

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.

1. Equality Impact and Outcomes Assessment (EIA) Template

Title of EIA	Discretionary Licensing Schemes – Selective Licensing Scheme	ID No.	
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 privately rented homes through the introduction of a Selective Licensing Scheme in 12 of the city's wards. If approved the proposed schemes 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 and gives authorities the power to introduce licensing schemes for other HMOs if certain conditions are met, it also enables authorities to licence privately rented accommodation other than HMOs if certain conditions are met. This form of licensing within the</p>		

act is called **selective licensing**.

What would the proposed scheme cover?

Selective Licensing Scheme will cover all non-HMO private rented sector homes in 12 wards of the city where evidence demonstrates a clear link between poor property conditions, anti-social behaviour and private rented properties. The wards covered in this proposal are:

- Brunswick & Adelaide
- Central Hove
- East Brighton
- Hanover & Elm Grove
- Hollingdean & Stanmer
- Moulsecoomb & Bevendean
- Preston Park
- Queens Park
- Regency
- South Portslade
- St Peter's & North Laine
- Westbourne

Under a Selective Licensing Scheme anyone who owns and manages a privately rented property (unless it requires an HMO licence or 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

It is estimated that this could cover approximately 27,000 non-HMO private rented sector homes in the 12 wards.

A draft Selective Licensing Scheme conditions document has been developed. These conditions relate to the following:

- References
- Tenancy management
- Overcrowding
- Utility supplies
- Gas, electrical and fire safety
- Furniture and furnishings
- Energy efficiency
- Property management

- | | |
|--|---|
| | <ul style="list-style-type: none">• 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 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)
Not applicable		

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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	It is estimated that there could be around 27,000 non-HMO Private Rented Sector (PRS) properties in the 12 wards that would qualify for selective licensing Research found that where a property is predicted to be single family PRS properties, a request for assistance is 2.4 times more likely than other properties and a noise complaint 1.5 times more likely		The scale of the scheme will require careful planning in terms of making sure sufficient staffing and resources are in place	A risk log is in place managed in line with the council's risk management strategy. The introduction of the scheme will result in an overall improvement in the management and quality of the PRS which in turn will improve quality for the tenants and local residents
		The introduction of selective licensing may result in rent increases as landlords may pass on the costs to tenants In addition the introduction of selective licensing may result in landlords deciding to sell their properties	The cost of renting in the city's PRS 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. Any increase in rents and reduction in the number of	The proposed fees have been calculated to ensure cost recovery and we have consulted about reduced fees for accredited landlords. 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

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			PRS properties could also increase the number of people becoming homeless	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 this scheme has not had any negative impact on supply. We therefore do not anticipate the selective scheme will have a significant adverse affect on property supply.
	<p>Research has identified that dwellings in the PRS are more 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>Poor quality PRS housing was identified as an issue. The 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>Non decency of housing and overcrowding can have 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</p>	<p>The proposed licencing standards and conditions will 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>

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		.	<p>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>	The proposed standards and conditions also address energy efficiency
	Homeless acceptances: In 2016/17 loss of private rented accommodation was the single most common reason for being accepted as unintentionally homeless and in priority need		The provision of private rented accommodation is an important asset but can be less secure than other forms of tenure	Licensing aims to stabilise tenants in better managed homes reducing the high turnover that can lead to increased levels of homelessness.
Age	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)	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>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</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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			contribution to health, especially for older residents who cannot afford high energy bills Older people are more likely to be hospitalised due to falls 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 	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 the private rented sector.

