

H&F Equality Impact Analysis

New licensing scheme for landlords in the private rented sector

H&F Equality Impact Analysis Tool

Overall Information	Details of Full Equality Impact Analysis
Financial Year and Quarter	2021/22 Q3
Name and details of policy, strategy, function, project, activity, or programme	<p>Title of EIA: New licensing scheme for landlords in the private rented sector</p> <p>Short summary: These property licensing schemes require landlords of privately rented houses and flats which meet the criteria of the schemes to apply to the Council for a licence for each property. New property licensing schemes from June 2022 for 5 years, focus on the types of properties and streets where there are the most significant problems, as follows:</p> <ul style="list-style-type: none"> • Additional Licensing for Houses and Flats in Multiple Occupation (“HMOs”) for HMOs which are outside the scope of Mandatory HMO Licensing • Selective Licensing for rented dwellings in 24 specified streets <p>Note: If your proposed strategy will require you to assess impact on staff, please consult your HR Relationship Manager.</p>
Lead Officer	<p>Name: Ed Shaylor Position: Private Sector Housing Manager Email: ed.shaylor@lbhf.gov.uk Telephone No: 07769 265756</p>
Date of completion of final EIA	10/09/2021

Section 02	Scoping of Full EIA
Plan for completion	<p>Timing: n/a Resources: n/a</p>
Analyse the impact of the policy, strategy, function, project, activity, or programme	<p>Analyse the impact of the policy on the protected characteristics (including where people / groups may appear in more than one protected characteristic). You should use this to determine whether the policy will have a positive, neutral, or negative impact on equality, giving due regard to relevance and proportionality.</p>

	Protected characteristic	Analysis	Impact: Positive, Negative, Neutral
	Age	<p>Nearly half (45%) of landlords are in the 46-65 age group, with 16% aged 31-45 and very few under 30. 20% of landlords are aged over 65, so there are a significant number of landlords above normal retirement age.</p> <p>The impact of licensing is neutral in terms of age, because assistance is available by phone and email from council officer for those having difficulty using on line application and payment systems.</p> <p>The licensing schemes provide advice and guidance as well as an enforcement element, and the advice and guidance should be of value to landlords of all ages, especially those who may be anxious about complying with new regulations</p>	Neutral
	Disability	<p>Property licensing is intended to raise the standards of condition and management by landlords of rented properties. Therefore, tenants with a disability should benefit from the licensing regime as there are minimum standards set for amenities and licence conditions relating to the property which landlords must comply with</p> <p>There is no known impact on landlords who have a disability, except in as much as assistance is available by phone and email from council officer for those having difficulty using on line application and payment systems.</p>	Positive
	Gender reassignment	<p>There is no known impact on landlords or tenants who have gender re-assignment, except that one of the benefits of licensing schemes is to reduce the incidence of harassment of tenants by landlords or attempts by landlords to unlawfully evict tenants</p>	Neutral
	Marriage and Civil Partnership	<p>There is no known impact on landlords or tenants due to marriage of civil partnership, except that one of the benefits of licensing schemes is to reduce the incidence of harassment of tenants by landlords or attempts by landlords to unlawfully evict tenants</p>	Neutral

	Pregnancy and maternity	There is no known impact on landlords or tenants due to pregnancy, except that one of the benefits of licensing schemes is to reduce the incidence of harassment of tenants by landlords or attempts by landlords to unlawfully evict tenants	Neutral
	Race	<p>The majority of landlords who responded to council surveys are White British or other White background, which is similar to the borough population profile. There is strong representation among landlords of Asian ethnicity (8%) and Irish (3%) ethnicity, which are also similar to the borough profiles. Compared to the borough profile, there are very few landlords of Black British, Caribbean or African ethnicity.</p> <p>Data held by the Council from the tenant's survey in November 2020, shows that 80% of tenants who completed the survey are White British or other White background, which is above the borough population profile. There is strong representation among tenants of Asian ethnicity (10%), but very few private sector tenants of Black British, Caribbean or African ethnicity (who completed the survey).</p> <p>There is no known impact on tenants due to race, except that one of the benefits of licensing schemes is to reduce the incidence of harassment of tenants by landlords or attempts by landlords to unlawfully evict tenants. Landlords in providing a service are not allowed to discriminate against tenants or prospective tenants for any protected characteristic including race.</p> <p>There is no known impact on landlords due to race, except that the enforcement regime could work against Asian landlords disproportionately due to conscious or unconscious bias, as Asian landlords are sometimes stereo-typed as "rogue landlords"</p> <p>Asian and Black landlords could be discouraged from entering the private letting market if they perceive it to be biased in favour of white landlords. However, the licensing schemes provide advice and guidance as well as an enforcement element, and the advice and guidance should be of value to landlords of all ages, especially those who may be anxious about complying with new regulations.</p>	Neutral

