

Equality Impact and Outcome Assessment (EIA) Template - 2016

EIAs make services better for everyone and support value for money by getting services right first time.

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users. They analyse how all our work as a council might impact differently on different groups. They help us make good decisions and evidence how we have reached these decisions.

1. Equality Impact and Outcomes Assessment (EIA) Template

First, consider whether you need to complete an EIA, or if there is another way to evidence assessment of impacts, or that an EIA is not needed.

Title of EIA	Discretionary Licensing Schemes – Additional Licensing Scheme	ID No.	NCH 07
Team/Department	Private Sector Housing Team Housing Strategy & Enabling Team		
Focus of EIA	<p>The focus of this EIA is proposals to improve housing quality in HMOs through the extension of the Additional Licensing Scheme to citywide. If approved the proposed scheme will run for a period of five years.</p> <p>There has been the significant growth in private rented housing in Brighton & Hove. In 2011, the Census reported that the Private Rented Sector (PRS) stood at 37,518 homes, 31% of all housing stock in the city and the 9th largest in England and Wales.</p> <p>The sector increased by 46%, an extra 10,691 homes, between the 2001 and 2011. Three wards have half or more than half of households in homes rented through private landlords or lettings agents. The city also has the sixth highest proportion of converted dwellings or shared houses (houses in multiple occupation and bedsits) in England & Wales.</p> <p>Research has identified that there is generally a medium to high positive correlation between the relative size of the private rented sector in each ward and the relative incidence of risk factors including poor housing conditions and antisocial behaviour (ASB) e.g. requests for assistance, noise complaints and dwelling fires.</p> <p>The Housing Act 2004 requires local housing authorities to licence HMOs if they have three or more storeys and accommodate more than five people who form two or more households. This is called mandatory licensing. The</p>		

act also gives authorities the power to introduce licensing schemes for other HMOs if certain conditions are met. This is called **additional licensing** and the council has been operating schemes in parts of the city since 2012.

What would the proposed scheme cover?

The Additional Licensing Scheme will cover smaller Houses in Multiple Occupation (HMOs) - that is properties of two or more storeys occupied by three or more unrelated people with some sharing of facilities (i.e. kitchen, toilets, bathrooms). The proposed area covers the whole city.

A property is an HMO (for additional licensing purposes) if:

- it is occupied by people who do not form a single household (Section 258 of the Housing Act 2004)
- the accommodation is their only or main residence
- rent is paid or other consideration provided by at least one of the occupants
- three or more occupiers from two or more households who occupy the living accommodation and share one or more basic amenities or the living accommodation lacks one or more basic amenities (WC, personal washing facilities, kitchen facilities).

Under an Additional Licensing Scheme anyone who owns and manages an HMO (which is not covered by the mandatory scheme or if it is statutorily exempt) would have to apply to the council for a licence. The council would issue a licence if it is satisfied that the proposed licence holder is a 'fit and proper' person and that there are suitable management arrangements in place.

Brighton & Hove City Council has run two Additional Licensing Schemes covering 12 wards in the city. To date 2,264 HMOs have been licensed under these schemes.

It is estimated that the new citywide scheme could cover approximately 3,200 smaller HMOs of two or more storeys and three or more occupiers.

All HMOs are subject to the **Housing Health and Safety Rating System (HHSRS)** which identifies 29 hazards. It is a risk-based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. A draft updated Houses in Multiple Occupation standards document has been developed.

These standards relate to:

- Amenities, facilities and space standards
- References
- Tenancy management
- Overcrowding

- Utility supplies
- Gas, electrical and fire safety
- Furniture and furnishings
- Energy efficiency
- Property management
- Property inspections
- Waste and recycling
- Tackling Anti-Social Behaviour
- Notification of changes
- Licence limitations

If implemented, the cost of administering this scheme will be covered by the HMO Licence fee which will be payable by landlords and agents.

