

Appendix 2

Equality Impact Assessment (EIA)

Document control

Title of activity:	Private Sector Housing Enforcement Policy
Type of activity:	Strategy
Lead officer:	Louise Watkinson, Public Protection Manager
Approved by:	Dipti Patel Assistant Director of Neighbourhoods
Date completed:	1 December 2017
Version Number	V1
Scheduled date for review:	Tbc

Did you seek advice from the Corporate Policy & Diversity team?	Yes
Does the EIA contain any confidential or exempt information that would prevent you publishing it on the council's website?	No

1. Equality Impact Assessment Checklist

About the activity

1	Title of activity	Private Sector Housing Enforcement Policy
2	Type of activity	Strategy
3	Scope of activity	A new landlord licensing scheme was recently introduced under the provisions of Part 2 of the Housing Act 2004. Twelve wards within Havering were designated as an Additional Licensing area on 11 October 2017. This will have the effect of requiring landlords of <u>all</u> houses in multiple occupation (HMO) in these areas to obtain a property licence. The designation is intended to last for five years and during this period a programme of proactive enforcement will be carried out in order to maximise compliance. This policy will assist the Council to ensure robust enforcement of this scheme together with other offences under Housing Act 2004.
4a	Is the activity new or changing?	The Council already has an enforcement policy however this is not fit for purpose and does not give consideration to new enforcement powers available under the provision of the Housing and Planning Act 2016 in relation to Housing Act offences. It is envisaged that a policy specific to Private Sector Housing enforcement is appropriate in this instance in order to maximise the enforcement options available to the Council.
4b	Is the activity likely to have an impact on individuals or groups?	Yes, a new enforcement policy will impact on the following individuals/groups : <ul style="list-style-type: none"> • Landlords, property managers and agents who rent out property within Havering, in particular those who manage houses in multiple occupation and are located within the designation area. • Tenants who occupy or are potential occupiers of privately rented homes in Havering
5	If you answered yes:	<p>Section 149 of the Equality Act 2010 stipulates the public sector equality duty. A public authority must, in the exercise of its functions, have due regard to the need to:</p> <ul style="list-style-type: none"> • eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act. • advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. • Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. <p>Section 2 of this EIA addresses the public sector equality duty insofar as compliant landlords and tenants will not be adversely affected by this policy and may benefit from the fact that enforcement activity will be</p>

		targeted to ensure that those who repeatedly ignore their obligations or are found guilty of serious breaches of Housing legislation are suitably punished, whilst a light touch approach will be applied in less serious cases. The existence of a clearly defined enforcement policy will also ensure that a proportionate and consistent approach is applied in all cases.
6	If you answered no:	N/A

Completed by:	Wendy Laybourn, Senior Private Sector Housing Strategy Officer, Environment Services/ Neighbourhoods Directorate
Date:	1 December 2017

2. Equality Impact Assessment

Understanding the different needs of individuals and groups who use or deliver this service

Context:
<p>Havering has an important and growing private rented sector (PRS) that provides affordable housing options for local people. The council realises that the majority of landlords operate professionally, however the council is concerned about increasing levels of unprofessional landlords who let properties, particularly houses in multiple occupation, that fail to meet satisfactory levels of tenancy and property management.</p> <p>There is a growing body of evidence that poorly managed privately rented properties are having a negative effect on neighbourhoods – anti-social behaviour, nuisance neighbours and properties, and accumulations of refuse are just three issues which have been linked to the failure of private landlords to manage properties and tenancies in an effective way. High demand and affordability issues for those residing in the PRS has resulted in overcrowding, sub-letting and illegal conversions with associated elevated levels of ASB and wider neighbourhood nuisance problems. Tenant exploitation is also a growing problem in today's market of high demand which enables even the worst properties to be let.</p> <p>The London Borough of Havering wants to ensure that all private rented homes in the borough offer residents a choice of safe, quality and well managed accommodation. We recognise that in order to achieve this there is a need for a robust and coherent regulatory framework in which this market operates.</p> <p>Havering has identified that problems in the private rented sector of poor property and tenancy management and anti-social behaviour, particularly in relation to houses in multiple occupation (HMOs), are distributed across most parts of the borough. To tackle these issues it recently introduced an Additional Licensing designation in 12 wards</p> <p>The evidence base used in relation to the selection of areas designated under an Additional Licensing scheme related to levels of ASB and crime, or evidence of poor management and facility standards. .</p>