		So the overall effect should be neutral	
	Religion/belief (including non-belief)	There is no known impact on landlords or tenants due to religion or belief, except that one of the benefits of licensing schemes is to reduce the incidence of harassment of tenants by landlords or attempts by landlords to unlawfully evict tenants	Neutral
	Sex	There is no known impact on landlords or tenants due to gender. Many women work as landlords, letting agents and property managers	Neutral
	Sexual Orientation	There is no known impact on landlords or tenants who have gender re-assignment, except that one of the benefits of licensing schemes is to reduce the incidence of harassment of tenants by landlords or attempts by landlords to unlawfully evict tenants	Neutral
<p>Human Rights or Children's Rights If your decision has the potential to affect Human Rights or Children's Rights, please contact your Equality Lead for advice</p> <p>Will it affect Human Rights, as defined by the Human Rights Act 1998? No</p> <p>Will it affect Children's Rights, as defined by the UNCRC (1992)? No</p>			

Section 03	Analysis of relevant data
	Examples of data can range from census data to customer satisfaction surveys. Data should involve specialist data and information and where possible, be disaggregated by different equality strands.
Documents and data reviewed	<p>6. A summary is that the majority of landlords who responded to councils surveys are White British or other White background, which is similar to the borough population profile. There is strong representation among landlords of Asian ethnicity (8%) and Irish (3%) ethnicity, which are also similar to the borough profiles. Compared to the borough profile, there are very few landlords of Black British, Caribbean or African ethnicity.</p> <p>7. Nearly half (45%) of landlords are in the 46-65 age group, with 16% aged 31-45 and very few under 30. 20% of landlords are aged over 65, so there are a significant number of landlords above normal retirement age.</p>

	<p>8. Data held by the Council from the tenant's survey in November 2020, shows that 80% of tenants who completed the survey are White British or other White background, which is above the borough population profile. There is strong representation among tenants of Asian ethnicity (10%), but very few private sector tenants of Black British, Caribbean or African ethnicity (who completed the survey).</p> <p>9. The proposed Selective Licensing streets mainly cover these wards:</p> <ul style="list-style-type: none"> • Addison and Shepherd's Bush Green (5 streets) • Askew, Avonmore & Brook Green (4) • North End (3) • Ravenscourt Park, College Park & Old Oak, Fulham Reach, Parson's Green & Walham and Wormholt & White City and Town (2) • Fulham Broadway, Munster and Sands End (1) <p>Only Hammersmith Broadway and Palace Riverside have no proposed streets in the new scheme.</p> <p>10. Some of the proposed streets fall into the 20% most deprived areas in England and most are in the top half.</p> <p>11. The housing stock of the borough is characterised by a large proportion of flats and maisonettes. They account for 73% of all dwellings compared to a London average of 52% and England average of 21%. The highest concentration of private rented sector households is in Avonmore & Brook Green and North End wards (43% of all households).</p>
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New research	No new research is required, but we will continue to monitor equalities data through customer surveys
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Section 04	Consultation
Consultation	<p>Cabinet approved in March 2021 that officers should conduct public consultation from May to August 2021 about new licensing schemes.</p> <p>The public consultation documents are on the council's website. The results of the consultation can be seen in a Response to Consultation Document here</p> <p>The consultation was publicised by:</p>