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2. Update on previous EIA and outcomes of previous actions

What actions did you plan last time? (List them from the previous EIA)	What improved as a result? What outcomes have these actions achieved?	What <u>further</u> actions do you need to take? (add these to the Action plan below)
Develop and maintain HMO section of website to provide central point of information about running an HMO	The website contains all appropriate information about additional licensing. A new easier-to-use online licence application form has been created to improve the application process.	Further improvements to be made to the webpages. Complete testing of the new application form and move it to the live environment. Continue to ensure that website content remains relevant and up to date A private rented sector newsletter to be developed.
Ensure literature/web content about the scheme is accessible, consistent, in plain English and conforms to council corporate standards.	Webpages have been updated to make them more accessible and user friendly. To ensure continued accessibility, consistency, etc. all content is agreed by the Communications team before being uploaded.	Further improvements to be made to the webpages Ensure content is updated as and when necessary in conjunction with the Communications team A private rented sector newsletter to be developed.
Where required, support will be provided to complete all additional licensing forms and interpreters will be on hand to help with any language barriers. If landlords are not coming forward they will be approached by the licensing team to see if help is required	The Private Sector Housing Team is in place to provide assistance as required.	This support will continue to be provided and with Equalities Act adjustments made.

3. Review of information, equality analysis and potential actions

Protected characteristics groups from the Equality Act 2010	What do you know? Summary of data about your service-users and/or staff	What do people tell you? Summary of service-user and/or staff feedback	What does this mean? Impacts identified from data and feedback (actual and potential)	What can you do? All potential actions to: <ul style="list-style-type: none"> • advance equality of opportunity, • eliminate discrimination, and • foster good relations
All	<p>Standards in HMOs are either national or locally agreed and aimed at the building.</p> <p>2,264 smaller HMOs have been licensed under the current two Additional Licensing Schemes that cover 12 wards of the city. The November 2016 Housing & New Homes Committee Report stated.</p> <ul style="list-style-type: none"> • Over 12,600 special conditions attached to licences resulting in improvements to over 2,620 homes • Almost 9 in 10 (88%) cases the property required improvements <p>It is estimated that there could be a further 500 smaller HMOs in the nine wards where the licensing scheme has currently not been introduced</p>		<p>There are HMOs in the city that are not covered by existing additional licensing schemes.</p> <p>The current mandatory and additional licensing schemes have improved the quality of HMOs.</p>	<p>By extending the Additional Licensing Scheme it will improve safety and management of HMOs and help to identify properties where action can be taken to improve standards throughout the city.</p>
		The extension of additional	The cost of renting in the city	The proposed fees have been

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		<p>licensing may result in rent increases as landlords may pass on the costs to tenants</p> <p>In addition the extension of additional licensing may result landlords deciding to sell their properties</p>	<p>is already high so any increase could put additional pressure on households already renting and those looking to rent. This could put rents beyond the affordability of more households.</p> <p>Any increase in rents and reduction in the number of HMOs could also increase the number of people becoming homeless</p>	<p>calculated to ensure cost recovery and the council has consulted about reduced fees for accredited landlords.</p> <p>However it is the choice of landlords whether these costs are passed down or not. Landlord costs can go down as well as up over time (e.g. low interest rates) and there is little evidence that these savings are passed onto tenants. Therefore rents are not always set according to landlord costs and are driven by the market instead. Our experience to date with HMO licensing is that HMOs have continued to grow in the city and HMO landlords, where they have sold have generally sold to other HMO landlords. We therefore do not anticipate the new scheme will have a significant adverse affect on property supply.</p>
	Research has identified that dwellings in the PRS are more	Poor quality PRS housing was identified as an issue. The	Non decency of housing and overcrowding can have	The proposed licencing standards and conditions will

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	<p>likely to have a higher rate of non decency and overcrowding.</p> <p>Households living in PRS were more likely not to have central heating and are more likely to be fuel poor than in other tenure types</p>	<p>most common problem is damp and mould. Other problems include defective boilers, causing lack of hot water. Security and inadequate facilities was another common theme. Concerns related to repairs, with either the landlord or lettings agent failing to ensure they were carried out were also raised</p> <p>.</p>	<p>detrimental effect on the household's well-being, e.g. health (both physical and mental), education, general wellbeing etc.</p> <p>Not having adequate facilities can result in poor living conditions e.g. not able to cook and eat healthy</p> <p>Inadequately heated homes could mean tenants are heating their homes by less cost effective methods. Living in colder homes can impact on health, well-being etc.</p> <p>Non decency of housing and overcrowding can also impact the local neighbourhood e.g. poor external conditions, noise etc.</p>	<p>improve the quality of the property both internally and externally.</p> <p>The proposed licencing standards and conditions will improve amenities and facilities inside the accommodation that will improve standards and reduce household costs for the tenants.</p> <p>The proposed standards and conditions also address energy efficiency.</p>
	<p>Homeless acceptances: In 2016/17 loss of private rented accommodation was the single most common reason for being accepted as unintentionally homeless and</p>		<p>The provision of private rented accommodation is an important asset but can be less secure than other forms of tenure</p>	<p>Licensing aims to stabilise tenants in better managed homes reducing the high turnover that can lead to increased levels of homelessness.</p>

