

# Enfield Council Predictive Equality Impact Assessment

**NB if there is likely to be an impact on different groups of staff as a result of this proposal, please also complete a restructuring predictive EQIA form**

<b>Department:</b>	<b>Regeneration &amp; Environment</b>	<b>Service:</b>	<b>Regulatory Services</b>
<b>Title of decision:</b>	To consider going to consultation on the introduction of Additional and Selective Licensing Schemes in the Private Housing Rented sector.	<b>Date completed:</b>	
<b>Author:</b>	Martin Rattigan	<b>Contact details:</b>	Martin.rattigan@enfield.gov.uk

<b>1</b>	<b>Type of change being proposed:</b> (please tick)						
Service delivery change/ new service/cut in service		Policy change or new policy	<input checked="" type="checkbox"/>	Grants and commissioning		Budget change	

**2 Introduction**

Section 149 of the Equality Act 2010 sets out the Public Sector Equality Duty (PSED) which requires the Council to have “due regard” in the performance of its functions to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act;
- Advance equality of opportunity between people who share a protected characteristic and those who do not; and,
- Foster good relations between people who share a protected characteristic and those who do not.

These are sometimes referred to as the three aims or arms of the PSED. Due regard for advancing equality involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics;

Taking steps to meet the needs of people from protected groups where these are different from the needs of other people; and

Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

The duty covers the following eight protected characteristics:

- age,
- disability,
- gender reassignment,
- pregnancy and maternity,
- race,
- religion or belief,
- sex and
- sexual orientation.

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. This means that the first arm of the duty applies to this characteristic, but that the other arms (advancing equality and fostering good relations) do not apply.

### **3 Describe the change, why it is needed, what is the objective of the change and what is the possible impact of the change:**

The Council report is proposing to introduce Selective Licensing into several wards in the borough and Additional Licensing borough wide.

Local authorities are already required by law to licence houses in multiple occupation (HMOs) – known as Mandatory HMO Licensing. The definition of a house in multiple occupation (HMO) under the [Housing Act 2004](#) is a building or part of a building (e.g. a flat) which has:

- Five or more persons in more than one household residing as their only or main residence and who share one or more amenities e.g. kitchen or bathroom/shower room/toilet (Section 254)
- A block of flats where it has been converted into self-contained flats and the conversion does not meet Building Regulations 1991 and where less than two thirds of the flats are owner occupied (Section 257)

Those private rented sector (PRS) properties which are not subject to Mandatory HMO licensing can then also be licensed through either a selective licensing scheme and/or an additional HMO licensing scheme. This would mean that every home in these areas that is rented out privately must be licensed by the Council.

The report shows that there are significant numbers of private rented properties in the borough that have category 1 hazards (poor housing conditions), are in areas of high deprivation, have significant and persistent levels of antisocial behaviour and are inadequately managed.

Additional and Selective Licensing is being proposed as a way of improving housing conditions, reducing ASB and deprivation and improving standards of management in the private rented sector, and in particular ensuring a premises suitability for occupation.

The Council recognises that there are good landlords in the borough and wants to support these landlords.

Improved standards of accommodation and behaviour should have a positive impact on relations within the community and between neighbours as it will help to reduce specific issues such as untidy front gardens, noise and neighbour nuisance.

The introduction of additional and selective licencing is also likely to increase community cohesion across the borough as more settled and secure tenancies in better quality accommodation should reduce tenant turnover resulting in increased tenant connection and investment in the local area.

Those who depend on the PRS tend to be more socially and economically vulnerable. A licencing scheme should help those that are most disadvantaged through ensuring that proper tenancy arrangements are in place, it should help to reduce discrimination. The elimination of overcrowding within the PRS will help disadvantaged groups through improving their health outcomes. All properties that are granted a licence will be expected to comply with the Housing Health and Safety Rating System standards. This system is designed to protect occupiers from harm.

The council recognises that some of the private rented sector in Enfield offers good accommodation to people who want to live in the Borough, but also that significant numbers of the private rented sector are badly managed, in poor condition, and in many cases, unsafe.

The proposal to introduce additional and selective licensing is intended to improve the conditions in the private rented sector (PRS) and to enhance housing management standards. A licensing scheme will give the Council additional powers to tackle anti-social behaviour, poor property conditions and help the council to work with landlords, tenants and businesses, and with our internal and external partners to drive up standards in the sector.