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		people is an issue		
Disability	4% (1,135) of households living in the private rented sector in the 12 proposed wards for a Selective Licensing Scheme had a head of household who was long-term sick or disabled.	The Private Rented Sector Scrutiny Report stated that there are an increasing number of vulnerable people, particularly frail elderly people, occupying poor 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	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 an owner-occupier or living in social housing Living in unsuitable accommodation can exacerbate health conditions	The proposed licencing include standards aim to improve the private rented sector The council has a Housing Adaptations Service that works 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	Landlords or their representatives with a disability may find it difficult to apply for a licence	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. We are developing a new online application form and making improvements to the website

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Gender reassignment		Count Me in Too reported that Transphobia can be an issue when seeking PRS accommodation.	Reduced housing options for Trans people	The proposed licencing conditions will support the management of ASB
Pregnancy and maternity	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		This is a small percentage and it is difficult to establish the reason for the loss of the PRS accommodation	The proposed licencing schemes will include standards and conditions that will support good management of properties
Race	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		Households from minority ethnic groups may be more likely to be living in unsuitable housing	The proposed licencing schemes include standards that will improve the conditions in the private rented sector in the city.
		The consultation response raised concerns about the requirement for references and whether this allows	The requirement to provide this information could be a barrier to accessing the PRS	The licencing conditions outline circumstances when it may not be possible to obtain a reference and what steps

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		landlords to discriminate. There is an concern for those newly arrived and less likely to have references		should be taken in these cases.
		The Housing Strategy consultation raised concerns around discrimination from some landlords, overcrowding particularly in 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.	Ensuring tenants have access to information and advice regarding their housing options.
Religion or belief	The 2011 census reported that where the head of household identified as Muslim, Hindu and Other Religion they were more likely to be living in the PRS than other tenure types. Muslim and Hindu households were more likely to be overcrowded than other households		There may be difficulties for people from some religions or belief when finding suitable properties in the PRS Overcrowding can lead to health, social and well-being issues	Ensuring tenants have access to information and advice regarding their housing options.
Sex/Gender	2011 census reported 53% males and 47% females living in the PRS in the 12 wards	In terms of respondents to the consultation there was a higher ratio of females living in the PRS in the 12 wards than citywide	No impact identified	Monitoring of licence applicants and people requesting assistance will be ongoing. The data will be reviewed to identify and

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				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 included discrimination on the basis of sexual and/or gender identities and unsatisfactory housing	There are barriers and discrimination for LGBT people in finding accommodation which reduces their options in finding suitable accommodation	Monitoring of licence applicants and people requesting assistance will be ongoing. The data will be reviewed to identify and address any negative impacts
Marriage and civil partnership	No data	No data	No Impact identified	No action

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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 the PRS but will support the management issues.
Community Cohesion	The Mayhew Harper Report reported a significant variation in housing conditions and anti-social behaviour (ASB) among Brighton & Hove wards. Single family rented properties also appear to be problematic in regard to requests for assistance due to poor housing conditions. ASB is also more common.	Feedback from the housing strategy consultation included concerns about poorly converted properties (not insulated / sound proofed etc.)	This can impact on tenants' quality of life and also have a negative impact on the environment and local community e.g. can impact on neighbours due to unreasonable levels of noise	Quality of accommodation is addressed in the licence conditions and standards
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 very expensive and affect households on lower incomes Addressing energy inefficient	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	Energy efficiency and property disrepair and maintenance are addressed in the conditions and standards. New legislation that will bring in minimum energy efficiency

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		housing and bringing all homes up to a minimum standard of thermal efficiency would have the greatest impact on the most vulnerable households	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	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
Assessment of overall impacts and any further recommendations¹				

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<p>The introduction of selective licensing aims to improve the quality and management of the private rented sector in 12 wards of the city that include locations where there is an extremely high percentage of private rented sector housing. It also aims to address Anti Social Behaviour (ASB) and issues relating to ASB.</p> <p>A possible negative impact of introducing selective 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 in the PRS. Both these impacts could result in increased homelessness.</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.</p> <p>Our experience to date with HMO licensing is that this scheme has not had a negative impact on supply. We therefore do not anticipate that the Selective Licensing Scheme will have a significant adverse affect on property supply.</p> <p>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.</p>				

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.				