HMO Locations

Information has been provided from checks of the housing benefit system (where credit is paid to individuals in shared accommodation or HMOs known on the Public HMO Register), the public HMO register, Liberty Housing properties, addresses which are suspected of being HMOs based on Tenure Intelligence Model, and data from council tax records for properties of shared accommodation and bedsits. A total of 793 addresses have been considered as part of this data exercise. The distribution and type/category of HMO by ward within Havering is shown in table 1 below.

Table 1

Ward	Benefit s	Council Tax	HM1 – Bedsit HMO's	HM2- Section 257	HM3- Shared House HMO	Public Register (Licensed HMO's)	Liberty Housing	Total	Suspected *(updated TIMS data)	Grand Total
Brooklands	4	11	9	2	5	1		32	57	89
Cranham		1			1			2	6	8
Elm Park	1	3	1		2	7		14	23	37
Emerson Park		1			1		1	3	17	20
Gooshays	6	4					1	11	57	68
Hacton	1	1	3					5	13	18
Harold Wood	1	2			3	4	1	11	30	41
Havering Park	2	5	1		2	3	2	15	27	42
Heaton	5	8	2		2	1	4	22	63	85
Hylands			3		1			4	18	22
Mawneys	1	2	4		1			8	20	28
Pettits	1	3	1				1	6	21	27
Rainham & Wennington	3	2	1	1	3	1	3	14	46	60
Romford Town	4	12	20	4	4	10	1	55	80	135
South Hornchurch	6	7	2		1			16	34	50
Squirrels Heath		2	2		1	4		9	22	31
Saint Andrews		1	3				1	5	19	24
Upminster		1						1	7	8
Totals	35	66	52	7	27	31	15	233	560	793

- HMO Public Register – addresses confirmed and registered as HMOs.
- Benefits List – Properties in receipt of housing benefit identified as HMO/Shared Accommodation not on public register.
- Council Tax List – Properties recorded on council tax register as being HMO/Bedsit/Shared Accommodation
- HM1 HMO – Bedsits – these are known HMOs below the mandatory licence level.
- HM2 HMO – Section 257 – these are known HMOs below the mandatory licence level.
- HM3 HMO – Shared House – these are known HMOs below the mandatory licence level.
- Liberty Housing properties, which are HMOs
- Suspected, unconfirmed HMO – addresses which are predicted HMO's based on Tenure Intelligence Model.

Age: Consider the full range of age groups

Please tick (✓) the relevant box:

Positive (long term benefits)

✓

Neutral

Negative (in the short term)

Overall impact:

Houses in Multiple Occupation are more likely to be occupied by young people under the age of 35 as shared accommodation is often the only type of affordable accommodation available to benefit reliant tenants as a result of housing benefit caps for young people. Many of these individuals are forced to accept accommodation within the private rented sector as they usually have no access to social housing. Better regulation and proactive enforcement of the private rented housing sector will ensure that suitable action is taken against landlords and managers who do not comply with the law or licence conditions. This is expected to help drive bad landlords out of the market which should have the beneficial effect of better quality and well managed private rented housing.

Evidence:

Housing and the quality of housing has a major impact on health and wellbeing of all age groups. Investment in improving poor, overcrowded or inappropriate housing will improve the quality of life of residents and have a preventative effect on future health and social care need.