Mandatory licence conditions will be attached to each licence to ensure that Landlords are clear about the standards required, and are likely to include matters such as:

- Annual gas safety certificates, if gas is supplied to the house;
- Keeping electrical appliances and furniture (supplied under the tenancy) in a safe condition;
- Keeping smoke alarms in proper working order;
- Supply the occupier with a written statement of the terms of occupation;
- Require references from persons wishing to occupy the property
- Ensuring sleeping room sizes meet minimum standards
- Ensuring adequate waste storage and disposal provisions

In deciding whether to grant a licence, the council must consider whether the landlord is a 'fit and proper' person. (Section 89 HA 2004). The local authority must have regard to any previous convictions relating to violence, sexual offences, drugs or fraud; whether the proposed license holder has contravened any laws relating to housing or landlord and tenant issues; and whether the person has been found guilty of unlawful discrimination practices. The Council can decide, following the appropriate checks, that the landlord is not 'fit and proper' and therefore refuse to grant a licence. The local authority can also withdraw a license after issue if the licensee is no longer considered a 'fit and proper' person. The landlord has the right to appeal against this decision.

The Council must also satisfy itself that the person to whom the licence is granted is the most 'appropriate' person – having regard to local residence and management responsibility for the property in question. This is to ensure that landlords that are not 'fit and proper' persons cannot apply for licences using a third party. The Council must also confirm that there are satisfactory management arrangements in place regarding the property; in doing so, it must have regard to a range of factors including: the competence of the manager; management structures; and soundness of the financial arrangements. Licences are issued for a period of 5 years, although local authorities may issue licences for shorter periods where certain requirements have not been met. Landlords will be required to pay a licence fee. Landlords that fail to comply with any license conditions can be prosecuted. Those prosecuted can face unlimited fines. Operating a property without a licence in a designated area can attract an unlimited fine if prosecuted.

### ***Who is affected by the proposal?***

If a licensing scheme is introduced private sector landlords and their tenants within the wards in scope will be directly affected by the proposals. We anticipate that the impact on the majority of residents in the borough will be positive. Additional and selective licencing will:

- Provide a more strategic approach to regulating the sector
- Identify private rented properties and landlords operating in Enfield
- Give us the opportunity to inspect the properties to assess living conditions and to advise landlords, managing agents and tenants about their obligations
- Ensure a minimum letting standard in Enfield
- Ensure that a proper standard of management of privately rented property is maintained and that properties do not become overcrowded
- Reduce the levels of anti-social behaviour in the borough and facilitate action against landlords whose properties or tenants cause persistent ASB
- Reduce enviro-crime and improve waste management in the borough
- Strengthen enforcement action to tackle non-compliant properties and landlords in the sector

Council employees will see an increase in their workloads. The implications for staff will be considered as part of Council's internal policies and processes.

### ***Tenants and residents***

Overall, tenants will benefit from an improvement in their property condition and better standards of management. **A rationale for eliminating discriminatory practices by landlords is built into the licencing scheme and we should see a reduction in discrimination.**

### ***Landlords***

We recognise, however, that some landlords will seek to pass on costs to tenants which may result in some tenant displacement and landlords' claims for possession through both legal and illegal actions. Tenants might also potentially be affected due to enforcement actions against landlords of overcrowded properties, for example. Every effort will be made to ensure that affected tenants are supported and signposted where necessary to relevant agencies, and illegal actions by landlords are tackled by the council.

## **4 Do you carry out equalities monitoring of your service? If No please state why?**

No, but we will collect equality profiling information as part of the consultation process.

Enfield is characterised by significant inequalities between the affluent west of the Borough and the deprived east, separated by the A10, which represents both a physical and social boundary between communities, where outcomes for several domains are worse for people living in the east of the Borough. East Enfield is made up of 10 wards either wholly or partially to the east of the A10 (Edmonton Green, Lower Edmonton, Jubilee, Haselbury, Ponders End, Turkey Street, Enfield Lock and Enfield Highway; Upper Edmonton; and Southbury).

East Enfield has the 10 most deprived wards in the Borough and are among the 20% most deprived wards in England (2015 Indices of Multiple Deprivation).