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	in priority need			
Age	Although there is no data for HMOs, the 2011 census reported a younger profile of households in the private rented sector in the city	Younger people responding to the consultation were more likely to have lived in an HMO or shared housing than older ones.	We would expect that single people under the age of 35 and in receipt of housing benefit are more likely to be living in HMOs or shared housing as they are only eligible for the shared accommodation allowance	The proposed licencing standards and conditions will assist younger tenants and landlords providing accommodation for younger tenants, through improved standards and management.
	Homes where the head of the households was aged 85 or over had the highest rates of housing non-decency (both private rented and owner occupier)	<p>Evidence from Public Health showed a reduced life expectancy of those living in older bedsits rather than Houses in Multiple Occupation (HMOs) who tended to be older people</p> <p>The consultation raised concerns about safety matters in general and fire hazards in particular. These are particularly difficult for older people who may have limited mobility.</p>	<p>Poor quality housing impacts on people’s quality of life and people living in the private rented sector may have less opportunity finding appropriate accommodation to meet their changing needs</p> <p>The thermal efficiency of properties can have a major contribution to health, especially for older residents who cannot afford high energy bills</p> <p>Older people are more likely to be hospitalised due to falls</p>	<p>The proposed licencing standards and conditions will support older and vulnerable tenants</p> <p>Energy efficiency, heating and insulation are included in the licensing conditions and standards</p>

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			and other hazards	
		The consultation raised the issue that there may be some older landlords who are not able to use the internet or do not have access to a computer, or even know how to use one	Landlords may find having just an online application a barrier to applying for a license	We are developing a new online application form and improvements are being made to the website. Although the application will be online there will be support given to any landlord or representative that needs assistance. Equalities Act adjustments will be made.
		Housing Strategy consultation feedback <ul style="list-style-type: none"> • Older people living in inappropriate housing in the private rented sector • Private landlords reluctant to do works for older people • Stock condition for older people is an issue 	Older people living in the private rented sector can potentially be the most vulnerable due to lack of options and inability to resolve their housing	The proposed licencing scheme standards and conditions aim to improve the quality of HMOs.
Disability	Although there is no data for HMOs, the 2011 census reported that 4% of the private rented sector in the city had a head of household who was long-term sick or	The Private Rented Sector Scrutiny Report stated that there are an increasing number of vulnerable people, particularly frail elderly people, occupying poor	Although this is a small percentage of the city's population, people with a disability living in the PRS can find it more difficult to resolve their needs than if they were	The proposed licencing include standards aim to improve HMOs The council has a Housing Adaptations Service who work

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	disabled.	quality private sector housing. These people are likely to have mobility problems but live in un-adapted and potentially unadaptable homes, be more vulnerable to the cold, but to live in energy inefficient environments	an owner-occupier or living in social housing Living in unsuitable accommodation can exacerbate health conditions	with landlords to provide suitable adaptations to properties
		The consultation response highlighted that some landlords may have a disability and will need support to complete the on-line application or need alternative methods to apply Also raised was the concerns that the extension of additional licensing could reduce the number of available (move-on) accommodation for people with mental health issues	Landlords or their representatives with a disability may find it difficult to apply for a licence A reduction in the supply for move-on accommodation can put pressure on public services	Although the application will be online there will be support given to any landlord or representative that needs assistance. Equalities Act adjustments will be made. The council is developing a new online application form and making improvements to the website The council's Housing Adaptation Service can work with landlords to provide suitable adaptations to properties