Table 3- Havering population

2016	Number	Percentage of population (%)
All persons	252,783	100.0
Male	121,456	48%
Female	131,327	52%
0-14 yrs	42,973	17%
15-19 yrs	15,167	6%
20-34 yrs	48,029	19%
35-64 yrs	98,585	39%
65+ years	48,029	19%

Sources used: Havering Data Intelligence Hub / Mid-year population estimates 2016; Office for National Statistics (ONS);

Disability: Consider the full range of disabilities; including physical mental, sensory and progressive conditions	
<i>Please tick (✓) the relevant box:</i>	Overall impact: There are a significant number of tenants with mental health disabilities living in HMO' in the private rental sector. The envisaged benefits of better quality shared housing accommodation that is well managed and complies with all relevant standards will have a positive impact on this group.
Positive ✓	
Neutral	
Negative	
Evidence:	
<p>(1) Previous research has highlighted the relationship between mental health problems and HMOs. Shaw <i>et al.</i>,(1998) note that HMO residents are eight times more likely than the general population to suffer from mental health problems as well as having other problems:</p> <p><i>'These groups [living in HMOs] are more likely to be drug or alcohol-dependent, many have spent their early lives in care, or are ex-prisoners, and have nowhere else to go' (Shaw et al., 1998: 67</i></p> <p>'Within HMOs some of the greatest threats to the mental health of tenants come from the actions of other tenants. Landlords currently have a duty to ensure that the behaviour of tenants in the property does not impinge on the surrounding community but it is not specified that tenants should be protected from the behaviour of other tenants'. (2)</p> <p>'In terms of mental health, preventing ASB in the property will make tenants feel safer and more secure', (2)</p> <p>'current legislation has the potential to contribute significantly to the safety and quality of housing and this is likely to positively affect the mental health of tenants, through creating a sense of safety and security' (2)</p>	
Sources used:	
<p>(1) Shaw M, Danny D and Brimblecombe N (1998) Health problems in houses in multiple occupation. <i>Environmental Health Journal</i> 106(10) 280-281.</p> <p>(2) Professional Evaluation: Beyond safety to wellbeing: How local authorities can mitigate the mental health risks of living in houses in multiple occupation- Dr Caroline Barratt, Christopher Kitcher and Dr Jill Stewart</p>	

Sex/gender: Consider both men and women	
<i>Please tick (✓) the relevant box:</i>	
Positive	<input type="checkbox"/>
Neutral	<input checked="" type="checkbox"/>
Negative (short term only)	<input type="checkbox"/>
<p>Overall impact: No differential impact has been identified on the grounds of this protected characteristic in respect of landlords who may be affected by the licensing proposals and enforced against as it applies equally to all landlords operating in Havering irrespective of sex / gender.</p> <p>Evidence suggests that Houses in Multiple Occupation are twice as likely to be occupied by males, predominantly under the age of 30, as shared accommodation is often the only type of affordable accommodation available to them and they usually have no access to social housing accommodation.</p> <p>Effective enforcement against those landlords who operate poorly managed properties in the worst condition may have the beneficial effect of driving bad landlords out of the market which, in the longer term, should result in increased availability of better quality and well managed bedsit type accommodation. As this enforcement policy will be applied across all private sector housing activity, not just HMO's, the overall impact is likely to be neutral.</p>	
<p>Evidence: Community Safety report using data collected from Havering databases and Metropolitan Police records stated that of all known HMOs in the Borough, 67% were occupied by males.</p>	
<p>Sources used: Data on noise nuisance collated by London Borough of Havering and Metropolitan Police records of reported crime and anti-social behaviour (for period April 2015-March 2016)</p>	

Ethnicity/race: Consider the impact on different ethnic groups and nationalities

Please tick (✓) the relevant box:

Positive

✓

Neutral

Negative (short term)

Overall impact:

There is a significant concentration of migrant households in the private rented sector and in particular in shared HMO accommodation as they are often on low wages meaning low quality homes are the only affordable form of accommodation for a working household.

Vulnerable tenants, such as new arrivals in the country may be more likely to be exploited and affected by poor housing conditions. Overcrowding disproportionately affects migrants.

PRS Tenants within ethnic minority groups are therefore likely to be positively affected by this policy due to better quality accommodation and landlord management practices that will result from better enforcement of the sector. Greater protection from eviction should also result from increased powers to use civil penalties against those landlords who harass or unlawfully evict tenants as these will serve as a deterrent for potential offenders.

The private sector housing enforcement policy applies equally to all landlords operating within the London Borough of Havering irrespective of ethnicity / race therefore this group will not be negatively affected. A range of measures will be implemented in order to support landlords to become more professional in the way they manage their rental properties.