Household income in nine of the 10 wards are below the UK median household income (the exception being Southbury). (Based on data from CACI, 2018)

Life expectancy for men in east Enfield is 7.3 years lower than life expectancy for men in the west and 8.5 years lower for women (life expectancy at birth, ONS 2009-2013)

More adults claim out of work benefits in east Enfield compared to the west of the borough. Every ward in east Enfield is above the Enfield average of 2.5% and the GB average of 2.1% (ONS Claimant Count July 2018)

The 2011 Census estimates indicate that Enfield has the largest proportion of Greek and Turkish speaking people in the country. The estimates show the top five non-English languages were:

Turkish	6.2%
Polish	2.0%
Greek	1.6%
Somali	1.1%
Bengali	0.9%

Other popular languages for which Enfield Council receives translation and interpreting requests are Lingala, Kurdish, British Sign Language and Romanian. There are 178 languages spoken in Enfield.

<b>5. Equalities Impact</b> Indicate Yes, No or Not Known for each	Disability	Gender	Age	Race	Religion & Belief	Sexual Orientation	Gender reassignment	Pregnancy & Maternity	Marriage & Civil Partnerships
1. Does equalities monitoring of your service show people from the following groups benefit from your service? (recipients of the service, policy or budget, and the proposed change)									
2. Does the service or policy contribute to eliminating discrimination, promote equality of opportunity, and foster good relations between different groups in the community?	Y	Y	Y	Y	Y	Y	Y	Y	Y
3. Could the proposal discriminate, directly or indirectly these groups?	N	N	N	N	N	N	N	N	N
4. Could this proposal affect access to your service by different groups in the community?	N	N	N	N	N	N	N	N	N
5. Could this proposal affect access <u>to information</u> about your service by different groups in the community?	N	N	N	N	N	N	N	N	N

6. Could the proposal have an adverse impact on relations between different groups?	N	N	N	N	N	N	N	N	N	N
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If Yes answered to questions 3-6 above – please describe the impact of the change (including any positive impact on equalities) and what the service will be doing to reduce the negative impact it will have.

While we do not know the demographics or gender in respect of the pool of landlords, the application of a licence will be applied and in accordance with our Enforcement Policy. Our public consultation will target stakeholders and will seek to engage with all sectors of the community.

At Mid-2014 the population of Enfield was estimated to be 324,574 (according to the Office for National Statistics) making Enfield the 4th largest amongst the 33 London boroughs.

There is a significant concentration of ‘new’ migrant households in HMOs where a room to rent is the only affordable form of accommodation for new lower income migrants. Difficulty in accessing formal channels of entry to the private rented sector is a common experience. As a result, they typically have limited choice and live in less desirable accommodation. Poor living conditions, lack of privacy and security are issues. In the worst cases, migrants end up in slum rental conditions. As well as concentration at the bottom end of the private rented sector, this group is characterised by high levels of mobility. However, despite these commonalities, recent migrants are a diverse group, comprising a range of household types and housing experiences. The arrival of new immigrants are determined by their immigration status (e.g. asylum seeker, economic migrant) and associated access to support, and can therefore vary substantially. For example, a migrant arriving for a specific job is likely to have more opportunities to access formal routes to the private rented sector than is an asylum seeker. <sup>1</sup>

Some migrant communities may have a poor understanding of the rules around disposal of rubbish and recycling which more targeted information and monitoring will address this form of ASB. White Residents from EU accession countries are the most likely group to rent privately and so should benefit from improvements in this sector. Female residents may be over-represented on the Housing Register, so they are likely to benefit from improvements. Improvements in management standards and a reduction in antisocial behaviour will benefit both sexes.

It is difficult to predict the effect of these proposals in relation to sexual orientation and gender reassignment. The Gay, Lesbian, and Transgender (LGBT) community population in Enfield may choose not to disclose their sexual orientation so it is always difficult to get accurate figures. However Stonewall estimates that one in 10 LGBT people (10 per cent) who were looking for a house or flat to rent or buy in the last year were discriminated against because of their sexual orientation and/or gender identity and one

<sup>1</sup> <https://www.world-habitat.org/wp-content/uploads/2016/03/Who-lives-in-the-private-rented-sector-Web.pdf>

in five LGBT people (21 per cent) have experienced a hate crime or incident due to their sexual orientation and/or gender identity in the last 12 months<sup>2</sup>

Additional and Selective licensing aims to reduce antisocial behaviour which is likely to benefit people who suffer homophobic crime and incidents.

Age: Private rented sector tenants are typically much younger, with those under 35 accounting for over half of private tenants, despite this age group comprising one fifth of the population (as above)

Consultation with the public will be inclusive and use marketing channels that reflect the diversity of audiences across the borough. A digital campaign will reach all online residents and printed adverts in several publications including Turkish and Greek press which have all adverts translated.

