

Appendix 2: Equalities Impact Assessment

Equality Impact Assessment on the Licensing Policy for Private Sector Housing

The Equality Impact Assessment Form is a public document which the Council uses to demonstrate that it has complied with its Equality Duty when making and implementing decisions which affect the way the Council works.

The form collates and summarises information which has been used to inform the planning and decision making process.

Title of this Equality Impact Assessment:

Licensing Policy for Private Rented Housing

Purpose of this Equality Impact Assessment:

To assess and advise upon the potential impacts of the proposed Licensing Policy for Private Sector Housing

Officer Responsible: *(to be completed by the report author)*

Name: Kevin Thompson, Head of Private Sector Housing.	Ext: 4753
Directorate: Chief Executive	Department/Division: Private Sector Housing

Director: James Goddard/Chris Trowell

Date: 02/02/2021

Comment :

STEP 1: DEFINING THE ISSUE

1. Summarise why you are having to make a new decision

The Council operates three licensing schemes in respect of properties in the private rented sector:

- *Mandatory HMO Licensing Scheme:* for certain larger Houses in Multiple Occupation (HMOs): must be implemented by all local authorities.
- *Additional HMO Licensing Scheme:* a discretionary power for local authorities; applies to all HMOs not covered by the Mandatory scheme, borough wide.
- *Selective Licensing:* a discretionary power for local authorities; a pilot scheme limited to the wards of Brownswood, Cazenove and Stoke Newington; applies to all privately rented properties not covered by the mandatory or additional HMO schemes.

The Additional and Selective licensing schemes came into force on the 1st of October 2018 and run initially for five years; the Mandatory scheme was introduced by the Government in July 2006 and is ongoing. Authority to implement these schemes and policies thereunder was granted by Cabinet in March 2018. Subsequently, iterative developments in policy and procedure have been implemented under delegated powers and are found in Delegated Powers, on the Council's website and in other documentation.

In order to improve access to information for landlords, managing agents and the general public, there is a need to consolidate the information on licensing powers and processes into one concise document, in plain language and in a step-by-step manner. Doing so will allow the Council to promote the licensing schemes in a clear way and improve understanding of the schemes by landlords, managing agents and residents. The proposed Licensing Policy for Private Rented Housing is intended to provide this.

2. Who are the main people that will be affected?

- landlords of properties in the Private Rented Sector (PRS)
- residents in the PRS
- managing Agents for properties in the PRS
- residents neighbouring properties in the PRS
- businesses located near properties in the PRS

STEP 2: ANALYSING THE ISSUES

2. What information and consultation have you used to inform your decision making?

The proposals do not implement any new policies, they merely consolidate existing policies into one concise document.

Prior to implementation of the licensing schemes in October 2018 the Council undertook extensive consultation in accordance with its statutory obligations under Parts 2 and 3 of the Housing Act 2004.

In addition, in 2015 the Council commissioned independent consultants to carry out a PRS stakeholder engagement exercise. In consultation on proposals for its Housing Strategy 2017-22 (between March and May 2017), 90% of those who responded to the survey supported a proposal that the Council should use all available legal powers to take action against bad landlords. In addition, participants at two focus groups for private tenants also broadly supported the Council's Housing Strategy proposals for the PRS. Participants strongly supported greater enforcement powers for the Council to help raise standards in the sector and in particular the introduction of discretionary licensing schemes. As part of a private sector stakeholder study in 2014/15, consultants were commissioned to carry out a survey of stakeholders' views relating to the sector.

Equality Impacts

2. Identifying the impacts

This policy affects vulnerable groups from all parts of the community.

4 (a) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?

These impacts were set out in the Cabinet report (March 2018) recommending the implementation of licensing schemes. The Equality Act 2010, section 149, provides that a public authority (which would include the Council) must, in the exercise of its functions, have due regard to the need to—

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

For the purposes of (b) and (c) above the eight relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation. For the purposes of (a) public authorities also need to have due regard to the need to eliminate unlawful discrimination against someone because of their marriage or civil partnership status (in addition to the other eight protected characteristics).

The purpose of introducing the discretionary licensing schemes was to help tackle poor housing conditions and raise physical and housing management standards in the private rented sector for all residents. The discretionary licensing schemes that have been established have particular benefits for older people, pregnant women and young children, particularly those on low incomes, who are at particular risk from poor housing conditions and poor standards of management. In addition, they have specific benefits for people with disabilities, for example those with mobility issues or sight impairment, since licensing helps enforce landlords to remove hazards that could be of particular risk to these groups. They also have benefits for the living conditions and housing rights of Black, Asian and Minority Ethnic (BAME) residents in the sector.

The licensing schemes have no longer-term adverse impacts on other groups with protected characteristics, including people with gender reassignment, religion or belief, sex and sexual orientation, marriage or civil partnership status.

Impacts on specific groups with protected characteristics:

a. Race

People from any ethnic minority group within the PRS benefit from the licensing schemes as outlined above.

b. Disability

The provisions within this policy will have a positive effect on this group, for example those with mobility issues or sight impairment, as outlined above.

c. Gender

No anticipated detrimental impact. There may be a positive impact for pregnant women as outlined above.

d. Age

The provisions within this policy will have a positive effect on this group, for example those with mobility issues, as outlined above.

e. Religion

No detrimental impact.

f. Sexual orientation.

No detrimental impact.

g. Gender reassignment

No detrimental impact.

h. Pregnancy and Maternity

No detrimental impact. There may be a positive impact for pregnant women as outlined above.

i. Marriage and Civil Partnership

No detrimental impact.

4 (b) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?

No detrimental impact.

STEP 3: REACHING YOUR DECISION

5. Describe the recommended decision

Consolidating decisions and approvals of various aspects of the Council's property licensing schemes in the PRS into one policy document will improve understanding and ease of compliance for all relevant groups. It will allow the Council to promote the licensing schemes in a clear way and improve understanding of the schemes by landlords, managing agents and residents. This, in turn, backed up with clear communications and strong enforcement action is intended to bring properties that have not yet been licensed on board, with the overall objective of improving housing conditions and housing management in the private rented sector, to the benefit of all equality groups.

STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS

6. Equality and Cohesion Action Planning

Please list specific actions which set out how you will address equality and cohesion issues identified by this assessment. For example,

- Steps/ actions you will take to enhance positive impacts identified in section 4 (a)
- Steps/ actions you will take to mitigate against the negative impacts identified in section 4 (b)
- Steps/ actions you will take to improve information and evidence about a specific client group, e.g. at a service level and/or at a Council level by informing the policy team (equality.diversity@hackney.gov.uk)

All actions have been identified already and should be included in any action plan connected to the supporting documentation, such as the delegate powers report, saving template or business case.

Positive impacts from consolidating the licensing policy will be enhanced by collecting customer satisfaction data through the process to capture the customer journey.

No negative impacts have been identified

London Borough of Hackney Equality Impact Assessment Form

1. Licensing Policy for Private Rented Housing

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