Evidence:

No local data is yet specifically available on the profile of protected characteristics associated with privately managed HMOs. This is because HMOs generally have highly transient occupants and /or data is not available to the council. Some equality profile data specific to the management of HMOs by the council itself is available and is detailed below, however that profile data will not necessarily be consistent with that of the private rented sector and may not show the whole picture due to the complexity of data collection. It is included because it serves as a useful indicative benchmark about several of the protected characteristics.

Equality Profile data for HMOs managed on behalf of LB Havering This data was collected about the profile of tenants who occupy HMOs managed by Liberty Housing in Havering. In respect of the proposed licensing designations subject of this Equality Assessment the data below does not specifically represent the picture for existing private sector HMOs and is referenced solely for guideline purposes.

Ethnicity- Summary Total tenants in sample: 91-		
Black African	8	8.8%
Black Caribbean	8	8.8%
Black other	4	4.4%
Not Known/ no response	6	6.6%
White and Asian	3	3.3%
White and Black African	2	2.2%

Sources used:

This snapshot data represents all tenants responding to survey who were occupying HMOs managed by Havering as at 9 June 2015 sourced from the housing database.

Religion/faith: Consider people from different religions or beliefs including those with no religion or belief

Please tick (✓) the relevant box:

Positive

Neutral

Negative

Overall impact:

No differential impact has been identified on the grounds of this protected characteristic. The Private Sector Housing Enforcement Policy will apply equally to all Landlords operating within Havering irrespective of religion / faith.

Evidence: N/A

Sources used: N/A

Sexual orientation: Consider people who are heterosexual, lesbian, gay or bisexual

Please tick (✓) the relevant box:

Positive

Neutral

Negative

Overall impact:

There is no information relating to sexual orientation of landlords.

Additional licensing aims to reduce anti-social behaviour which may benefit people who suffer from homophobic crime and incidents. The overall impact of this policy, however, will be neutral.

Evidence:

There is insufficient data available to measure accurately the potential effect of these proposals in relation to sexual orientation of tenants.

Sources used:

N/A

Gender reassignment: Consider people who are seeking, undergoing or have received gender reassignment surgery, as well as people whose gender identity is different from their gender at birth

Please tick (✓) the relevant box:

Positive

Neutral

Overall impact:

No differential impact has been identified on the grounds of this protected characteristic. The Private Sector Landlord Licensing proposal applies equally to all tenants and landlords operating in Havering irrespective of gender reassignment. Housing advice will be available to any tenant that has been displaced as a consequence of licensing.

Negative		
Evidence: N/A		
Sources used: N/A		

Marriage/civil partnership: Consider people in a marriage or civil partnership		
<i>Please tick (✓) the relevant box:</i>		Overall impact: No differential impact has been identified on the grounds of this protected characteristic. The Private Sector Landlord Licensing proposal applies equally to all tenants and landlords operating in Havering irrespective of marriage / civil partnership.
Positive		
Neutral	✓	
Negative		
Evidence: N/A		
Sources used: N/A		

Pregnancy, maternity and paternity: Consider those who are pregnant and those who are undertaking maternity or paternity leave		
<i>Please tick (✓) the relevant box:</i>		Overall impact: No differential impact has been identified on the grounds of this protected characteristic. The Private Sector Landlord Licensing proposal applies equally to all tenants and landlords operating in Havering. Whilst the property licensing scheme requires landlords to be responsible for ensuring premises do not become overcrowded, enforcement action will not be taken where existing tenants are pregnant or have given birth to a child whilst already occupying a premises, therefore there will be no requirement for landlords to take action to evict tenants that fall within this protected characteristic. However, in many cases tenants falling within this protected characteristic may be eligible and owed a homeless duty by the council's housing service to provide accommodation should a landlord refuse to renew an expired tenancy.
Positive		
Neutral	✓	
Negative		
Evidence: Data recorded on homeless approaches by pregnant women and/ or applicants with dependent children is shown below. Section E2: Applicant households found to be eligible for assistance, unintentionally homeless and in priority need during the quarter, by priority need category		