We will monitor the number of responses to the digital consultation and the number of surveys completed to identify locations and demographics based on the information provided to understand who is engaged in the consultation and target areas where we can see gaps.

\*If you have ticked yes to discrimination, please state how this is justifiable under legislation.

<b>6. Tackling Socio-economic inequality</b> Indicate Yes, No or Not Known for each group	Communities living in deprived wards/areas	People not in employment, education or training	People with low academic qualifications	People living in social housing	Lone parents	People on low incomes	People in poor health	Any other socio-economic factor Please state;
Will the proposal specifically impact on communities disadvantaged through the following socio-economic factors?	Y	Y	Y	N	Y	Y	Y	
Does the service or policy contribute to eliminating discrimination, promote equality of opportunity, and foster good relations between different groups in the community?	Y	Y	Y	Y	Y	Y	Y	

<sup>2</sup> <https://www.stonewall.org.uk/lgbt-britain-hate-crime-and-discrimination>



Could this proposal affect access to your service by different groups in the community?

N

N

N

N

N

N

N

If Yes answered above – please describe the impact (including any positive impact on social economic inequality) and any mitigation if applicable.

Council research shows that there are high concentrations of PRS properties within the most deprived wards in the borough. Thus, its implementation will have a greater positive impact in these areas. The scheme will be designed to improve the local environment, housing conditions and tenant behaviour through the licensing/tenancy conditions. It is anticipated that the scheme will also benefit landlords through an advice and information service aimed at improving the properties offered for rent. It will also benefit landlords through reputational improvements to their profession within the borough and improved property conditions and reductions in ASB will help to increase their property investment.

If licensing is introduced, some landlords may decide to leave the private rented market, particularly if they do not want to adhere to the conditions of a licence, the fee and necessary management. This could result in evictions and homelessness which could have an adverse effect on some groups with protected characteristics. There is some protection for assured shorthold tenants in that a Section 21 Notice (of seeking possession of the property) cannot be used by the landlord where a property is subject to licensing but has not been licensed.

The most demographically distinguishing feature about Enfield is its rich diversity of ethnic groups as shown by the 2011 Census data. Compared to the average for London boroughs that data showed a slightly smaller White UK group (at 40.5% of total population), and relatively large numbers in the 'Other White' group (18.2%) and in Black groups (17.2%). The 'Other White' group is composed largely of Greek and Turkish Cypriots and Turkish. Based on the numbers of written in answers to the Census, Enfield has the highest numbers of Cypriot, Greek, Turkish and Albanian in England & Wales.

The scheme is designed to improve standards and relationships and therefore likely promote community cohesion and relations between people from different backgrounds. The scheme will apply to all private sector properties irrespective of their background or demographics. The increase in education around suitable behaviour of both landlords and tenants' rights, through the promotion and advertising scheme that will form part of the public consultation will most likely result in increased contact with the council by tenants and disadvantaged groups, if housed in poor quality accommodation.

Standards are expected to rise and thereby provide an improved service and quality of life for tenants and neighbouring residents. Landlords will benefit from increased support from statutory agencies. This proposal will increase the levels of different groups within the community accessing the information on housing services. The promotion of the licensing schemes will result in increased enquiries and requests for information on housing issues within the borough.

Families with children account for a third of the increase in PRS households in the past decade. Many of these families will be lone parent households. The implementation of the licencing schemes will have positive impacts for these groups by raising their living accommodation standards and feel more secure as the Council can regulate the licence conditions. According to official HMRC statistics, as of 31st August 2013 (the latest date for which this information is available), 24.9% of all dependent children under the age of 20 in Enfield are in low-income families. The definition of 'low income' in this case is receiving 60% or less of median income. Of children aged under 16, this proportion rises to 25.5%, or 21,135 children. Of these, the majority are in families where the adults are receiving Income Support, Job Seekers Allowance or Child Tax Credit only. However, a small proportion (around 1%) of children in low-income families have working parents. In the United Kingdom as a whole, the proportion of children in low-income families is 18.2%, and the London-wide average is 21.7%. Enfield's proportion is the 11<sup>th</sup> highest of all London boroughs.