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Gender reassignment		<p>Count Me in Too reported that Transphobia can be an issue when seeking private rented accommodation.</p> <p>Housing Strategy Consultation highlighted issues for Trans people living in shared accommodation</p>	<p>Reduced housing options for Trans people</p> <p>Changes in the single room rate can have a negative impact for younger Trans people</p>	<p>The proposed licencing conditions will support the management of ASB and improve management and standards in HMOs.</p>
Pregnancy and maternity	<p>Homeless acceptances 2016/17: 4% of households where the reason for homelessness was due to loss of private sector rented accommodation were households containing a pregnant women</p>		<p>This is a small percentage and it is difficult to establish the reason for the loss of the PRS accommodation</p>	<p>The proposed licencing schemes will include standards and conditions that will support good management of HMOs.</p>
Race	<p>Households where the head of household identified as from a minority ethnic group were more likely to be living in the PRS than owning their own home or living in the social housing</p>	<p>The consultation response raised concerns that lots of people living in the smaller HMOS do not speak English as a first language and accept poor conditions as they can't afford anything else and are not aware that there are standards</p>	<p>Households from minority ethnic groups may be more likely to be living in unsuitable housing</p>	<p>The proposed licencing schemes include standards that will improve the conditions in HMOs in the city.</p>

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		The consultation response raised concerns about the requirement for references and whether this allows landlords to discriminate. There is concern for those newly arrived and less likely to have references	The requirement to provide this information could be a barrier to accessing the PRS	The licensing conditions outline circumstances when it may not be possible to obtain a reference and what steps should be taken in these cases.
		The Housing Strategy consultation raised concerns around discrimination from some landlords, overcrowding particularly in HMOs and family households	Tenants from minority ethnic groups may be more likely to live in unsuitable accommodation that is detrimental to their health and well-being.	The issues are addressed in the licensing standards and conditions
Religion or belief	The Housing Act 2004 exempts religious communities from its definition of HMOs.		It could result in difficulties in situations where individuals live and share residential accommodation and facilities as a religious community. This may happen when standards are at odds with religious arrangements	Seek legal support on a consistent interpretation of this provision on a case by case basis. Where enforcement action becomes absolutely necessary on the grounds of the health and safety of tenants, such actions will be taken.
	Although there is no data for HMOs, the 2011 census reported that where the head of household identified as Muslim, Hindu and Other		There may be difficulties for people from some religions or belief when living in HMOs and when finding suitable properties in the PRS	Ensuring tenants have access to information and advice regarding their housing options.

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	<p>Religion were more likely to be living in the PRS than other tenure types.</p> <p>Muslim and Hindu households were more likely to be overcrowded than other households</p>		Overcrowding can lead to health, social and well-being issues	
Sex/Gender	2011 census reported 52% males and 48% females living in the city's private rented sector	In terms of respondents to the consultation there was a higher ratio of men living in an HMO or shared housing than females.	No impact identified	Monitoring of licence applicants and people requesting assistance will be ongoing. The data will be reviewed to identify and address any negative impacts
Sexual orientation		The consultation responses reported landlords not dealing with homophobic abuse from neighbours and ASB	If an incident is not dealt with appropriately it can mean that no action is taken against the perpetrators	Managing ASB is addressed in the licensing conditions
		Count Me in Too reported that proportion of LGBT people living in the private rented sector has increased over the years with younger LGBT people more likely to be living in the PRS than other tenures. It also reported that LGBT people's experiences of finding and maintaining accommodation in the PRS	There are barriers and discrimination for LGBT people in finding accommodation which reduces their options in finding suitable accommodation	<p>Monitoring of licence applicants and people requesting assistance will be ongoing. The data will be reviewed to identify and address any negative impacts</p> <p>Where enforcement action becomes necessary appropriate actions will be taken including seeking legal</p>

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		included discrimination on the basis of sexual and/or gender identities and unsatisfactory housing		support.
Marriage and civil partnership	No data	No data	No impact identified	No action
Community Cohesion	The percentage of the private rented stock in the city has increased		More families renting and older people renting than previously The population is more transient which not only impacts on the tenants (e.g. health, education of children etc.) but also on local communities	The proposed licencing includes standards and conditions will not only improve the standards and amenities in HMOs but will support the management issues.
Community Cohesion	The Mayhew Harper Report concluded there was ineffective management of HMOs which supported the introduction of an Additional Licensing Scheme citywide.	The consultation reported concerns in a number of neighbourhoods about anti-social behaviour, noise complaints, waste complaints, untidy gardens and safety concerns and management in relation to HMOs Feedback from the housing	This can impact on tenants' quality of life and also have a negative impact on the environment and local community This can impact on neighbours due to unreasonable levels of noise	Quality of accommodation is addressed in the license conditions and standards