Table 5

Total households with dependent children	Household includes, a pregnant woman and there are no other dependent children	6. Total applicants
86	11	122*

Sources used:

Quarterly P1d Housing Statistical return (1/7/16 to 30/9/16) -from LBH Housing database-homeless approaches

Socio-economic status: Consider those who are from low income or financially excluded backgrounds

Please tick (✓) the relevant box:

Positive in the long term

✓

Neutral

Overall impact:

Vulnerable residents and those on low incomes have found that access to housing appropriate to their needs has been restricted by a lack of affordability and large numbers find themselves living in the worst PRS properties or shared accommodation. Changes to the national welfare system has had a further negative impact on the provision of quality housing options due to displacement of benefit dependent households into cheaper shared accommodation as a result of the Local Housing Allowance rent caps.

Negative in the short term

✓

Greater regulation and enforcement of the Private rented sector, particularly those HMO' that are required to be licensed, may force some landlords to leave the private rented sector altogether which could negatively impact tenants due to a reduction in the supply of HMO's and subsequent increase in evictions and homelessness.

On the positive side, a significant protection that would be provided for assured shorthold tenants is that a s.21 Notice to evict tenants cannot be used by a landlord where a property has not been licensed when it is required to be. The Courts will therefore refuse to issue Possession Orders on that basis and enforcement action will be taken against those landlords who evict tenants unlawfully.

The life chances of residents are closely linked to the quality of their neighbourhoods and their housing accommodation. Better enforcement of the private housing sector seeks to address some of these issues by improving housing conditions and security of tenure, particularly for the poorest tenants, over the longer term.

Evidence:

The council does not have data to demonstrate this expectation, however on the basis of experience of other Councils who have introduced and actively enforced additional licensing, schemes, the effects on tenants sharing this protected characteristic have not been reported to be significantly negative.

Sources used:

N/A

Conclusion

Overall it is anticipated that the introduction of new Private Sector Housing Enforcement Policy is likely to bring about significant benefits to tenant groups with protected characteristics, particularly those who are disadvantaged and who have no alternative to renting a room in a shared house in the private sector.

The main purpose of this policy is to increase compliance with housing legislation and licence conditions through the use of appropriate and proportionate enforcement powers and financial penalties for those landlords who refuse to comply. Improved housing conditions within the private rented sector will benefit all residents and particularly those who have protected characteristics. Making our Borough a safe place to live is a top priority for Havering Council and the ability to operate a robust but fair system of enforcement in conjunction with the additional HMO landlord licensing scheme will support this vision.

Vulnerable groups will also benefit from overall improvements in management standards due to the ability of the council to effectively enforce housing standards.

The Equality Assessment has identified that the majority of tenants will benefit from an active enforcement policy. The Council proposes to launch a major publicity campaign before the effective date of the Licensing scheme to make tenants and landlords aware of their rights and obligations and what tenants can do if threatened with eviction. It is intended that any significant penalties or prosecutions resulting from enforcement activity in this area will also be widely publicised to act as a deterrent to potential offenders.

Specific actions are set out in more detail in the action plan below.

Overall it is considered that the benefits of this initiative far outweigh any negative impacts to groups with protected characteristics.

Action Plan

In this section you should list the specific actions that set out how you will address any negative equality impacts you have identified in this assessment.

Protected characteristic	Identified negative impact	Action to be taken to mitigate impact*	Intended outcomes and monitoring**	Timescale of actions	Lead officer
Socio-economic status	Low income/benefit dependant households	<p>This Enforcement Policy will be beneficial to all private sector housing tenants as housing standards should improve as a result of effective enforcement against non compliant landlords.</p> <p>Enforcement against landlords who unlawfully evict tenants will be taken to discourage landlords from exploiting vulnerable tenants in this way. Some tenants should benefit from greater security of tenure as a result.</p>	Private tenants to be supported if there are negative consequences arising from the council's enforcement approach	From effective date of the additional licensing scheme (01/03/17) and ongoing	Public Protection Manager

Review

A review of this EIA will be carried out periodically in order to ascertain if there has been any significant negative impact upon groups with protected characteristics.