If implemented there are some anticipated indirect improvements to health through improved accommodation conditions such as a reduction in overcrowding and setting minimum standards of health and safety by compliance with the Housing, Health and Safety Rating Scheme (HHSRS). These changes will have positive impacts on people's health outcomes by tackling excess cold, dampness and other factors which cause detriment to quality of life. All properties that are granted a licence are expected to comply with the Housing Health and Safety Rating System standards. This system is designed to protect occupiers from harm and includes reducing trip hazards which will be particularly relevant for the older people who are more likely to suffer a serious injury from a fall. The HHSRS assessment protects vulnerable groups, which can be generally applied to the 0-5's and over 5 years of age. At Mid-2014, Edmonton Green Ward was estimated to have the highest population of the 0-15 age band. Highlands Ward has had the complete opposite with the smallest population estimate. The male population has always been higher than the female population across all the wards in this demographic. Highlands has the smallest male population in this demographic than anywhere else in Enfield and Grange has the smallest female population.

The licence fee will be per property rather than per tenant so it is not felt that the charging mechanism will have a greater impact on shared accommodation. Additional Licensing will enable the Council to better identify HMOs and enforce the legislation which will improve management standards in those properties where the landlords are not currently complying with the legislation. This will benefit all occupants of shared housing and protect them from harm and will benefit students and young professionals who can be exploited in the current rental market. The licensing fee will be set at a self-funding level to cover the cost of administering and ensuring compliance of the scheme only. Applying the HHSRS will promote energy efficiency, for example, for new tenancies we feel that this will benefit low income groups, which is likely to include young people. People on low incomes are more likely to reside in the PRS, rather than being owner occupiers due to the prohibitive cost of owner occupation. Thus, the implementation of licencing should have positive impacts for this group.

## **7. Review**

How and when will you monitor and review the effects of this proposal?

A review will be carried out when we analyse the feedback following the public consultation.

We will appoint an independent provider to conduct a comprehensive programme of consultation and engagement with residents and various stakeholders in order to seek their views on the proposal of introducing additional and selective licensing schemes within Enfield.

The Housing Act requires authorities considering designating an area subject to licensing to:

- take reasonable steps to consult persons who are likely to be affected by the designation, and,
- consider any representations made in accordance with the consultation.

DCLG guidance suggests that this consultation should include local residents – for example, tenants, landlords and managing agents where appropriate; other members of the community who live or operate businesses or services in the proposed designated area; and local residents and businesses in the surrounding area who will be affected. A minimum consultation period of 10 weeks is required under the general consent issued by the Secretary of State. We will be undertaking a 3 month public consultation.

# Enfield Council Predictive Equality Impact Assessment

**NB if there is likely to be an impact on different groups of staff as a result of this proposal, please also complete a restructuring predictive EQIA form**

## Action plan template for proposed changes to service, policy or budget

Title of decision: ...Proposal for introduction of Additional and Selective Licencing.....

Team: .....Housing Enforcement Team..... Department: ...Place.....

Service manager: Sue McDaid... ..

Identified Issue	Action Required	Lead Officer	Timescale/ By When	Costs	Review Date/ Comments
Potential for a lack of engagement with stakeholders and hard to reach communities during the public consultation.	Good design and implementation of a robust consultation to reach all sectors, using various methods. Keep engagement under review and target areas where there are any gaps to encourage greater engagement.	Martin Rattigan	Throughout the 3 month consultation period (start date to be agreed)		
If there is a predominance of one or more ethnic group amongst landlords, negative publicity	Publicity to emphasise that there are responsible landlords who comply with requirements, and that	Martin Rattigan	Throughout the 3 month consultation period (start date to be agreed)		

about standards in the PRS could cause disharmony/ negative view of Enfield or in the wider community in Enfield.	licensing is designed to deal with those properties and landlords who are not currently meeting their obligations.				
If licensing is introduced, some landlords may decide to leave the private rented market, particularly if they do not want to adhere to the standards that are required. This could result in evictions and homelessness which could have an adverse effect on some groups with protected characteristics.	Give advice through the landlord/tenants forum and on the website regarding services that are available for vulnerable people and how they can be accessed plus legal protection routes.	Tina Fasi	Throughout the 3 month consultation period (start date to be agreed)		

Please insert additional rows if needed

**Date to be Reviewed:** ...Once the public Consultation has been completed

**APPROVAL BY THE RELEVANT DIRECTOR -** ...Doug Wilkson..... **SIGNATURE**.....

This form should be emailed to [joanne.stacey@enfield.gov.uk](mailto:joanne.stacey@enfield.gov.uk) and be appended to any decision report that follows.