

Consultation on Proposals for the Private Rented Sector 2020 - 2026: Equality analysis

March 2020

Appendix 5

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 & Social Regeneration	Division	Regulatory Services
Period analysis undertaken	December 2019 – January 2020		

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

1.1 Brief description of policy/decision/business plan

The Council is currently running an additional licensing scheme that requires all houses in multiple occupation (HMOs) in the borough to be licensed. These are properties that have 3 or more people from more than one household sharing amenities and usually house the most vulnerable in our society.

The Council is currently running a selective licensing scheme that requires all rented properties, that do not fall under the definition of an HMO, in certain areas of the Borough to be licensed.

Both of the above schemes are due to end on the 31st December 2020.

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 plans to consult on additional licensing continuing for another five years, from 2021 to 2026 and on selective licensing continuing as well as being expanded in area for the same time period.

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.

The Council also plans to consult on the introduction of a Gold Standard Charter 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 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 council wants to make Southwark a place to call home and a place to belong. That means giving residents all the personal, social and economic tools to overcome challenges and achieve their aspirations. We also want to make sure people from all walks of life are welcome in our communities, and provide a good quality environment.

The decision maker is Cabinet

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

2. Service users and stakeholders

<p>Key users of the department or service</p>	<p>The PRS provides accommodation for roughly one third of the residents of Southwark. Over 40,000 residents live in privately rented dwellings.</p> <p>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.</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 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.</p> <p>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.</p> <p>The general public are also able to report to us any problems that may be experiencing that are arising from private rented dwellings.</p> <p>Monitoring data collated indicates there are a number of key characteristics of clients using the services.</p> <p>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.</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>Consultation regarding property licensing and the Gold Standard Charter is due to take place after April 2020</p> <p>The purpose of this will be to consult with 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>Stakeholders will consist of representatives from:</p> <ul style="list-style-type: none"> • Landlords groups • Managing agents

	<ul style="list-style-type: none"> • 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 <p>The broad scope of the consultation will be to establish whether the detail of the additional and selective property licensing schemes as well as the content of the Gold Standard Charter is inclusive, appropriate, accessible and beneficial.</p>
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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.

All private tenants will be positively affected by any designation for property licensing as they will benefit from the additional requirements on licensed landlords to provide a written tenancy and statutory management arrangements. Further, landlords without licenses are unable to use the mandatory grounds for possession (s21) in the County Court. Landlords guilty of certain criminal offences are banned (“not fit and proper”) from holding licences in Southwark

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. 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.

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 their age and their ability to access the Council's online materials or ability to attend consultation events.

Equality information on which above analysis is based

Census data, DCLG Reports, British Housing Condition Survey Data, Housing Act 2004 HHSRS data

Mitigating actions to be taken

In order to ensure that we include the members of the older generation who may not have access to online materials or younger generations (i.e 16-24 year olds) the consultation will include:

- Publicity on social media with a link to an online questionnaire
- Consultation events in public buildings, such as libraries, outside buildings such as supermarkets and hold public events in the street in order to reach this group of stakeholders. Council staff will be available with electronic devices (i.e. tablets and laptops) to complete the consultation with the stakeholder or member of the public.
- Contacting charities and third party groups that represent such stakeholders directly as part of the consultation, 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

Mitigating actions to be taken

In order to ensure we capture opinions from anyone with a disability the consultation will include:

- An online questionnaire
- Consultation events in public buildings, such as libraries, outside buildings such as supermarkets and hold public events in the street in order to reach this group of stakeholders. Council staff will be available with electronic devices (i.e. tablets and laptops) to complete the consultation with the stakeholder or member of the public.
- 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 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.

N/a

Mitigating actions to be taken

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

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 it can assist with community cohesion and tackle exclusion.

Equality information on which above analysis is based

N/a

Mitigating actions to be taken

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

The consultation will be advertised in many types of media, including in the printed media, social media and in public places. Consultation materials will be available online. Therefore, pregnant women and new mothers who may be less mobile should still be able to participate in the consultation.

Equality information on which above analysis is based

Census Data, DCLG data, Anecdotal evidence

Mitigating actions to be taken

In order to ensure pregnant women and new mothers who may be less mobile can participate in the consultation the consultation will include:

- Advertising on social media and an online questionnaire
- Consultation events in public buildings, such as libraries, outside buildings such as supermarkets and hold public events in the street in order to reach this group of stakeholders. Council staff will be available with electronic devices (i.e. tablets and laptops) to complete the consultation with the stakeholder or member of the public.

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 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.

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.

Equality information on which above analysis is based

Census Data, DCLG data, Anecdotal evidence

Mitigating actions to be taken

In order to ensure that we include people with language barriers are included in this consultation we will be 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

N/a

Mitigating actions to be taken

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

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)

Mitigating actions to be taken

There is no evidence that the consultation will negatively affect anyone in this group or that access to the consultation 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 it can assist with community cohesion and tackle exclusion.

Equality information on which above analysis is based

N/a

Mitigating actions to be taken

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

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

Mitigating actions to be taken

There is no evidence that the consultation 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	Establish whether the detail of the proposed licensing schemes and the content of the Gold Standard Charter 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 detail of the proposed licensing schemes and the content of the Gold Standard Charter is inclusive, appropriate, accessible and beneficial.	Analyse results of consultation and draft consultation report Make appropriate changes to the details of the licensing schemes and the contents of the Gold Standard Charter and award scheme	March – April 2019
3	Ensuring that licensing and the Gold Standard Charter have an effect across the broad range of PRS in the Borough	Undertake a pilot and review the effectiveness of the Gold Standard Charter 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 property licensing and the Gold Standard Charter	Emma Trott	None	April 2019	NA

consultation				
Monitoring equality outcomes from the full schemes	Emma Trott	None	March 2020	March 2021
