of their tenants.</p> <p>The consultation will establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.</p>

<b>Sex</b> - A man or a woman.
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>
There is no available evidence of disadvantage arising from a persons sex in HMO's in the PRS.
<b>Equality information on which above analysis is based</b>
<p>Organisations' equality &amp; diversity policies</p> <p>Monitoring data collected</p> <p>Monitoring information from other programmes e.g. Community Capacity programme</p> <p>Feedback from stakeholders</p> <p>Analysis of impacts of Welfare Reform (Southwark Council, Corporate Strategy unit)</p>
<b>Mitigating actions to be taken</b>
<p>The Gold Standard is designed to encourage landlords to not only comply with legal requirements but to raise the standards in their properties to improve the health and wellbeing of their tenants.</p> <p>The consultation will establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.</p>

<b>Sexual orientation</b> - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes
<b>Possible impacts (positive and negative) of proposed policy/decision/business plan</b>

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**

N/a

**Mitigating actions to be taken**

The Gold Standard is designed to encourage landlords to not only comply with legal requirements but to raise the standards in their properties to improve the health and wellbeing of their tenants.

The consultation will establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.

**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**

The proposed Gold Standard 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

**Mitigating actions to be taken**

The Gold Standard is designed to encourage landlords to not only comply with legal requirements but to raise the standards in their properties to improve the health and wellbeing of their tenants.

The consultation will establish whether the content of the Gold Standard is inclusive,

appropriate, accessible and beneficial.

## 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	Establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.	Carry out consultation as planned in Appendix 2 of the main cabinet report	12 weeks between 21 January 2019 to 15 March 2019
2	Establish whether the content of the Gold Standard is inclusive, appropriate, accessible and beneficial.	Analyse results of consultation and draft consultation report  Make appropriate changes to the contents of the Gold Standard and award scheme	March – April 2019
3	Ensuring that the standard has an effect across the broad range of PRS in the Borough	Undertake a pilot and review the effectiveness of the Gold Standard and it's associated award scheme	May – January 2020
4	Launch full scheme with input and administration from proposed Renter's Union	Set up full scheme with campaigning and administration	February - March 2020

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	
			2019/20	2020/21
Monitoring equality outcomes from the Gold Standard consultation	Emma Trott	None	April 2019	NA
Monitoring equality outcomes from the full scheme	Emma Trott	None	March 2020	March 2021