	<ul style="list-style-type: none"> a. Emails sent to 2,900 landlords and agents who had applied for a property licence between 2017 and 2021 b. Emails to the following organisations representing private tenants: Flat Justice; Justice 4 Tenants; Advice for Renters; The Tenants Voice; Renters Rights London; London Tenants Federation; Generation Rent; London Renters Union c. Emails to CAB; Hammersmith Law Centre; East European Resource Centre; Glass Door Homeless Charity; Hammersmith & Fulham Advice; Hammersmith & Fulham Foodbank; Hammersmith & Fulham MIND; Maggie's Cancer Caring Centres; Shelter; Shepherd's Bush Families Project & Children's Centre d. West London Chambers of Commerce (Ealing, Hounslow and Hammersmith & Fulham) e. Leaflets distributed to 13,000 addresses in the 23 roads proposed to be part of the Selective Licensing scheme, combined with a press release the same weekend (22/23 May 2021) f. Leaflet emailed to all H&F councillors for them to forward to constituents g. Commissioned advertising on the London Property Licensing website and newsletter; notification to neighbouring boroughs
<p>Analysis of consultation outcomes</p>	<p>In contrast to landlords, privately renting tenants have a high level of support for licensing schemes (around 80%).</p> <p>A survey of licence holder landlords was conducted in September / October 2020 and received 250 responses. The survey found that nearly two thirds of the landlords and agents who responded believe licensing schemes make little difference in improving standards and are regarded by them as unnecessary and an unwelcome financial burden on landlords. Preliminary findings from the current consultation are that a similar number of landlords do not agree with the proposal to renew Additional HMO Licensing and three quarters do not agree with renewed Selective Licensing.</p> <p>However, one third of landlords believe licensing schemes help to raise standards and enable Councils to deal with rogue landlords who fail to apply for licences.</p> <p>A survey of private renting tenants in the borough from December to February 2021 received 99 responses. Although the satisfaction levels among tenants were more positive than negative, it is a cause for concern that there were significant minorities of tenants who were dissatisfied with their landlords and / or stated deficiencies in safety or amenity standards in their rented property.</p>

<p>Section 05</p>	<p>Analysis of impact and outcomes</p>
<p>Analysis</p>	<p>The main conclusion is that tenants are much more supportive of licensing schemes than landlords. Only about one third of landlords are in favour of licensing, two thirds are against it. This is mainly due to the fees payable and resistance to extra regulation. It is possible that landlords are more likely to be Asian than tenants, although data is</p>

	incomplete as landlords and tenants are in the private sector and especially tenants are not known to the council unless they make contact.
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Section 06	Reducing any adverse impacts and recommendations
Outcome of Analysis	<p>The mitigation measures in place are</p> <ol style="list-style-type: none"> 1. To make advice and guidance available to landlords according to their needs, such as where English is not the first language 2. To only take enforcement action in line with the Enforcement Policy, which means that action must be proportionate and reasonable. The first approach will usually be advice and guidance 3. To monitor equalities data through customer surveys 4. To keep records of equalities data when enforcement action is taken, so that it can be seen if there is any unconscious bias

Section 07	Action Plan					
Action Plan	Note: You will only need to use this section if you have identified actions as a result of your analysis					
	Issue identified	Action (s) to be taken	When	Lead officer and department	Expected outcome	Date added to business/service plan
	Advice and guidance	To make advice and guidance available to landlords according to their needs	Immediate	Private Sector Housing Licensing Team	Landlords able to understand the licensing process	1/4/2022
	Equalities data	To monitor equalities data through customer surveys	When customer surveys are undertaken	Private Sector Housing Manager	Knowledge of equalities characteristics of landlords and tenants	1/4/2021

	Disproportionate enforcement	To only take enforcement action in line with the Enforcement Policy	Immediate	Private Sector Housing Enforcement Team Manager	Proportionate and reasonable enforcement actions	1/4/2021
	Disproportionate enforcement	To keep records of equalities data when enforcement action is taken, so that it can be seen if there is any unconscious bias	Immediate	Private Sector Housing Enforcement Team Manager	Enforcement actions are fair and transparent	1/4/2021

Section 08	Agreement, publication and monitoring
Senior Managers' sign-off	Name: Valerie Simpson Position: Strategic lead for environmental health and regulatory services Email: valerie.simpson@lbhf.gov.uk Telephone No: 020 8753 3905 Considered at relevant DMT: October 2021
Key Decision Report (if relevant)	Date of report to Cabinet/Cabinet Member: 6 December 2021 Key equalities issues have been included: Yes