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		strategy consultation included concerns about poorly converted properties (not insulated / sound proofed etc.)		
Cumulative impact	Poor housing conditions due to the age of the stock or lack of maintenance, installation of amenities and refurbishments	Pre-paid gas and electric top-up meters can be expensive and affect households on lower incomes. Addressing energy inefficient housing and bringing all homes up to a minimum standard of thermal efficiency would have the greatest impact on the most vulnerable households	The indirect impacts of cold housing and fuel poverty can have a negative impact on older tenants as well as children’s educational attainment, emotional wellbeing and resilience. In addition it can impact on health services, education, social services and other public services Impacts on tenants’ wellbeing and on the local environment e.g. carbon emissions, disrepair. In addition it can impact on health services, education, social services and other public services	Energy efficiency and property disrepair and maintenance are addressed in the conditions and standards. New legislation that will bring in minimum energy efficiency standards will apply from April 2018
Cumulative impact	Antisocial behaviour e.g. noise, rubbish, etc.		Have a detrimental effect on neighbours and neighbourhoods. Impact on Police, council and other public services	Managing ASB is included in the licence conditions and standards

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Assessment of overall impacts and any further recommendations¹

The extension of additional licensing will improve the quality and management of smaller HMOs citywide and therefore not only improve the quality and safety of housing for people living in shared accommodation but also bring improvements to local neighbourhoods.

A possible negative impact of extending additional licensing is that already high rents may increase and become unaffordable to more of the city's population. In addition landlords may decide to sell their properties which could result in a decrease in the available housing to rent. Both these impacts could result in increased homelessness.

However it is the choice of landlords whether these costs are passed down or not. Landlord costs can go down as well as up over time (.e.g low interest rates) and there is little evidence that these savings are passed onto tenants. Therefore rents are not always set according to landlord costs and are driven by the market instead.

Our experience to date with HMO licensing is that HMOs have continued to grow in the city and HMO landlords, where they have sold they have sold generally to other HMO landlords. We therefore do not anticipate the schemes to have a significant adverse affect on property supply.

The council has considered the risk of homelessness as an unintended consequence but on the basis of the requirements of the scheme and associated costs it does not believe it should lead to increased levels of homelessness.

4. List detailed data and/or community feedback which informed your EIA

Title (of data, research or engagement)	Date	Gaps in data	Actions to fill these gaps: who else do you need to engage with? (add these to the Action Plan below, with a timeframe)
2011 Census	2011	None	N/A
Discretionary Licensing Consultations and Reports Consultation Portal Door-to-Door surveys • Additional licensing Citywide • Selective licensing 12 wards	June to Sept 2017	None	N/A
Mayhew Harper Report	June 2016	None	N/A
Reports to Housing & New Homes Committee	Nov 2016 Jun 2017 Sept 2017	None	N/A
Private Sector House Condition Survey	2008	None	N/A
Fairness Commission Report	2016	None	N/A
Private Rented Sector Scrutiny Report	March 2015	None	N/A

Joint Strategic Needs Assessment	2015	None	N/A
Fuel Poverty detailed tables	2015	None	N/A
P1e submission: a quarterly return to Government. Local housing authorities are required to collect and report data on their responsibilities under homelessness legislation and also on homelessness prevention and relief	2016/17	None	N/A
English Housing Surveys	2015/16 2014/15	None	N/A
Count Me in Too	April 2008	None	N/A
Housing Strategy Consultation Reports	June 2014 Jan 2015	None	N/A

5. Prioritised Action Plan

Impact identified and group(s) affected	Action planned	Expected outcome	Measure of success	Timeframe
NB: These actions must now be transferred to service or business plans and monitored to ensure they achieve the outcomes identified.				
Action plan to be produced once a decision on the scheme has been made.				
